

RI R.C.Venkateswarlu, I.P.S., (Retd.)

Author

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Chairman of Sri Sitaramaswamy Temple Trust Board for 5 lot including the inauguration of Challagalla Narasimham

The Ethnology of Beda/Budaga Jangam Caste in Andhra Pradesh

Author

**R.C. Venkateswarlu, M.A., LL.M., IPS., (Retd.)
Retired Dy. Inspector General of Police, C.I.D.
Protection of Civil Rights Cell, Hyderabad
BASAVA NILAYAM**



SRI R.C.Venkateswarlu, I.P.S., (Retd.)

Author

Sri Rachamalla China Venkateswarlu was born on 13th November 1935 in Konijedu village of Prakasam district, in the house of his Grand parents Smt. Nagandla Akkamma and Subbaiah Devara. He joined high school in 1947 and completed his formal studies in 1962. He stood first in A.C.College, Guntur while studying and obtained merit scholarship. He studied M.A. and L.L.B.. in Nagpur University from 1957-1960 and received scholarship from social welfare department. Finally He completed L.L.M. and got distinction for his thesis in State-Centre relations in Federal constitutions with special reference to India in Osmania University.

He was selected as Deputy Superintendent of Police in Group-I Services of A.P.P.S.C. He joined the Police Training College, Ananthapur on 31-12-64 and got into I.P.S. in 1977 after working in various places as sub-divisional police officer and Additional Superintendent of Police. He was sanctioned an advance increment in G.O.Ms.No.1591 Home (Police-A) Department dt. 1-11-1991 for effectively dealing with Naxalite problem in Srikakulam District. He was promoted as Deputy Inspector General of Police in 1992 after working as Superintendent of Police for several years and finally retired as D.I.G. (C.I.D), Hyderabad on 30th June, 1994.

He is guest faculty to the following institutions in Hyderabad: 1. A.P Police Academy, 2. A.P. Judicial Academy, 3. S.V.P. National Police Academy, 4. National Industrial Security Academy 5 C.D.T.S.. 6. J.N.T.U. and 7. Staff Training Centre SBI.

He worked as Chairman of Sri Sitaramaswamy Temple Trust Board for 5 years and improved a lot including the inauguration of Challagalla Narasimham Veda Patasala on 1-10-1998 by Sri Jayendra Saraswathi and Sri Sankara Vijayendra Saraswathi of Kanchi Kamakoti Peetam, in the premises of the Temple, in Jubilee Hills Colony. He is one of the promoters and Founder Director of the Veerashaiva Co-operative Urban Bank Ltd., Malakpet, Hyderabad. He is Associate Vice-President of Visu Consultants, Lumbini Enclave, Panjagutta, a multi-national company which deals with Global Education. Currently He is the Secretary of Vivekananda Kendra, Hyderabad.

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- 1. R.C.Venkateswarlu, I.P.S., (Retd.)
Plot No.1074, H.No.576, Road No.44,
Jubilee Hills, HYDERABAD 500 033.
Ph: (040) 354 8809.**
- 2. R.Venkateswarlu, Post Master (Retd.),
H.No.58-8-17(A), Santhapeta,
Ongole - 523 001.
Ph: (08592) 39305**
- 3. Om Namah Sivaya Sahithee
Samskruthika Parishad,
Plot No.362, Chandragiri Colony East,
R.K.PURAM, Secunderabad - 500 056.
Ph: (040) 712 8133**

PRAYER SLOKAS ON SRI GANESHA

1. Om Sumukhaya Namaha
2. Om Eka Dantaya Namaha
3. Om Kapilaya Namaha
4. Om Gajakarnaya Namaha
5. Om Lambodaraya Namaha
6. Om Vikataya Namaha
7. Om Vighnarajaya Namaha
8. Om Ganadhipaya Namaha
9. Om Dhumraketave Namaha
10. Om Ganadhyakshaya Namaha
11. Om Balachandraya Namaha
12. Om Gajananayana Namaha
13. Om Vakratundaya Namaha
14. Om Surpakarnaya Namaha
15. Om He'rambaya Namaha
16. Om Skandapurvajaya Namaha

SRI GANESHA STHUTI

1. Sri Kanto Mathulo Yasya, Janani Sarva-Mangala
Janakah Sankaro Devah, Tam Vande Kunjara Nanam
2. Vakra Thunda Mahakaya, Suryakoti Sama Prabha
Avighnamokuru Me Deva, Sarva Karyeshu Sarvada.
3. Suklambhara Dharam Vishnum Sasi Varnam,
Chathurbhujam Prasanna Vadane Dhyaye, Sarva
Vignopa Santhaye.
4. Mushika Vahana Modaka Haste, Samara Karnam,
Chathurbhujam Prasanna Vadane Dhyaye, Sarva
Vignopa Santhaye.
5. Agajanana Padmarkam, Gajanana Maharnisham
Aneka Dantham Bhakthanam Ek Danta Mupasmahe.
6. Gajananam Bhutha - Ganadhi Sevitham, Kapitha
Jambu Phala Sara Bhakshitham. Uma Sutham Soka
Vinasa Karanam, Namami Vignesvara Pada
Pankajam.

PRAYER SLOKAS ON SRI SIVA

He Parvathi Hrudayavallabha - Chandramaule
Bhutadhipa Pramadhanadha Girisavasa
He Vamadeva Bhavarudra Pinakapane
Samsara Dukha - Hanta Jagadisa Raksha.

PRAYER SLOKAS ON SIVA - LINGA

Brahma - Murari - Surarchita Lingam
Nirmala Bhasitha Sobhitha Lingam
Janmajadukha - Vinasaka Lingam
Tatpranamami Sadasiva Lingam
Deva Muni - Pravararchita Lingam
Ravanadarpa - Vinasana Lingam
Tatpranamami Sadasiva Lingam

SRI SIVA PANCHAKSARA STOTRAM

BY

SRI ADI SANKARACHARYA

1. Nagendradhyaya Trilochanaya, Bhasmangaragaya
Maheswaraya, Nityaya Suddhaya Digambaraya,
Tasmai na-Karaya Namah Sivaya.
2. Mandakini - Salila Chandana Charchitaya, Nandisvara
Pramadanadha Maheswaraya.
3. Sivaya Gauri vadanabja Vrinda, Suryaya
Dakshadhva- ranasakaya, Srinilakantaya
Vrshabhadhvajaya, Tasmai Sikharaya Namasivaya.
4. Vasista Kumbhodbhava - Gauthamaya, Munindra
Devarchita Sekharaya Chandrarka - Vaisvanara-
lochanaya, Tasmai Va-Karaya Namahsivaya.
5. Yakshasvarupaya Jatadharaya, Pinaka - Hastaya
Sanatanaya, Divyaya Devaya Digambaraya, Tasmai
Ya-karaya Namahsivaya.
Panchakshara midam punyam yah patecchiva
Sannidhau, Sivalokamavapnothi Sivena Saha
Modathe.

AIKYA - MANTRAM

1. Aum Samsamidhyuvana vrushanagne visvanyarya
aa
2. Elaspade samidhyanesano vasunya bhara
3. Sangachhadhvam samvadadhvam samvo manamsi
janatham
4. Devabhagam yadha purve samjanana upasathe
5. Samano manthrah samithih samani
6. Samanam manah saha chitthamesham
7. Samana mantra mabhi mantra evah
8. Samanana vo havisha juhomi
9. Samani va akuthih samana hrudayani vah
10. Samana namasthu vo mano yadha vah sunahasathi
11. Esavasya midam sarvam yathkincha jagathyam
12. Thena thyakthena Bhunjidha magrudhah kasya
sviddhanam, Aum Santhih, Santhih, Santhih.

GIST OF AIKYA MANTRAM

O powerful Agnideva' You are the Lord for all. You Unite all the people. We have installed you on this vedic ritual. Therefore you grant us all the auspicious things. All of you be united. You all meet in conversation. As ancient devatas with their respective powers discharge their personal duties, you also strengthen the truth of your minds. Only one though for all devatas. Only one united thinking. Only one buddhi and mind. " O Devatas" I am offering this one sacrifice (Homam) only to all of you, by realising the secret of unity. Let you desires be equal. Let your hearts be united. Let your minds be united. With these things you may lead an ideal and equal life. This entire Universe with the nature of change is occupied by the Lord Eswara. Every small part of this Universa is also occupied by the Lord Eswara. You may live happily while sharing your wealth with the others (needy people). Do not aspire for the wealth of others.

FOREWORD

I have gone through "THE ETHNOLOGY OF BEDA/ BUDAGA JANGAM CASTE IN ANDHRA PRADESH" written by Sri R.C.Venkateswarlu, retired I.P.S., Officer. Sri Venkateswarlu has put in tremendous efforts in collecting and collating valuable data relating to the origin of Jangams, their social, cultural heritage and social status with reference to the provisions of the constitution of India.

The Beda and Budaga Jangams have been rendering service to the people in rural areas in Andhra Pradesh by sustaining folklore and enlightenment of depressed classes through sharing of knowledge regarding epics and social customs. It is hoped that the controversy whether Beda/Budaga Jangam belong to Scheduled Caste has been set at rest after the pronouncements of courts and amendment to the schedule. It is however undisputable that the Jangam who belong to the depressed class of society deserve upliftment in all fields. The work of Sri R.C.Venkateswarlu has succeeded in focusing attention on the backwardness of the Jangams and the need for activation of development of this community.

I wish the Jangams a great role in the social, cultural and other fields in our state.

A. CHENGAPPA

FOREWORD

I have seen the booklet about the ethnology of "BEDA (BUDAGA) JANGAM" community written by Sri R.C.Venkateswarlu, I.P.S., D.I.G. of Police (Retired). The booklet contains useful information regarding the Traditional occupations, habits and customs of Beda (Budaga) Jangam People of our State of Andhra Pradesh. The booklet contains all the instructions of Government of Andhra Pradesh in the form of Memos Government Orders (GOs) and the copies of Judgements of the High Court of Andhra Pradesh on the subject, regarding Beda (Budaga) Jangams.

Sri Rachamallu Venkateswarlu, Retired Post Master, Ongole, Head Office and the President of Andhra Pradesh Beda (Budaga) Jangam Sangham, Regd. No.512/1982, Ongole - 523 001, explained to me the details regarding the customs, habits, traditions and practices of their Community. There are about (9) Nine Thousand Beda (Budga) Jangams in Prakasam District. Beda (Budga) jangams are also called as Jangams or Jangalu generally. They officiate as Priests in all death ceremonies of all Sudra Castes including Scheduled Castes and Scheduled Tribes. Hence this booklet ever be very useful to all the officials of the Revenue, and Social Welfare Departments in their enquiries to determine and issue of the Caste Certificates of Beda (Budga) Jangams. I personally know three families of Beda (Budga) Jangams in my native place Thurpu Naidupalem and also know the Beda (Budga) Jangams in our District as well as in all Districts of Our A.P.State.

PREFACE

Lord Basaveswara (1116 to 1168) of 12th Century is one of the most outstanding personalities in the religious history of India. He is a prophet, path finder, savant and seer. Basveswara is kind like Buddha, simple like Mahavir, compassionate like Jesus, bold like Mohammad. He is liberator of the downtrodden, emancipator of women, liquidator of untouchability, harbinger of equality, messenger of the dignity of labour, messiah of the masses, herald of a new literary renaissance and leader of a great people's movement. Academy called Anubhava Mantapa was established in 1140 A.D in the city of Kalyan now known as Basavakalyan in Bidar district of Karnataka state. The burning zeal of Basveswara to place religion on a democratic basis, his passionate love for God and his untiring energy in serving humanity added to the glory of Anubhava Mantapa. The very important system established by Basveswara is that of the preachers, called Jangams.

Jangama, a sanskrit word, etymologically means that which moves. It symbolises a man who moves from place to place, preaching moral and religious values. There are two main categories of Jangams viz 1. Sthira; and 2. Chara. Sthira Jangama is a person who, staying in math i.e. a Lingayath Monastery has to carry on mass education preaching to the local people and giving them the necessary guidance to achieve Spiritual progress, and to perform certain rites and rituals concerned with birth, marriage, death, holy communion on special occasions etc. Chara Jangama is one who constantly moves

around, preaching as he goes, without settling himself at any particular place, and without accumulating any property of his own.

Jangam Community is a microscopic minority community in Andhra Pradesh. Beda or Budaga Jangam are different nomenclatures of Jangam community only derived through the practices of their living and profession. But all of them are called Jangams generally. Jangam community was recognised as one of the Backward Communities in composite Madras state. The same recognition was continued in Andhra State formed on 01-10-1953. On 01-11-1956, Andhra Pradesh State was formed wherein Beda/Budaga Jangam was recognised as one of the Scheduled Castes in Telangana districts only. Only in 1976 Beda/Budaga jangam was recognised as a Scheduled Caste in entire State of Andhra Pradesh. Hence the residents of Coastal and Rayalaseema districts started claiming S.C.Certificates after 1977 Gazette Notification.

Rachamallu China Venkateswarlu,
(M.A.,L.L.M., I.P.S., (Retd.),
H.No.576, Road No.44.
BASAVA NILAYAM, Jubilee Hills,
Hyderabad - 500 033.
Ph: (040) 3548809



**This Book is respectfully dedicated
to Sri Rachamallu Venkateswarlu, Ongole,
President, A.P.Beda/Budaga Jangam Sangham for the
services rendered by him to the down trodden
community of Beda/Budaga Jangams**

Sri Rachamallu Venkateswarlu was born on 21-12-1932, Wednesday, at his native village, Daivalaravur, Korisapadu Mandal, Addanki Taluk of Prakasam District. His Parents are Late Raghavaiah Devara and Somamma. He is the fourth son to his parents. His wife is Smt. Annapurnamma Nagandla. He has got one son and two daughters viz. Chi Ragava Prasad, Smt. Dhanalakshmi N. and Smt. Sreedevi G. He has got 3 grand sons and 2 grand daughters viz. Chi. Appaji N. 12 yrs., Chi. Manikantah G. 5-yrs., Chi. Amareswar R. 3 yrs., Kum. Aparna N. 10 yrs. and Kum. Lakshmi Prasanna R. 6 yrs. After completion of his studies at R.V.N.Board High School, Ravinuthula, and V.R.S. College Chirala, he joined the postal department at Nalgonda of Mahaboobnagar Division on 15-10-1957 and transferred to Ongole on 03-12-1966. He worked as Sub-Postmaster and Head Post Master and took voluntary retirement on 31-12-1990 in order to devote full time to the work of A.P.Beda/Budaga Jangam Sangam. He toured all the districts in A.P., formed the Beda/Budaga Jangam Sangams and got registered them. Both the revenue and social welfare departments of A.P.Government created number of hurdles and obstructions for the issue of Beda/Budaga Jangam Community Certificates. He used to approach all the revenue and social welfare departmental officials to convince them for the issue of the community certificates. He also approached the Tribunals of State and Center, High Court of A.P. and the Supreme Court of India, whenever and wherever the officials are adamant and acting against the interests of Beda/Budaga Jangam Caste people and got several favourable judgements. Several students got admission into Educational Institutions like Medical, Engineering, Veterinary Agriculture etc. and got jobs

both Gazetted and Non-Gazetted. He strived every nerve for the upliftment of Beda/Budaga Jangam people in A.P.State with his heart and soul, with all his energies physical, mental and financial.

I am grateful to Shri Rachamallu Venkateswarlu who helped me a lot in preparing this book, by supplying all the material, G.O's and copies of judgements etc. I dedicate this book to him since he has been the President of A.P. Beda/Budaga Jangam Sangam since 1982 and working hard to get the Beda/Budaga Jangam Community Certificates by approaching the concerned officers including the District Collectors. On behalf of the entire community, I pay my heartfelt pranams and gratitude to Shri Rachamallu Venkateswarlu for his valuable services to a downtrodden community for nearly two decades.

R.C.Venkateswarlu, I.P.S., (Retd.)

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BEDA/BUDAGA JANGAM

1. NAME, IDENTITY, ORIGIN AND HISTORY :

Bedajangam, whose population is about 1,01,385 persons, is declared as a scheduled caste through out all districts in Andhra Pradesh. It is a priestly class since they officiate over the festivals and death ceremonies of the saivite section of Malas, Madigas, and all sudra castes. They follow the corpse in all these families, Bedajangams will be blowing conch (SANKHAM) and ringing nandi bell in front of the corpse to the burial ground. After cremation, Beda Jangam will return along with relatives of the deceased to the house of the deceased. Beda Jangam will be paid by some of the relations of the deceased at the rate of "BEDA COIN" worth two annas equal to present twelve paise. Therefore these Jangams are called as Beda Jangams.

The Beda Jangams tell stories and recites some legends with TAMBURA and BUDGAS (Gummetas) about great epics, Dakshayagnam, Bhakta Siriyala, and historic persons like Nala Maharaju, Palanati Balachandrudu, Komara Ramudu Katha, Kamamma katha which were written by these Jangams. These stories are known as Jangam Kathalu. Therefore the Beda Jangams are also called Budaga Jangams. In 1842, C.P.Brown was invited by a samanya Jangam to their house and requested him to hear their Jangam kathalu of Bobbilikatha, Komara ramudu katha and kamamma katha were told with Tambura and Budagas being the major percussion instrument provided, the basic rhythm to the narration.

"During 1961 census, it was found on verification that" Mala Jangam" was a synonym (Generic or Local name) of Beda (Budaga) Jangam in Medak, Nizamabad, Adilabad and other

Telangana Districts and their traditional occupation was GURUS of MALAS. vide scrutiny of suggestions received during 1961 census for recognition of synonyms/ generic/ local names etc. of scheduled castes and scheduled tribes".

Beda Jangams are vibhutidharis to perform the funeral rites in saivite mala and madiga caste people in Andhra Districts like Mala Jangams in Telangana Districts. Beda Jangams are generally called "Jangam or Jangalu" in Andhra districts. Jangam literally means "motion" and is applied to these priests, who are regarded as living symbols of GOD-SIVA. Elderly Beda Jangam people always wear LINGAM, indication of LORD SIVA Sri Allamaiah, aged 60 years in 1961, native of Palwancha village of Nizamabad district narrated as to how this Mala Jangam castes derived its name. According to him there was once a JANGAM in a village, who used to officiate all over the ceremonies connected with all the castes in that particular village. One day a vaisya who wanted to invite the Jangam in connection with some ceremony went in search of him and found the Jangam taking food in a Mala house. The vaisya advised him not to take food in a mala house to which the jangam retorted that he should take food in every household in which he officiates as priest. The vaisya who grew wild cursed the jangam that in future the latter would officiate at the ceremonies connected with Malas only. From then onwards he began to officiate as a priest only in mala households and thus the name of Mala Jangam is believed to have come into existence. It is, however, strange that now-a-days these. Mala Jangams do not take food in Mala households.

The Beda Jangams always should officiate at the death ceremonies and ritual functions connected with Saivite Mala and

Madigas in Andhra Districts. Beda Jangam is to officiate as a priest in sudra castes as well as scheduled castes. Beda Jangams do not take food in Mala and Madiga households .

Sri. Biruduraju Rama Raju, Professor, department of Telugu, Osmania University in his book "Telugu Janapada Geya Sahityam" has written that Jangams are known as Budajangams in Telangana area. Budaga is described as a musical instrument used by them while singing songs or narrating stories vide 2nd edn. page 805.

In the book "Vignana Sarvaswam" published by Telugu Basha Samithi, Madras, it is written in Volume-4 dealing with Telugu culture that Jangams are known as Budaga Jangams. It is also said that they seek alms from saivites of all castes and Panchadayo castes also.

In the book "Andhra Nataka Rangacharitra" by Dr. Mikkilineni Radhakrishnamurthy it is written that "Budaga Jangams derived their name from the percussion instrument associated with narration of Jangam kathalu. The instrument is also known as Budaga, Budiga, Dikki and Gummeta in Telugu. As the Budaga Jangams, the traditional narrators of these stories, used to perform the obsequies to the saivites and accepting gifts of Beda coin from them. They are otherwise known as Bedajangams.

The book "Teluguvari Janapada Kalarupalu" by Sri Mikkilineni Radhakrishnamurthy published by Telugu Viswavidyalayam, Hyderabad, first edition - 1992. In this book, in pages 321 to 326, the writer has clearly described the habits, traditional occupations and customs of Beda (budaga) Jangams. This material is also to be taken into consideration while giving

caste certificates to them by the concerned Government Officials.

2. DISTRIBUTION AND POPULATION TREND :

According to information received from Districts (Beda Jangam Sanghams) of 1999 census, Beda Jangams are found in Andhra Pradesh, the population figures district wise are shown below.

	<u>Males</u>	<u>Females</u>	<u>Total</u>
1. Srikakulam	4222	3620	7842
2. Vizianagaram	2740	2416	5156
3. Visakhapatnam	3315	3085	6400
4. East Godavari	3425	2990	6415
5. West Godavari	1923	1527	3450
6. Krishna	2950	2689	5639
7. Guntur	1950	1820	3770
8. Prakasam	3510	2822	6332
9. Nellore	4720	4492	9212
10. Chittoor	4585	3830	8415
11. Anantapur	951	812	1763
12. Cuddapah	2290	2060	4350
13. Kurnool	1745	1270	3015
14. Mahbubnagar	1990	1670	3660
15. Nalgonda	1365	905	2270
16. Khammam	2035	1765	3800
17. Warangal	2220	1695	3915
18. Karimnagar	1802	1668	3470
19. Rangareddy	1510	1344	2854
20. Hyderabad	1570	1340	2910
21. Medak	1373	1150	2523
22. Nizamabad	1842	1528	3370

23. Adilabad	993	861	1854
Total:	55026 +	46359	101385

86.25% of Beda Jangams live in rural areas and 13.75% of Beda Jangams live in urban areas. The total population of Beda Jangams is 101385, who are recognised as per guidelines issued by Government Memo.No.SP-8/J1/97-1 Social Welfare (J1) Department dated 30-4-1997 in all districts of Andhra Pradesh.

3. FAMILY CLAN AND ANALOGOUS DIVISIONS :

The family is patrilineal and patriarchal. The sons have the right of inheriting the property of the parents and performing the obsequies of the deceased elders. The women after marriage goes to the husband's residence and becomes a member of the husband's family. When thorough enquiry was conducted by Andhra Pradesh Beda Jangam Sangham, the people of Beda Jangam stated that they have forgotten their "GOTRAMULU". They have given however the following surnames which are exogamous i.e. marriages can be conducted only between people having different surnames.

- | | | |
|----------------|------------------|------------------|
| 1. Amisagadda | 12. Chappiti | 23. Dornadula |
| 2. Andiga | 13. Chejarla | 24. Dwipala |
| 3. Andela | 14. Chintalapudi | 25. Gaddam |
| 4. Bandaru | 15. Chunduri | 26. Gaganam |
| 5. Basava | 16. Devalla | 27. Gandham |
| 6. Bangaru | 17. Devapujala | 28. Gandhalla |
| 7. Bhrungi | 18. Dhupam | 29. Garikipati |
| 8. Bellamkonda | 19. Divipala | 30. Garikiparthi |
| 9. Bhimaringi | 20. Dogiparthi | 31. Golla |
| 10. Buduri | 21. Dokku | 32. Gollapudi |
| 11. Bura | 22. Duddu | 33. Gudideni |

34. Gangapatnam	63. Mukta	92. Sivarathi
35. Inaganti	64. Moggu	93. Sivadanam
36. Induri	65. Muthyala	94. Sivakaya
37. Indupalli	66. Musunuri	95. Sivaki
38. Itikarlapalli	67. Nagam	96. Sivalenka
39. Jangala	68. Natakam	97. Sulapu
40. Jangam	69. Nandi	98. Tambura
41. Jarugumalli	70. Nunna	99. Tadakaluri
42. Jayampu	71. Pancheti	100. Talamanchi
43. Khukkirani	72. Palepu	101. Tanuku
44. Kandukuri	73. Padigala	102. Teru
45. Karini	74. Palapati	103. Tiruppapali
46. Kancharla	75. Palaparthi	104. Tirumalapudi
47. Kakani	76. Panuganti	105. Trovagunta
48. Kothapalli	77. Patri	106. Uppugandla
49. Kalpam	78. Penubaka	107. Uddanti
50. Komara	79. Peta	108. Uddandam
51. Kodavaluri	80. Pellakuri	109. Anagondi
52. Kota	81. Ponnaganti	110. Vasanabhi
53. Karodi	82. Puthi	111. Vajrala
54. Lokanadham	83. Kinnera	112. Vidavaluri
55. Matam	84. Rachamallu	113. Vidiyala
56. Maddela	85. Rachamalli	114. Vonteddu
57. Mangalagiri	86. Revuri	115. Yallasiri
58. Marripudi	87. Sakunala	116. Vuddandam
59. Mandula	88. Sankula	117. Yellanti
60. Mamidi	89. Sankham	118. Manganelluru
61. Mukutam	90. Santha	119. Santaveluru
62. Meegada	91. Sirivella	120. Kadiveti
		121. Dandeti

Main "Jangam caste and its sub-sects ie. 1. Beda (Budaga) Jangam; Jangam whose traditional occupation is begging and Mala Jangam traced their origin and identify from "PANCH PEETAS" as shown here.

<u>PEETAM</u>	<u>BAGISUTRAM</u>	<u>GOTRAM</u>
1. Balehonnur	Padividi	Veera
2. Ujjaini	Mali	Nandi
3. Kedareswaram	Lambana	Bhrungi
4. Srisailam	Muktagucha	Vrushabha
5. Kasi	Panchavarna	Skanda.

There are twelve (12) sub-divisions in each SUTRAM. The above said five sutrams and five "GOTRAMULU" are exogamous groups. The names of Beda Jangams generally ending with "AYYA/IAH" or SWAMY or MURTHY and Surnames of their lineage commonly adapted. In olden days elder son gets more share in the parental property than others and this provision is known as JYESTA BHAGAM. Now-a-days this provision of "JYESTA BHAGAM" is not adopted. The sons are divided among themselves the "MIRASI-GRAMAMULU" (Mirasi Villages) for attending to the ritual rites including funeral rites and also collect food grains in their mirasi villages and perform the obsequies of deceased elders. Now-a-days most of Beda Jangams of coastal districts have forgotten their GOTRAMULU.

4. FOOD :

Their staple food is cereal, rice, JONNALU, wheat are taken with pulses like redgram, blackgram and greengram only occasionally do they consume roots and tubes. They use all kinds of vegetables and fruits without any restriction provided they are 99 percent non-vegetarians. In due course of time, some of them have

become vegetarians and others remain as non-vegetarians. This is due to reasons like cost of living, climate, and health conditions. Even now in certain houses of Beda Jangams in villages, we find keeping a pot of customary fermented butter milk (PUNNEELA-KUNDA) and worship it and consume "PUNNEELU" instead of butter milk. On festive occasions, they prepare a special dish viz., PAYASAM (a sweet preparation with milk SAGGUBIYYAM), Ground nut and sun flower oils are used as the cooking medium. Alcoholic drinks are consumed on certain occasions.

5. UTENSILS AND FUEL :

In primitive stage only earthen and alluminium utensils were used. In due course of time these people are accustomed to use modern stainless steel utensils, like wise there is change in respect of fuel also.

6. ORNAMENTS AND MATERIAL CULTURE :

Ladies use ornaments made of silver, rolled gold ornaments ready made available in present market. The PUSTE/ MANGALA - SUTRAM is inevitably made of gold. Beda Jangams generally use the following agricultural implements of their own. (1) Nagali, (2) Gorru, (3) Guntaka, (4) Gaddapara, (5) Chalagapara, (6) Kodavali, (7) Baskets, (8) Bullock cart, etc.

Beda Jangams used sankham, Nandiganta, (cone and nandibell) Tambura Budigalu/ Budagas, Baka which are musical instruments. Vibhuthi, kum-kuma, Rudrakshamala, Gandham, Maredupathri, Karpuram, Sambrani agarubathis flowers etc. are Puja materials (POOJA SAMAGRI)

7. LANGUAGE AND EDUCATION :

Their mothertongue is Telugu and speak urdu also in Telangana districts only. It is learnt that Beda Jangams have got

their own language in western taluks of Nellore district only. The percentage of literacy among men is quite negligible and it is very very low in respect of women. The importance of women education is not yet recognised.

8. LINGADHARANA AYYACHARA - DEEKSHA :

These people give "DEEKSHA" at the age of 5 and 8 years and declared, as Beda Jangam only after the acceptance of "DEEKSHA" from "GURUJANGAM" who comes from "Bedajangam caste. At the time of "DEEKSHA" a small piece of saffron coloured cloth is tied around his wrist and with a JOLE, stick, Nandi Ganta and "Sankham" in his hands, he circumambulates the sacred fire, five times and the "GURU" who comes from Beda Jangam community, chants some "MANTRAMULU". Now the GURU gives the boy RUDRAKSHA with "SIVALINGAM" tied with coloured thread which is certain colour thread according to his GOTRAM, The boy wears on the neck and GURU asking the boy to collect donations from five members or families of "PANCHA GOTRIKULU". The boy is thus acknowledged then. From then onwards he has to lead his life by attending the ritual functions and funeral rites in the houses of sudra castes, Girijans and scheduled castes. After this lingadharana Deeksha, Beda Jangam will have right to participate as guru in ritual function and death ceremonies etc. As this is very costly affairs in recent days, this "LINGADHARANA - DEEKSHA" function is held a day before the marriage or along with marriage in the presence of the "GURU".

9. ECONOMIC LIFE :

Bedajangams whose inferior religious hereditary traditional occupation is to officiate as priests to perform the funeral rites in

all castes of sudras, scheduled tribes and scheduled castes.

They follow the corpse to burial ground. Beda Jangam will be blowing "SANKHAM". (cone) and ringing NANDI-GANTA (Bell) in front of the corpse to the burial ground. After cremation, Beda Jangam will return along with relatives of the deceased to the house of the deceased. Beda Jangam will be paid by some of the relatives of the deceased at the rate of "Beda Coin" worth two Annas equal to present twelve paise. Beda Jangam will take food in those families except MALAS and MADIGAS. He brings food to his family members after eating food. This is the main hereditary traditional occupation.

One of the avocations of Beda Jangams is to tell stories and recite some legends, known as "JANGAM KATHALU". At the time of narrating stories, they use TAMBURA and BUDAGAS (known as Gummetalu/Dinki) Beda Jangams are also called Budaga Jangams. After completion of the story the next morning they beg some money and food grains in all houses of that village -Now-a-days this profession is completely disappeared due to cinemas and Televisions. But the earnings from their traditional occupations do not normally enable them to make their both ends meet and hence they go in for begging during MAKARA SANKRANTHI month from 16th of December to 14th of January in every calendar year (DHANUR-MASAMU) in all houses including Girijans and HARIJANA colonies in native village and their MIRASI- villages, besides engaging themselves as agricultural labourers. At the time of harvest, they move from "KALLAM to KALLAM and collect food grains in their native village as well as their mirasi-villages also. Some of them own INAM - Lands which are small in extent and hence they take up agricultural and agri-

culture labour as a subsidiary occupation. Some are having menial services as village servants ie. Gramamudam/Talari Jobs hereditary.

10. BIRTH AND NAMAKARANAM :

There is no hard and fast rule regarding the place of delivery of a child. The expectant mother is taken to her parents house for the first pregnancy and no particular ceremony is observed. Generally they do not go to hospitals for cases of delivery. They would go to hospitals in case of serious nature and also depending upon the proximity of the hospital. The delivery is to take place in their house itself. The woman is kept in a separate room. A native nurse or an elderly caste woman called "MANTRASANI" attend to the delivery and she is paid a remuneration ranging from Rs.10 to 20. Pollution is observed for 8 days. The mother and child are given hot water bath on the fifth day with the mixture of turmeric powder and oil as a preliminary to the purificationary bath given on the 9th day. Again 21st day bath is given for both the mother and child. The naming ceremony takes place on the 21st day for naming the child. The elder people are consulted. Usually the children are named after their grand parents and some times after GODs' name. A peculiar feature among Bedjangams is that during the naming ceremony the father of the child officiates and names the child. Relatives and friends, are invited to the ceremony and they are entertained with a feast.

11. TONSURE CEREMONY :

This is usually celebrated either during the 5th month or any odd month or odd year, during the 3rd year. This takes place either in a local temple or at the house itself. The maternal uncle of the child is invited to the ceremony and he offers new clothes to the

child. All the nearest relatives are also invited for the function and they are served with food. In the sixth month the child is ritually fed with cereals (ANNAPRASANA) for female child the ears and nose are pierced before three years of age.

12. PUBERTY :

Usually the girls attain puberty at the age of 12th to 14th years. The girl when she attains puberty is made to sit in an enclosure separately for the purpose. Pollution is observed for a period of 11 days. The girl is forbidden to come out of the enclosure and is not allowed to participate in domestic activities during the period of pollution. Special bath is given to the girl on 5th, 7th, 9th and 11th day. On the final day the girl is given special sweets, new clothes and bangles. Segregation and pollution are not observed during subsequent menstrual period.

13. MARRIAGE :

The marriage for female is 14 to 16 years and for male is 18 to 21 years. Generally alliances are favoured with near relatives like maternal uncle's daughter (MENARIKAM) or father's sister's daughter (MENAKODALU). Marriage by negotiation is the usual mode of acquiring a spouse. Marriage is governed by the rule of monogamy while cases of polygamy are reported in case of barrenness. In the MANDAPAM, the bride and bridegroom are given a bath applying oil by five married women (MUTTAIDUVULU) sing songs while "NALUGU" time. After the couple wearing new clothes, one BASHIKAM is tied by the married gentleman to the forehead of bride groom and another BHASHIKAM is tied by the married gentlewoman to the forehead of bride. Learned BEDAJANGAM will officiate as priest in the marriage ceremony by chanting and reciting MANTRAS for which he is not paid any thing. After

KANYADANAM by the maternal uncle of bride or father or elder brother of the bride, the priest ties five cotton strings of thread applied wetted turmeric powder to the hands of the bridal couple. This ritual is believed to protect the couple from evil eyes. There after when the bridegroom tied the PUSTE (MANGALASUTRAM) to the back of the neck of bride, the relatives and invitees shower sacred AKSHANTALU on the bridal couple as a mark of blessings and good wishes. The bridal couple will pour AKSHANTALU on each others heads, which is known as TALAMBRALU. They are declared as married couple. The feast is arranged to relatives and invitees. The marriage takes place at bride's house in one day function.

The nuptial ceremony is celebrated on the third day within one week of the marriage in the bride's house. Usually a PUSTE, Black beads, toerings are the marriage symbols for woman. Kanyasulkam (OLI) is in vogue in this caste.

14. SEEMANTHAMU :

Predelivery rituals are observed. Restrictions are enforced on woman during pre and post natal periods. In the fifth month to nineth month of pregnancy, pregnant woman wear green bangles 11 to 15 in number and green clothes along with sweets and flowers sent by her parents which were distributed to the relatives and invitees.

15. IMPORTANT FESTIVALS :

Beda Jangams follow Hindu religion. A separate room in the north east corner (ESANYAM) of his house is kept separate for the purpose of worship. They celebrate all Hindu festivals ie. Ugadi, Sriramanavami, Vinayakachavithi, Dasara, Deepavali, Nagulachavithi, Sankranthi, Sivaratri. etc. But among all festivals

Maha Sivaratri and Basava Jayanthi are the most important. On Mahasivarathri day all elders fast and those who do observe fast, do not take regular meal, but take only light refreshments. They do worship LORD-SIVA and conduct the BHAJANA during whole night of SIVARATRI festival day. Another important festival for women is Nagulachavithi, when women worship the snake (NAGUPAMU) God by going to anthill and applying vermillion and turmeric to it and pouring cowmilk in the ant-hill. Puja items like Kumkuma, Turmeric, Vibhuti, Agarbathi, Comphor, Flowers, Bilwapatri (Maredupatri) are used in the worship.

Karthika Month is observed as a pious and holy month. They observe fast on Mondays in Karthikamasam generally.

They visit srisaillam, Kotappa Konda, Srikalahasti and Tirupati etc. holy pilgrim places occasionally.

16. DIVORCE :

Divorce is permitted by the caste Panchayat on the grounds of wife's infidelity or husbands ill-treatment. If the divorce is initiated by the husband, he has to pay her half of the expenditure incurred on marriage where as if it is initiated by the wife, she has to pay him the entire expenditure incurred on marriage. As per the circumstances the children are looked after by either of the parents.

17. DIVORCE - WIDOW - REMARRIAGES :

Among Bedajangams remarriages are permissible for widows, widowers and divorcees. This kind of marriages are called "UDIKI", where the customs and ritual rites of the first marriage are not observed. In marriage, couple go to a temple and tie MANGALASUTRAM (PUSTE) to the widow or divorcee. Another custom is that when the wife dies, the widower remarries the

sister of the wife. The bride price (OLI) of Rs.25/- to the parents of the widow or divorcee by the bridegroom. The number of widow and divorcee re marriages is negligible.

18. SUTHAKAM :

When there is "SIVA-LINGAM" on the body there is no "SUDAKAM" observed. Thus when there is birth or death SUDAKAM will not be preacticed or observed. Even, when the dead body is in the house there is no bar to perform ritual functions. No SUDAKAM will be observed even on such occasions.

19. DEATH :

As stated by HASSAN in his Volume-I Page 437, the dead are burried even now in a sitting posture with the face to the north-east corner known as ESANYAM. A new pot is brought and water is boiled in it. The corpse is given a hot water bath, vermilion or VIBHUTHI is applied on its forehead. The corpse is dressed in new clothes and decorated with flowers. A frame work of bamboos or country wood is prepared and the central portion of the frame work a cone shaped shed erected with the country wood as "MANDAPAMU" The corpse is placed in a sitting posture, "SIVALINGAM" is kept in left hand palm and right hand fingers are put as doing "SIVA-PUJA". In side MANDAPAMU and closed with new clothes and is carried by four members who are the corpse's "DAYADULU" and members of the same family go to the "RUDRA-BHUMI" known as burial ground. In this procession all caste relatives blow their SANKHAMS and ringing their NANDI-GANTAS. (Bells) and some are blowing BAKAS which are melodious music instruments except this no other MELALU by BHAJANTRILU.

A dead body is placed in the pit in a sitting posture with face to north east corner named Esanyam, so that the soil when poured it may not fall directly on the corpse. And an elderly widow of the caste rermoves the Mangala Sutram and breaks the bangles of the widow.

The feast is arranged to their caste relatives, and caste people after third day, fifth day, ninth day and eleventh day of the death and pray for peace to the deceased person's soul. No pollution is observed. Bedajangam acts as a priest and celebrate the ritual rites ceremony from death day to the final eleventh day.

Beda Jangams have got belief in the concept of heaven and hell. If a person has been pious during his life time, it is believed that his soul goes to merge with GOD SIVA PARAMATMA in PARANDHAMAM. After death while that of a bad person goes to hell. They have also got belief in re-birth and attribute that the soul of sinner will be called back to this world again.

20. STATUS IN SOCIETY :

In the Beda Jangam caste the male child after Linga Dharana will be handed over to the custody of Guru as priest. Though Beda Jangams belong to priestly class, in some villages, Beda Jangams are found too illiterate to understand the principles of their faith, and poorly discharge their ritual functions and funeral rites as priest in the houses of SUDRA castes, including scheduled Tribes and Scheduled castes in his native village and his mirasi villages. Brahmin priests do not officiate during the ceremonial occasions of death. They live in small houses since Beda Jangam are a priestly class among Sudras, Malas and Madigas with no fixed or assured income their economic condition is poor. In order to make both ends meet, they are taking to all kinds of labour.

In 1840 C.P.Brown said that it may take a few decades for this caste to come up to the level of caste Hindus both economically, literally and culturally vide the following documents.

I. ESSAY ON THE CREED, CUSTOMS AND LITERATURE OF THE JANGAMS

1. (Published in the "Madras Journal of Literature and science" January, 1840 Madras)

Jangams, who totally reject the Brahmins, class themselves as (1) SAMANYA JANGAMS and (2) VISESHA JANGAMS.

(1) The Samanya OR ordinary Jangam is bound by no vow. He OR she can eat fish and drink wine. They use betel nut, and can eat in any one's house only they are obliged to marry in their own caste. The ARADHYA Brahmins are found to attend funerals, even those of PARIAS. The Jangams even PARIAS cannot eat with them even at the funeral dinner.

(2) The higher grade opposed to this is the VISESHA JANGAM OR extraordinary Jangam; being the GURU OR Teacher, commonly called MATADHIPATI OR spiritual guide. All the rest are his disciples. He or she acquires his rank by taking a vow, the greater vow. Any man OR woman who is moral and devout is admissible to this rank which entirely releases them from caste. The VISESHA JANGAMS are GURUS and the visesha Bhaktas are disciples. VISESHA JANGAMS are also called GURU-LINGA-JANGAMS.

This mystic phrase is thus expounded. The IMAGE (Sivalingam) is the deity. The Jangam is the wearer or fellow worshipper and he who breathes the spell in the ear is the GURU. Thus he supplies the link between the GOD and the worshipper and after he is looked upon with affection as the parent, even more respected than father, the Jangam, says that I am one with the diety, and he alone is my father who conferred this unity on me."

ON LOSS OF CASTE

Caste is lost in two ways : (1) By sin and (2) By accident. A full Jangam who breaks his vow by tasting wine or betel-nut is excluded from society. But on expressing due repentance his friends can agree to eat with him, and this completes his restoration: Which however, is not granted unless there is the strongest reason to believe, he will hereafter be cautious. Instances of such loss of caste are extremely rare.

Even if caste be lost the IMAGE is not taken away. For it is always looked upon as a part of the body, and they can no more remove the IMAGE than they can cut off the man's hand.

No case is known of the IMAGE having been voluntarily laid aside. Accordingly the Jangams declare that no one of their brotherhood has ever embraced the christian or the Mohomedan faith.

If caste is accidentally lost, prayer and solitude, they say, will restore it.

Jangam custom obliges them to commiserate the sufferer, to fast and pray with him, until the last IMAGE re-appears in his hand "Descending through the air like a bee".

Note: Jangams are divided into two classes since 1840.

1. VISESHAJANGAMS OR Matadhipatis who are Gurus and pure Vegetarians and bound to vow.
 2. SAMANYA JANGAMS : Who are non-vegetarians and is bound no vow and drink wine and use betelnuts.
- II. Late Narahari Gopalakrishnama Chetty, Deputy collector, PYAPALI, KURNOOL, in the manual of the Kurnool District in the Presidency of MADRAS Page 178 wrote. The Sudra class has numerous sub divisions:-

1. JANGAMS: These are called MAHESHWARAS and are

looked upon as sacred by the Lingayats as the Brahmins are by the rest of the HINDUS. They eat and drink indiscriminately with all castes and classes who wear LINGAM, excepting the GANAYATS who eat fish.

Note: Jangams are divided into two classes (1) MAHESHWARA JANGAMS who are Gurus of Lingayat sects and pure Vegetarians.

(2) GANAYAT JANGAMS: Who are non-vegetarians though they wear Lingams in Kurnool District Since 1886.

(3) The census of India indicate about the traditional occupation of Jangams as follows.

III. MADRAS CENSUS REPORT 1891 :

The full name is "JANGAM LINGAYAT " meaning those who always worship a moveable Lingam; in contradistinction to the "STAVARA" (Immoveable) LINGAM of the temples. Only two of the Sub-divisions returned are numerically important.

(1) GANAYAT-JANGAMS and (2) STAVARA JANGAMS. are contradistinction in terms. This sub-divisions (STAVARA-JANGAM) is found only in the two northern districts and it is possible that this Jangam caste is different from the ordinary Jangams. In Vizagapatnam District Manual, the Jangams are said to be tailors. In Telugu country Lingayats are called JANGAMS.

They are also called as GANTA-JANGAMS because they carry a metal bell (GANTA).

Many Jangams serve as priests to the sudras.

NOTE: 1. STAVARA JANGAMS (2) GANAYAT JANGAMS (3) ORDINARY JANGAMS (GANTA JANGAMS) are found in Andhra Districts which were in Madras Presidency in 1891.

IV. CENSUS OF INDIA - 1901 VOLUME XV MADRAS - PART-

REPORT (JANGAM CHAPTER-VIII PAGE 157).

Strictly speaking a Jangam is a priest to religious sect of the LINGAYATS, but the term is frequently loosely applied to the LINGAYAT, which accounts for the large numbers under the head. JANGAMS proper are said to be of three classes.

1. PATTADHIKARIS : Who have definite head quarters.
2. CHARAMURTIS : Who go from village to village preaching the principles of the Lingayat Sect, and they are said to have five MATHADIPATIS or religious heads at five places in the BELLARY district, where the LINGAYATS are most numerous. There Jangams are merely religious beggars.
3. Many Jangams are priests to SUDRAS who are not LINGAYATS.

V. CENSUS OF INDIA 1901. VOLUME XXII-A HYDERABAD - PART-II TABLES PAGE 168.

By MIRZA MEHDY KHAN Incharge census operation.

Under the head "XVII-INFERIOR RELIGIOUS MENDI CANTS. Budaga Jangams and Jangams are 62114 (males 32138 females 29976) in Hyderabad Dominion in 1901. Which was almost two-third of the mendicants population.

In 1921, the census Authorities for the first time made use of the term "DEPRESSED CLASSES" in their census operations to include the down-trodden and socially degraded caste/ class. The JANGAM community was included in the list of the then "DEPRESSED - CLASSES" along with (1) Anamuk (2) Banjara (3) Burbook (4) Chandala, (5) Dakkalwar, (6) Mala, (7) Madiga etc., the most down trodden castes of the society. The following Report says thar "JANGAM have remained in social degradation and have not endeavoured so far in "NIZAM DOMINION" to assert

equal rights of humanity and citizenship with members of other castes. It reveals that the JANGAM. Community was considered as most backward in the year 1921 itself.

The relevant copy of census report is reproduced here under

VI. CENSUS OF INDIA, 1921 :

VOLUME XXI : HYDERABAD STATE

PART I, REPORT

BY

MOHAMED RAHMATULLAH

Superintendent of Census Operations

Hyderabad State

THE DEPRESSED CLASSES

(Sl.No.264, Page No.231)

- | | |
|-------------------|-----------------------|
| 1. Anamuk | 18. Maidhasi |
| 2. Banjara | 19. Mala |
| 3. Burbook | 20. Maladasari |
| 4. Chambar | 21. Malahannai |
| 5. Chandala | 22. <u>Malajangam</u> |
| 6. Dakkalawar | 23. Mang |
| 7. Dher | 24. Manne |
| 8. Dhor | 25. Masti |
| 9. Dommara | 26. Mondiwaru |
| 10. Ellamalawar | 27. Naikapu |
| 11. Gosangi | 28. Panchabotla |
| 12. <u>Jangam</u> | 29. Panchama |
| 13. Kaikadi | 30. Sindhor |
| 14. Katipamula | 31. Sannr |
| 15. Madiga | 32. Thotewadu |
| 16. Mahar | 33. Waddar |
| 17. Matasari | 34. Yanadi |

VII. In the year 1932, the Government of India constituted a

commission headed by Mr.Gowrishankar Pal, who represented the united province of Hindu Backward classes league. Mr. Gourishankar Pal had submitted a list of 115 castes for inclusion as "Depressed classes adopting "Three Tests" to find out whether a particular caste or community is backward to include in the Depressed classes. Viz.,

I. SOCIALLY DEPRIVED :

Means a particular caste or class or community is deprived.

- (i) By virtue of untouchability
- (ii) By virtue of their "Traditional occupation being considered as lowest status in the society.

II. ECONOMIC BACKWARDNESS :

Means a particular caste must be poor without having sufficient source for their livelihood.

III. EDUCATIONAL BANKRUPTCY :

Means the majority of the people of the caste or community should be illiterate or below the average of literacy.

From the time immemorial in the Hindu Religion, the people belonging to 1. Kshatriyas 2. Brahmins 3. Vysyas are superior and upper VARNAS, all along treated the people belonging to the SUDRA-VARNAS, as socially deprived since they belonged to the lowest strata in the Hindu Religion/Society. History reveals that the people belonging to SUDRA VARNA were never allowed or entertained either to co-exist or to participate in the ritual functions of the aforesaid three superior varnas. According to Hindu Law the people following VEERASAIVA faith fall under the SUDRA category for the reasons that their ritual or customs are similar amongst the SUDRA-VARNAS. In this background the Jangam community which follows the tenets of VEERASAIVISM/

LINGAYATISM were categorised as belonging to SUDRA-VARNAS. The main traditional occupation of Jangam community is begging for money, food grains and cooked ready made food for their livelihood. Even though they were propagating the tenets of VEERA - SAIVISM to the followers and also these down-trodden. In this context, the census of India 1901 report describes Jangam community as one amongst "Inferior Religious Mendicants". The custom forced this community since several centuries. However, this community is entirely depended upon the begging for their livelihood. In view of this begging act and constant association with down-trodden who believed in the tenets of VEERASAIVISM faith, this community was looked down by the superior three VARNAS of Hindu Religion. Three superior VARNAS kept away the "BEDA JANGAM" who come under SUDRA VARNA from their ritual rites and funeral functions and other social functions. By virtue of this discrimination and inferiority, the Beda Jangam suffered from social disability with reference to co-existence with the upper and superior VARNAS. This makes their social status inferior in Hindu Society, As per Hindu Law, these occupational sub-groups by virtue of following VEERASAIVISM were included in sudra a lowest among Hindu Religion. Again supreme court of India has declared that Law applicable to SUDRAS is Law that is applicable to VEERASAIVISM in 1881.

(9) The findings of the Indian franchise committee quoted in Dr. B.R.Ambedkar's note reveals that all depressed classes were not untouchables although all untouchables were depressed (Note By Dr.B.R.Ambedkar on the depressed classes Indian Franchise. Committee Report-I page 209) The aforesaid parameters have been clearly speltout by the renowned Author MARK GALANTER

in "COMPUTING EQUALITIES" Vide Page No.130.

ii) Among the many scheduled castes a few are untouchables. All the Depressed classes are not untouchables. All the Depressed classes are not untouchables as pointed out by Mr.E.A.H.Blunt. To sum up it may be said that all untouchables are scheduled castes. But not all scheduled castes are untouchables. However in common usage, the term Harijan denotes only the untouchables.

iii) Among the Scheduled castes a few are touchables.

The backward classes commission constituted under the chairmanship of Sri. Kaka Saheb Kalelkar expressed the view that "Although the untouchability of some of the communities included in the list of "Scheduled castes was merely nominal, there was no doubt about their backwardness and it was therefore felt proper to retain all such names in the list.

As to the criterion to be applied in identifying a caste the commission observed as follows:

"Scheduled castes could be identified by the criterion of untouchability. In case of other castes although socially backward, no such tangible criteria like that of untouchability could be applied. We had therefore, to accept the general notion of social hierarchy of high and low and to put together all those communities that were regarded as socially inferior, whatever connotation this phrase may have to different people in different parts of the country"

(2) In 1919 The first separate representation on a number of public bodies, was given to the "DEPRESSED CLASSES" and the included untouchables along with quite a scatter of others such as the aboriginal tribes, nomadic and semi-nomadic tribes. Vide HAROLD.R. ISAACS in his book "INDIA'S EX-UNTOUCHA

BLES".

(3) Special effort was made in the 1931 census and by a special committee to draw up a "SCHEDULE" of the "CASTES" entitled to benefit from these various special arrangements.

VIII. GOVERNMENT OF INDIA ACT, 1935 FIRST SCHEDULE, 26(1), PAGE 217.

"The Scheduled Castes" means such castes, race or tribes or parts of or groups within castes, races or tribes, being castes, race, tribes, parts or groups which appear to His Majesty in Council to correspond to the classes of persons formerly known as "the depressed classes" as His Majesty in Council may specify".

The President of India in exercise of his powers conferred under Article 341 has included only two occupational subgroups of JANGAM community ie., Beda (Budaga) Jangam and Mala Jangam. The Beda jangam/ Budaga jangam and Mala Jangam having fulfilled the requisite conditions to include under the Scheduled caste, as they were not only economically and educationally backward but also socially Backward by virtue of their inferior ritual traditional occupation of performing the funeral rites in the houses of all sudra Varnas" including Mala, Madiga etc. untouchables, which is stigma on this Beda (Budaga) Jangam community for the purpose of giving effect to the provisions for special electoral representation in the Government of India Act. 1935, the Government of India (Scheduled castes) order 1936 was issued.

VIII. THE GAZETTE OF INDIA EXTRAORDINARY :

PART II - Section 3

Published By Authority

New Delhi, Friday, August 11, 1950.

Ministry of Law, New Delhi.

THE CONSTITUTION (SCHEDULED CASTES) ORDER 1950
PART X - HYDERABAD

- | | |
|--------------------------------|----------------------------|
| 1. Anamuk | 17. Mala |
| 2. Aray (Mala) | 18. Mala Dasari |
| 3. Arwa Mala | 19. Mala Hannai |
| 4. <u>Beda (Budaga) Jangam</u> | 20. <u>Malajangam</u> |
| 5. Bindla | 21. Mala Masti |
| 6. Bindla | 22. Mala Sale, (Netkani) |
| 7. Chalavadi | 23. Mala Sanyasi |
| 8. Chambhar | 24. Mang |
| 9. Dakkal (Dokkalwar) | 25. Mang Garodi |
| 10. Dhor | 26. Manne |
| 11. Ellamalwar | 27. Mashti |
| (Yellammalawandlu) | |
| 12. Holey a | 28. Mehtar |
| 13. Holey a Dasari | 29. Mitha Ayyalvar |
| 14. Kolupulvandlu | 30. Mochi |
| 15. Madiga | 31. Samagara |
| 16. Mahar | 32. Sindhollu, (Chindollu) |

Districts of Hyderabad State:

1. Adilabad, 2. Hyderabad, 3. Karimnagar, 4. Mehabubnagar, 5. Khammam, 6. Medak, 7. Nalagonda, 8. Nizamabad, 9. Warangal, 10. Aurangabad, 11. Bhir, 12. Nanded, 13. Osmanabad, 14. Parbhani, 15. Bidar, 16. Gulbarga and 17. Raichur.

The scheduled castes, according to the Article 366 (24) read with Article 341 of the constitution of India, are those castes, races, or tribes or part of groups there of as President of India may notify. According to Article 341-(1). The President of India by public notification specify that castes, races, or tribes or groups there of be

regarded as scheduled castes for the purpose of the constitution.

The term scheduled castes literally connotes nothing more than the two words convey independently ie., "SCHEDULED OF CASTES" or the castes brought under a schedule. The words that go to make the term if taken together are mute in nature. Though this term has been used as a nomenclature in the present constitution of Republic of India. It does not contain any definition except the procedure under Article 341 of the constitution of India. The constitution also refrain strictly from equating the reference of the scheduled castes to the untouchable castes.

X. After the Re-organisation of the states in the year 1956 the president promulgated the scheduled castes and scheduled Tribes list (Modification) order 1956 including the Beda (Budaga) Jangam for 9 districts in Andhra Pradesh, 5 districts in Maharashtra (Mumbai) and 3 districts in Mysore (Karnataka)

IX. THE GAZETTE OF INDIA EXTRAORDINARY :

PART-II Section 3

Published By Authority

New Delhi, October 29, 1956

SCHEDULED CASTES & SCHEDULED TRIBES LIST (MODIFICATION) ORDER 1956

1. Andhra Pradesh (Hyderabad), BEDA JANGAM, In the Districts of : Adilabad, Hyderabad, Karimnagar, Mahaboobnagar, Khammam, Medak, Nalgonda, Nizamabad and Warangal.
2. Maharashtra (Bombay) BEDA JANGAM, In the Districts of: Aurangabad, Bhil, Nanded, Osmanabad and Parbhani.
3. Mysore BEDA JANGAM In the Districts of : Bidar, Gulbarga and Raichur.

X. The area restriction imposed in this order of 1956 was removed by the Presidential order under Article 341 of the constitution of the India in the scheduled castes and Scheduled Tribes order (Amendment) Act 108 of 1976 enlarging the Scheduled castes privileges to all the BedaJangam/Budaga Jangam and Mala Jangam of the entire states of Andhra Pradesh, Karnataka and Maharashtra.

THE SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS
(AMENDMENT) ACT, 1976 (108 OF 1976)

(c) for the Schedule, Substitute : "THE SCHEDULE"

Part - I, Andhra Pradesh

1. Adi Andhra
2. Adi Dravida
3. Anamuk
4. Aray Mala
5. Arundhatiya
6. Arwa Mala
7. Bariki
8. Bavuri
9. Beda Jangam, Budaga Jangam
10. Bindla
11. Byagara
12. Chachati
13. Chalavadi
14. Chamar, Mochi, Muchi
15. Chambhar
16. Chandala
17. Dakkal, Dokkalwar
18. Dandasi
19. Dhor
20. Dom, Dombara, Paidi, Pano
21. Ellamalawar, Yellammalawandlu
22. Ghasi, Haddi, Relli Chachandi
23. Godagali
24. Godari
25. Gosangi
26. Holeya
27. Holeya Dasari
28. Jaggali
29. Jambuvalu
30. Kolupulvandlu
31. Madasi Kuruva, Madari Kuruva
32. Madiga
33. Madiga Dasu, Mashteen
34. Mahar
35. Mala
36. Mala Dasari
37. Mala Dasu
38. Mala Hannai
39. Malajangam
40. Mala Masti
41. Mala Sale, Netkani
42. Mala Sanyasi
43. Mang
44. Mang Garodi
45. Matangi
46. Mashti
47. Matangi
48. Mehtar
49. Mehtar
50. Mundala
51. Paky, Moti, Thoti
52. Pambada, Pambanda
53. Pamidi
54. Panchama, Pariah
55. Relli
57. Samban
58. Sapru
59. Sindholu, Chindollu,

SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS
(AMENDMENT) (Act 108 of 1976)

Part VII - Karnataka

1.	Adi Andhra	Ranigar, Rohidas, Rohit,
2.	Adi Dravida	Samgar.
3.	Adi Karnataka	23. Bhovi
4.	Adiya (in Coorg District)	24. Bindla
5.	Ager	25. Byagara
6.	Ajila	26. Chakkiliyan
7.	Anamuk	27. Chalavadi, Chalavadi, Channayya
8.	Aray Mala	28. Chandala
9.	Arunthathiyar	29. Chenna Dasar, Holaya Dasar
10.	Arwa Mala	30. Dakkal, Dokkalawar
11.	Baira	31. Dakkaliga
12.	Bakard	32. Dhor, Kakkayya, Kanhayya
13.	Bakard (in Belgaum, Bijapur, Dharwar and North Kanura	33. Dom, Dombara Paidi, Pano
14.	Bakuda	34. Ellamalwar, Yellammalawandlu
15.	Balagai	35. Gauti Chores
16.	Bandi	36. Garoda, Garo
17.	Banjara, Lambani	37. Godda
18.	Bathada	38. Gorangi
19.	Beda Jangam, Budaga Jangam	39. Halleer
20.	Bellara	40. Halsar, Haslar, Hulasvar, Halasvar
21.	Bhangi, Mehtar, Olgana, Rukhi, Malkana, Halalkhor, Lalbegi Balmiki, Korar, ZAdmalli.	41. Handi Jogis 42. Hasla 43. Holar, Valhar
22.	Bhambi, Bhambhi, Asadaru Asodi Chamadia, Chamar, Chambhar,	44. Holaya, Holer, Holey Dasari 45. Jaggali

Haralayya, Harali, Khalpa, Machigar,
Mochagar, Madar, Madig, Mochi,
Muchi, Telugu Mochi, Kamati Mochi.

46.	Jambuvulu	71.	Mang Garudi Mang Garudi
47.	Kadaiyan	72.	Manne
48.	Kalladi	73.	Masthi
49.	Kempmaris	74.	Mavilan
50.	Kolupulvandu	75.	Meghval, Menghvar
51.	Koosa	76.	Moger
52.	Koracha	77.	Mukri
53.	Korama	78.	Mundala
54.	Kotegar, Metri	79.	Mang, Matang, Minimadig.
		80.	Nadia, Hadi
55.	Kudumban	81.	Naikadaya
56.	Lingader	82.	Nalakeyava
57.	Machala	83.	Nayadi
58.	Madari	84.	Pale
59.	Madiga	85.	Palian
60.	Mahar, Taral, Dhegu Megu	86.	Pambada
61.	Mahyavanshi, Dhed, Vankar, Maru Maru Vankar	87.	Panchama
		88.	Panniandi
62.	Maila	89.	Paraiyan, Paraya
63.	Mala	90.	Paravan
64.	Mala Dasari	91.	Raneyar
65.	Mala Hannai	92.	Samagara
66.	Mala Jangam	93.	Samban
67.	Malla Masti	94.	Sapari
68.	Mala Sale, Netkani	95.	Sillekyathas
69.	Mala Sanyasi	96.	Sindholiu,
70.	Mang, Matang, Minimadig	97.	Sudugadu Sidda

98. Thoti
99. Tigar, Tirbanda
100. Valluvan

**SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS
(AMENDMENT)
(Act 108 of 1976)**

Part X - Maharashtra

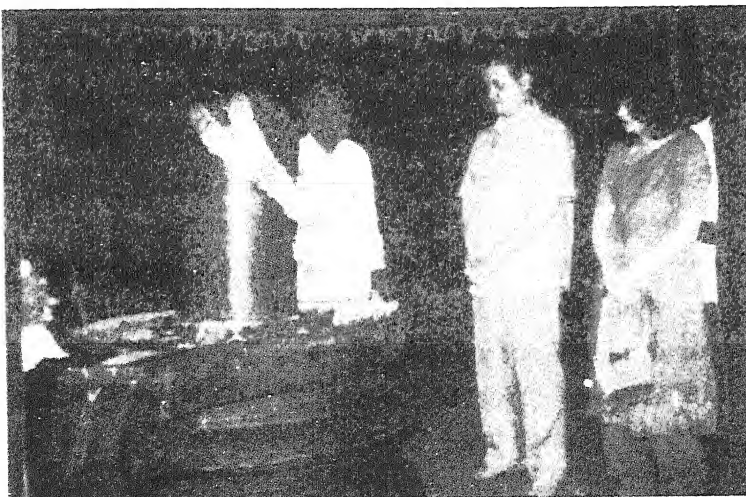
- | | |
|--|---|
| 1. Ager | 2. Anamuk |
| 3. Aray Mala | 4. Arwa Mala |
| 5. Bahna, Bahana | 6. Bakad, Bant |
| 7. Balahi, Balai | 8. Basor, Burud, Basor, Bansodi |
| 9. Beda Jangam, Budaga Jangam | 10. Bedar |
| 11. Bhambi, Bhambhi, Asadaru, Asodi,
Chamadia, Chamar, Chamari,
Chambhar, Chamgar, Haralayya, Harali, Balmiki, Korar, Zadmalli.
Khalpa, Machigar, Mochigar, Madar,
Madig, Mochi, Telegar, Rohidas, Nona,
Ramnami, Rohit, Samgar, Samagara,
Satnamai, Surjyabanshi, Surjyaramnami | 12. Bhangji, Mehtar, Olgana,
Rukhi, Malkana, Halalkhor, Lalbegi, |
| 13. Bindia | 14. Byagara |
| 15. Chalvadi, Channayya | 16. Chenna Dasar, Holaya Dasar,
Holeya Dasari. |
| 17. Dakkal, Dokkalwar | 18. Dhor, Kakkayya, Kankayya, Dohor |
| 19. Dom, Dumar | 20. Ellamalavar, Yellammalawandiu |
| 21. Ganda, Gandi | 22. Garoda, Garo |
| 23. Ghasi, Ghasia | 24. Halleer |
| 25. Halsar, Haslar, Hulasvar, | 26. Holar, Volhar |
| 27. Holaya, Hoki, Holeya, Holiya | 28. Kaikadi (in Akola, Amravathi
Bhandara |
| 29. Kaikadi (in Akola, Amravati Bhandara | 30. Katia, Patharia |

Buldana, Nagrur, Wardha and Yavatmai
districts and Chandrapur district. other
rhan Rajura tahsil.)

31	Khangar, Kanera, Mirdha	32	Khatik, Chikwa, Chikvi
33	Kolupulvandlu	34	Kor
35	Lingader	36	Madgi
37	Madiga	38	Mahar, mehra, Taral, Dhegu, Megu
39	Mahyavanshi, Dhed, Vankar, Maru Venkar	40	Mala
41	Mala Dasari	42	Mala Hannai
43	Mala Jangam	44	Mala Masti
45	Mala Sale, Netkari	46	Mala Sanyasi
47	Mang, Matang, Minimadig, Dankhari Mang, Mang Mahashi, Madari, Garudi Radhe Mang.	48	Mang Garodi, Mang Garudi
49	Manne	50	Mashti
51	Meghaval, Menghvar	52	Mitha, Ayyalvar
53	Mukri	54	Nadia, Hadi
55	Pasi	56	Sansi
57	Shenva, Chenva, Sedma, Rava	58	Sindhollu, Chindollu
59	Tiger, Tirbanda	60	Turi



Felicitating R.Venkateswarlu. President A.P. Beda/Budaga
Jangam at Visakhapatnam on 14-9-1998



The Siva Lingam is proposed to be installed at Muchkhand Ashramam
in Rajasthan State. Before transporting the Siva Lingam
Sri R.Venkateswarlu, President A.P.Beda Budaga Sangam Worshipping
Shiva Lingam on 22-11-99 in the presence of Sri Sunii Sarma IAS
Dist. Collector. Prakasam Dist and his wife at Ongole

ANNEXURE - 1
REPORT OF THE
BACKWARD CLASSES COMMISSION

- 1 G.O.Ms.No.1793 Education Department dated 23-9-1970.
But it was not implemented due to appeal in Supreme Court.
- 2 G.O.Ms.No.767 Education Department Dated 17-4-1972.

This commission Report was implemented as it is with effect from 17-4-1972 as per appeal Judgement of Supreme Court of India. This reservation is up to 31-5-2001.

21. JANGAM (OC) (Extract of the report of B.C.Commission 1970.

This community is known as Jangamadevaralu and Jangama Ayyalu. It is also known as "Lingayats or Veerasaiva" in the ceded districts of Andhra area. "Jangam" is a sub-division of Lingayats. They practice Veera-saiva religion. They are highly religious. They wear lingam on their bodies. They offer food to the Lingam before they eat. They are considered religiously inferior to brahmins even though they wear the sacred lingam. They were treated as Pujaris or Gurus and they are treated well socially. They do not either inter-dine or inter-marry with other communities. They are strict vegetarians. They officiate in cremation ceremonies of Saivites belonging to Kummari, Sali, Munnurkapus etc.

They are religious gurus of the Lingayats and they also officiate as priests in ceremonies of Saivites belonging to certain sudra communities like Kummari, Munnurkapus, Salis etc. They are very orthodox and lead a life of austerity. They are respected in society. Some are now engaged in several other occupations.

viz., sale of flowers to the deities, tailoring, village priesthood, agricultural labour etc. The student population in X and XI classes in 1968-69 is quite satisfactory for the whole community. Hence they cannot be considered as socially or educationally backward.

JANGAM (BC) : But there is a sub sect among the Jangams whose traditional occupation is begging. They move about with a bell and begging bowl. for alms. They are nomadic, as they move from place to place for begging, This subsect as a whole is economically poor, as they are mainly dependant on the alms. On account of their profession and extreme poverty they are looked down in society. Being very poor and nomadic they are not able to educate, their children. The number of students in the X and XI classes from this begger class in 1968-69 was negligible. Though separate statistics of student population of this sub-sect are not available, we are convinced that this sub-sect is educationally very backward. Having regard to the fact that this sub-sect occupies an inferior position in the social hierarchy and educationally backward, the Commission considers that the sub-sect of Jangam whose traditional occupation was begging, is socially and educationally backward.

ANNEXURE - 2

GOVERNMENT OF ANDHRA PRADESH SOCIAL WELFARE DEPARTMENT

Memo No.2854/F2/77-2, dated 16-8-1977.

Sub: The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (Act 108 of 1976) - Notification of Central Government under sub-section 2 of section 1 of the Act - Regarding.

* * *

The Government of India since revised the list of Scheduled castes and Scheduled Tribes by enacting the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976 (Act 108 of 1976). This Act was published in the Andhra Pradesh Gazette Part-III B Extraordinary on 9-12-1976. Under Section 1 (2) of the said Act the Parliament authorised the Central Government to bring the Act into force by issuing a notification in the local Gazette from a date to be notified by them. Now the Government of India, Ministry of Home Affairs issued a notification in exercise of the power conferred on them under sub-section (2) of section 1 of the Act in their letter No.BC-12016/34/76-SCT-V dated 27-7-1977 bringing the Act into force with effect from 27-7-1977.

2. A copy of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 together with a copy of the Notification issued in this behalf by the Government of India bringing the Act into force with effect from 27-7-1977 is communicated to all concerned as indicated in the address entries for following the revised lists of Scheduled Castes and Scheduled Tribes.

3. The Collectors are requested to distribute these copies to all Departmental Heads in the District.

4. All Heads of Departments in general and the Director of School

Education/ Director of Higher Education/ Director of Technical Education/ Director of Medical and Health Services in particular are requested to communicate the revised lists of Scheduled Castes/ Scheduled Tribes to all Subordinate offices under their control.

5. The receipt of the Memo. along with enclosures may be acknowledge.

(Sd/-) S.R.Sankaran,
Secretary to Government.

To

All Departments of the Secretariat (5 copies each).

All Collectors (100 copies each).

All Heads of Departments (10 copies each)

// True Copy //

ANNEXURE - 3

AMENDMENT TO THE RULES IN PART-I OF THE ANDHRA PRADESH STATE AND SUBORDINATE SERVICES RULES

(G.O.Ms.No.838, General Administration (Services-D) 15th December, 1977)

* * *

In exercise of the powers conferred by proviso to Article 309 of the constitution of India, the Governor of Andhra Pradesh hereby makes the following amendment to the rules in Para-I of the Andhra Pradesh State and Subordinate Services Rules.

2. The amendments hereby made shall be deemed to have come into force on the 27th July, 1977.

AMENDMENT S

In part-I of the said Rules :

1. for the expression, "1st November, 1956" recording in the "NOTE" under definitions (16) and (17) of rules 3. the expres-

sion "the 27th July, 1977" shall be substituted:

2. for Schedule III, the following Schedule shall be substituted, namely :

SCHEDULE - III

Part-A Scheduled Castes

(See definition (16) in rule 3)

- | | |
|------------------------------------|-------------------------------------|
| 1. Adi andhra | 2. Adi Dravida |
| 3. Anamuk | 4. Aray Mala. |
| 5. Arundhatiya | 6. Arwa Mala |
| 7. Bariki | 8. Bavuri |
| 9. <u>Bedajangam. Budga Jangam</u> | 10. Bindla |
| 11. Byagara | 12. Chachati |
| 13. Chalavadi | 14. Chamar, Mochi, Muchi |
| 15. Chamohar | 16. Chandala |
| 17. Dakkal Dokkalwar | 18. Dandasi |
| 19. Dhor | 20. Dom, Dombara, Paidi, Pano |
| 21. Yollamalawar, Yollammalawandlu | 22. Chasi, Hiddi, Rolli, Chanchandi |
| 23. Godagali | 24. Godari |
| 25. Gosangi | 26. Holey a |
| 27. Holey a, Dasari | 28. Jaggali |
| 29. Jamtriyulu | 30. Kolupurrandu |
| 31. Madasi Kuruva Madari, Kuruva | 32. Madiga |
| 33. Madiga Dasu, Mashtoon. | 34. Mahar |
| 35. Mala | 36. Mala Rasari |
| 37. Mala Dasu | 38. mala Hanna |
| 39. <u>Malajangam</u> | 40. Mala Masti |
| 41. Mala Sale | 42. Mala Sanyati |
| 43. Mang | 44. Mang Garchi |
| 45. Manne | 46. Mashti |

47. Matangi
49. Mitha Ayyalwar
51. Paky, Mati,
53. Pamidi
55. Relli
57. Sambar
59. Sindholu.

48. Mehtar
50. Mundala
52. Pambada,
54. Panchama
56. Samagara
58. Sapru

ANNEXURE - 4

To
The Collector
From :
The Director,
Social Welfare Department,
A.P., Hyderabad.

L.Dis.7486/82-E1, dated 16.4.1982

Sir,

Sub: Castes and Communities - Issue of Community Certificates to Bedajangam and Budga Jangam - Regarding.

Ref: Representation from the president, A.P.State Beda Jangam Sangham, Rajahmundry.

* * *

The President, Andhra Pradesh State Beda Jangam Sangham, has represented that their community people, are finding it difficult to get Community Certificates from the District officials as they are not aware of these two Communities belong to Scheduled Castes.

In this connection, I have to State that the Communities

"Beda Jangam and Budga Jangam were included in the list of Scheduled Castes in the Telangana region of Andhra Pradesh State according to Scheduled Castes and Scheduled Tribes (Modification) order, 1956 (Copy enclosed).

In the Scheduled Castes and Scheduled Tribes orders (amendment) Act, 1976, (Act 108 of 1976) (Copy enclosed) the two communities were continued in the list of Scheduled Castes through out the State without any area restriction.

I therefore request you Kindly to issue instructions to all your subordinate officers including village offices and other District officers informing that the two Communities Viz. Bedajangam and Budgajangam come under Scheduled Castes without giving hardships to the Community people in obtaining Community Certificates.

Yours faithfully,

Sd/-

For Director of Social Welfare

Copy to District Social Welfare Officers in the State

Copy to President, Andhra Pradesh State Beda Jangam Sangham, Rajahmundry.

Copy to Secretary to Government Social Welfare Department. Andhra Pradesh for information.

Copy to Executive Member, State Beda Sangham, Ongole.

ANNEXURE - 5

**IN THE HIGH COURT OF JUDICATURE : ANDHRA PRADESH
AT HYDERABAD**

W.P.No.10237 OF 1984.

Between:

R.Venkateswarlu

Petitioner

and

Director of Postal Services,
Andhra Pradesh, Southern
Region, Kurnool, Kurnool District.
and two others.

Respondent

AFFIDAVIT OF R.VENKATESWARLU, PETITIONER HEREIN

I, R.Venkateswarlu s/o Raghavaiah garu, Hindu, aged about 52 years, working as Sub-Post Master, Mangamuru Donka Town Sub Office, residing at Ongole, Prakasam District, now at Hyderabad, do hereby solemnly affirm and state as follows.

1. I am the petitioner herein and as such I am fully acquainted with the facts of the case.
2. I submit that I belong to Beda (Budaga) Jangam community. There are various sub-sects in Jangams or Jangalu namely, Mala Jangams, Beda (Budaga) Jangam, Veerasaiva Jangams, and others. All sects of Jangams were generally called as Jangams or jangalu, throughout the State of Andhra Pradesh. For instance, Mala Jangams are also generally called as Jangams or Jangalu as evidenced by Ethnological Study on Mala Jangams and others, Vol.II, Part V B(10) Page 1, published by the Government of Andhra Pradesh in the year 1961.
3. I submit that although I belong to Beda (Budaga) Jangam community in my school records my community is loosely described as jangam. Beda (Budaga) Jangam and Mala Jangams were included in the list of Scheduled Castes in the Telengana region by Scheduled castes and Scheduled Tribes Modification (Order) 1956. By the provisions of Scheduled Castes and Scheduled Tribes Order (Amendment Act 1976 Act 108 of 1976) Beda

(Budaga) Jangams and Mala Jangams were included in the list of Scheduled Castes throughout the State of Andhra Pradesh without any restrictions as to area. Some of my relations who have been working in the service of Central as well as State Government and whose community was given as Jangams in the school records as well as service records, applied for corrections in their service records after obtaining caste certificates from the concerned Revenue authorities. The concerned Revenue authorities issued caste certificates after a thorough enquiry.

4. I, submit that after the Beda jangams and Mala Jangams living in Andhra area are declared as Scheduled Castes, I applied for caste certificate to the Tahsildar, Ongole, The Tahsildar, Ongole after conducting an enquiry through the village munsif., Ongole gave a certificate dated 1.4.1981 stating that I belong to Beda Jangam community. On 4.5.1981, I applied to the Sr.Superintendent of Post Offices, Prakasam Division, Ongole, the 2nd respondent herein to make necessary corrections in my service register and gradation list by altering my community from O.C. to S.C. To the said application I also enclosed certificate issued by Tahsildar. Thereafter, by his proceedings dated 3.6.1981, the 2nd respondent herein directed me to send my S.S.L.C. certificate by next post. On 4.6.1981 I intimated to 2nd respondent that my S.S.L.C. certificate was handed over to Superintendent of Post Offices, Mahabubnagar at the time of appointment. Thereafter on 30.10.1981 I again addressed another letter requesting the 2nd respondent to make necessary corrections in my service register and gradation list. On 23.10.1981, the 2nd respondent addressed the Director of Postal Services, Andhra Pradesh Southern Region, Kurnool requesting him to take early action on my

application. Along with his letter dated 23.10.1981 in No.B/55 he sent my representation dated 3.10.81 and also a copy of the District Collector's D.Dis.13258/80-E2 dated 26.12.1980. Thereafter, after a period of 4 months after satisfying himself about my community, the 1st respondent herein directed the 2nd respondent to issue appropriate proceedings. The 2nd respondent thereafter issued proceedings in Memo No.B/55 dated 6.3.1982 declaring me as one belonging to Scheduled Castes. Consequential corrections are made in my service register and graduation list. Later on I was promoted as Lower Selection Grade office Assistant on 11.3.1983. I got promotion 8 months earlier as an entry relating to my caste in the service register from other castes to scheduled castes is made.

5. I submit that one of my relations Sri N.Chandrashekara Lingam hailing from my place appeared for the competitive examination for selection to Indian Administrative Service in the year 1981. He was selected under the category of scheduled castes. But on certain petitions received from interested parties, Government of India entertained a doubt about his community. An enquiry was got conducted into the matter by Govt.of India through the Government of Andhra Pradesh. one Tahsildar, two R.D.Os., and a District Collector enquired into the matter. They reported after a thorough enquiry that Sri N.Chandrasekhara Lingam belongs to Beda (Budaga) Jangam community. The two R.D.Os. conducted an elaborate local enquiries in three taluks of Prakasam District, Kandukur, Ongole and Addanki. On the basis of the said material and also other material available with the government of Andhra Pradesh, the Secretary, Social Welfare, Government of Andhra Pradesh wrote to the Government of India that Sri

Chandrasekhara Lingam belongs to Beda (Budaga) Jangam community which is a scheduled caste. But unfortunately some harijans who are keen on having all the reservations for themselves and did not like the idea of any competition with other scheduled castes like Beda (Budaga) Jangams and Mala Jangams again sent-up representations to Government of India. The Government of India, once again directed the Government of Andhra Pradesh to conduct a denovo enquiry into the matter. In March, 1984 the Commissioner of Social Welfare and the Director of Scheduled Castes and Scheduled Tribes Welfare, enquired into the matter on 7.3.1984 and 8.3.1984. It may be stated here that both of them belong to harijan community. It may also be stated here that Sri. Chandrasekhara Lingam filed a writ petition in the High Court of Andhra Pradesh for a direction to Central Government to send him for training and obtained an interim direction in which A.,P. Beda Jangam Sangham also got impleaded in the said writ petition in support of Sri Chandrasekhara Lingam. The issue became an issue between the A.P.Scheduled Castes Welfare Association and A.P.Beda Jangam Sangham. In such a situation, there is absolutely no justification what-so-ever to authorise two officials belonging to Harijan community to enquire into the matter and submit a report. In the nature of things they cannot be expected to submit an unbiased report.

6. I submit that the Commissioner of Social Welfare who conducted the so-called enquiry with the assistance of Director of S.C.& S.T. did not record the statements given by various witnesses examined on behalf of Sri Chandrasekhara Lingam. He examined several persons behind the back of Sri Chandrasekhara Lingam and never gave any opportunity to cross examine them.

He appears to have submitted a biased report to the Government of Andhra Pradesh. Based on which the Government of Andhra Pradesh issued G.O.ms.No.52, Social Welfare (J) Department dated 20.3.1984 cancelling the Scheduled caste certificate issued to Sri Chandrasekhara Lingam. Before cancelling the said certificate the Government of Andhra Pradesh did not issue a show cause notice to Sri Chandrasekhara Lingam. The Government of Andhra Pradesh also did not furnish a copy of the report submitted by the Commissioner, Social Welfare, based on which the said G.O. was issued cancelling the caste certificate. Questioning the said G.O., Sri Chandrasekhara Lingam filed W.P.No.7356 of 1984. The same was admitted by this Hon'ble Court. Based on the said G.O.Ms.No.51, Social Welfare (J) Department dated 20.3.1984 the Government of Andhra Pradesh issued another Memo No.543/J2/84-1 dated 3.4.1984 which was communicated to all the Collectors and all the Sub-Collectors/R.D.Os. where in it was stated that there were no Beda Jangams in the Andhra area and that it was highly doubtful whether there were any Beda (Budaga) jangams in Telangana area and all the social status/caste certificates issued to number of candidates and employees studying in schools and colleges and working in offices that they belong to Beda (Budaga) Jangam community should be immediately cancelled and benefits if any given to them on the basis of the certificates must be recovered and prosecution should be launched against them for producing false certificates.

7. I submit that while matters stood thus, on 9.5.1984, I received a communication from the 1st respondent herein in his Memo No.ST/PF/LSG/RV/Ongole dated 2.5.1984. By the said proceedings, the 1st respondent cancelled Memo No.B/55 dated

6.3.1982 issued by the 2nd respondent herein treating me as belonging to scheduled caste. Based on the said proceedings, the 2nd respondent also issued proceedings in Memo No.B/20 dated 8.5.1984 which was received by me on 10.5.1984 stating that orders issued in MemoNo.B/55 dated 6.3.1982 treating me as belonging to scheduled caste are treated as cancelled.

8. I submit that the 1st and 2nd respondents must have based their orders on the Memo dated 5.4.1984 issued by the 2nd respondent. The 1st and 2nd respondents did not issue any show cause notice to me before cancelling Memo No.B/55 dated 6.3.1982 issued by the 2nd respondent herein. The action of the 1st and 2nd respondents in cancelling the said memo is opposed to cannons of fair play. It is totally arbitrary and un-reasonable. It violates fundamental principle of natural justice that no man should be condemned unheard. Every arbitrary action violates the fundamental right guaranteed under Art.14 of the Constitution of India.

9. I submit that as already stated above, there is also a direction in the Memo dated 5.4.1984 that all caste certificates issued to Beda (Budaga) Jangams should be cancelled and persons who submitted the caste certificates should be prosecuted. Pursuant to the same only, although the said directions are not binding on respondents 1 and 2, have cancelled the proceedings No.B./55 dated 6.3.1982 issued in my favour declaring me as belonging to scheduled caste. They may now initiate proceedings to prosecute me also which is totally un-justified and unwarranted.

10. I submit that in the circumstances stated above, I have no other effective or alternative remedy than to invoke the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Con-

stitution of India. I have not filed any other writ petition, proceeding questioning the same.

11. It is therefore necessary in the interests of justice that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction declaring that Memo No.ST/PF/LSG/RV/Ongole dated 2.5.1984 issued by the 1st respondent herein and the consequential Memo No.B/20 dated 8.5.1984 issued by the 2nd respondent herein are illegal and void as the same are passed in utter violation of the principles of natural justice and issue the consequential direction to the respondent herein not to give effect to the same.

12. It is also necessary in the interests of justice that this Hon'ble Court may be pleased to suspend the operation of Memo No.ST/PF/LSG/RV/Ongole dated 2.5.1984 issued by the 1st respondent herein and the consequential memo No.B/20 dated 8.5.1984 issued by the 2nd respondent herein pending disposal of the above writ petition and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

7th & last corrs:

DEPONENT

Attestor

Solemnly affirmed on this the
15th day of June 1984 and he
signed his name in my presence

BEFORE ME

ADVOCATE : HYDERABAD.

ANNEXURE - 6

IN THE HIGH COURT OF JUDICATURE OF ANDHRA
PRADESH HYDERABAD
W.P.No.10237 OF 1984

Between:

R.Venkateswarlu

Petitioner

and

Director of Postal Services,
Andhra Pradesh, Southern Region,
Kurnool and two others.

Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS 1 & 2

I, N.N.Chari son of Late Sri Sundararajan Ayyangar aged about 55 years, Assistant Post Master General (Staff in the office of Post Master General, Hyderabad) do hereby solemnly affirm and state as follows:

1. I am the Asst.Post Master General (Staff), in the office of the Post Master General, Andhra Pradesh Circle, Hyderabad and I am fully acquainted with the facts of the case. I am authorised to file this counter affidavit on behalf of the Respondents 1 and 2.
2. I deny all the allegations in the affidavit of the petitioner, which are not expressly admitted herein and I beg to submit that the allegations contained therein do not disclose any valid or substantial ground for the issue of a writ as prayed for.
3. The averments in para 1 are only formal and do not call for any reply.
4. With regard to the allegations in para 2 of the petitioner's affidavit I submit that the petitioner joined as Postal Assistant, Mahaboobnagar Division on 16-1-1958 showing his caste as Jangam which is treated as "Other Community. The Ethnology of Mala jangams does not in any way support the petitioner's contention that he belongs to Scheduled Caste Community.
5. With regard to the averment in para 3 of the petitioner's affidavit I submit that in the petitioner's S.S.L.C. Register, his caste has shown as "Jangam" only. The petitioner hails from Addanki

19. Prakasam District and the rules relating to Telangana region do not apply to him. The petitioner has not mentioned the names of any of his relatives who got their caste corrected from Jangam to Beda Jangam. The petitioner is put to strict proof of all the other allegations in these paragraphs.

6. With regard to the averments in para 4 of the petitioner's affidavit I submit that there is no record to show whether or not any enquiry was conducted by the Tahsildar, Ongole before issuing Beda Jangam Certificate to the petitioner. It is true that the petitioner applied for revision of his caste from Jangam to Beda Jangam and treat him as belonging to Scheduled Caste. The case was referred to the 1st Respondent on 23-10-1981, but however, the 1st Respondent returned the same to the 2nd respondent to take a decision at the Divisional level as the petitioner was working as a Postal Assistant. The 2nd Respondent accepted the revised caste certificate produced by the petitioner and issued orders treating the petitioner as belonging to Beda Jangam Community which is recognised as Scheduled Caste Community, vide 2nd Respondent's Letter No.B/55 dt.6-3-1982. The petitioner was promoted to the LSG (Lower Selection Grade) cadre as against 20% quota with effect from 7-3-1983 vide Memo No.B/LSG/2 dated 11-3-83. Otherwise the petitioner would have got promotion to the L.S.G. cadre under 16 years time bound promotion with effect from 30-11-83.

7. With regard to the para 5 of the petitioner's affidavit I submit that no information is available with this respondent regarding enquiry made by the Government of India in respect of Sri N.Chandrasekhar Lingam who is alleged to be close relative of the petitioner. The petitioner is put to strict proof of the averments

contained in para 5 of his affidavit.

8. With regard to the para 6 of the petitioner's affidavit, this respondent puts the petitioner to strict proof of the averments contained therein.

9. With regard to para 7 of the petitioner's affidavit, I submit that it is true the 1st respondent issued a memo dated 2.5.84 cancelling the orders issued earlier by the 2nd respondent treating the petitioner as belonging to schedule caste. It is a speaking order containing the facts based on which the orders issued by the 2nd respondent treating the petitioner as belonging to Scheduled caste community, were cancelled. Based on this memo the 2nd respondent issued Memo No.B.20 dated 8.5.84 cancelling the orders treating the petitioner as belonging to Bida Jangam Caste.

10. With regard to the para 8 of the petitioner's affidavit I submit that the allegation that no show cause notice was issued to the petitioner before derecognising him as belonging to S.C. community is not tenable as the cancellation was done as per the orders of the A.P.Government which is concluded that there were no Bida Jangam people at all in coastal districts much less in Prakasam District, after thorough high level enquiries. The principles of natural Justice are not attracted on the facts and circumstances of the case.

11. With regard to para 9 of the petitioner's affidavit I submit that due notice will have to be taken of the enquiries made by the State Government with regard to the existence or otherwise of Bida Jangam community in coastal districts and also Prakasam District. This respondent is entitled to act on the information furnished by the State Government on thorough enquiry made by them. Being a public enquiry the petitioner could have furnished

the necessary information to the State Government when the enquiry was being held by the State Govt. The petitioner therefore cannot complain of the violation of the principles of natural justice.

12. With regard to the paras 10 to 12 of the petitioner's affidavit I submit the petitioner is not entitled to any of the relief prayed for. The prayer for interim relief by way of suspension of the Memo dated 2-5-84 issued by the 1st respondent and the consequential Memo dated 5-5-84 issued by the 2nd respondent is not called for on the facts and circumstances of the case.

13. The writ petition is absolutely devoid of merits and it is therefore prayed that this Honourable Court may be pleased to dismiss the writ petition with costs.

Deponent

Solemnly and sincerely affirmed this the 17th
day of July 1985 and signed his name
in my presence

Before me

last page corrections

Attesting Officer

ANNEXURE -7

**IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH AT HYDERABAD**

WRIT PETITION NO.10327/84

R.Venkateswarlu

Petitioner

Vs

**Director of Postal Services,
Andhra Pradesh, Southern Region,
Kurnool, Kurnool District and two others.**

Respondents.

I, K.Parthasarathy, son of (late) Sri K.Mallikarjuna rao garu aged about 52 years, resident of Hyderabad do hereby solemnly affirm and state as follows :

1. I am the concerned Assistant Secretary in the Social Welfare Department of Government of Andhra Pradesh and as such I am conversant with the facts and circumstances of the case to the extent they are borne from the records of the case. I have received a copy of the Affidavit and understood its contents.
2. In reply to paras 1 and 4 of the petitioner's Affidavit it is submitted that the petitioner does not belong to Beda Jangam Community and the other averments made therein are denied.
3. In reply to para 5 of the petitioner's affidavit it is submitted that in the case of Sri N.Chandrasekhara Linam, the Inquiry Officer (the then Commissioner of Welfare, Social Welfare Department, Government of Andhra Pradesh, Hyderabad). Conducted "Denovo" enquiry as per the directions of the Government to ascertain and report about the social status of Sri N.Chandrasekhara Lingam after giving notice to all concerned.

As the Directorate for Scheduled Castes and Scheduled Tribes, Commissioner of Scheduled Castes and Scheduled Tribes, Government of India had also received certain representations on this issue, its Director Sri P.Kamaleswara Rao, I.A.S., has assisted the enquiry and he associated himself to acquaint about the Beda Jangam Community. As the two officers performed their duties in their official capacity, it is not correct to attribute malafides to them.

4. In reply to para 6 of the Petitioner's affidavit it is submitted that after following the procedure only and giving one notice of the "Denovo" enquiry to Sri N.Chandrasekhara Lingam and all others

concerned, the enquiry was conducted by the then Commissioner of Welfare. It is not necessary to issue another show case notice before cancelling the Caste Certificate of Sri N.Chandrasekhara Lingam. It was not necessary to supply a copy of the report of the Enquiry Officer to the petitioner as it was available for his perusal at any time and it was open for him to file any objection.

5. In reply to paras 7 and 8 of the Petitioner's Affidavit it is submitted that the cancellation done on what basis is not known to this respondent. It is incorrect to say that it is based on the second respondent's Memo only.

6. In reply to para 9 of the Petitioner's Affidavit it is submitted that the Government took action on the report of the Commissioner of Welfare to cancel the certificate of Sri N.Chandrasekhara Lingam. The G.O.cancelling the certificate is a detailed order and is itself evidence that the matter had been examined in depth by the State Government before the decision was taken. The question of issuing a further Show Cause Notice to Sri N.Chandrasekhara Lingam did not arise since a detailed enquiry giving sufficient opportunity to the individual had already been conducted.

7. For the reasons stated above the Memo No.543/J2/84-1 Social Welfare (J2) Department dated 3-4-1984 is quite legal and it is according to the Presidential Order as to avoid underserving persons who do not belong to Beda Jangam Community to claim the benefits intended for scheduled castes. As such the Hon'ble Court may be pleased to dismiss the Writ Petition with costs.

3rd and last page corrections : Nil

Solemnly affirms on that the day of august 1984 and he signed his name in my presence.

ANNEXURE - 8
IN THE HIGH COURT OF JUDICATURE: ANDHRA
PRADESH AT HYDERABAD

Thursday, the Twenty eighth day of June.

One thousand nine hundred and eighty four.

Present

The Honourable Mr. Justice Jagannadha Rao,

Writ Petition Misc. Petition No. 13205 of 1984.

R. Venkateswarlu.

Petitioner

(Petitioner in W.P. No. 10237/84
on the file of the High Court).

Petition U/s. 151 of C.P.C. praying that in the circumstances stated in the affidavit filed, in the Writ petition, the High Court will be pleased to issue an order directing to suspend the operation of Memo No. ST/PF/LSG/RV/Ongole dated 2-5-84 issued by the 1st respondent herein namely Director of Postal Services, Southern Region, Andhra Pradesh, Kurnool, Kurnool District and the consequential Memo. No. B/20 dated 8-5-84 issued by the 2nd respondent herein namely Sr. Superintendent of Post Offices, Prakasam Division, Ongole, pending in W.P. No. 10237/84 presented to the High Court to issue an appropriate Writ, order or direction declaring that Memo No. ST/PF/LSG/RV/Ongole dated 2-5-84 issued by the 1st respondent therein and the consequential Memo. No. B/20 dt. 8-5-84 issued by the 2nd respondent herein are illegal and void as the same are passed in utter violation of the principles of natural justice and issue the consequential direction to the respondent herein not to give effect to the same.

Order:- The petition coming on for orders, upon perusing the petition and the affidavit filed in support thereof, and upon hearing

the arguments of Mr.S.Venkata Reddy, Advocate for tthe petitioner.

It is ordered:- that notice do issue to the Respondents herein to show cause why this application should not be complied with and IT IS FURTHER ORDERED that the operation of Memo. No.ST/PF/LSG/RV/Ongole dt.2-5-84 issued by the 1st respondent herein, namely, the Director of Postal Services, Southern Region, Andhra Pradesh, Kurnool, Kurnool District and the consequential Memo.No.B/20 dt.8-5-94 issued by the 2nd respondent herein namely, the Sr.Superintendent of Post Offices, Prakasam division, Ongole be and hereby are suspended pending further orders on this petition.

Note: The receipt of this order will be deemed the receipt of notice in the case. The case will be taken up for hearing after three weeks from the date of this order.

Sd/- G.Krishna Murthy,
Asst. Registrar.

// True Copy //

Asst. Registrar.

To

The Director of Postal Services, Southern Region, Kurnool,
Kurnool District (By RPAD).

The Senior Superintendent of Post Office/ Prakasam Division
Ongole (By RPAD).

The Secretary, Social Welfare Dept., Govt., of A.P., Secretariat,
Buildings, Saifabad, Hyd. (By RPAD.)

One Spare Copy.

+One CC to Mr.S.Venktata Reddy Advocate.

ANNEXURE - 9

IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH AT HYDERABAD

Thursday, the Twenty eighth day of July.

One thousand nine hundred and eighty nine.

Present

The Honourable Mr.D.Surya Rao: Member (JUDL)

and

The Hon'ble Mr.D.K.Chakravorthy, Member (Admn)

Transfer Application No.28 of 1977

W.P.No.10237/84

Between:

R.Venkateswarlu

Applicant :

and

1. Director of Postal Service, Andhra Pradesh, Southern Region, Kurnool, Kurnool Dist.
2. Senior Superintendent of Post Office, Prakasam Division Ongole.
3. Government of Andhra Pradesh, rep. by its Secretary, Social Welfare Department, Secretariat Buildings, Saifabad, Hyderabad.

Respondents.

Application under section 29(1) of the Administrative Tribunal Act, 1985 transferred from the High Court of Andhra Pradesh praying that in the circumstances stated therein the Tribunal will be pleased to issue an appropriate writ, order or direction declaring that Memo.No.ST/PF/LSG/RV/Ongole dated 2-5-1984 issued by the 1st respondent herein and the consequential Memo No.8/20 dated 8-5-84 issued by the 2nd respondent herein are illegal

and void as the same are passed in utter violation of the principles of natural justice and issue consequential direction to the respondent herein not to give effect to the same.

FOR THE APPLICANTS : Mr.C.V.Mohan Reddy, Advocate.

FOR THE RESPONDENTS : Mr. N.Bhaskar Rao, Addl.CGSC.

THE TRIBUNAL DELIVERED THE FOLLOWING JUDGEMENT:
ORDER OF THE TRIBUNAL DELIVERED BY THE HONOUR-
ABLE SHRI D.SURYA RAO MEMBER (JUDICIAL)

* * *

The applicant herein is the petitioner in the Writ petition No.10237 of 1984 before the High Court of Andhra Pradesh which transferred to this tribunal under section 29 of the Administrative tribunal Act.1985.

2. The applicant questions the Memo No.ST/PF/LSG/RV/ Ongole dated 2-5-1984 issued by the first respondent and the consequential Memo No.B/20 dated 8-5-1984 issued by the 2nd respondent. The applicant claims that he belongs to the Beda Jangam Community, which has been declared as Scheduled Caste. Consequent on the issue of the scheduled castes and scheduled tribes order (Amendment) Act 1976 Act 108 of 1976) He hailed from Prakasam District, Andhra Pradesh at the time of joining service in the Postal Department. This community was initially not declared a scheduled caste in so far as Andhra area is concerned. However by amending the Act, the Beda jangam Community was included in the list of Scheduled Castes throughout the State. Consequent thereto, the applicant obtained a certificate from the Tahasildar, Ongole on 1-4-1981 that he belongs to the Beda Jangam Community. On the basis of this certificate he applied to the sec-

ond respondent to make necessary corrections in the Service Register and Gradation list by altering his community from O.C.to S.C. The 2nd respondent by proceedings dated 6-3-1982 declared that the applicant belongs to Scheduled Caste community and consequential corrections were made in the service register and gradation list. He also received promotion as Lower Selection Grade Office Assistant on 11-3-1983. The affidavit recites that there was some litigation between a relative of the applicant, Sri N.Chandrasekhara Lingam who appeared for selection to Indian Administrative Service in 1981. The inquiries in regard to the caste of Chandrasekhara Lingam resulted in the State Government issuing G.O.Ms.No.51 Social Welfare (J) Department dated 20-3-1984 declaring that the said Chandrasekharalingam is not a member of the Scheduled Caste community. This was followed by the Government of Andhra Pradesh. Memo.No.543/J2/84-1 dated 3-4-1984 which was communicated to all the Collectors and all the Sub-Collectors/R.D.Os. declaring that there was no Beda jangam in Andhra Area and it was highly doubtful whether there were any Beda (Budaga) jangams in Telangana area also. the applicant is aware that consequent on the issue of G.O.Ms.No.51 dated 20-3-1984 and Memo No.543 dated 3-4-1984 the impugned order dated 2-5-1984 was issued by the first respondent holding that the applicant is not a member of the Beda Jangam Community and cancelling the memo dated 6-3-1982 treating the applicant as Scheduled caste. This was followed by the order dated 8-5-1984 issued by the second respondent treating Memo.No.B/55 dated 6-3-1982 as cancelled. The applicant has stated in his affidavit that the earlier orders of the Government of Andhra Pradesh in G.O.ms.No.51 dated 20-3-1984 and Memo No.543/J2/84-1 dated 3-4-1984 had

been questioned in W.P.No.7356 of 1984 before the High Court. It is contended that the said orders of Government of Andhra Pradesh are illegal and apart there from the impugned orders dated 2-5-1984 and 8-5-1984 were issued without notice to the applicant and therefore, they are liable to be set aside.

3. On behalf of the respondents 1 and 2 a counter has been filed denying the contentions of the applicant that the orders issued by the Government of Andhra Pradesh are illegal. It is further stated that no show cause notice need be issued since the cancellation was done as per the order of the Andhra Pradesh Government after thorough enquiries. It is contended that there were no Beda Jangam people at all in the costal districts of Andhra Pradesh and consequently the applicant cannot complain of the violation of the principles of natural justice. For these reasons it is averred in the counter that the application may be dismissed.

4. A separate counter has been filed on behalf of the respondent No.3 state of Andhra Pradesh, contending that the Memo dated 3-4-1984 is quite legal, that it is according to the Presidential order, that it was issued after proper notice to the said Chandrasekharalingam and consequently orders were issued cancelling the caste certificate issued to Chandrasekharalingam and that the orders of the Government of Andhra Pradesh holding that there is no Beda Jangam Community in costal Andhr Area proper and valid.

5. We have heard the arguments of the learned counsel for the applicant Sri Mohanreddi and the learned counsel for the respondents 1 and 2 Shri Naram Bhaskararao, Addl. Central Govt. Standing Counsel. Shri Mohanreddi has brought to our notice the decision of the High Court of Andhra Pradesh reported in 1985(1)

A.P.L.J. Page 252 where in the High Court had adjudicated upon the writ petition filed by Sri Nagam Chandrasekharalingam questioning the G.O.Ms.No.51 Social Welfare (J) Department dated 20-3-1983 and Memo No.543/J2/84-1, dt-3-4-1984. The High Court had quashed the orders on the ground that the Commissioner of Social Welfare, Government of Andhra Pradesh had examined and recorded the statements of witnesses behind the back of the affected party and no examination or cross examination of such persons was allowed. It is also brought to our notice that the matter was carried in appeal to the Supreme Court and that the Supreme Court by its Judgement which was reported in A.I.R. 1988 S.C.1309 had confirmed the decision of the High Court of Andhra Pradesh. The impugned order dated 2-5-1984 reads as follows:-

"Whereas Sri R.Venkateswarlu, L.S.G.P.A. Ongole Division, who was originally recruited as O.c.in 1958 got himself declared as S.C. during 1982 by producing a bogus "Beda Jangam" caste certificate and claiming as belonging to S.C.vide S.S.P.Os. Ongole Memo No.B/55 dated 6-3-1982 whereas the undersigned having satisfied that the Government of Andhra Pradesh has come to the conclusion the basis of the report of the Commissioner of Social Welfare that there is no caste by name "Beda Jangam" in coastal districts and much less in Prakasam District and the caste certificate produced as found to be bogus.

Therefore, the undersigned hereby order to cancel the Memo.No.B/55 dated 6-3-1982 issued by S.S.P.Os. Ongole treating Sri R.Venkateswarlu as S.C.

6. This order discloses that the 1st reespondent had acted as merely upon the decision of the Government of Andhra Pradesh

n Memo dated 3-4-1984 and G.O.Ms.No.51 dated 20-3-1982 treating the applicant as a member of the scheduled caste. Shri Bhaskara Rao has produced the record relating to the issue of these orders. It is seen from the said record that the Director of scheduled caste and scheduled tribes, Government of India had addressed the first respondent stating that in view of the issue of G.O.Ms.No.51 dated 20-3-1984 issued to Shri Chandrasekhara Lingam, it would follow that a false certificate had been obtained by the applicant herein and requested that the action may be taken against the applicant.

It was as a consequence to this letter that the impugned order dated 2-5-1984 and consequential order dated 8-5-1984 have been issued. Since the orders relied upon by the applicant viz., orders of the Government of Andhra Pradesh have been set aside by the High Court and the Supreme Court, it would follow that the impugned order dated 2-5-1984 is clearly illegal and without any basis. Further, in the absence of a notice having been given to the applicant before action was taken to deny the applicant of the benefits claimed renders the impugned orders as per se illegal. For these reasons, the application is allowed and the impugned order No.ST.PF/LSG/RV/Ongole dated 2-5-1984 and the consequential order No.8/20 dated 8-5-1984 are quashed and set aside. There will be no order as to costs.

Sd/- G.Venkata Rao,
Deputy Registrar (J).

// True Copy //

Section Officer (J).

To

Director of Postal Service, A.P.Southern Region Kurnool,

Kurnool Dist.

Sr. Superintendent of Post Office, Prakasam Division, Ongole.
The Secretary, Social Welfare Department, Govt. of A.P. Secretariat, Saifabad, Hyderabad.

One copy to Mr.C.V.Mohan Reddy, Advocate, 1-10-249/2,
Ashoknagar Extn.Hyderabad.

One copy to Mr.N.Bhaskar Rao, Addl.CGSC, CAT, Hyderabad.

One copy to Honble Mr.D.K.Chakravorty, Member(Admn),
CAT, Hyd.

One spare copy.

ANNEXURE - 10

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Social Welfare Department - Issue of Caste and Community Certificates in respect of Scheduled Castes - Officers competent to issue such certificates - Further - Instructions - Issued.

SOCIAL WELFARE (J) DEPARTMENT

G.O.Ms.No.204

dated:23rd September, 1985

read the following :-

G.O.Ms.No.380, E.&SW Dept., dt.17-10-1975.

* * *

ORDER :

In the G.O. read above, orders were issued that in future the Gazetted Officers serving under the Govt. of Andhra Pradesh including those in Municipalities and in the Hyderabad Municipal Corporation shall be competent to issue community certificates for scheduled castes, scheduled tribes, and Backward Castes.

2. It has been noticed by Govt. that a large number of false

Scheduled Caste certificates are being issued in respect of those communicated which are relatively small in number and also relatively more backward.

3. Government after careful consideration and in partial modification of the orders issued in G.O.Ms.No.880, Employment and Social Welfare Department, dt.17-10-1975 direct that the caste/ community certificate in respect of the following scheduled caste communities should be issued only by a Revenue Officer not below the rank of Revenue Divisional Officer/ Sub-Collector in whose jurisdiction the native place of the candidate is situated.

- | | |
|---------------------------------|--------------------------------|
| 1. Anamuk | 2. Aray Mala |
| 3. Arwa Mala | 4. Bariki |
| 5. Bavuri | 6. <u>Beda (Budaga) Jangam</u> |
| 7. Bindia | 8. Byagara |
| 9. Chachati | 10. Chalavadi |
| 11. Chamar, Mochi, Muchi | 12. Chambar |
| 13. Chandala | 14. Dakkal, Dokkalwar |
| 15. Dandasi | 16. Dhor |
| 17. Ellamalawar Ellamalavandulu | 18. Ghasi, Haddi, Relli. |
| 19. Godagali | 20. Godari |
| 21. Gosangi | 22. Holey a |
| 23. Holey a Dasari | 24. Jaggali |
| 25. Jambavulu | 26. Kolupulavandlu |
| 27. Madasi Kuruva, | 28. Madiga Dasu Mashteen |
| 29. Mahar | 30. Malahannai |
| 31. <u>Malajangam</u> | 32. Mala Mashti |
| 33. mala Sanyasi | 34. Mang |
| 35. Mang Garodi | 36. Mashti |
| 37. Matangi | 38. Mahtar |

- | | |
|--------------------------|-----------------------|
| 39. Mitha Ayyalwar | 40. Mundaia |
| 41. Paky, Moti, Thoti | 42. Pambada, Pambanda |
| 43. Pamidi | 44. Samagara |
| 45. Samban | 46. Sapru |
| 47. Sindhollu, Shindolu. | |

In respect of these communities the enquiry officer shall specifically examine whether the community to which the applicant belongs does suffer from the social discrimination of untouchability in order to establish the correct identify of the community.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.R.SANKARAN,
PRL.SECRETARY TO GOVERNMENT.

To

All Dist. Collectors,

All Secretaries to Government (All Depts. of Sectt).

Copy to:

Director of Social Welfare, Hyderabad.

Director of Tribal Welfare, Hyderabad.

Director of B.Cs.Welfare, Hyderabad.

All Heads of Departments.

Director of SCs/STs

Govt. of India, Madhura Nagar, Yousufguda, Hyd.

SF/SC.

// true copy //

ANNEXURE - 11

Sri Alugu Chittaranjam (C.P.M.), Dr. M.Balakrishna (T.D.P.)
Sri Subbareddy (Congress) Sri M.Bagareddy (Congress)
Sri.D.China Mallaiah (C.P.I.) Sri U.Sambaiah Etc., legislators on
15.7.1986 questioned the G.O.Ms.No.204 Social Welfare (J) De-

partment dated 23.9.1985, basing on untouchability, certificates are ordered to be issued to 47 castes namely Beda (Budaga) Jangam, Mochi etc., as injustice and illegal in the legislative assembly.

Smt. Prathiba Bharathi, the then minister for Social Welfare Department, agreed as correct and as it injurious to the S.C. People and issued another G.O.Ms.No.122 Social Welfare (J1) Department dated 6.6.1986 deleting untouchability para in G.O.Ms.No.204 Social Welfare (J1) Department dated 23.9.1985.

ANNEXURE -12

GOVERNMENT OF ANDHRA PRADESH ABSTRACT

Social Welfare Department - Issue of Caste/Community Certificates in respect of Scheduled Castes - Revised - Orders - Issued.

SOCIAL WELFARE (J1) DEPARTMENT

G.O.Ms.No.122,

Date: 6-6-1986.

Read:

G.O.Ms.No.204, Social Welfare (J) Dept., dt.23-9-1985.

O R D E R:

In supersession of the orders issued in G.O.Ms.No.204, Social Welfare (J) Dept., dated 23-9-1985 the following revised orders are issued.

2. In G.O.Ms.No.880, Employment and Social Welfare Department Dt.17-10-1975 orders were issued that in future the Gazetted Officers serving under the Government of A.P. including those in Municipalities and in the Hyderabad Municipal Corporation shall be competent to issue community certificates for Scheduled

Castes, Scheduled Tribes and backward Classes.

3. It has been noticed by Government that a large number of false Scheduled Caste certificates are being issued to in respect of those communities which are relatively small in number and also relatively more backward.

4. Government after careful consideration and in partial modification of the orders issued in G.O.Ms.No.880, Employment and Social Welfare Department, dt.17-10-1975 direct that the caste/ community certificates in respect of the following scheduled caste communities should be issued only by a Revenue Officer not below the rank of Revenue Divisional Officer/ Sub-Collector in whose jurisdiction the native place of the candidate is situated.

1. Anamuk (2) Aray Mala (3) Arwa Mala (4) Barikki (5) Bavuri (6) Beda/Budaga Jangam (7) Bindla (8) Byagara (9) Chachati (10) Chalavadi (11) Chamar Mochi, Muchi (12) Chamber (13) Chandala (14) Dakkal (15) Dokkalwar Dandasi (16) Dhor (17) Ellamalawar Ellamalavandlu (18) Chasi, Haddi, Relli, Chachadi (19) godagali (20) Godari (21) Gosangi (22) Holey (23) Holey Dasari (24) Jaggali (25) Jambavulu (26) Kolupulavandlu (27) Madasi, Kuruva, Madari Kuruva (28) Madiga Dasu Mashteen (29) Mahar (30) Malahannai (31) Malajangam (32) Mala Mashti (33) Malasanyasi (34) Mang (35) Mang Garodi (36) Mashti (37) Matangi (38) Mehtar (39) Mitha Ayyalwar (40) MUNDLA (41) Paky, MOTi, Thoti (42) Pambada, Pambanda (43) Pamidi (44) Samagara (45) Samban (46) Sapru (47) Sindhollu, Chindollu.

5. It should be ensured that these instructions are strictly adhered to.

6. The receipt of this Government Order may please be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.R.SANKARAN,
PRL.SECRETARY TO GOVERNMENT.

ANNEXURE - 13

IN THE HIGH COURT OF JUDICATURE ANDHRA PRADESH AT HYD.

(SPECIAL ORIGINAL JURISDICTION)

THURSDAY THE TWENTY EIGHTH DAY OF SEPTEMBER

ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

THE HONOURABLE MR.JUSTICE RAMANUJULU NAIDU

WRIT PETITION NO.8040 OF 1985.

Between

Sivalanka Sreenivasa Durga Maheswara Rao,
being minor, rep. by father & natural guardian,
Sri S. Nageswara Rao, R/C Amalapuram, East Godavari dist.

Petitioner

And

1. The Government of A.P. rep. by its Secretary, Social Welfare Department, Secretariat, Hyderabad.
2. The District Collector, East Godavari, Kakinada.
3. Mandal Revenue Officer, Amalapuram Mandal, East Godavari District.
4. Convenor, Common Entrance Examinations, for B.E./B. Tech./M.B.B.S., Osmania University, Hyderabad.
5. The Jawaharlal Nehru Technological University, rep. by its Registrar, Hyderabad.
6. The Director of Social Welfare, Govt. of A.P. Hyderabad.

Respondents

(RR 5 & 6 are impleaded as per Court order dated 2.9.85 in
WPMP 12969/85.)

Sd/- K. Hemaprakash Rao,
Asst. Registrar.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed through the High Court will be pleased to issue an appropriate writ, order or direction declaring that the action of the respondents 1 to 3 here in not issuing a community certificate to the petitioner herein relying on Home No.543/32/84-1 dated 3.5.84 is arbitrary, unjust and unreasonable and violates Art.14 of the Constitution of India and issue the consequential direction to the 4th respondent herein to consider the case of the petitioner herein for admission to B.E./ B.Tech 1st year course on the strength of the community certificate issued to the petitioner on 23.6.83 by the Tahsildar, Amalapuram.

For the Petitioner : Mr. S.Venkata Reddy, Advocate.

For the Respondents No.s : The Govt. Pleader for S.W.
1,2,3,&6

For the Respondent No.4 and 5 : Mr. M.Ramaiah S.C. for JNTU

The Court made the following ORDER :

Inspite of a positive direction given by this Court on 2.9.1985 commanding the Director of Social Welfare, the 6th respondent herein, to complete the enquiry relating to the social status claimed by the petitioner as a member of the Scheduled Castes on the ground that he belongs to Beda Jangam Community within two weeks from the date of receipt of the said order, till to-day the enquiry is not completed. No counter affidavit is either filed on behalf of the 6th respondent setting out the reasons for not complet-

ing the enquiry. In as much as four years have elapsed from the date of the interim direction given by this Court and as the petitioner must be in the final year degree course of engineering, no useful purpose would be served by permitting the 6th respondent to complete the enquiry. A direction shall, therefore, issue to the 4th respondent to treat the provisional admission granted to the petitioner as final and to permit the petitioner to appear for all the examinations to be conducted hereafter and to publish his results. The writ petition is accordingly allowed. No costs. Advocate's fee Rs.150/-.

Before parting with the case, I must, however, observe that the interim direction given by this Court on 2.9.1985 was flagrantly disobeyed by the 6th respondent and no explanation whatsoever is either offered by him. His conduct must have caused a lot of mental torture to the petitioner, who has been pursuing the degree course of engineering, with the Damocles sword on his head. The Government is, therefore, well advised to take appropriate action against the 6th respondent.

Sd/- A.Eswaraiah,
Asst.Registrar.

// true copy //

To

The Chief Secretary, Govt. of A.P., Hyderabad.

The Secretary to Govt. of A.P. Social Welfare Dept.,Sectt.

Hyd.The District Collector, East Godavari at Kakinada.

The Mandal Revenue Officer, Amalapuram Mandal, E.G.Dist.

The Convenor, Common Entrance Examinations for B.E/B.Tech/
M.B.B.S. Osmania University, Hyderabad.

The Registrar, Jawaharlal Nehru Technological University,
Hyderabad.

The Director, Social Welfare Dept., A.P. Hyderabad.

One spare copy

One CD copy

The C.C's to the Govt. Pleader for SW (on usual terms) High Court of A.P.

One C.C. to Mr. S.Venkatesreddy, Advocate (O.P.U.C.).

ANNEXURE - 14

GOVERNMENT OF ANDHRA PRADESH

SOCIAL WELFARE (J) DEPARTMENT

Memo No.1030/01/88-5 dated 23.3.1989.

Sub: Social Welfare - Caste Certificates Issue of Scheduled Castes Certificates to the persons claiming to belong to Beda Jangam/ Buddaga Jangam certain instructions issued.

Ref: G.O.Ms.No.289, SW(J2) Dept., dt. 28.11.1986.

* * *

The State Government have had detailed enquiries caused into the matter of social status of persons claiming to belong to Beda (Budaga) Jangam, which stands included in the list of Scheduled Castes of Andhra Pradesh. The facts that have come to light during the said enquiries are set out below.

In the scheduled castes and scheduled tribes (Modification) order, 1956, Beda (Budaga) Jangam was enumerated as a scheduled caste as it existed in the districts of erstwhile Telangana area namely, Hyderabad, Medak, Khammam, Mahaboobnagar, Nalgonda, Warangal, Nizamabad, Karimnagar and Adilabad dis-

tricts. The position continued to be the same till 1976, when the area restriction was removed by the scheduled castes and scheduled tribes order (Amendment) Act, 1976, extending the operation of the provision to the other parts of the State so that a few families of Beda (Budaga) Jangam living elsewhere in the state can get the benefits meant for scheduled caste.

The records show that Beda (Budaga) Jangams are traditional hunters, fowlers and also cultivators/ agricultural workers. They are invariably non-vegetarians. Some of them, it is reported, eat all sorts of small animals like rats, squirrels and even carrion. They were found only in a few villages living on the periphery. They were allegedly treated as untouchables. The population of these people according to Census figures was 1840 in 1961, and 1932 in 1971 in Telangana area. No records mention that a community by name Beda Jangam/Budaga Jangam existed in Andhra Area. Even in Gazettes of Nellore, Kurnool and Guntur, the Beda/Budaga Jangams find no place.

The Government received complaints that several persons not belonging to scheduled castes but belonging to Jangam Community are obtaining scheduled caste certificates claiming to be Beda (Budaga) Jangam, because of the similarity between the names at the two castes and thereby usurping the benefits reserved for scheduled castes. It led that persons who claimed to belong to Beda (Budaga) Jangam community are in fact members of Jangam community which commands respect and stands specially superior, and they are called jangam devaras. They perform "Purohitam" to Sudras and attend to funeral and death ceremonies of Sudras including some scheduled castes, like Mala and Madiga of Shaivait background. They blow conches and ring a big bell while

performing the above rites. The people of the jangam community are also in various walks of life such as government service, trade and business and cultivation. A few people of jangam caste are rich, while many of them belong to middle class and lower income brackets. They live along with people of other castes in the main localities of the town and villages and they do not suffer any discrimination in this regard. They were never treated as untouchables.

They draw water from the wells used by upper caste Hindus. They were free to enter temples. They are priests in Mallikarjunaswamy temple in Srisailem belong to this community. They are traditionally vegetarians. They inter-dine with caste Hindus. They take only dry ration from the scheduled castes and Sudras like Dhobis, barbers etc., when they render religious service to them.

The Jangams referred to above, who are treated as a backward class are thus different from Beda Jangam/Budaga Jangam people who were enumerated as a scheduled caste, in regard to their way of life, habitation, culture, social status and food habits etc., One is very different from the other.

The field enquiries further revealed that members of the aforesaid Jangam Community are taking undue advantage of the similarity in nomenclature of these two castes and started styling themselves as Beda./Budaga Jangams from the time of removal of area restriction in 1976, with the ulterior motive of the benefits of scheduled caste, by systematic and sustained efforts through an association formed for the purpose. As a result Beda Jangam (Scheduled) certificates were obtained by a number of persons of Jangam Community, a non-scheduled caste community, by mis-

representation, for admission into educational Institutions including professional colleges and appointments in Govt. service etc., thus depriving genuine. scheduled caste persons of the benefits meant for them.

In view of the above position, it has become imperative to cause thorough enquiries keeping in view the distinguishing features of the two communities outlined in the preceding paragraphs and decide the genuineness of the claims in cases where such certificates have already been issued and also in cases where such certificates are asked for.

Though generally speaking Beda/Budaga Jangam community is not found in the Andhra Region of the State, there may be stray cases of Beda/Budaga Jangam families living in those areas also. Therefore, great care should be taken by the authorities concerned in identifying the genuine persons of the community before issuing scheduled caste certificates already issued are referred to for verification, the authorities should cause a detailed enquiry into each case giving opportunity to the candidate to be heard and statements if any should be recorded in his presence. The basis on which the conclusion regarding the social status of the candidate was arrived at should be mentioned intact for reference inspection if any in future by higher authorities. In cases where the claim is found to be false, further action should be taken as laid down in the G.O.cited.

All the Collectors & District Magistrates are requested to ensure that the above procedure is scrupulously followed in verifying the social status of the candidates claiming to belong to Beda/Budaga Jangam Community and that the Beda/Budaga Jangam

scheduled caste certificates are issued to only genuine persons in accordance with the orders issued in the G.O. cited.

Sd/- R.K.R.GONELA,

SECRETARY TO GOVERNMENT.

// true copy //

ANNEXURE - 15

THE HIGH COURT OF JUDICATURE ANDHRA PRADESH AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE TWENTY SEVENTH DAY OF JULY ONE THOU-
SAND NINE HUNDRED AND NINETY FIVE

PRESENT

THE HONOURABLE MR. JUSTICE P.RAMAKRISHNAM RAJU
WRIT PETITION NO.13606 OF 1995.

Between

1. M.Viswanadha Sastry
S/o Ramalinga Sastry,
2. Umamaheswaraiah,
S/o Late Sangayya Garu,

Petitioners

And

The Revenue Divisional Officer,
Kurnool, Kurnool District.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, declaring that the Order of the respondent in R.Dis.No.2021/95 dated 20.6.1995 is null and void as the same is vitiated by non-application of mind and violation of Principles of

Natural Justice and also Articles 14 and 21 of the Constitution of India and the consequential direction to the respondent to issue Caste Certificate to the petitioners children, as prayer in accordance with law as laid down by the Supreme Court.

Counsel for the Petitioner	:	Mr.C.V.Mohan Reddy &
Counsel for the Respondent	:	S.Srinivasa Reddy,
Respondent	:	G.P. for Revenue

The Court at the stage of admission made the following ORDER:

ORAL ORDER :

This writ petition is filed seeking for a declaration that the Memo.in R.Dis. No.2021/95 dated 20.6.1995 is null and void, and consequently direct the respondent to consider the claim of the petitioners for issuance of social status certificates in accordance with law.

Both the petitioners are related and they belong to Beda Jangam Community. In fact, the second petitioner's father was recognized as Beda jangam even while he was studying in High School during the years 1914 to 1920. The School Leaving Certificate of the second petitioner's father clearly shows this and his caste was described as Beda Jangam. The second petitioner was also shown as Scheduled Caste (Jangam) without mentioning as Beda jangam specifically in his school record. In order to establish that they belong to Beda Jangam Community, they have also filed certificates issued by Peetadhipati, who administers Deeksha to the community members. In spite of this evidence, the respondent has simply rejected the claim of the petitioners without applying his mind by his proceedings dated 20.6.1995.

Sri S.Venkata Reddy, the learned Senior Advocate appear-

ing for the petitioners submits that the impugned order is illegal since the respondent did not consider the School Leaving Certificate belonging to the father of the second petitioner as well as the certificates produced by the petitioners. In fact, the Supreme Court in a recent decision has held that the description of the students in the School Leaving Certificate has got a great probative value. The respondent has merely relied upon a memo issued by the Government vide Memo.No.1030/J185/5 Social Welfare Department, dated 23-3-95 which prescribed certain untenable restrictions. In fact, according to the learned Senior Advocate, similar restrictions imposed by the Karnataka Government were held to be invalid and untenable by Karnataka High Court in several Judgements. Therefore, there should be a direction to the respondent to consider the claim of the petitioner in the light of the guidelines issued by the Supreme Court in MADHURI PATEL VS.ADDL. COMMISSIONER, TRIBAL DEPARTMENT (AIR 1995 SUPREME COURT 94).

Heard the learned Government Pleader.

The School Leaving Certificate produced by the petitioners relates to the second petitioner's father for the period 1914 to 1920 when the question of reservation was not thought of, has to be presumed that it contains correct information, and therefore, the said document has got high probative value and the same should be received as clinching evidence. The memo dated 23-3-1989 relied on by the respondent cannot be accepted. The conditions prescribed therein are unreasonable and untenable. The respondent has to decide the issue in the light of the certificates produced by the petitioner without reference to the memo dated 23-3-1989. The Supreme Court in the above judgement has given

certain guidelines.

Having regard to the circumstances, I direct the respondent to hold enquiry after giving the petitioners an opportunity to produce material and also taking into consideration the certificate mentioned above having regard to the guidelines issued by the Supreme Court in the said judgement and issue necessary certificates if they are otherwise entitled to without reference to the memo dated 23-3-89, within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of at the stage of admission.

Sd/- J.Satyanarayana Murthy,
Asst. Registrar.

// True Copy //

To

The Revenue Divisional Officer, Kurnool, Kurnool District.

Two CC's to the G.P.for Revenue H.C. of A.P., Hyd.

CD Copy.

CC to Mr. C.V.Mohan Reddy Advocate (O.P.U.C.)

ANNEXURE - 16

Copy of Lr.No.1/10724/92, dt 8.8.94 from Asst.Collector, Bodhan, addressed to the Collector, Nizamabad.

* * *

Sir,

Sub: Verification of caste of Smt.M.Anuradha, D/o Naga
Lingam, R/o Bodhan - Further report submitted.

Ref: 1. This Office Lr.No.Even dt.14.12.93

2. Collr.Nzb. Lr.No.D6/12137/89, dt.16.1.94

3. This Office Lr.No.Even dt.25.2.94
4. Collr.Nzb.Lr.No.D6/12137/89, dt.9.3.94
5. This Office Lr.No.Even dt.24.3.94
6. Collr.Nzb.Lr.No.D6/12137/89 dt.21.4.94.

* * *

I invite kind attention to the reference cited above. I submit that I have conducted a detailed enquiry into the caste of Smt.M.Anuradha, D/o Naga Lingam, R/o Bodhan.

During the course of enquiry, she has produced the following persons as witnesses, whose statements were recorded.

- i) R.P.Siddaiah, Head Master, Girls Primary School, Bodhan,
- ii) Chandra Shekar Swamy, Purohit, R/o Jangampally Do.
- iii) Parbhaiah, Retired Teacher, R/o Jangampally, Do.

Further, she has also produced the statements of the following relatives also :

- i) G.Janardhan Lingam, her Husband.
- ii) G.Bheemeshwar, Father-in-law of brother of Smt.M.Anuradha.

A detailed statement was filed by Rachamalla Venkatesh warlu, President of A.P.Beda Jangam Sangam, Ongole.

All the above statements given a detailed description of Beda Jangam caste members and claim that Smt.M.Anuradha belongs to that caste. The main characteristics are culled out from the above statements.

- i) They are Vibhutidars
- ii) They perform funeral rites of Mala, Madiga & others
- iii) During performance of funeral rites, they blow Shanku and ring bells in front of the dead body.
- iv) They are non vegetarians

- v) .They act as purohits
- vi) The bodies of those caste people are kept in sitting position in a specially erected Mandapam and bells are ringing.
- vii) The dead bodies are buried in the same sitting position.

Statements of M.Gangadharappa, Bheemeshwar and Papa Rao were recorded in front of Sri M.Srinivas, brother of Smt. M.Anuradha. From these statements, I came to conclude that due to advantage of education and a job, the caste of Smt. Anuradha, never suffered the disability of untouchability. However, the traditional custom of Beda Jangamas, rites associated with death, ceremonies were followed.

Considering all the above statements, the following characteristics of Smt.Anuradha, family are clear :

- i) They are non-vegetarians
- ii) They have special rites associated with their death ceremonies, such as, keeping the body in sitting position in a Mandapam and burying it in the same position, blowing conches, and ringing bells before the dead body.

In view of the above facts, I am satisfied that the caste of Smt. A Anuradha is Beda/Budaga Jangam. The issue was decided as per the guidelines issued by the Hon'ble High Court in the Judgement given in S.C.Kotaiah & Others V/s. Dist.Collector, Nellore & Others in W.P.No.9967 of 1987 dt.15th June, 1991.

Yours faithfully,
Sd/-Assistant Collector,
Bodhan,

// True Copy //

Sd/- 2.9.94

Superintendent

ANNEXURE - 17

**IN THE HIGH COURT OF JUDICATURE: ANDHRA
PRADESH AT HYDERABAD**

(SPECIAL ORIGINAL JURISDICTION)

Tuesday the Twentyeth day of August

One thousand nine hundred and ninty six

PRESENT :

The Honourable Sri Justice M.H.S.Ansari.

Write Petition No.19083 of 1994

Between

K.Shankaraiah

Petitioner

vs.

- 1. The District Collector
Cuddapah, Cuddapah District**
- 2. The Revenue Divisional Officer,
Cuddapah, Cuddapah District**
- 3. The Mandal Revenue Officer
Valluru Mandal, Cuddapah
District**

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to issue a Writ, order or direction, declaring the action of the 2nd respodent in refusing to issue a Community Certificate to the petitioner belongs to BEDA JANGAM (Scheduled Caste) is null and void as the same is arbitrary, unreasonable and unjust and is violative of principles of natural justice and also the fundamental rights guaranteed to the petitioner under Article 14 and 21 of the Constitution of India and issue the

consequential direction to the 1st respondent herein to the petitioner claim for the issue of Certificate that petitioner belongs to Beda Jangam community enquired into by any other Revenue Divisional Officer or Sub-Collector or by himself and issue the Certificate.

COUNSEL FOR PETITIONER : Mr.S.Rajeswara Reddy
COUNSEL FOR THE RESPONDENTS : Govt. Pleader for Social
Welfare

The Court made the following : ORDER

JUDGEMENT

By orders dated 6.2.1996 while dismissing the Miscellaneous petition, the Court directed that the Writ Petition being the year 1994, it should be posted for final hearing on 27.2.1996.

Learned counsel for the petitioner has brought to my notice a judgement of a learned single Judge of this Court in W.P.No.9967 of 1987, dated 15.6.1991 which applies on all fours to the instant case and I have therefore considered it appropriate to dispose of this Writ Petition with similar directions as issued in the aforesaid Writ Petition No.9967 of 1987.

The petitioner in the instant case has questioned the proceedings of the Revenue Divisional Officer L.Dis.No.4025/92, dated 1.5.1993 of the Revenue Divisional Officer, Cuddapah rejecting the application of the petitioner for issue of "BEDA JANGAM" caste Certificate. The said order is based upon the discreet enquiries on occupation, tradition and background of the family of the petitioner in the light of the Government Memo No.542/J2/84-1, Social Welfare (J) Department, dated 3.4.1984.

In the judgement referred to above, in W.P.9967 of 1987, a

similar question was considered wherein the orders were passed by the District Revenue Officer placing reliance in his report on the aforesaid Memo dated 3.4.1984. This Court observed that the said Memo was quashed by this Court in 1985(1) APLJ 252 - (1) and the same was upheld by the Supreme Court in STATE OF A.P. vs N.CHANDRA SEKHAR - (2) and in the light of the same, the impugned orders were set aside and fresh enquiry was directed to be conducted into the social status of the petitioner by an officer not below the rank of Sub-Collector.

In the instant case, as noticed above, the impugned orders are passed by the Revenue Divisional Officer and is based upon the aforesaid Memo dated 3.4.1984 which was held invalid. Fresh enquiry has therefore to be directed to be conducted in the case of the petitioner also with similar guidelines as has been specified and laid down in the Writ Petition No.9967 of 1987 in the instant case also.

Accordingly, it is directed that the respondents shall cause an enquiry into the social status of the petitioner by an officer not below the rank of Sub-Collector, keeping in view the following guidelines while enquiring into the matter.

The Certifying officer should verify the following points while issuing caste community certificates to the SC/STs and BCs.

1. That the person and his parents actually belong to community claimed.
2. That this community is included in the presidential order specifying the SC/ST in relating to the concerned state.
3. That the person belongs to that state and to the area within that state in respect of which the community

has become scheduled.

4. If the person claims to be an SC, he should prefer either Hindu or the Sikh religion.
5. If the person claims to be an ST he may prefer any religion.

In respect of BEDA JANGAM Community the following are the synopsis.

BEDA JANGAM

Introduction : There are three sub-castes in Jangam community. They are (1) Bada (Budaga) Jangam (2) Mala Jangam, (3) Jangam, Previously, there were no special concessions in Educational Institutions and appointments in Andhra Region recognising the sub-castes in Jangam Community. Hence all persons belonging to any of the sub-castes were being called a Jangam or Jangalu and certificates were being issued without mentioning any sub-caste. The Jangam or Jangalu caste people were also not particular for mentioning their sub-castes. Now Bada Jangam are recognised as S.C. in Andhra Districts and included in the list of S.C.s as per G.O.Ms.No.838, dated 15.12.1997 the sub-caste according to their traditional occupations, habits and customs of Bada Jangam is identified and hence these guidelines are furnished hereunder :

THE TRADITIONAL OCCUPATIONS : HABITS AND CUSTOMS OF BEDA JANGAMS :

Bada Jangams are Vibhuthidharies, main traditional occupation of Bada Jangams is performing funeral rites (death ceremonies) in the houses of sudras, Girijans, B.Cs, Malas, Madigas and other SCs. They follow the corpse in any of the families, Bada Jangams will be blowing conch (Sankhu) and ringing bell in front

of the corpse to the burial ground. After cremation, Beda Jangam will return along with relations of the deceased to the house of deceased. Beda Jangam will be paid by some of the relatives of the deceased at the rate of "Beda Coin" worth two annas equal to present twelve paise. Beda Jangam will take food in those families except Malas and Madigas. He brings food to his family members after eating food. This is main traditional hereditary/custom.

One of the avocations of Beda Jangam is to tell stories and recites some legends i.e., Burra Kathalu known as Jangam Kathalu, At the time of narrating stories, they use "Thambura" and Budaga (Dinki known as Gummeta) since Beda jangam need "Budaga at the time of telling stories. Beda jangam is also called Budaga Jangam. Beda Jangam is loosely called by General term "jangam or Jangalu". Beda Jangam is segregated from Higher Castes Hindus namely Brahmins, Kshatriyas and Vysyas etc., They are 99% non-vegetarians. Widow marriages are permissible in the caste. Kanyasulkam Bride Price "Voli" Rs.9/- to Rs.25/- are prevalent in the caste.

The income of the Beda Jangam by attending to funeral rites (death ceremonies) with Sankhu and Ganta and by narrating Jangam Kathalu with Tambura and Budaga was not sufficient for maintaining the family and so, Beda jangam had to resort to agricultural labour, other works and beg alms from all houses including Malas, Madigas in Makara Sankranti days only. Some of the Beda Jangams have Talari jobs (village servants) as hereditary. They are Misram Saivites but of late they are not performing Siva Pooja regularly. Jangamayyalu, who worship "Lord Siva" three times a day. Jangams are purely vegetarians like Brahmins and Vysyas. They will not perform funeral rites (death ceremonies) as

Beda Jangams in the village. They use Sanku and Ganta at the time of Siva Pooja only. They are "Gurus" of Saivite sects. They are begging from their disciples (Sishyas) since ancient days. Now it has become their Traditional Occupation ie. begging.

Guidelines are taken from "Census of India, 1961, Volume II Andhra Pradesh Part V B (10)". Ethnographic notes on Scheduled Castes (1) Mala Jangam and four S.Cs (2) Detailed enquiry reports of District Collectors and the Director of Social Welfare, A.P., Hyderabad. [Mala Jangam was synonyms (Generic or local name) of Beda (Budaga) Jangam in Medak, Nizamabad and Adilabad Districts, vide scrutiny of Suggestions received during 1961 census for recognition of synonyms, Generic names etc., of SC & ST.

The Certifying Officer should cause necessary enquiries in the concerned village to verify the veracity of the information and genuineness of the claim and documents furnished by the applicant.

In as much as fresh enquiry is directed to be conducted, it would be in the interest of justice to give the petitioner an opportunity to participate in the enquiry. The Enquiry Officer is directed to issue notice of the enquiry to the petitioner and consider his representation. If the petitioner produces any evidence the same should also be taken on record and considered while giving the report. On the basis of the report given by the officer, as directed above, if the petitioner is found that they belong to Beda Jangam, a Caste Certificate may be issued to him. If it is found that the petitioner do not belong to Beda Jangam Caste, it goes without saying that his claim will be rejected.

The above exercise shall, however, be completed expeditiously and preferably within six months from the date of receipt of

a copy of this order.

With the directions as above, the Writ Petition is accordingly allowed. But, in the circumstances without costs.

ANNEXURE - 18

ILR 1996 KAR 2672

HARI NATH TILHARI, J

Kulkarni Geeta M.vs The State of Karnataka & Others*

A) CONSTITUTION OF INDIA- Article 16(4) - petitioner claiming reservation as Scheduled Caste being "Beda Jangama", sub-caste of Veerashaivas and getting employment in bank - State issuing circular disputing her claim - held, circular illegal and ultra-vires Article 341 of the Constitution.

B) CONSTITUTION OF INDIA - Article 341 - Parliament alone has powers to amend the Constitution (SC/ST) Order, 1950 as amended by the Amendment Act, 1976 - State issuing circular that "Beda Jangama" not belonging to SC, & prosecuting petitioner for getting employment under SC certificate - held, prosecution liable to be quashed.

CASES REFERRED

AT PARAS

1. AIR 1936 Privy Council 253 - *Nazeer Ahmed vs King Emperor* (Foll 9)

2. AIR 1964 SC 358 - *State of U.P. vs Singhara Singh* (do 9)

Sri Praveen Kumar Rajkote, Advocate for Petitioner,

Sri A.V.Sreenivasa Reddy, Additional, G.A. for R-1 to 3,

Sri Ram Mohan Reddy, Advocate for R-4

ORDER

Hari Nath Tilhari J,

By this Petition under Articles 226 & 227 of the Constitution of India, the Petitioner has prayed for issuance of a writ of mandamus or writ

of certiorari or direction in the nature of mandamus holding the Circulars dated 22-7-1978 - Annexure-D and 5-8-1978 Annexure-E, to be illegal, null and void as well as to be without any authority of law.

The Petitioner has further sought the relief for issue of writ of mandamus declaring the Petitioner to be belonging to the Schedule Caste being Beda Jangama, a sub-caste in Veerashiva religion and for a direction to respondents to drop all further proceedings initiated as per Annexure-A to this Writ Petition as well as for issue of direction to respondents to forbear from holding any Departmental criminal proceedings, on the basis of Annexures D&E.

petitioner was being unnecessarily harassed and the Bank authorities were thinking of taking steps to suspend her. That Beda Jangama can also be Lingayats it's being the religious cult.

4. The learned Counsel for the petitioner submitted that a Jangama or Beda jangama could also follow the Veerashaiva or Lingayat cult of devotion and bhakti. The complainant's case has been that as the Petitioner belonged to Lingayat Community, and not Beda Jangama and falsely representing himself to be Beda Jangama, the Petitioner has obtained the certificate so the complaint.

The learned Counsel for the Petitioner submitted before me that because of G.Os. Annexures D & E, the opposite parties were taking the view that the Petitioner did not belong to Beda Jangama sub-caste or Community and has misrepresented and procured Caste Certificate and therefore. they have launched the prosecution.

5. My attention has been invited to Annexures D&E. The circular D deals with the subject of Schedule Castes and Schedule Tribes Orders (Amendment) Act, 1976, whereby, Beda Jangama and Budaga Jangama Communities have been indicated at Sl.No.19, as showing that they belong to Schedule Caste. While issuing the clarification, the State Govern-

ment also provided for certain procedures to be followed in the matter of granting of certificate in Paragraph-5. In Paragraph-5, it has been observed.

"It is also clarified that the caste "Jangam" which is a sub-caste of the Lingayat (Veerashaiva) Community is not caste declared as scheduled caste in the said Act. It is further clarified that the "Beda or Budga Jangam" is not a section of Lingayats or Veerashaivas".

6. Annexure-E to this Writ Petition referring to the circular dated 22nd July, 1978, in Paragraph-4 thereof, provides.

"In the circumstances, therefore, Government directs that the Caste Certificate produced by the candidates belonging to Jangam which is a subcaste of Ligayat (Veerashaiva) community as Scheduled Caste. Scheduled Tribes and claiming benefits available for Scheduled Castes (Scheduled Tribes should not be acted upon even though, such certificates may have been issued prior to the issue of Circular No.SWL 305 SAD 76 dated 22nd July, 1978 and these instructions should be followed scrupulously. In the earlier part of Annexure-F, It has been written that they (certificates which have been issued) should be taken not to be valid and should not be acted upon.

Learned Counsel submitted that on the basis of the two circulars, it is being said that a person belonging to Beda Jangam cannot be Lingayat and a Lingayat cannot be a person belonging to Beda Jangam or Budga Jangam, because, Jangam according to the Government Circular is a sub-caste of Lingayat. Further, the learned Counsel submitted that the Government has no jurisdiction to issue such a circular or order, because, which caste or community is to be put in the Schedule Caste list and described as Schedule Caste or Schedule Tribe, submitted by the learned Counsel, is subject to the power of the President under Clause (1) of Article 341 of the Constitution of India and later on, it is provided under Clause (2), that, parliament by law, may include or exclude the name of a

community therefore and a notification to that effect has to be issued under the law by the Government.

7. Lastly, the learned Counsel submitted that as such the Government Circular per se appears to be illegal, null and void and ultra vires of the power of the State Government.

I have applied my mind to the contentions made before me, Jangam may be a caste or part of Lingayat's cult of devotion even among Jangams, there may be various Jangams known as Beda Jangama, Budga Jangama or the like. Any person may follow a cult of bhakti. Veerashaiva or Lingayat are devotees of Lord Shiva. to say that a person belonging to Schedule Caste community cannot be a worshipper of Lord Shiva, is again to create a barrier to the effect, the worshippers of Lord Shiva or Lord Vishnu cannot come within the Schedule Caste list and mostly, it happens that a person may belong to Schedule Caste, but, in the matter of worship, there will be no hurdle in the way, as that would be against the intention, spirit of the Constitution, as the person belonging to Schedule Caste can worship the deity according to his choice. If we look to the cultural heritage of India, Kabir has been a Ram bhakt and at times, he used to say as "Ram Ki Dulhania". If we look to the Saint Gurunanak, A saint, a person belonging to sikh religion, also has been discussed as worshipper of Lord Shiva, Parvati and Ram (as a budaga Jangama or the like communities to be included in the Schedule Caste List. The Petitioner cannot and be not prosecuted or convicted on the basis of those Circulars simplicitor until and unless that Committee investigates that question and holds that these persons really did not belong to that community. In the G.O. dated 5-10-1995, it is clearly mentioned even in respect of those, to whom endorsement have been issued like the applicants that they do not belong to Beda Jangama Caste, they should also be considered by the Scrutinising Committee without giving

a decision on the question or a finding that he did not belong to the community and a decision on that question is to be given by the committee itself. So, until an order just opposite to the one granted by the Tahsildar is passed by such Committee, no prosecution need be continued nor any disciplinary proceeding be taken against petitioner on that basis of Government Order impugned.

11. With these observations, this Writ Petition is allowed. The opposite parties are directed to drop the pending proceedings, criminal or departmental or disciplinary initiated on the basis of Circular Annexure F dated 22.7.78, but, it will be open to them, if the matter goes before the State Scrutinising Committee and the Committee holds against the Petitioner, then, it may be open to the authorities to take appropriate action in the matter.

ANNEXURE - 19

GOVERNMENT OF ANDHRA PRADESH SOCIAL WELFARE (J1) DEPARTMENT

Memo.No.SP.8/J1/97-1

dt.30-4-1997

Sub: Social Welfare Department - Issue of Scheduled Caste Certificates for Bada Jangam Community on the directions of the High Court - Instructions to all the District Collectors for Implementation - Request - Reg.

Ref: 1. Govt. Memo No.543/J2/84-1, Social Welfare Department dt.3-4-1984.

2. G.O.Ms.No.51, Social Welfare (J) Department dt.20-3-1984.

3. Judgement of A.P.High Court dt.24-12-1984 in W.P.No.9548/83.

4. Govt. Memo.No.1030/Ja/88-5, Social Welfare Department dt.23-3-1989.

5. Judgement of A.P.High Court dt.15-6-91 in W.P.No.9967/87.

6. Judgement of A.P.High Court dt.27-7-95 in W.P.No.13606/95.

7. Judgement of a.P.High Court dt.20-8-96 in W.P.No.19083/94.

8. Representation from A.P.Beda Jangam Sangam dt.10-2-1997, 18-2-1997 and 2-3-1997.

* * *

The attention of the District Collectors is invited to the references cited.

2. It is to inform that in the reference first, 2nd and 4th cited, all the Collectors have been instructed to make detailed enquiries to distinguish between Beda Jangam/Budaga Jangam caste vis-a-vis Jangam/Jangalu. The High Court orders vide references 5th and 7th cited have also highlighted the same issue that is, how to differentiate between the person belonging to Bedajangam/Budgajangam/Malajangam as against Jangam/Jangalu so as to prevent the Jangam caste people from obtaining certificates as Bedajangam/Budaga Jangam which is listed as Scheduled Castes in the Presidential orders.

3. It is in the High Court Orders dt.27-7-1995 (reference 6th cited) that the Government Memo of 23-3-1989 (reference 4th cited) was treated as unreasonable and the Court ordered that the revenue authorities must verify and take into consideration the other documentary evidence and certificates etc., produced by the petitioners without reference to the Government Memo 4th cited. Similarly in the Judgement of the High Court of 24-12-1984 (reference 3rd cited) the Court quashed the Government Memo. 1st cited

dt.3-4-1984 and G.O.Ms.No.51, Social Welfare (J) Department dt.20-3-1984. The effective portion of the judgement of the High Court third cited is that the social status claim of the petitioners must be enquired further based on the other oral and documentary evidences etc., besides just the criteria mentioned in the Government Memo.1st cited and G.O.2nd cited.

4. Thus all the District Collectors are informed that Government G.O.2nd cited and Government Memo 1st cited have been quashed by the High Court in its order 3rd cited and these are not in force. The judgement of the High Court in the reference 6th cited has treated Government Memo in reference 4th cited also, as unreasonable.

5. A copy of the latest order of the High Court (reference 7th cited) is enclosed for necessary action of all the Collectors. This order lists out the distinguishing features between the Jangams and Bedajangams. The Collectors should ensure that all the relevant documentary and other evidences are examined properly and then only conclusions are drawn about the caste of the claimants. Infact detailed rules are being issued by the Government shortly, prescribing a detailed procedure of enquiry by the Scrutiny Committee at district level to establish social status claims particularly where castes have similar nomenclatures.

6. The District Collectors are requested to take necessary action accordingly in the matter.

S.RAY,

PRINCIPAL SECRETARY TO GOVERNMENT.

To

All the District Collectors (w.e.)

Copy to:

Commissioner of Social Welfare, Hyderabad (W.E.)

All the Deputy Directors , Social Welfare Department (W.E.)
All the Revenue Divisional Officers/Sub-Collectors (W.E.)
SF/Scs.

// forwarded by order //

Section Officer.

ANNEXURE - 20

From:

Shri Sunil Sharma, IAS.,
Collector & Dist. Magistrate,
Prakasam District: Ongole.

To

The All Mandal Revenue
Officers & All the Revenue Divisional Officers.

L.Dis/D3/3590/90. dated 19.6.98.

Sir,

Sub: Castes - Prakasam District - Request that appropriate guidelines issued on proper identification of (1) Jangam (OC) (2) Jangam (BC) and (3) Beda (Budaga) Jangam (SC) for their social status and consequent issue of caste certificates - Orders - Issued.

Ref: 1. Representation of Sri Rachamallu Venkateswarlu, President, A.P.Beda (Budaga) Jangam Sangam, dt.25.5.98.
2. Govt. Memo No.SPB/31/97-1 SW(J1) Dept. dt.30.4.97.

* * *

I invite attention to the reference cited. Sri Rachamallu Venkateswarlu, President, A.P.Bada (Budaga) Jangam Sangam requested that appropriate guidelines may kindly be issued to all Revenue Authorities in Prakasam District for proper identification of (1) Jangam (OC) (2) Jangam (BC) vide guidelines of B.C.Commission report 1970 (page

No.173). He further requested to issue Beda Jangam Caste Certificates on conducting thorough enquiry as per latest High Court Judgement W.P.No.190083/94, dated 20.8.1996 and Government Memo No.SP/8/31/97-1 SW(J1) Department, dated 30.4.1997 and request to avoid bogus Caste Certificates in Prakasam District.

The above appropriate guidelines in respect of Beda Budaga Jangam (SC) are in High Court Judgement W.P.No.19083/94 dated 20.8.96 alongwith Memo in second reference cited, which was already communicated to all Revenue Divisional Officers in this District vide this office L.Dis/D3/6877/97, dated 18.8.97 and request to follow the instructions carefully before the issue of Caste Certificate (Beda Jangam).

However again, I enclose herewith the appropriate guidelines in respect of (1) Jangam (OC) (2) Jangam-BC are in Page No.173 (Extract) of existing Sri K.N.Anantaraman, ICS, Chairman, B.C. Commission report 1970 is enclosed alongwith the G.O.No.11, B.C.Welfare Department dated 4.4.1997. I further request that the enquiry officer should list out the distinguishing features between Beda (Budaga) (Jangam SC (2) Jangam-BC and Jangam O.C.According to above mentioned guidelines for thorough enquiry and take the statements of elders, relatives of claimants and other relevant records are examined properly and then only conclusions are drawn about the caste of the claimants.

Yours faithfully,
sd/- M.A.AZIZ,
for Collector Ongole.

// t.c.f.b.o.//

Addl. Huzur Head Clerk

ANNEXURE - 21

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

COMMISSION FOR BACKWARD CLASSES - Representation of the A.P.Jangam Sangam, Hyderabad to delete the words "Whose traditional occupation is begging" against their caste "Jangam" appearing at Sl.No.9 of Group "A" of the existing list of Back Ward Classes and representation of A.P.Beda (Budaga) Jangam Sangam, Ongole, Prakasam District seeking for guidelines on appropriate identification of their social status and consequent issue of caste certificates - Orders - Issued.

BACKWARD CLASSES WELFARE (A1) DEPARTMENT

G.O.Ms.No.11,

dt. 4-4-1997.

Read:

1. Representation dt. 7-9-1994, from the President, A.P.Jangam Sangam, Hyderabad addressed to the A.P.Commission for Backward Classes.
2. Representation dt.5-1-1996 from A.P.Beda (Budga) Jangam Sanga, Santhapet, Ongole, Prakasam Dist.
3. Lr.No.256/BC(W)/96-1, dt.20-1-96 addressed to A.P.Commission for Backward Classes, Hyderabad.
4. From the Chairman, A.P.Commission for Backward Classes D.O.Lr.No.79/C1/96, dt.28-2-1997.
5. G.O.Rt.No.64, Backward Classes Welfare (A1), Department, dated 26-03-1997.

* * *

ORDER :

1. In Supersession of G.O.fifth read above, the following orders are issued.

2. In the representation 1st read above, the President, A.P.Jangam Sangam, Hyderabad has requested to delete the word whose traditional occupation is "begging" against their caste by name "Jangam" at Sl.No.9 in Group "A" of the existing list of Backward Classe in the circumstances stated in the representation.

3. In the representation 2nd read above, the President, A.P.Beda (Budge) Janga, Ongole, Prakasam District has stated inter-alia- that there was (1) Jangam, O.C. (2) Jangam (BC) and (3) Beda (Budga) Jangam SC and requested that appropriate guidelines be issued on proper identification of their social status and consequent issue of caste certificates thereto.

4. In the letter third read above, A.P.Commission for Backeard Classes was consulted in the matter for its advice Under section 9 (a) of A.P.Commission for Backward Classes Act. 1993.

5. Through its letter 4th read above, the A.P.Commission for Backward Classes after following the due procedure has furnished its report to Government. In the report, the Commission has recommended that there are no grounds to delete the words "whose Traditional occupation is begging" against "Jangam" caste occupying at Sl.No.9 of Group "A" of the existing list of Backward Classes. It has also recommended to Government to issue guidelines on issuance of Social status, Caste Certificates as formulated by the Supreme Court in Lavoti case with appointment modification, on priority basis.

6. The Government after careful examination of the report of A.P.Commission for Backward Classes accept the advice of Commission and decide to:

- (1) Reject the request of A.P.Jangam Sangam, Hyderabad for deletion of the words "whose traditional occupation is begging" against Jangam caste appearing at Sl.No.9 Group "A"

of the existing list of Backward Classes:

and

- (2) Issue the guidelines relating to request of A.P.Beda (Budga) Jangam Sangam seperately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D.SIVA PRASAD,

SECRETARY TO GOVERNMENT.

To

The President, A.P.Beda (Budga) Jangam Sangam, Santhapeta, Ongole, Prakasam District 523 001.

The President, A.P.Jangam Sangam, H.No.16-8-927, Sri Rangasai Apartment, Malakpet, Hyderabad.

The Member, Secretary, A.P.Commission for Backward Classes, Hyderabad.

The Commissioner, Backward Classes Welfare, Hyderabad.

Copy to the Secretary to Government, Backward Classes Welfare.

SF/SC

//forwarded by order //

sd/-

Section Officer

ANNEXURE - 22
THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

No.16 HYDERABAD, FRIDAY, MAY 16, 1997.

NOTIFICATIONS BY GOVERNMENT

* * * * *

SOCIAL WELFARE DEPARTMENT

(J 2)

BRINGING INTO FORCE OF ANDHRA PRADESH SCHEDULED CASTES SCHEDULED TRIBES AND BACKWARD CLASSES - ISSUE OF COMMUNITY, NATIVITY AND DATE OF BIRTH CERTIFICATES RULES, 1997.

[G.O.Ms.No.58, Social Welfare (J), 12th May, 1997.]

In exercise of the powers conferred by sub-section (1) of section 20 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993), the Governor of Andhra Pradesh hereby appoints 16-5-1997 as the date on which the provisions of the Andhra Pradesh Scheduled Castes, Scheduled Tribes and Backward Classes Issue of Community, Nativity and Date of Birth Certificates Rules, 1997, shall come into force in all the areas of the State of Andhra Pradesh.

Rules :

1. Short title and
 commencement of Rules:

These rules may be called the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997.

2. Definitions

In these rules, unless the context otherwise requires.

- (a) "Form" means a form appended to these rules.
- (b) "Act" means the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes, Regulation of Issue of Community Certificates Act, 1993. (Act No.16 of 1993).
- (c) "Competent Authority" means the authority specified under column (2) of Annexure-I appended to these rules, for issue of certificates to the communities specified in column (1) within the territorial jurisdiction as specified in column (3) thereof.
- (d) "Traditional Habitat" of a tribe means the area in which a tribe or part or group of that tribe is found inhabiting traditionally, on the date of notification of that tribe or part or group of that tribe as a Scheduled Tribe for the first time in the State of Andhra Pradesh.

3. **Community, Nativity and Date of Birth Certificates :**

The form for issue of Community, Nativity and Date of Birth Certificates is specified in Form III appended to these Rules.

4. **Procedure for Application :**

- (a) Every applicant/parent /guardian who belongs to a Scheduled Caste, Scheduled Tribe, Backward Class, desirous of declaring his social status as that of a Scheduled Caste, Scheduled Tribe or a Backward Class, shall submit an application in the prescribed Form I/II to the Competent Authority, well in advance i.e., six months, as far as possible, particularly when seeking admission to the educational institutions or appointment to a post.
- (b) If the applicant is a minor, the parent/guardian shall submit the application form as mentioned in clause (a) above.

5. **Procedure for Verification :**

- a) On receipt of the application, the Competent Authority or any officer authorised by him in the columns of Form I/II and, shall then give the acknowledgement slip as appended to Form I/II and, shall then give the acknowledgement slip as appended to Form I/II, in token of having received the

application. The Competent Authority shall then verify the information/documents/evidence furnished by the applicant/parent/guardian in Form I/II. If the Competent Authority is satisfied with the correctness of the information/documents/evidence furnished by the applicant/parent/guardian in Form I/II. He shall issue the Community, Nativity and Date of Birth Certificates in Form III within 30 (thirty) days of the receipt of the application in Form I/II. The competent Authority shall specify in form III the sub-caste of the SC claimant and the sub-tribe/sub-group of the ST claimant as listed out in Annexure-1 appended to these Rules.

(b) If the Competent Authority feels that further enquiry is necessary, he shall then examine the school records, birth registration certificate, if any, and also examine guardian or applicant, in relation to his/her their community. He may examine any other person who has the knowledge of the social status of the applicant/parent/guardian, as the case may be. He shall take into account, in the case of Scheduled Tribes, their anthropological and ethnological traits, deity, other customs, mode of marriage, death ceremonies/ method of burial of dead bodies etc., before issuing the Community, Nativity and Date of Birth Certificates. The Competent Authority shall have power to call for further information and/or such evidence/document and also conduct such enquiry as specified in, if deemed necessary. Notice in form IV should be issued to the guardian, in case the applicant is a minor, to appear before the Component Authority.

(c) Notice as specified in Form IV should give clear 15 (fifteen) days, from the date of receipt of the notice by the parent/applicant/guardian, to attend the enquiry, not more than 30 (thirty) days from the date of the receipt of the notice, allowed.

(d) Where the person on whom a notice in form IV is served by the Competent Authority fails to respond on the date mentioned therein, the Competent Authority may reject or confirm the claim of the person based on the document/evidence available with the Competent Authority (furnished while applying in Form I/II). He may also take into account any other material/evidence/documents gathered by him in that particular case. The Competent Authority shall cause enquiry, following due process of law, to verify the genuineness or other wise of the information/evidence/documents furnished or recorded, from such persons as called for the enquiry specified in Form IV. he may also cause to collect any other documentary or related evidence about the genuineness or otherwise of the information furnished by the persons called for in the enquiry.

(e) The Competent Authority should give reasonable opportunity to the applicant/parent/guardian to produce evidence in support of their claim. A

public notice by the beat of drum or any other convenient mode may be published in the village or locality to which the applicant/parent/guardian belongs. Any person or association opposes such a claim, opportunity to produce the evidence in person before the Competent Authority may be given to him or her. After giving such an opportunity to that person or association the Competent Authority may be given to him or her. After giving such an opportunity to that person or association the Competent Authority may make such enquiry as it deems expedient and consider claims of the applicant/guardian. However the responsibility for issue or rejection of the claim shall rest on the Competent Authority only.

(f) The Competent Authority shall requisition the services of Mandal Revenue Inspector, Village Development Officer, Village Administrative Officer or such other person as deemed necessary, to assist him in the enquiry to verify the veracity or otherwise of the community claims made by the applicant/parent/guardian. However the responsibility for issue or rejection of the claim shall rest on the Competent Authority only.

(g) In respect of the tribal communities who are not "traditional inhabitants" of the area of territorial jurisdiction of the "Competent Authority", as specified in column 3 of Annexure-I appended to these Rules, the Competent Authority shall make a reference to the District Tribal Welfare Officer concerned to provide such professional assistance as available with him or with the Tribal Cultural Research Institute, Hyderabad, to confirm or reject the claim of the applicant.

(h) The Competent Authority shall confirm or reject the claim for the Community, Nativity and Date of Birth Certificate, after conducting the enquiry as mentioned in the paras above, within a period not exceeding 60 (sixty) days from the date of receipt of the application by him in form I/II.

(i) The Competent Authority, in the cases of doubtful claims, shall refer the matter to the Chairman of the Scrutiny Committee formed at the District level under Rule 8 i.e., Joint Collector of the District, for the recommendations of the Committee, with regard to the issue of the Community, Nativity and Date of Birth Certificate as applied for by the applicants. On receipt of the recommendations of the Scrutiny Committee, the Competent Authority shall accordingly confirm or reject the claims of the applicants.

6. Burden of Proof :

It is the responsibility of the applicant to produce necessary evidence/documents while applying in form I/II to the Competent Authority and also as called for by the Competent Authority/Scrutiny and Review Committee at the State level/District Collector/Scrutiny Committees at the District level/Government, from time to time, while enquiring into the claims for the issue of Commu-

nity, Nativity and Date of Birth Certificate.

7. Scrutiny and Review Committee (State Level) :

A Scrutiny and Review Committee shall be constituted at the State Level with the following officers :

- | | | | | |
|-----|-----|--|----|----------------------|
| (a) | (1) | Principal Secretary to Government
Social Welfare Department. | -- | Chairman |
| | (2) | Commissioner, Social Welfare | -- | Member |
| | (3) | Commissioner, Tribal Welfare | -- | Member |
| | (4) | Commisisoner, Welfare of Backward
Classes | -- | Member |
| | (5) | Inspector General of Police,
C.B.C.I.D. (P.C.R.& Vigilance Cell) | -- | Member |
| | (6) | Additional Secretary/Joint Secretary/
Deputy Secretary to Government,
Social Welfare Department. | -- | Member
(Convenor) |
- (b) This Scrutiny and Review Committee shall meet once in three months or as often, depending on the necessity.
- (c) Presence of three members will form the required quorum for the meeting of the Committee.
- (d) This Committee shall review and monitor the functioning of the Scrutiny Committees at the District level constituted under Rule 8, It shall render necessary advice to the Government on various policy decisions to be taken for streamlining the procedure or on any other issues related to the issuing of Community Certificates as per Act.
- (e) The Committee may also render necessary guidance and advice to the Government on cases referred to it, where divergent and conflicting enquiry reports are received by the Government, in respect of the community claims.

8. SCRUTINY COMMITTEE (District level) :

(a) In every District, a Scrutiny Committee shall be constituted with the following officers:

- | | | | |
|-----|--|----|-------------------|
| (1) | Joint Collector | -- | Chairman |
| (2) | District Revenue Officer | -- | Member (Convenor) |
| (3) | Deputy Director (Social Welfare) | -- | Member |
| | Deputy Director (Tribal Welfare)/ | -- | Member |
| | District Tribal Welfare Officer | | |
| | Deputy Director (Backward
Classes Welfare)/District Backward
Classes Welfare Officer | -- | Member |
| (4) | Officer of the Research organisation-- | | Member |

in the Commissionerate of SW/TW
nominated by the concerned Heads
of the Departments.

- (5) Officer representing the PCR/ -- Member
Vigilance Cell in the District.
- (b) The Scrutiny Committee shall meet atleast once in a month or as often, depending on the cases referred to it.
- (c) Presence of three members will form the required quorum for the meetings of the Committee.
- (d) (1) The Scrutiny Committee, on receipt of the cases referred to it by the Competent Authority under Rule 5 (i), shall conduct enquiry regarding the doubtful claims, by giving notice in Form V to the applicant, within the period specified in the notice. This period should not be less than 15 (fifteen) days from the date of service of the notice on the applicant and in no case, on request, more than 30 (thirty) days should be allowed. This notice shall be served on the applicant through the Competent Authority who referred the case to the Committee.
- (2) The notice referred to in Form-V shall be served on the parent/guardian in case the applicant is a minor.
- (3) Where the person on whom a notice in Form-V is served by the Scrutiny Committee fails to respond on the date mentioned in the notice, the Scrutiny Committee may finalise its recommendations based on the material/documents/evidence made available to the Committee by the Competent Authority.
- (4) The Scrutiny Committee shall cause enquiry, following the due process of law, to verify the genuineness or otherwise of the information furnished or recorded from such persons as called in the enquiry as per Form V. It shall also cause to collect documentary evidence or any other related evidence about the correctness or otherwise of the information furnished or objections raised by any person during the enquiry.
- (5) The Scrutiny Committee shall examine the school records, birth registration certificates, if any, furnished by the persons during the enquiry. It may also examine any other person who may have knowledge of the community of the applicant. With reference to the claims of Scheduled Tribes, it may examine the anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies/method of burial of dead bodies etc., of that particular tribe, to finalise its recommendations to the Competent Authority.
- (6) The Security Committee should give reasonable opportunity to the applicant to produce evidence in support of their claim. A public notice by

the beat of drum or any other convenient mode, may be published in the village or locality of the applicant and if any person or association, opposes such a claim, opportunity to produce evidence in person before the Committee may be given to him or her. After giving such an opportunity to the person, the Committee may make such enquiry as it deems expedient and finalise its recommendations, with brief reasons in support thereof, to the Competent Authority.

- (7) The Scrutiny Committee shall examine the report of enquiry conducted by the Revenue Department furnished to it by the Competent Authority. It may also obtain expert opinion from the Commissionerate of Social Welfare/Tribal Welfare through the officers of the research organisations of these Commissionerates who are the members of the Scrutiny Committee, if deemed necessary. These enquiry reports may be compared and then recommendations of the Scrutiny Committee may be finalised as to whether the community claim of that applicant is found to be false or genuine.

(e) The Chairman of the Scrutiny Committee i.e., Joint Collector of the District, shall send the recommendations of the Committee to the Competent Authority stating clearly whether the community claim of the person in question or his or her children, is genuine or false with reasons thereof, within 45 days from the date of the receipt of the case referred to it by the Competent Authority.

9. **Fraudulent claims :**

- (1) Where the District Collector receives a written complaint from any person or has otherwise reason to believe that a person not belonging to a Scheduled Caste or Scheduled Tribe or Backward Class has obtained a false Community, Nativity and Date of Birth Certificate to the effect that either himself/herself or his/her children belong to such a Scheduled Caste/ Scheduled Tribe/Backward Class, the District Collector shall refer the case to the Chairman, Scrutiny Committee i.e., Joint Collector of the District (formed under rule-8), to enquire into such cases and send its findings to the District Collector.
- (2) The Scrutiny Committee on receipt of such cases referred to it by the District Collector, shall follow the procedure as listed in Rule - 8(d), (1) to (7) except that it shall serve the notice in Form VI on the person involved in the case.
- (3) The Scrutiny Committee shall in such cases cause enquiry by the Protection of Civil Rights/Vigilance Cell also i.e., through the officer representing the Protection of Civil Rights / Vigilance Cell should investigate the social status claimed by the person by sending the Inspector of

Police to the local place of residence of that person and where he/she usually resides or in case of migration, to the town or city from which he/she originally hailed from. The Inspector should personally verify and collect all the facts about the community claim of the person or the guardian or the parent, as the case may be.

- (4) Where the person on whom a notice served in form - VI fails to respond to the notice within the period specified in the notice, the Scrutiny Committee may finalise its findings based on the material made available by the District Collector i.e., enquiry report of the Revenue Department, enquiry report of the Protection of Civil Rights/ Vigilance cell and the reports of the expert/ officer of the Research Organisation of the Commissionerate of Social Welfare/ Tribal Welfare.
- (5) The Scrutiny Committee shall compare the enquiry reports of the Revenue Department furnished by the District Collector, the reports of the Protection of Civil Rights/Vigilance Cell and the reports of the expert or officer of the Research Organisation of the Commissionerate of Social Welfare/Tribal Welfare and then finalise its findings whether the Community, Nativity and Date of Birth Certificate given to the person or his/her children is genuine or otherwise.
- (6) The Scrutiny Committee shall furnish its findings to the District Collector within 60 days from the date of the receipt of the reference from the District Collector.
- (7) The District Collector shall then decide whether the certificate holder is genuine or fraudulent and in case of his having obtained a Community, Nativity and Date of Birth Certificate fraudulently, the District Collector shall pass an order cancelling the certificate issued, within one month from the date of receipt of the findings of the Scrutiny Committee and shall issue notification to that effect, to be published in the District Gazette. The District Collector shall also take necessary steps to initiate action against the Competent Authority who issued the Community, Nativity and Date of Birth Certificate to the wrong person, besides taking other action specified in Rule 15. He shall communicate the cancellation of the certificate to the educational institution/employer/ appointing authority as the case may be forth with.
- (8) In respect of the Bariki SC Community, such written complaints if received by the Collector shall be referred by him to the Government, for necessary enquiry and final action to cancel the certificate, since the District Collector is the Component Authority to issue the Community, Nativity and Date of Birth Certificate for this community.

the beat of drum or any other convenient mode, may be published in the village or locality of the applicant and if any person or association, opposes such a claim, opportunity to produce evidence in person before the Committee may be given to him or her. After giving such an opportunity to the person, the Committee may make such enquiry as it deems expedient and finalise its recommendations, with brief reasons in support thereof, to the Competent Authority.

- (7) The Scrutiny Committee shall examine the report of enquiry conducted by the Revenue Department furnished to it by the Competent Authority. It may also obtain expert opinion from the Commissionerate of Social Welfare/Tribal Welfare through the officers of the research organisations of these Commissionerates who are the members of the Scrutiny Committee, if deemed necessary. These enquiry reports may be compared and then recommendations of the Scrutiny Committee may be finalised as to whether the community claim of that applicant is found to be false or genuine.

(e) The Chairman of the Scrutiny Committee i.e., Joint Collector of the District, shall send the recommendations of the Committee to the Competent Authority stating clearly whether the community claim of the person in question or his or her children, is genuine or false with reasons thereof, within 45 days from the date of the receipt of the case referred to it by the Competent Authority.

9. **Fraudulent claims :**

- (1) Where the District Collector receives a written complaint from any person or has otherwise reason to believe that a person not belonging to a Scheduled Caste or Scheduled Tribe or Backward Class has obtained a false Community, Nativity and Date of Birth Certificate to the effect that either himself/herself or his/her children belong to such a Scheduled Caste/ Scheduled Tribe/Backward Class, the District Collector shall refer the case to the Chairman, Scrutiny Committee ie., Joint Collector of the District (formed under rule-8), to enquire into such cases and send its findings to the District Collector.
- (2) The Scrutiny Committee on receipt of such cases referred to it by the District Collector, shall follow the procedure as listed in Rule - 8(d), (1) to (7) except that it shall serve the notice in Form VI on the person involved in the case.
- (3) The Scrutiny Committee shall in such cases cause enquiry by the Protection of Civil Rights/Vigilance Cell also i.e., through the officer representing the Protection of Civil Rights / Vigilance Cell should investigate the social status claimed by the person by sending the Inspector of

Police to the local place of residence of that person and where he/she usually resides or in case of migration, to the town or city from which he/she originally hailed from. The Inspector should personally verify and collect all the facts about the community claim of the person or the guardian or the parent, as the case may be.

- (4) Where the person on whom a notice served in form - VI fails to respond to the notice within the period specified in the notice, the Scrutiny Committee may finalise its findings based on the material made available by the District Collector i.e., enquiry report of the Revenue Department, enquiry report of the Protection of Civil Rights/ Vigilance cell and the reports of the expert/ officer of the Research Organisation of the Commissionerate of Social Welfare/ Tribal Welfare.
- (5) The Scrutiny Committee shall compare the enquiry reports of the Revenue Department furnished by the District Collector, the reports of the Protection of Civil Rights/Vigilance Cell and the reports of the expert or officer of the Research Organisation of the Commissionerate of Social Welfare/Tribal Welfare and then finalise its findings whether the Community, Nativity and Date of Birth Certificate given to the person or his/her children is genuine or otherwise.
- (6) The Scrutiny Committee shall furnish its findings to the District Collector within 60 days from the date of the receipt of the reference from the District Collector.
- (7) The District Collector shall then decide whether the certificate holder is genuine or fraudulent and in case of his having obtained a Community, Nativity and Date of Birth Certificate fraudulently, the District Collector shall pass an order cancelling the certificate issued, within one month from the date of receipt of the findings of the Scrutiny Committee and shall issue notification to that effect, to be published in the District Gazette. The District Collector shall also take necessary steps to initiate action against the Competent Authority who issued the Community, Nativity and Date of Birth Certificate to the wrong person, besides taking other action specified in Rule 15. He shall communicate the cancellation of the certificate to the educational institution/employer/appointing authority as the case may be forth with.
- (8) In respect of the Bariki SC Community, such written complaints if received by the Collector shall be referred by him to the Government, for necessary enquiry and final action to cancel the certificate, since the District Collector is the Component Authority to issue the Community, Nativity and Date of Birth Certificate for this community.

- (9) The Collector or Government, either suo-moto, or on a written complaint by any person, or on request by an employer/educational institution/ appointing authority, shall enquire into the correctness of any Community, Nativity and Date of Birth Certificate already issued and if it is found that the certificate is obtained fraudulently, then the District Collector or the Government, as the case may be, shall cancel the certificate as per section 5 of the Act.

10. **Appeals :**

An appeal shall lie to the District Collector within thirty (30) days from the date of receipt of rejection orders on the application for Community, Nativity and Date of Birth Certificate passed by the Competent Authority. The appellate authority shall examine the grounds on which the appeal is filed and also receive or call for further evidence/ documents, if considered necessary, and pass such orders as the appellate authority considers fit and proper in the matter. In case of Bariki caste, the appeal shall lie to the Government against the orders of the District Collector.

11. **Review :**

(1) The Government may, on an application filed by any person aggrieved by an order passed by the District Collector under sub-section (1) of section 5 of the Act, within 30 (thirty) days of receipt of that order, review such orders if it was passed by the District Collector under any mistake, whether of fact or law or in ignorance of any material fact.

(2) Pending disposal of an appeal under rule 10 or a review under rule 11(1) above, it shall be competent for the Government to stay the operation of the order against which an appeal or review, as the case may be, is filed.

12. **Revision :**

(1) The Government either suo-moto, or on an application filed by any person aggrieved by the orders issued by the authority authorised under these rules, shall entertain such application as a revision petition, within sixty (60) days of the communication of the order passed under these Rules and pass appropriate orders in accordance with the provisions contained in section 8 of the Act, 16 of 1993.

13. **Bar of Jurisdiction of Civil Courts :**

No civil court shall have jurisdiction in respect of any order passed by any officer or authority under the Act and no stay or injunction shall be granted by a court, in respect of any action taken or to be taken by such officer or authority under the Act, in pursuance of any power conferred by or under the Act, as provided in section 17 of the Act.

14. Exercising of Powers of Civil Courts :

The Competent Authority/the Appellate Authority/the Scrutiny and Review Committee at the State Level/Scrutiny Committees at the District level/ Government shall exercise the powers of Civil Courts under the Code of Civil procedure, 1908 in summoning the witnesses as defined in section (9) of the Act in addition to

- (a) Receiving evidence on affidavit.
- (b) Summoning and examining any person or documents:
- (c) Making local enquiry and inspections.

15. Action on false certificates : (Penalties)

(a) Any person, who obtains a false Community, Nativity and Date of Birth Certificate as belonging to a community to which he does not in fact belong, shall be dealt with as per the provisions under section 10, 11, 12 of the Act.

(b) Action under sub-rule (a) above against a person shall be referred to the court of competent jurisdiction and will be initiated by the District Collector under whose jurisdiction the person obtained the false Community, Nativity and Date of Birth Certificate.

(c) The District Collector shall initiate action under section 13 of the Act against an officer who issued the false Community, Nativity and Date of Birth Certificate to any person contrary to the provisions of the Act.

16. Validity of Community, Nativity and Date of Birth Certificate :

The Community, Nativity and Date of Birth Certificate, issued by the Competent Authority in accordance with these provisions, shall be a permanent one.

17. Procedure for issuing of duplicate Community, Nativity and Date of Birth Certificate :

When the holder of the Community Certificate loses the certificate, he/she shall immediately report this to the Competent Authority. He/she shall submit an application to the competent Authority, furnishing the particulars of the original Community Certificate held by him/her. On receipt of such application, the competent Authority shall verify his records and issue duplicate Community, Nativity and Date of birth Certificates within fifteen (15) days of the receipt of the application by him/her. An affidavit on Rs.10/- stamp paper stating the circumstances in which he/she lost the original certificate must be filed alongwith the application for the issue of the duplicate certificate.

18. Complaints :

Whenever complaints are received regarding the community claim of any employee/prospective employee/ student claiming to belong to a

Scheduled Caste/ Scheduled Tribe or Backward Class, the appointing authority/ employer/ educational institution must refer the case only to the District Collector of the District from where the Competent Authority had issued the certificate. The District Collector shall in turn get it verified by the Scrutiny Committee constituted at the District level as per Rule 8. The District Collector would inform the final action to the appointing authority/ employer/ educational institution within a period of 90 (ninety) days, from the date of the receipt of the complaint by him/ her from the appointing authority/employer educational institution.

19. **Provisional admission/ appointment :**

If the last date for admission to an educational institution/ appointment to an office/post is getting expired, and there is delay in finalising the enquiry and issuing of Community, Nativity and Date of Birth Certificate by the Competent Authority, then the Competent Authority may inform the Principal of that educational institution/appointing authority/employer or such other authority competent in this behalf, to admit / appoint the candidate, on the basis of the declaration given by the candidate/parent/guardian before the Competent Authority, while applying in form I/ II as per Rule-5, for the issuance of the Community, Nativity and Date of Birth Certificate. Such admission or appointment shall only be provisional and valid for three months from the date of the communication by the Competent Authority to the Principal/ employer/ appointing authority as the case may be, and shall cease to be valid after the issuance of the community, Nativity and Date of Birth Certificate by the Competent Authority, based on the conclusion of the enquiry.

20. **Repeal :**

All the executive instructions, Government orders, Government Memoranda issued and are in force before the commencement of these Rules, shall stand annulled, without prejudice to the validity of anything previously done under those Government orders/ Memoranda or executive instructions.

21. **Savings :**

The Community Certificate issued by the Competent Authority prior to the commencement of these Rules should be treated as a valid certificate.

S.RAY,

Principal Secretary to Government.

ANNEXURE - I

Government hereby notify that the authorities mentioned below in column (2) of the table within their territorial jurisdiction as "Competent Authorities"

for issue of Community, Nativity and Date of Birth Certificate declaring the persons as belonging either to Scheduled Caste/Scheduled Tribe as per notification of the Government of India and to Backward Classes in accordance with the notification of the Government of Andhra Pradesh, issued from time to time.

	Column 1	Column 2	Column 3
	Specified Community	Competent Authorities	Jurisdiction
1.	1. BC Group:- A/B/C/D. All communities referred by the Govt., of A.P., belonging to Backward Class, A/B/C/D Groups.	All M.R.Os in the State not below the rank of a Dy. Tahsildar.	Within the territorial jurisdiction of a Mandal.
2.	Scheduled Caste : 1. Adi Andhra 2. Adi Dravida 3. Arundhatiya 4. Dom, Dombara, Paidi, 5. Madiga 6. Mala 7. Mala Dasari 8. Mala Dasu 9. Mala Sale, Netkani 10. Manne 11. Panchama, Parial 12. Relli	All M.R.Os in the State not below the rank of Dy. Tahsildar.	Within the territorial jurisdiction of a Mandal.
3.	Scheduled Caste : 1. Anamuk 2. Aray Mala 3. Arwa Mala 4. Bavuri 5. <u>Beda Jangam, Budaga</u> 6. Bindla 7. Byagara 8. Chachati 9. Chalavadi 10. Chamar, Mochi, Muchi 11. Chambhar 12. Chandala 13. Dakkal, Dokkalwar 14. Dandasi 15. Dhor 16. Eilamalawar, Yellammalawandiu 17. Ghasi, Haddi, Relli Chachandi	(All Revenue Officials not below the rank of a R.D.O./Sub-Collector/ or Asst. Collector in the State.	Territorial jurisdiction of A Revenue Division held by R.D.O./ Sub-Collector/ Assistant Collector.

18. Godagali
19. Godari
20. Gosangi
21. Holey
22. Holey Dasari
23. Jaggali
24. Jambuvulu
25. Kolupulvandlu
26. Madasi Kuruva, Madari Kurava
27. Madiga Dasu, Mashteen
28. Mahar
29. Mala Hannai
30. Mala Jangam
31. Mala Masti
32. Mala Sanyasi
33. Mang
34. Mang Garodi
35. Mashti
36. Matangi
37. Mehtar
38. Mitha Ayyalvar.
39. Mundala
40. Paky, Moti, Thoti
41. Pambada, Pambanda
42. Pamidi
43. Samagara
44. Samban
45. Sapru
46. Sindholu, Chindollu.

4. **Sheduled Caste** Bariki

District Collector

Within the territorial jurisdiction of a District.

Scheduled Tribe Community :

1. Andh
2. Bangata
3. Bhil
4. Chenchu, Chenchuwar
5. Gadabas.
6. Gond, Naikpod, Rajgond
7. Jatapus
8. Kattunayakan
9. Kolam, Mannervarlu
10. Kondhs, Kodi, Kodhu, Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs, Yenity Kondhs.
11. Koya, Goud, Rajah Rasha Koya,

All M.R.Os in the state not below the rank of Dy.Tahsildar

With in the territorial jurisdiction of a Mandal.

- Lingadhari Koya (ordinary)
 Kottu Koya, Bhine Koya,
 Rajkoya
 12. Malid (excluding Adilabad,
 Hyderabad, Karimnagar, Medak
 Khammam, Mahabubnagar,
 Nalgonda, Nizamabad and
 Warangal Districts)
 13. Mukha Dhora, Nooka Dhora
 14. Pardhan
 15. Porja, Parangiperja
 16. Rona, Rena
 17. Savaras, Kapu Savaras,
 Maliya Savaras, Khutto Savaras,
 18. Sugalis, Lambadis
 19. Kulia
 20. Yenadis
 21. Yerukulas

Scheduled Tribes Community :

- | | | |
|---|--------------------|-----------------|
| 1. Konda Kapus | All Revenue | Territorial |
| 2. Kondareddis | Officers not below | jurisdiction of |
| 3. Hill Reddis | the rank of a | Revenue |
| 4. Gouda (in the Agency tracts) | R.D.O/Sub- | division held |
| 5. Kammara | Collector or Asst. | by RDO/Sub- |
| 6. Kotia, Benth Oriya, Bartika, | Collector in the | Collector/ |
| Dhulia, Dulia, Holva, Paiko, Putiya, State. | | Assistant |
| Sanrona, Sidhipaiko | | Collector. |
| 7. Reddi Dhoras | | |
| 8. Konda Dhoras | | |
| 9. Thoti (in Adilabad, Hyderabad, | | |
| Karimnagar, Medak, Khammam, | | |
| Mahabubnagar, Nalgonda, | | |
| Nizamabad and Warangal Districts) | | |
| 10. Nayaks (in the Agency tracts) | | |
| 11. Valmiki (in the Agency tracts) | | |
| 12. Manna Dhora | | |

ANNEXURE - II

Details of Forms :

- | | |
|----------|--|
| Form I | Applications for issue of Community, Nativity and Date of Birth Certificate for Scheduled Tribes. |
| Form II | Application for issue of Community, Nativity and Date of Birth Certificate to Scheduled Castes and Backward Classes. |
| Form III | Form for Community, Nativity and Date of Birth Certificate. |

- Form IV Notices to the applicant for verification issued by the Competent Authority.
- Form V Notices to the applicant for verification issued by the District Level Scrutiny Committee (Doubtful claims)
- Form VI Notices to the applicant for verification issued by the District Level Scrutiny Committee (Fraudulent claims).

FORM - I **Rule - 5**

Form of Application for issue of Community, Nativity and Date of Birth Certificate relating to Scheduled Tribe under Section 3(1) and 3(2) of the Act 16 of 1993 (information to be furnished by the applicant himself supported by documentary evidence

To
The Mandal Revenue Officer/
Revenue Divisional Officer/
Sub-Collector/Asst. Collector
..... Mandal/Division.
..... District.

Sir,

I am in need of a Scheduled Tribe community certificate for me / for my son / daughter for which the details are given below :

1. Name of the applicant in full (in block letters) :
2. Sex of the applicant :
3. a) Father's name :
- b) Mother's name :
4. Present postal address :
5. Place of permanent residence of the certificate seeker/his father/paternal grand father, as on the date of the first notification declaring the community as a Scheduled Tribe, to which the certificate seeker claims to belong. :
6. Age, date of birth and place of birth (If date is not known approximate year on birth) :
7. Place of ordinary residence (documents relating to house/land or other immovable property or birth registration certificate or ration card or school records may be furnished).
8. If the applicant has been issued a community

- certificate in the past by any authority, a copy of such certificate should be furnished.
9. Community for which certificate is claimed (including sub-tribe or sub-group)
10. a) Community of the father (including sub-tribe or sub group)
b) Community of the mother (including sub-tribe or sub group)
11. Whether the applicant is
a) a natural born son or daughter of his/her parents
OR
b) adopted son/daughter of his/her parents

DECLARATION

I/we declare that the information furnished by me/us in the application is true and correct, and the documents appended thereto are genuine and the contents of the documents are true and correct and that if these are found to be untrue and incorrect, I/We will be liable for prosecution for furnishing false and incorrect information/ documents under Section 10 of the Act No.16 of 1993.

Signature of the applicant

Signature of the Parent/Guardian

STATION:

DATED :

ACKNOWLEDGEMENT SLIP

Received an application for issue of Community, Nativity and Date of Birth Certificates relating to Scheduled Tribe in Form I, from (name of the applicant/ parent/guardian) belonging to village/town mandal, District on (date).

Signature of the Officer authorised
by the Competent Authority
(Name in capital letters)
and designation. (affix seal)

Name of the Office

Date :

FORM II

FORM OF APPLICATION FOR ISSUE OF COMMUNITY, NATIVITY AND DATE OF BIRTH CERTIFICATES RELATING TO SCHEDULED CASTE/ BACKWARD CLASS UNDER SECTION 3 (1) OF ACT 16 OF 1993
(Information to be furnished by the applicant himself supported by documentary evidence)

To
The Mandal Revenue Officer/
Revenue Divisional Officer/
Sub-Collector/Assistant Collector/
District Collector.

..... Mandal/Division
..... District.

Sir,

I am in need of a Scheduled Caste/Backward Class community certificate for me/ for my son/ daughter for which the details are given below:

1. Name of the applicant in full (in block letters) :
2. Sex of the applicant :
3. a) Father's name :
b) Mother's name :
4. Present postal address :
5. Permanent place of residence :
6. Age, date of birth and place of birth (If date is not known approximate year on birth) :
7. Place of ordinary residence (documents relating to house/land or other immovable property or birth registration certificate or ration card or school records may be furnished).
8. If the applicant has been issued a community certificate in the past by any authority, a copy of such certificate should be furnished.
9. Community for which certificate is claimed (including sub-caste)
10. a) Caste (including sub-caste) of the father
b) Caste (including sub-caste) of the mother
11. Religion professed by the applicant
12. a) Religion professed by the father of the applicant
b) Religion professed by the mother of the applicant
13. Whether the applicant is
a) a natural born son or daughter of his/her parents
OR
b) adopted son/daughter of his/her parents

DECLARATION

I/We declare that the information furnished by me/us in the application is true and correct, and the documents appended thereto are genuine and the contents of the documents are true and correct and that if these are found to be untrue and incorrect, I/We will be liable for prosecution for furnishing false and incorrect information/ documents under Section 10 of the Act No.16 of 1993.

STATION

Signature of the applicant

DATE

Signature of the Parent/Guardian

ACKNOWLEDGEMENT SLIP

Received an application for issue of Community, Nativity and Date of Birth Certificate relating to Scheduled Caste/ Backward class in Form II from
(name of the applicant/parent/guardian/ belonging to village/town
..... mandal, District on (date.)

Name of the Office
Date:

Signature of the Officer authorised
by the Competent Authority
(Name in capital letters)
and designation. (affix seal)

FROM III

Serial No.

S.C.

S.T.

Emblem

B.C.

district Code:

Mandal Code:

Village

Code:

Certificate No:

COMMUNITY, NATIVITY AND DATE OF BIRTH CERTIFICATE

1) This is to certify that Sri/Smt/Kum Son/
daughter of Sri of Village / Town
Mandal District of the /State of
Andhra Pradesh belong to Community which is recog-
nised as S.C./S.T./B.C under.

The Constitution (Scheduled Castes) Order, 1950

The Constitution (Scheduled Tribes) Order, 1950

G.O.Ms.No.1793, Education, dated 25-9-1970 as amended from time
to time (BCs) S.Cs., S.Ts. list (Modification) Order, 1957, S.Cs and S.Ts. (Amend-
ment) Act, 1976.

2) It is certified that Sri/Smt/Kum is a native of
Village/Town Mandal District of Andhra Pradesh.

3) It is certified that the place of birth of Sri/Smt./Kum is
..... Village/Town Mandal District
of Andhra Pradesh.

4) It is certified that the date of birth of Sri/Smt./Kum is Day
Month Year..... (in words) as per the declaration given
by his/her father/mother/guardian and as entered in the school records where
he/she studied.

Signature :

Date:

Name in Capital Letters:

Designation :

(Seal)

Explanatory Note: While mentioning the community, the Competent Authority

must mention the sub-caste (in case of Scheduled Castes) and sub-tribe or sub-group (in case of Scheduled Tribes) as listed out in the S.Cs., and S.Ts., (Amendment) Act, 1976.

FORM - IV NOTICE TO THE APPLICANT

To

Sri/Smt/Kum village Mandal District, whereas an application has been made by (name of the certificate seeker) S/o. D/o, W/o (name of the father/husband) for the issue of Community, Nativity and Date of Birth Certificate under Section 3(1)/Sec.3(2) of the AP(Scheduled CAs, Scheduled Tribes and BCs) Regulation of Issue of Community Certificates Act, 1993. Notice is hereby given that an enquiry will be made about the community claim of the above mentioned applicant by the undersigned at (time) on (date) of (month) 19 (year) at (place). He/She shall appear without fail at the said place on the said date and said time to substantiate his or her community claim, with oral and documentary evidence, failing which the Competent Authority will confirm or reject the community claim of the applicant based on the documents/evidence furnished by the applicant in Form I/II to the Competent Authority and the material/evidence gathered by the Competent Authority in this case. He/She may bring his/her parent to assist him/her in the enquiry.

Place:
Date:

Signature and designation of
Competent Authority
(Seal)

FORM - V

To

Sri/Smt./Kum. villagemandal District, Whereas a reference has been received by the Scrutiny Committee from the Competent Authority (specify the authority) regarding doubts about your community claim that you belong to SC/ST/BC community. The Committee now therefore directs you to attend the enquiry regarding your community claim on (date) at (time) at (place) without fail. You are required to furnish all the documentary evidence in support of your community claim on the said date failing which the Scrutiny Committee will finalise its recommendations based on the material/documents/evidence made available to the Committee by the Competent Authority. You may bring your parents/guardian to assist you in the enquiry.

Date:
Place:

Chairman of the Scrutiny Committee
(Joint Collector)
(Seal)

FORM - VI

To
Sri/Smt./Kum. village manal District,
Whereas a complaint has been received by this office alleging that you have
obtained ST/SC/BC Community, Nativity and Date of Birth Certificate from
(specify the authority who issued it) fraudulently, and whereas I have reason to
believe that you obtained S.T./S.T./B.C. certificate for yourself/for your son/daugh-
ter fraudulently even though in reality you do not belong to any Scheduled
Tribe/ SC/BC.

Now therefore, you are hereby directed to attend enquiry regarding your com-
munity claim on (date) at (time) at (place)
without fail. You are required to furnish all the documentary evidence in support
of your community claim on the said date failing which the Scrutiny Committee
will finalise its recommendations based on the material/documents/evidence
made available to the committee by the District Collector. You may bring your
parents/ guardian to assist you in the enquiry.

Date:
Place:

Chairman of the Security Committee
(Joint Collector)
(Seal)

S.RAY,
Principal Secretary to Government.

ANNEXURE - 23
RULES SUPPLEMENT TO PART I
EXTRAORDINARY
OF
THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

No.33 HYDERABAD, SATURDAY, SEPTEMBER 6, 1997

NOTIFICATIONS BY GOVERNMENT

* * * * *

SOCIAL WELFARE DEPARTMENT

(J2)

AMENDMENT TO A.P. SCHEDULED CASTES, SCHEDULED TRIBES &
BACKWARD CLASSES - ISSUE OF COMMUNITY, NATIVITY & DATE OF
BIRTH CERTIFICATES RULES, 1997.

[G.O.Ms.No.122, Social Welfare (J2),

1st September, 1997.]

Read the following :-

1. G.O.Ms.No.58, S.W.(J2) Department, dated 12-5-1997.
2. From CTW., A.P., Hyderabad D.O.Rc.No.1089/97/TRI/VC-8, dated 28-6-1997 and 11-7-1997.
3. Govt. D.O.Lr.No.17247/J2/95, dated 10-7-1997.
4. From the CTW., A.P., Hyderabad D.O.Rc.No.1089/TRI/VC-8, dated 22-7-1997.

* * *

In the G.O.1st read above Rules were issued prescribing certain procedures etc., for the issuing of Community, Nativity and Date of Birth Certificates to the Scheduled Castes, Scheduled Tribes and Backward Classes. The Commissioner of Tribal Welfare in his reference 2nd and 4th read above, requested the Government to modify the Rules to the extent of designating Mandal Revenue Officers as the Competent Authorities to issue Community Certificates to the 12 (twelve) tribes, as mentioned in Annexure-I Page 4 of the Rules, for which the Revenue Divisional Officers have been notified under the Rules as the Competent Authorities for the following reasons :-

- (1) The Mandal Revenue Officers are more familiar with the cus

- toms and the traditions of the tribes;
- (2) The tribals living in interior areas are facing more hardship to approach the Revenue Divisional Officers Office for obtaining the certificate.

Commissioner of Tribal Welfare has also reported that more claims are received from non-Agency areas because in Agency areas, the authorities can easily identify the tribals and various associations of the tribals existing in Agency areas are also quick to react to any fraudulent certificates obtained by non-Scheduled Tribes. But it is in the non-Agency areas that the false certificates remain mostly undetected. Therefore, Commissioner, Tribal Welfare requested the Government to modify the Rules accordingly by designating Mandal Revenue Offices as the Competent Authorities to issue community certificates to the twelve tribes in Agency areas and the Revenue Divisional Officers in non-Agency areas.

The Government after careful consideration of the proposals of the commissioner Tribal Welfare, hereby order the following amendment to be issued to G.O.Ms.No.58, Social Welfare (J2) Department, dated 12-5-1997 published in Rules Supplement to Part-I Extraordinary of the A.P.Gazette No.16, Hyderabad Friday, May 16, 1997:

AMENDMENT

ANNEXURE - I PAGE-14 OF G.O.Ms.No.58, SOCIAL WELFARE (J2) DEPARTMENT,
DATED 12-5-1997.

FOR

READ AS

- | | |
|--|---|
| <p>(1) Column 2 "All Revenue Officers not below the rank of R.D.O./Sub-Collector/Asst.Collector in the State".</p> | <p>(1) (a) All Mandal Revenue Officers not below the rank of the Dy.Tahsildar in the Scheduled areas of the State.
(b) All Revenue Officers not below the rank of R.D.O./Sub-Collector/Asst. Collector in the non -Scheduled areas of the State.</p> |
| <p>(2) Column 3 "Territorial Jurisdiction of a Revenue Division held by R.D.O./Sub-Collector/ Asst. Collector"</p> | <p>(2) (a) Territorial jurisdiction of a Revenue Mandal held by the M.R.O. in the Scheduled areas of the State.
(b) Territorial jurisdiction of a Revenue Division held by R.D.O./Sub-Collector/Asst.Collector in non-scheduled areas of the State.</p> |

All the District Collectors are requested to take necessary action in the matter accordingly and bring these instructions to the notice of all the Competent Authorities in their jurisdiction immediately.

S.RAY,
Principal Secretary to Government.

ANNEXURE - 24

PROCEEDINGS OF THE DISTRICT COLLECTOR, CHITTOOR

PRESENT: SRI P.KRISHNAIAH, I.A.S., D.Dis.No.C3/8531/94,

Dt.2.5.99.

- Sub:** CASTE VERIFICATION - Chittoor District, Chittoor Division
- Vadamalpet Mandal - Enamalapalem Village - Caste Status
of Sri S.Sankaraiah, Senior Assistant DCTO's Office,
Punganur - Orders - Issued.
- Read:**
1. Secretary, General A.P.S.E. Caste Welfare Association,
A.P., Hyderabad, A.P.S.C.W.A/94, dated 16.3.94.
 2. This Office Roc. C3/8531/94, Dated 18.6.94 and 8.9.94
addressed to R.D.O., Madanapalle.
 3. R.D.O. Madanapalle L.Dis.5835/94, Dt.16.2.95.
 4. This Office Roc. C3/8531/94, Dt.19.5.95 and 31.7.97
addressed to R.D.O., Chittoor.
 5. Secretary to Commissioner of Commercial Taxes, A.P.,
Hyderabad, Rst. No.P8/94, Dt.24.1.96.
 6. R.D.O., Chittoor Roc.H/2204/94, Dt.6.6.95, 9.8.95, 8.5.97
and 6.1.98.
 7. Report of the Scrutiny Committee on issue of Caste Cer-
tificate issued BEDAJANGAM in favour of Sri S.
Sankaraiah, dated 30.3.99.

* * * * *

The Secretary General, A.P.Scheduled Castes Welfare Association, Hyderabad, made a petition to the District Collector, contending that Sri S.Sankaraiah, working as Junior Assistant in O/o. Dy. Commercial Tax Officer's Office, Punganur, managed to change his caste in the records as S.C.claiming himself as "BEDAJANGAMA" though he actually belongs to "JANGAM" community which falls under BC-A and the Certificate issued to him as "BEDAJANGAM", SC Community may be cancelled.

In the reference 2nd read above, the Revenue Divisional Officer,

Madanapalli was directed to enquire into the Caste status of Sri S.Sankaraiah, Junior Assistant, DCTO's Office, Punganur and to send a report.

The Revenue Divisional Officer, Madanapalle, letter 3rd read above, has reported that Sri S.Sankaraiah, is native of Enamalapalem Village of Vadamalpet Mandal and that during enquiry he has stated that his caste was noted as "JANGAM" in his service Register and subsequently he has obtained caste Certificate as "BEDAJANGAM" in D.D is.247/87, dated 28.1.87 by the Revenue divisional Officer, Chittoor and that basing on the above Certificate issued by the Revenue Divisional Officer, Chittoor, the entries in Service Register with regard to his caste were corrected from "JANGAM" to "BEDAJANGAM" for making a detailed enquiry at the native place of Sri S.Sankaraiah, the Revenue Divisional Officer, Madanapalle has requested to refer the matter to the Revenue Divisional Officer, Chittoor.

Accordingly the Revenue Divisional Officer, Chittoor, to whom the matter was again referred has reported in the reference 6th read above dated 8.5.97) that for he has visited Enamalapalem R/o. Thirumandiyam in Vadamalpet Mandal and enquired the following persons about the caste status of Sri S.Sankaraiah, working as Senior Assistant, D.C.T.O.'s Office, Punganur.

- | | | |
|---------------------|------|------------------------------|
| 1) S.Eswaraiah, | | Brother of Sankaraiah |
| 2) M.Ramachandraiah | | Brother-in-law of Sankaraiah |
| 3) S.mahadevaiah | | Relative of Sankaraiah |
| 4) T.Ramaiah | | Village elder |

They have deposed that they all blow Shankhu and ring the bell whenever death occurs; that they belong to Jangam caste that the caste of their children are noted as 'Jangam' in the School records and that Sri Sankaraiah belongs to "Jangam".

Subsequently Sri S.Sankaraiah, filed a petition 24.5.97 contending that he belongs to "BEDAJANGAM" caste on the following grounds.

1. That he belongs to "BEDAJANGAM" caste. At the time of his entry into the Government Service, in the year 1976 his caste was en-

tered in the Service Register as "Jangam" instead of "BEDAJANGAMA". The said "Bedajangam" caste was included in the list of Scheduled castes as per the G.O.Ms.No.838, G.A.D. dated 15-12-77. Since the petitioner entered into the government Service during the year 1976 and where as the Government have issued the Government order subsequently in the year 1977 the petitioner applied for issue of Caste Certificate. The then Revenue Divisional Officer, Chittoor after making enquiry into the caste of the Petitioner and issued a Certificate in his D.Dis.No.249/87, dated 28.1.87 that the Petitioner belongs to "BEDAJANGAM" caste. Accordingly necessary entries were made in the Service Register of the Petitioner.

2. That the Secretary to Government of A.P., Scheduled Caste Welfare Association, A.P., submitted a petition to the Commissioner of commercial taxes that the petitioner managed to obtain a Bogus caste Certificate and trying to get the benefits of the Scheduled Caste People. The Commissioner of commercial Taxes seems to have referred the matter to this Honourable Authority for conducting detailed enquiry about the caste of the petitioner and to give findings. While issuing Social Status certificate, the Revenue Divisional Officer, Chittoor made a confidential enquiry into the matter. No notice was issued to this petitioner before conducting enquiry and this petitioner was denied the opportunity of putting forth the material evidence to prove his caste as "BEDAJANGAM".
3. That prior to the issue of G.O.Ms.No.838 dated 15.12.1977, there were no special concessions in Education or appointments to the "BEDAJANGAM" caste people in Andhra Region. Irrespective of the sub castes (i.e. Bedajangam, Budaga Jangam and Mala Jangam) they are called as Jangam in the Village. Accordingly their caste is also entered as Jangam in School records. They were not particular about the Sub sect and were not serious about it. Even according to the Synopsis of Bedajangam Community discussed

in the judgement of the High Court in W.P.No.19083/94, W.P.No.9967/87, etc., cases which were confirmed by the Supreme Court there are three (3) Sub castes in the community. They are 1. Bedajangam, 2. Mala Jangam, 3. Jangam. Previously there were no special concessions in Educational Institutionans, appointments. Hence, all the persons belonging to any of the sub castes were being called as Jangam or jangalu and caste certificates were issued without mentioning any sub-caste. The Jangam or Jangalu Caste people were also not particular for mentioning their sub-castes. After issue of G.O.Ms.No.838 dated 15.12.77, the Sub castes according to their traditional occupations, habits and customs are identified. The traditional occupation of Bedajangam were also discussed.

- a) They are Vibhudhi Dharanas;
 - b) They perform funeral rites of all castes including SCs and STs.
 - c) During peformance of the funeral rites, they blow conches and ring bells infront of the dead body to the burrial ground.
 - d) They are non vegetarians.
 - e) They act as Purohits.
 - f) The dead bodies of these caste people are kept in a sittting position in a specially erected mantapam and bells are rung;
 - g) The dead bodies are burried in a same sitting posture;
 - h) They follow the corpse of any family and return after cremating the deadbody, with the relatives and receive the amount.
 - i) They used to tell Burrakatha known as Jangam Kathalu, using Thambura or Budaga;
 - j) Widow marriages and Kanyasulkam are prevalent in the caste.
- The above are the guidelines for determining the caste of Bedajangam people.
4. That the previous enquiry was satisfied with the guidelines and issued the Certificate. The Petitioner came to know that the present Revenue Divisional Officer, Chittoor also made enquiries about the

caste of the Petitioner at the native place (i.e.) Enamalapalem Village of Vadamalapet Mandal. There are six families of Bedajangam in his Native place of the Petitioner and they are related to the Petitioner. It is revealed in the enquiry made by the Revenue Divisional Officer, that these families are even now performing their traditional occupation and they are also following the corpse, blowing conches and performing other rituals. these families satisfied the requirements of the guidelines given for the issue of the caste certificate of Beda jangam. The Petitioner reliably understands that the Revenue Divisional Officer, verified the School Certificates of the children of these families where in the caste is noted as "Jangam". The Revenue Divisional officer, therefore seems to have sent a report that the petitioner belongs to "JANGAM CASTE".

5. That though the enquiry made by the Revenue Divisional Officer, in the village, revealed that the petitioner belonged to Bedajangam caste, having satisfied the requirements, the Revenue Divisional Officer, based his reports solely on the School certificates, pertaining to their relatives. The Petitioner submits that as already stated above though the Petitioner and his relative families belong to Bedajangam caste and performing their traditional occupation they are illiterates and hence, in the schools, their castes are called as "Jangam". They did not try to get this rectified, knowing the rules and concessions given to the caste. Hence the Revenue Divisional Officer, has erred in basing his people solely on the caste entered in the School records, having apart the facts revealed in his enquiry conducted on the traditional occupations and habits of the families. In fact the school records of the other members are also to be revised basing on the enquiry made by the Revenue Divisional Officer.
6. That one of his close relatives Sri P.Srikanth, S/o. P.Viswanatham, residing at Tirupathi was issued caste certificate "Bedajangam" by the Revenue Divisional Officer, Tirupathi in D.Dis.5857/96,

dt.18.8.86. The caste certificate of Sri P.Chandrasekhar, brother of Srikanth was also verified by conducting local enquiry at the native place of the candidate by the Collector, Nellore and it was reported by the Collector, Nellore, that the candidates belongs to Bedajangam caste, vide Nellore Collector's C5/13092/83, dt.10.12.83. Both Srikanth and Chandrasekhar are sons of Sri P.Viswanatham, who is the close relative of the petitioner, by his wife's side. This also clearly goes to show that the petitioner belongs to "BEDAJANGAM" Caste.

7. That for the issue of caste certificates there are instructions that the school certificates shall not be taken as basis. The enquiry regarding the social status, traditional occupations, habits and customs should alone be based upon. If the school certificates are to be based upon there is need for the elaborate enquiry to be made on the guidelines issued for the issue of caste certificates. The instructions for issue of caste certificates for the Scheduled Castes/ Scheduled Tribes and backward classes are discussed in the High Court Judgements in W.P.Nos.9967/97 and 19083/94 High Court and also in Government Memo No.Sp.8/j1/97-1 dated 30.4.97 Social Welfare Department as detailed below:-

" The certifying officer shall verify:

- 1) that the person and his parents actually belong to community claimed.
- 2) that his community is included in the presidential order specifying the scheduled castes/ scheduled tribes is relating to the concerned state.
- 3) that the person belongs to that state and to the area within that state in respect of which the community has become Scheduled.
- 4) that if the person claims to be a scheduled caste, should prefer either Hindu or Sikh religion.
- 5) that if the person claims to be scheduled Tribe he may prefer

any religion,

- 6) that he or his ancestors have been engaged in tradition occupations, habits, customs of the caste.

That the certificates issuing authority shall conduct his enquiry on the above six items and he may, in addition to the above items verify the school certificate which may support the above facts. Therefore, the School certificates of others alone do not determine the caste. The previous Revenue divisional Officer Mandal Revenue Officer have rightly conducted the enquiry on above lines and issued certificate to the petitioner.

8. That if decision is taken on the basis of the School Certificate alone as recommended by the Revenue Divisional Officer, Chittoor, the petitioner suffers irreparable loss not only for himself but also for his progeny, while the issue of bogus certificates to the persons who do not belong to scheduled castes is an offence, the refusal to issue certificates to the genuine eligible persons and thus denying benefits provided in the constitution amounts to injustice.

Subsequently the Revenue Divisional Officer, Chittoor, was again addressed to enquire and report whether the said Bedajangam claimants are residing outside habitations i.e., is there any disability attached, untouchability conditions scheduled like etc. in the Village, their ancient rites, and enquiring village elders and verifying old birth and death statements records from the relatives family Geneology statements to unfold any bogus claim.

The Revenue Divisional Officer, Chittoor in his letter, 3518/97, dated 6.1.98 has reported that he has visited the village on 28.1.97 along with Mandal Revenue Officer, Vadamalpet, Village Administrative Officer, Thirumandyam and conducted enquiry with the relatives of Sri S.Sankaraiah, i.e. S.Chandraiah and others. The enquiry revealed that they belong to "Bedajangam caste and blow councshell (Shanku) and ring bell during the funeral functions of other castes, that they will perform funeral rites even to SC/STs wear Vibhuthi and worship "SHIVA" and are non-vegetarians; and he satisfied with the "Bedajangam" on the status of

Sri Sankaraiah and the caste certificate issued to him is correct, that on the application of Sri S.Sankaraiah, S/o. Subbaiah of Enamalpalem, H/o. Thirumandyan village of Vadamalapeta Mandal. The former Revenue Divisional Officer, Chittoor, has issued a caste certificate to the applicant treating him as a "Bedajangam caste" vide D.Dis.247/87 dated 28.1.87, that on the basis of this Certificate the changes in S.R. of individual have been corrected his caste as "Bedajangam" instead of Jangam.

In this reference 7th cited the Scrutiny Committee to whom the verification of caste certificate issued in favour of Sri S.Sankaraiah, Senior Assistant, DCTO's Office, Punganur as "Bedajangam" was referred has reported as follows:

Sri S.Sankaraiah attended on 17.3.99 and stated that before the scrutiny committee that "BEDAJANGAM" caste was not considered to be included in S.C.community before 15-12-1977 after it was notified as S.C.community in Andhra Area, he had applied to the then Revenue Divisional Officer, Chittoor, who is the competent authority as per the rules which were in vogue. That after thorough enquiry, the then Revenue divisional Officer, Chittoor has issued "Bedajangam" community certificate in the year 1987. Further submitted that the above Bedajangam community Certificate produced to Commercial Taxes Department, where in he is working and got it entered in his service register, some one has given a false complaint alleging that he had obtained Bedajangam community certificate fraudulently. He further stated that his forefathers, fathers and his family do all the characteristic activities of Bedajangam, who blow "SANKU" when persons from SCs/STs/BCs Sudras die, eat food after following the corpse upto burrial ground, all of them are non-vegetarians unlike JANGAMS who are purely vegetarians.

The Committee has perused the reports of two successive Revenue Divisional Officers, Chittoor Division. In both the reports it was mentioned that the customs of blowing "SANKU" is practised by the relatives of Sri S.Sankaraiah, Senior Assistant, DCTO's Officer Punganur, Further in the report submitted by the Revenue Divisional officer, (dt.6.1.98 it was

also mentioned that the relatives of Sri S.Sankaraiah are non vegetarians. As such the Primary characteristic of blowing "SHANKU" when the people of lower state of communities die was in practice by the Forefathers and fathers of Sri S.Sankaraiah and they are all non-Vegetarians unlike JANGAMS who are purely Vegetarians are fulfilled, though the community of Sri S.Sankaraiah and his relatives were recorded as "JANGAM" in their records.

It is presumed that in the absence of benefit generally troph tend to claim the upper caste. Hence only after "BEDAJANGAM" was declared to be included in S.C.community only with effect from 15-12-77 vide G.O.ms.No.836, dt.15.12.77 Sri S.Sankaraiah had applied and obtained the "BEDAJANGAM" Community certificate to enjoy the benefits extended therefore.

In view of the above the scrutiny committee came to a conclusion that the caste of Sri s.Sankaraiah, Senior Assistant, D.C.T.O.'s Office, Punganur is "BEDAJANGAM" S.C. community.

In view of the above findings of the Chairman of the District scrutiny committee and in exercise of the powers conferred under Section 5(1) of a.P. (SC/ST/BCs) Regulation of issue of Community certificates Act, 16/ 1993. The Scheduled Castes Certificate (BEDAJANGAM) issued by the then Revenue Divisional Officer, Chittoor in his reference D.Dis. 249/87, dated 28.1.87 in favour of Sri S.Sankaraiah, S/o Serivella Subbaiah, native place of Yenamalapalem Hamlet of Thirumandyam of Vadamalpet mandal and also working as Senior Assistant, Dy. Commercial Tax Officer's Office, Punganur is hereby CONFIRMED.

Sd/- P.Krishnaiah,
District Collector,
CHITTOOR.

/t.c.b.o/

Sd/- * * *

DISTRICT REVENUE OFFICER

ANNEXURE - 25

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT
HYDERABAD.

V. Srirama Murthy v. Government of Andhra Pradesh,
General Administration Department, Hyderabad and
others.

I. Case - Cancellation of a Caste Certificate - Petitioner obtained a certificate from the then Tahsildar that he belongs to a particular Scheduled Tribe and obtained appointment - He also got a promotion on the basis of a similar certificate again obtained at the time of promotion - Now, after issuing notice to him the said certificates have been cancelled - Held, the burden lies on the authorities to prove the allegations on which the certificates are cancelled - The order of cancellation should also be a speaking order, containing the reasons of the conclusions - In the instant case the order of cancellation is vague and does not disclose the reasons for conclusions - Orders of cancellation set aside and fresh enquiry directed to be conducted.

The burden is on the applicant to establish his case for obtaining such certificates. But, when such certificates are sought to be cancelled on the ground of fraud or misrepresentation, the burden to some extent would shift upon the authority which makes such allegations and such authority is bound to disclose the reasons for arriving at such conclusion and to put the concerned person on notice. Even in cases where the certificates earlier obtained by a person are sought to be cancelled,

the entire burden cannot be thrown on the person who obtained such certificates. Of course, once the initial burden is discharged, it is for the person concerned to establish that the certificates have been granted to him properly and not based on any misrepresentation. In that process, it is for the concerned person to establish that he belongs to that particular community as claimed. (Para 15)

It is well settled that a party has a right to know not only the result of the enquiry, but also the reasons in support of the decision. Giving of reasons in support of the conclusions is now accepted to be one of the principles of natural justice. Speaking orders are necessary to enable the party affected to know why and on what grounds an order is passed against him. A speaking order means an order speaking for itself. Speaking order which contains reasons *introduces clarity and excludes arbitrariness*. Reasons are the links between the materials on which certain conclusions are based and the actual conclusions. They disclose how the mind is applied to the subject matter of a decision. (Para 24).

An order or decision which is vague can never be a reasoned decision. An order without clarity can never reflect application of mind. Such an order cannot be a reasoned order. The Court does not expect orders from the administrative or quasi judicial authority as that from a law Court. It is not as if those authorities are required to pass judgements as the ordinary law Courts, as there is

essentially distinction between a Court and an administrative authority. But the Rule requiring reasons to be given in support of an order is indispensable. The condition to record reasons introduces clarity and excludes arbitrariness. (Para 25)

Leave alone the structure of the order, the order impugned is totally un-intelligible. An un-intelligible order can never be considered as a reasoned order. The portions of the order referred to herein above in unmistakable terms would reveal lack of clarity. It is difficult to discern the reasons in support of the conclusions. The order is not in accordance with the requirements of the principles of natural justice. It is liable to be set aside and it is accordingly set aside. The matter is remitted for fresh consideration by the third respondent, Joint Collector-cum-District Magistrate. (Paras 26 and 27)

II. Case - Enquiry with regard to cancellation of Caste Certificate issued earlier - The party is only entitled to copies of documents on which the authorities seek to rely but not other documents on the basis of which the enquiry was initiated.

The petitioner cannot insist for the supply of documents which are not in the possession of the respondents. However, the third respondent had supplied a copy of the report submitted by the Commissioner of Tribal Welfare in which it is held that the petitioner does not belong to "Kotiya Benthoriya" community. The petitioner is not entitled to ask for the copies of the complaint upon which the entire action is initiated against him. The

authorities are entitled to receive information from whatever source. The petitioner cannot insist for an opportunity to cross examine the complainants. The competent authority has the power to determine whether the petitioner belongs to that particular community as claimed by him. The petitioner cannot insist the authorities to disclose from where they have received information about his social status. It is not as if, the competent authority is required to prove that he does not belong to "Kotiya Benth Oriya" community. But, it is true that if the certificates earlier obtained by him are to be cancelled, it has to be established that those certificates were obtained by playing fraud and misrepresentation or making false representation. The petitioner is entitled for only such documents upon which reliance is placed by the competent authority for setting the proceedings in motion. It means that the petitioner is entitled for copies of those documents which are referred to in the showcause notice and such other documents upon which the competent authority may place reliance for determining the issue. The petitioner is not entitled for any other documents nor the respondents are bound to supply those documents to enable the petitioner to establish his case. (Para 12).

It is for the petitioner to obtain such documents, upon which he wants to place reliance to establish his case that he belongs to "Kotiya Benth Oriya" community, as claimed by him. The respondents cannot be compelled to

establish his case. (Para 13)

Mr. P. Gangaiah Naidu for Duba V.Nagarjuna Babu,
Counsel for the Petitioner.

Government Pleader for Social Welfare, Counsel for
Respondent Nos. 1,2,3 and 5.

Mr. Bathula Venkateswara Rao. Counsel for
Respondent No.4.

CASES CITED

B. Venkat Rao v. Principal, Andhra Medical College, AIR
1989 AP 159 (Para 14)

Breen v. Amalagamated Engineering Union, (1971) 1 A11
ER 1148 (Para 24)

Director of Tribal Welfare v.Laveti Giri, AIR 1995 SC 1506
(Para 14)

Siemens Engineering v. Union of India AIR 1976 SC 1785
(Para 24)

Madhuri Patil v. Addl. Commissioner Tribal Development,
AIR 1995 SC 94 (Para 14)

Union of India v. M.K. Capoor, AIR 1974 SC 87 (Para 24)

ORDER : - The petitioner in the instant writ petition invokes the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India praying for issuance of a writ of mandamus declaring the order passed by the third respondent in R.Dis.No.B216194/89, dated nil-8-1991, as illegal, arbitrary, erroneous, void and without jurisdiction. The petitioner accordingly prays to set aside the said order. The said order hereinafter shall be referred to as the impugned order.

2. The facts leading to the filing of this writ petition may

briefly be noticed, so far as they are relevant for the disposal of this writ petition. The petitioner as at present is working as Grade-I Assistant in Food Corporation of India (for short 'FCI'). He was originally appointed as Grade-III Assistant on 8-1-1976 under the quota reserved for Scheduled Tribes (for short 'STs') at Visakhapatnam. The petitioner claims that he belongs to 'Kotiya Benthoriya' community, which is recognised as ST. There is no dispute and controversy whatsoever that the petitioner secured employment in FCI under the quota reserved for STs. The petitioner produced Caste Certificate issued by the then Tahsildar, Rajahmundry showing the community of the petitioner as "Kotiya Benthoriya", which was issued on 21-8-1974. The petitioner was once again required to produce the community certificate in the year 1980 in the prescribed proforma when his case came up for consideration for promotion to Gr.II Assistant. The petitioner again obtained the community certificate in the prescribed proforma from the then Tahsildar, Visakhapatnam on 31-10-1980. However, at the time of petitioner's further promotion to Grade-I Assistant the FCI referred the matter to the Director of Tribal Welfare for ascertainment about the social status of the petitioner. Pending report from the Director of Tribal Welfare, the petitioner was promoted to Gr.I Assistant Post on 31-12-1984. The petitioner was further promoted as Assistant Manager on 13-12-1989 and was subsequently reverted as Grade-I Assistant on 11-10-1990. The petitioner was reverted on the ground that he belongs to "Oriya Sistani

Karnam" and cannot be treated as "Kotiya Benth Oriya" which is recognised as ST. The petitioner, however, questioned the order of reversion in WP No.16301 of 1990 and the same was dismissed at the admission stage on the ground of alternative remedy. The fourth respondent herein directed the petitioner, by his Memo dated 19-6-1990 to appear in person before the Mandal Revenue Officer, Rajahmundry on or before 30-6-1990 with all the evidence to establish his social status along with the questionnaire enclosed thereto. The petitioner questioned the same by way of another writ petition - WP No.11135 of 1990 and this Court by order dated 8-8-1990 dismissed the writ petition with the observation that the petitioner can take all the pleas raised by him in the writ petition before the Mandal Revenue Officer. The petitioner claims to have appeared before the Mandal Revenue Officer and requested him to furnish copies of "some documents" (that is how it is stated in the affidavit filed by the petitioner) and to grant one month's time to give all the details of his ancestors, as his parents were away on pilgrimage for quite a long time. While the matter stood thus, the third respondent herein issued the show-cause notice dated 14-12-1990 requiring the petitioner to show-cause as to why he should not be treated as "Oriya Sisthi Karnam" but not a member of "Kotiya Benth Oriya". The petitioner was required to submit his explanation on or before 27-12-1990 and appear in person, if he so desires, on 28-12-1990. In effect, the third respondent proposed to cancel the earlier

certificate issued by the-then Tahsildars certifying the social status of the petitioner as ST, belonging to "Kotiya Benthoriya". It is not necessary to advert and refer in detail to the allegations levelled against the petitioner in that show-cause notice. Suffice it to notice that it is the case of the third respondent that the petitioner misled this Court, as well as the authorities in claiming that he belongs to "Kotiya Benthoriya". It is alleged that the petitioner furnished false information to the Officers and obtained the social status certificate in the year 1974 and 1980.

3. The petitioner claims to have appeared before the Joint Collector, Kakinada, third respondent herein on 28-12-1990 and addressed various letters on 23-2-1991, 21-3-1991 and 3-4-1991 to supply certain documents. The third respondent through proceedings dated 18-12-1991 refused to furnish those documents for the reasons stated therein. Thereafter the impugned order is passed on dated Nil-8-1991 cancelling the community certificate of the petitioner and the petitioner claims to have received the said order on 6-9-1991. It is that order which is impugned in this writ petition.

4. The impugned order is mainly challenged on the ground of violation of principles of Natural Justice. The petitioner, however, asserts that he belongs to "Kotiya Benthoriya" community. It is urged that the third respondent had proceeded with a pre-determination to cancel the social status certificate of the petitioner without there being any material or without conducting any

enquiry fairly in accordance with the rule or law. It is asserted by the petitioner that he does not belong to "Oriya Sisthi Karnam" and, in fact, there is no such caste independently recorded or enumerated in the list of castes or tribes in the State of Andhra Pradesh. It is the case of the petitioner that the report sent by the Commissioner of Tribal Welfare is obtained behind his back and he was not given any opportunity whatsoever before preparing the said report and as such, the said report cannot be relied upon by the third respondent for passing the impugned order.

5. In the counter-affidavit filed by the Joint Collector, it is stated that number of opportunities have been given to the individual to establish his social status as "Kotiya Benthoriya". Relevant copies of the documents were also supplied to him. The petitioner failed to produce the relevant documents in support of his social status. He has not produced any information regarding his relationship with other "Kotiya Benthoriya" tribals. The Commissioner of Tribal Welfare has already sent a report to the Senior Regional Manager, FCI, wherein it was reported that basing on the information available, it is revealed that the petitioner does not belong to "Kotiya Benthoriya", but, belongs to "Oriya Sisthi Karnam" which is not declared as ST in the State of Andhra Pradesh.

6. It is also stated that the Mandal Revenue Officer provided number of opportunities to the petitioner, but he failed to utilise the said opportunities to establish his case

by leading any evidence. The Mandal REvenue Officer (MRO), accordingly submitted report to the Joint Collector stating that the petitioner has not produced any material before him and accordingly a show-cause notice has been issued to the petitioner requiring his explanation in the matter.

7. Before advertng to the question that may fall for consideration, it may be appropriate to bear in mind that the petitioner failed to submit any explanation to the show-cause notice, but, went on requesting the third respondent to furnish certain documents. It is also evident from the record that the third respondent herein rejected the request of the petitioner for supply of those documents on the ground that some of the documents required by the petitioner are not available in the office. However, the report submitted by the Commissioner of Tribal Welfare was not made available to the petitioner and the petitioner was finally required to appear on 27-12-1990 along with his explanation. The petitioner appeared along with his Advocate on 28-12-1990 and raised certain preliminary objections which were dealt with by the third respondent.

8. Sri P.Gangaiah Naidu, learned Counsel appearing for the petitioner strenuously contends that the impugned order suffers from incurable infirmities. It is submitted that the impugned order is to be declared as void for the reason that it has been passed in contravention of the principle of natural justice. Non supply of the documents required by the petitioner disabled the peitioenr in submitting his reply. The impugned order has been passed

without providing adequate opportunity to the petitioner to meet the averments made in the show-cause notice, as it was passed without any explanation from the petitioner. The petitioner could not submit his explanation in the absence of supply of the documents as requested by him.

9. Learned Government Pleader for Social Welfare submits that the petitioner went on dragging the matter for years together and failed to utilise the reasonable opportunity provided to him by the respondents. The petitioner played fraud and obtained the social status certificate by furnishing false declaration before the-then Tahsildars, in the years 1974 and 1980. The said certificates have been rightly cancelled. The learned Government Pleader also would urge that the burden is on the petitioner to establish that he belongs to "Kotiya Benthoriya" which is recognised as ST and the petitioner miserably failed to establish his case.

10. The questions that fall for consideration is whether the impugned order is liable to be declared void for the reasons of non-compliance of principles of natural justice and whether there is any breach of principles of natural justice.

11. It is not possible for this Court to adjudicate as to whether the petitioner belongs to "Kotiya Benthoriya". It has to be decided by the competent authority on the basis of the evidence and material available on record. But one aspect, may, perhaps to be borne in mind that the petitioner had already obtained Caste Certificates in the years 1974 and 1980 and on the basis of the said

certificates, he was initially recruited into service and promoted thereafter. Those certificates are the subject matter of controversy and the real question that was required to be adjudicated by the competent authority was - whether those certificates have to be cancelled on the ground that the petitioner played fraud and obtained those certificates. Of course, incidentally, the question - whether the petitioner belongs to "Kotiya Benthoriya" caste may have to be adjudicated, as those certificates could be cancelled on reaching the conclusion that the petitioner does not belong to "Kotiya Benthoriya" community, but obtained certificates from the competent authority as if he belongs to "Kotiya Benthoriya" community.

12. I am not inclined to accede to the submission made by the learned Counsel for the petitioner that the petitioner is entitled for the copies of those documents required by him, as stated in his letters dated 23-2-1991; 21-3-1991 and 3-4-1991. The petitioner cannot insist for the supply of documents which are not in the possession of the respondents. However, the third respondent had supplied a copy of the report submitted by the Commissioner of Tribal Welfare in which it is held that the petitioner does not belong to "Kotiya Benthoriya" community. The petitioner is not entitled to ask for the copies of the complaint upon which the entire action is initiated against him. The authorities are entitled to receive information from whatever source. The petitioner cannot insist for an opportunity to cross examine the complainants. The competent authority has the power to determine whether

the petitioner belongs to that particular community as claimed by him. The petitioner cannot insist the authorities to disclose from where they have received information about his social status. It is not as if, the competent authority is required to prove that he does not belong to "Kotiya Benthoriya" community. But, it is true that if the certificates earlier obtained by him are to be cancelled, it has to be established that those certificates were obtained by playing fraud and mis-representation or making false representation. The petitioner is entitled for only such documents upon which reliance is placed by the competent authority for setting the proceedings in motion. It means that the petitioner is entitled for copies of those documents which are referred to in the showcause notice and such other documents upon which the competent authority may place reliance for determining the issue. The petitioner is not entitled for any other documents nor the respondents are bound to supply those documents to enable the petitioner to establish his case.

13. It is for the petitioner to obtain such documents, upon which he wants to place reliance to establish his case that he belongs to "Kotiya Benthoriya" community, as claimed by him. The respondents cannot be compelled to establish his case.

14. Learned Government Pleader, however, vehemently submits that in the instant case, the burden is completely on the petitioner to establish that he belongs to "Kotiya Benthoriya" community. In support to his contention he placed reliance on the following decisions :

- (i) B.Venkat Rao v. Principal Andhra Medical College, AIR 1989 AP 159.
- (ii) Madhuri Patil v. Addl. Commissioner Tribal Development, AIR 1995 SC 94.
- (iii) Director of Tribal Welfare v. Laveti Giri, AIR 1995 SC 1506.

15. The decisions upon which the learned Government Pleader placed reliance would not support the submissions made by him that the burden is always upon the person to establish that he has not played any fraud and obtained the Caste Certificate. The sum and substance of the judgements upon which learned Government Pleader placed reliance is that the burden is always upon the applicant to establish that he belongs to a particular community as claimed and the applicant is bound to discharge that burden for obtaining the certificate. The burden is on the applicant to establish his case for obtaining such certificates. But, when such certificates are sought to be cancelled on the ground of fraud or misrepresentation, the burden to some extent would shift upon the authority which makes such allegations and such authority is bound to disclose the reasons for arriving at such conclusion and to put the concerned person on notice. Even in cases where the certificates earlier obtained by a person are sought to be cancelled, the entire burden cannot be thrown on the person, who obtained such certificates. Of course, once the initial burden is discharged, it is for the person concerned to establish that the certificates have been granted to him

properly and not based on any mis-representation. In that process, it is for the concerned person to establish that he belongs to that particular community as claimed. In Director of Tribal Welfare's case (supra) the Supreme Court laid down the procedure for issuing social status certificates, their scrutiny and approval by the authorities. The said judgement does not say under what circumstances, the burden is upon the person concerned to establish that he is not guilty of any misrepresentation.

16. It is true that determination of a person's social status and cancellation of the social status certificates is fraught with serious consequences. Civil Societies, interest at large is involved in such matters. Securing public employment or any other benefit under the reservation quota on the strength of a false and fabricated social status certificate would result in deprivation of employment or such other benefit to the people belonging to the reserved categories to that extent. Securing any such benefit on the basis of such false certificates would amount to securing the benefit of reservation illegally by a person who is not entitled for such benefit. Correspondingly, the legitimate and constitutionally guaranteed right of the people belonging to reserved categories would stand defeated.

17. Applications for grant of social status certificates may have to be scrutinised by exercising due care and caution. Of course, now, the entire procedure is regulated, at least, in this State, by the Andhra Pradesh (Scheduled Castes) Scheduled Tribes and Backward Classes)

Regulation of Issue of Community Certificates Act, 1993, and the Rules framed thereunder. The said Rules declare that it is the responsibility of the applicant to produce necessary evidence/documents while applying for grant of certificate, to the competent authority. Thus, the burden is upon the applicant to establish that he belongs to a particular community. The Rules also provide the procedure for making an inquiry into the fraudulent cases. The District Collector is required to decide whether the Certificate holder is a genuine one or fraudulent and in case of his coming to the conclusion that the certificate holder obtained the certificate fraudulently, the District Collector shall pass an order cancelling the certificate issued after receiving the findings of the scrutiny committee. Of course, neither the Act nor the Rules were in force as on the date of initiation of action against the petitioner in this case, nor on the date of passing of the impugned order.

18. In the same manner, no genuine person belonging to a reserved class/ community can be deprived of his legitimate right to apply for, obtain and retain social status certificate. Any denial to grant certificate may amount to deprivation of constitutionally guaranteed rights. Therefore, an order cancelling such certificate may have to be passed only on the evidence and material available on record. Reasonable opportunity shall have to be provided to such a person against whom the action is sought to be initiated for cancelling the certificate. The order to be passed by the competent authority and the

conclusions reached requires to be supported by reasons. Such orders passed in breach of principles of natural justice may have to be declared void. Neither granting, nor cancellation thereof can be a routine or mechanical affair. The order should disclose intense application of mind by the competent authority.

19. In the instant case, the petitioner obtained the certificate in his favour in the year 1974, upon which he secured employment in FCI and got promoted on the basis of the revised certificate issued in his favour in the year 1980. An order cancelling the said certificate may amount to depriving the very employment of the petitioner. Any such decision cancelling the certificates would result in serious civil consequences.

20. Can it be said that the impugned order passed by the Joint Collector satisfies the legal requirement? Does it reveal any application of mind? Whether the conclusions reached are supported by any reasons? In nut shell, whether there is any breach of principles of natural justice.

21. The impugned order makes a very interesting reading, While advertng to the objections raised by the petitioner regarding the jurisdiction of the Mnadal Revenue Officer to make inquiry about the caste of the applicant, the Joint Collector observes.

"It is nothing but a fun to state that the Mandal Revenue Officer who has got powers to issue the Caste Certificates, does not have powers to inquire into the matters pertaining to the Caste. The conclusion of the Director of Tribal Welfare Report, has been intimated to

them in the show-cause notice. Apart from that, thereafter a copy of the Report of the Director of Tribal Welfare, has been forwarded to them. And it is not possible to cross examine the officers in the "Quasi Judicial". The matter has been pointed out in various decisions in the High Court. What would be the consequences if the Caste Certificates are cancelled. The individual has to face it because of getting the duplicate Caste Certificates, Without having the proof of the Caste of the individual right from his fore-father's period, does not help in co-operating at the time of enquiry.

(5) You have had stated that in the absence of clear cut directions of the Director, Tribal Welfare, with regard to issue of "Benthoriya" Caste Certificates, especially the Collector, Srikakulam District is not issuing the Caste Certificates.

(6) You have stated that there had been continuous application of letter correspondence between the Collector, Srikakulam District and the Government about the issue of "Benthoriya" Caste Certificate and you can bear the responsibility in proving it and can even present one or two individuals who are fighting for the same."

22. While advertng to the objections raised by the petitioner that relevant files have not been perused by the Joint Collector-cum-Additional District Magistrate, before issuing the show-cause notice and the show-cause notice itself is based on certain false information, the Joint Collector observed that:

"FCI Officers have forwarded only the copies of the

Photostat of the Caste Certificates in respect of the individual. Therefore, it is quite clear that the individual has been issued with the Caste Certificate without sufficient proof. Otherwise, had the Caste Certificate has been issued to the individual after conducting an enquiry by getting certain of the proofs from the person in question, in the file the number might have been given to the Caste Certificates over it definitely. If the claim of the person is genuine and real, he would have attended to the inquiry and should have proved with full proof right from their forefathers about his Caste, had he really submitted the information fully well to the Tahsildar, Rajahmundry; at the time of issue of the Caste Certificate to him. But the activities of the individual are in contradiction to this.

And you have requested the Joint Collector for one month time to produce the copies of your paternal Uncles's Caste as "Bentho Oriya" as per the High Court of Madras issued in their orders on 28-12-1990 duly obtaining from them. And accordingly, the time limit has been granted to you upto 28-1-1991. But you stated in your telegram dated 22-1-1991 informing that the judgement copy has not been issued, the same is available with the Mandal Revenue Officer, Rajahmundry, and you have requested for production of a copy. That is why, the individual has been advised to be present with what all the proof that is available with him as per his records on 15-2-1991. On the basis of the application of the individual dated 28-1-1991; Sri V.Srirama Murthy has been intimated to give his explanation after getting the copies of the information

pertaining to him which is available in this office; and to that effect, he has been advised to apply for it. Afterwards, the individual has applied for want of five other documents apart from the report of the Director of Tribal Welfare which do not pertain to this office. Since the individual did not attend to the inquiry many a number of times, on the basis of the inquiry report of the Director of Tribal Welfare, it has been intimated to the person in question that the show-cause notice has been issued to him."

23. Elsewhere it is observed in the order of the Joint Collector that in case any individual claims himself that he belongs to Girijana Caste, the proving responsibility of the same lies over the shoulders of the individual even though the individual has been given the opportunity to prove his caste, many a number of times, with some sort of lame excuse or the other, the individual did not avail the chance and bluntly escaped from the inquiry. "Evidently, the competent authority never adverted to the question as to whether the petitioner herein obtained certificates in the year 1974 and 1980 by playing fraud or mis-representation, it is very difficult to discern as to what exactly the authority intended to say.

24. It is well settled that a party has a right to know not only the result of the enquiry, but also the reasons in support of the decision. Giving of reasons in support of the conclusions is now accepted to be one of the principles of natural justice. Speaking orders are necessary to enable the party affected to know why and on what grounds an order is passed against him. A

speaking order means an order speaking for itself. Speaking order which contains reasons introduces clarity and excludes arbitrariness. Reasons are the links between the materials on which certain conclusions are based and the actual conclusions. They disclose how the mind is applied to the subject matter of a decision (See *Union of India v. M.K. Capoor*, AIR 1974 SC 87). In *Siemens Engineering v. Union of India*, AIR 1976 SC 1785, the Supreme Court observed that "the rule requiring reasons to be given in support of an order is, like the principle of *audi alteram partem*, a basic principle of natural justice and this rule must be observed in its proper spirit and mere pretence of compliance with it would not satisfy the requirement of law." In *Breen v. Amalgamated Engineering Union*, (1971) 1 All ER 1148, Lord Denning observed, "the giving of reasons is one of the fundamentals of good administration, (emphasis is mine).

25. An order or decision which is vague can never be a reasoned decision. An order without clarity can never reflect application of mind. Such an order cannot be a reasoned order. The Court does not expect orders from the administrative or quasi judicial authority as that from a law Court. It is not as if those authorities are required to pass judgements as the ordinary law Courts, as there is essentially distinction between a Court and an administrative authority. But the Rule requiring reasons to be given in support of an order is indispensable. The condition to record reasons introduces clarity and

excludes arbitrariness.

26. Leave alone the structure of the order, the order impugned is totally un-intelligible. An un-intelligible order can never be considered as a reasoned order. The portions of the order referred to herein above in unmistakable terms would reveal lack of clarity. It is difficult to discern the reasons in support of the conclusions. The order is not in accordance with the requirements of the principles of natural justice. It is liable to be set aside and it is accordingly set aside.

27. The matter is remitted for fresh consideration by the third respondent. The third respondent now, shall make available copies of the documents upon which reliance is placed in the show-cause notice. The petitioner is entitled to have copies of only those documents and not all the documents as sought for by him. The copy of the report submitted by the Commissioner of Tribal Welfare need not be given to the petitioner, as the same had already been made available to him. Copies of such of those documents upon which reliance is placed in the show-cause notice shall be made available to the petitioner within eight weeks from the date of receipt of a copy of this order. They shall be sent under Registered post acknowledgement due to the petitioner. Thereafter the petitioner shall file his explanation/representation, if any, within four weeks from the date of receipt of the said documents. The petitioner shall not make any attempt whatsoever to refuse or evade to acknowledge the postal cover. Any such attempt on his part shall be deemed, as

if the respondents have served copies of those documents upon the petitioner on the date of despatch of the postal cover to the petitioner's place of work. The Registered post shall be sent to the petitioner at the following address.

House Address

V.Srirama Murthy
LBF Colony,
12-14-18/8,
Srikakulam

Officer Address

V.Sri Rama Murthy,
Grade-I Assistant,
Food Corporation of
India, Srikakulam.

The Inquiry shall be completed within three months from the date of submission of explanation, if any, by the petitioner, within time, as indicated supra. The petitioner shall not ask for any adjournment or postponement of the hearing, except on the ground of ill-health and if any such plea of ill-health shall be supported by the medical evidence/certificate to be produced by him to the satisfaction of the third respondent, Joint Collector-cum-Additional District Magistrate, East Godavari at Kakinada, to pass an appropriate order on merit, as this Court has not expressed any opinion whatsoever on the merits of the case.

29. The writ petition is accordingly allowed to the extent indicated. There shall be no order as to costs.

ANNEXURE - 26

**IN THE HIGH COURT OF JUDICATURE ANDHRA
PRADESH AT HYDERABAD.**

(SPECIAL ORIGINAL JURISDICTION)

wednesday the Thirteenth day of october

One thousand nine hundred and ninety nine

PRESENT

The Honourable Mr. Justice B. Sudershan Reddy

WRIT PETITION No.16099 OF 1991

BETWEEN

G. Ratnaiah s/o Subbaiah, aged about 54 yrs., Wkg as
Chief Accounts Officer, Anantapur Telecom. District, R/o
Anantapur, Anantapur District.

... Petitioner

AND

1. District Collector and Magistrate, Prakasam
District Ongole.
2. Mandal Revenue Officer,
Jarugumalli, Prakasam District.

... Respondent

AND

Petition under Article 226 of the Constitution of India

praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction especially one in the nature of Writ of Certiorari mandamus calling for the records in Rc.No.D3-10248/90 dated 10-2-1991 of the Respondent no.1 herein and quash the same or declare it as illegal arbitrary and against principles of natural justice and is, therefore, violative of Articles 14 and 15 of Constitution of India.

For the Petitioner : Mr M.S.K.Sastry Advocate

For the Respondents : Govt. pleader for Social Welfare Dept.

The Court made the following : order

W.P. No. 16099 of 1991

ORDER :

The petitioner, in the instant writ petition, challenges the validity of the order Rc.No.D3-10248/90 dated 10-2-1991 passed by the District Collector and Magistrate, Ongole, cancelling the Caste Certificate obtained by the petitioner from the Tahsildar, Ongole, on 3-11-1980 and from the Sub Collector, Kandukur, on 3-2-1987.

The petitioner submits that he was born in Devagudur village on 15-7-1937 and had his early school education in the same village. The petitioner claims that he belongs to "Beda Jangam" caste, which is, admittedly, recognised as Scheduled Caste under the SCs and STs list (Modification) Order, 1956 read with the SCs and STs order (Amendment) Act, 1956. The petitioner was working as Chief Accounts Officer at the relevant time of filing of this writ petition. It is an admitted fact that the petitioner obtained the Caste Certificate from the Tahsildar, Ongole, as early as on 3-11-1980 certifying that he belongs to "Beda Jangam (SC)" commu-

nity, which is recognised as Scheduled Caste under the orders referred to herein above. The petitioner also obtained a similar certificate on 3-2-1987 from the Sub-Collector, Kandukur.

The petitioner herein was served with a show-cause notice on 22-12-1990 by the District Collector, Ongole, requiring his explanation as to why the Certificates obtained by the petitioner from the Tahsildar, Ongole and the Sub Collector, Kandukur, should not be cancelled. In the show-cause notice, it is, inter alia, alleged that the petitioner obtained Caste Certificate from the Tahsildar, Ongole on 3-11-1980 certifying that he belongs to "Beda Jangam" caste in which it is stated that he is a resident of Ongole. It is also alleged that the petitioner obtained such certificates from the Tahsildar, Guntur on 18-11-1982 stating that he was a resident of Chandramoulinagar, Guntur and for the third time from the Sub Collector, Kandukur on 3-2-1987 stating that he belongs to Beda Jangam Community and resident of Devagudur village of Zarugumalli Mandal. The substance of the allegations levelled against the petitioner is that the petitioner obtained a Caste Certificate from three different officers on different dates claiming that he is a resident of Ongole, Guntur and Devagudur village of Zarugumalli Mandal. In the show-cause notice, it is also referred that the Mandal Revenue Officer, Zarugumalli made an inquiry into the matter, as the matter was referred to him for verification and submitted his report stating that the petitioner herein is resident of Devagudur village and belongs to Jangam Caste. He does not belong to Beda Jangam community which is recognised as Scheduled Caste. In the showcause notice, it is observed by the Collector that the report submitted by the Mandal Revenue Officer proves beyond doubt that the petitioner has obtained a false certificate from three different officers on differ-

ent dates by mis-representation of fact and by deceiving the concerned officers.

The petitioner promptly submitted his explanation in the matter on 16-1-1991 denying the allegations levelled against him and inter alia stating that he is not aware of any inquiry conducted by the Mandal Revenue Officer and no reliance therefore could be placed upon the said report submitted by the Mandal Revenue Officer. The petitioner requested for supplying a copy of the report submitted by the Mandal Revenue Officer and inter alia contended that he is also entitled to copies of the statements, if any, recorded by the Mandal Revenue Officer at the time of inquiry. The petitioner reserved his right to examine the witnesses on his behalf, as well as to cross examine the witnesses who have made statements before the Mandal Revenue Officer, during the course of inquiry. The petitioner clearly pleaded that the Collector cannot place reliance whatsoever on the report submitted by the Mandal Revenue Officer.

The District Collector after receiving the explanation submitted by the petitioner passed the impugned order cancelling the Caste Certificate obtained by the petitioner. Hence this writ petition.

Sri M.S.K.Sastry, learned senior counsel appearing on behalf of the petitioner submits that the impugned order passed by the District Collector suffers from jurisdictional errors, apart from being violative of principles of natural Justice. Sri Sastry contends that the District Collector could not have placed any reliance upon the report submitted by Mandal Revenue Officer, in as much as a copy of the same was not made available to the petitioner, in spite of such a request, as is evident from the explanation submitted by the petitioner.

Learned Government Pleader for Social Welfare submits that the petitioner obviously made mis-representation of

nity, which is recognised as Scheduled Caste under the orders referred to herein above. The petitioner also obtained a similar certificate on 3-2-1987 from the Sub-Collector, Kandukur.

The petitioner herein was served with a show-cause notice on 22-12-1990 by the District Collector, Ongole, requiring his explanation as to why the Certificates obtained by the petitioner from the Tahsildar, Ongole and the Sub Collector, Kandukur, should not be cancelled. In the show-cause notice, it is, inter alia, alleged that the petitioner obtained Caste Certificate from the Tahsildar, Ongole on 3-11-1980 certifying that he belongs to "Beda Jangam" caste in which it is stated that he is a resident of Ongole. It is also alleged that the petitioner obtained such certificates from the Tahsildar, Guntur on 18-11-1982 stating that he was a resident of Chandramoulinagar, Guntur and for the third time from the Sub Collector, Kandukur on 3-2-1987 stating that he belongs to Beda Jangam Community and resident of Devagudur village of Zarugumalli Mandal. The substance of the allegations levelled against the petitioner is that the petitioner obtained a Caste Certificate from three different officers on different dates claiming that he is a resident of Ongole, Guntur and Devagudur village of Zarugumalli Mandal. In the show-cause notice, it is also referred that the Mandal Revenue Officer, Zarugumalli made an inquiry into the matter, as the matter was referred to him for verification and submitted his report stating that the petitioner herein is resident of Devagudur village and belongs to Jangam Caste. He does not belong to Beda Jangam community which is recognised as Scheduled Caste. In the showcause notice, it is observed by the Collector that the report submitted by the Mandal Revenue Officer proves beyond doubt that the petitioner has obtained a false certificate from three different officers on differ-

ent dates by mis-representation of fact and by deceiving the concerned officers.

The petitioner promptly submitted his explanation in the matter on 16-1-1991 denying the allegations levelled against him and inter alia stating that he is not aware of any inquiry conducted by the Mandal Revenue Officer and no reliance therefore could be placed upon the said report submitted by the Mandal Revenue Officer. The petitioner requested for supplying a copy of the report submitted by the Mandal Revenue Officer and inter alia contended that he is also entitled to copies of the statements, if any, recorded by the Mandal Revenue Officer at the time of inquiry. The petitioner reserved his right to examine the witnesses on his behalf, as well as to cross examine the witnesses who have made statements before the Mandal Revenue Officer, during the course of inquiry. The petitioner clearly pleaded that the Collector cannot place reliance whatsoever on the report submitted by the Mandal Revenue Officer.

The District Collector after receiving the explanation submitted by the petitioner passed the impugned order cancelling the Caste Certificate obtained by the petitioner. Hence this writ petition.

Sri M.S.K.Sastry, learned senior counsel appearing on behalf of the petitioner submits that the impugned order passed by the District Collector suffers from jurisdictional errors, apart from being violative of principles of natural Justice. Sri Sastry contends that the District Collector could not have placed any reliance upon the report submitted by Mandal Revenue Officer, in as much as a copy of the same was not made available to the petitioner, in spite of such a request, as is evident from the explanation submitted by the petitioner.

Learned Government Pleader for Social Welfare submits that the petitioner obviously made mis-representation of

facts before the concerned authorities and went on obtaining certificate after certificate every time, changing his place of residence. The petitioner is not entitled for a copy of the report submitted by the Mandal Revenue Officer, as opportunity has been afforded to him by the District Collector to explain the allegations levelled against him.

It is evident from the averments made in the show-cause notice, itself, that the District Collector placed heavy reliance upon the report submitted by the Mandal Revenue Officer, which is, admittedly, against the petitioner. It appears that the Mandal Revenue Officer after making an inquiry into the matter came to the conclusion that the petitioner does not belong to Beda Jangam caste, which belongs to Scheduled Caste, but belongs to Jangam community and is a resident of Devagudur village of Jarugumalli Mandal. Admittedly, the Mandal Revenue Officer, Jarugumalli, during the course of inquiry, even appears to have recorded statements of certain villagers without affording an opportunity to the petitioner to cross examine them. The proceedings against the petitioner are set in motion after almost ten years from the date on which the petitioner obtained the Caste Certificate for the first time from the Tahsildar, Ongole in the year 1980. In my considered opinion, the Mandal Revenue Officer could not have made such an inquiry against the petitioner without affording him reasonable opportunity to cross examine the witnesses, if any, examined by the Mandal Revenue Officer, during the course of inquiry. At any rate, the District Collector, could not have placed exclusive reliance upon the report stated to have been submitted by the Mandal Revenue Officer without furnishing a copy of the same to the petitioner. The petitioner is undoubtedly entitled for a copy of the said report against which he could have raised his objection in the matter, even before the District Collector. It is not as if the District Collector has

not relied upon the report submitted by the Mandal Revenue Officer, On the other hand, the District Collector placed heavy reliance upon the report submitted by the Mandal Revenue Officer. In such view of the matter, it is clear that the impugned order is violative of principles of natural justice. The impugned order is untenable and unsustainable and the same is accordingly quashed.

However, it shall be open to the respondents, if they so desire to proceed with the inquiry pursuant to the show-cause notice dated: 22-12-1990 by providing reasonable opportunity to the petitioner. The respondents are directed to make a copy of the report dated: 19-10-1990 submitted by the Mandal Revenue Officer, Jarugumalli, which is admittedly against the petitioner. The petitioner shall be entitled to raise his objection with regard to the said report and the same shall be taken into consideration by the respondents. It shall also be open to the petitioner to lead evidence as he may wish to do so in support of his defence.

It is brought to my notice that the petitioner has already retired from service on attaining the age of superannuation. It is for the respondents to decide as to whether they would still like to proceed against the petitioner in the matter. I do not propose to express any opinion on this aspect of the matter.

Accordingly, the writ petition is allowed to the extent indicated. There shall be no order as to costs.

ANNEXURE - 27
GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Appointment of Commission of Inquiry, headed by Justice Shri P.Ramachandra Raju (Retd.) under the Commissions of Inquiry Act 1952 - Submission of Report - Appointment of Cabinet Sub-Committee to give findings on the report of the Commission - Acceptance of the findings of the Cabinet Sub-Committee furnished to the Government - In pursuance of the recommendations of the Commission - Orders - Issued.

SOCIAL WELFARE (J1) DEPARTMENT

G.O.Ms.No.68,

Dated: 6-6-1997

Read :

1. G.O.Ms.No.99, Social Welfare (J1) Dept., dt.10-9-1996
2. G.O.Ms.No.66, Social Welfare (J1) Dept., dt.2-6-1997.

* * *

ORDER :

1. A Commission of Inquiry was appointed vide G.O.first read above headed by Justice Shri Ramachandra Raju (Retd.) to examine.

- a) whether a disproportionately large number of benefits have gone to any particular sub-caste of scheduled castes; and
- b) if so, to indicate all such steps as are necessary and required to be taken to ensure that the above benefits are equitably distributed among the various sub-caste of scheduled castes.

2. The Commission of Inquiry issued a notification on 1-10-1996 in the Gazette and several English and Telugu dailies inviting representations from any individual or associations relevant to the subject matter of the enquiry giving time till 31-10-1996. The said notification was also sent individually to all the Ministers, the Speaker of the Assembly, all MPs and MLAs of Andhra Pradesh, Heads of the Departments, District Collectors, District Judges, Superintendents of Police, Chairman of Zilla Praja Parishads, Registrar of High Court, various Universities etc. The time for filing the representations was extended by the Commission upto 31-1-1997 and representations received even subsequent to 31-1-1997 from scheduled caste associations and individuals were examined by the Commission.

3. The Commission received statistical data regarding the scheduled caste employees (sub-caste wise) employed in various government departments (both Central and State Government), State Government Public Sector Undertakings, local bodies and cooperative institutions. The Commission also received data about appointments of scheduled castes (sub-caste wise) from various Service Commissions, for the period 1990 onwards. The Commission received responses from several educational institutions also regarding the educational benefits enjoyed by various sub-castes of scheduled castes for the period 1995 onwards. The statistics received upto 15-5-1997 were tabulated by the Commission and responses received on or after 16-5-1997 were not tabulated but seperately considered at the appropriate places in the report of the Commission.

4. The Commission submitted its report on 28-5-1997 which was examined in depth by the Cabinet Sub-Committee constituted vide G.O. second cited. The Cabinet Sub-Committee recommended for acceptance of most of the recommendations of the Commission to the Government. The Government after careful consideration of the report of the Commission, have agreed with the findings of the Cabinet Sub-Committee and accept the following findings of the Commission:

- I. There is disproportionate distribution of reservation benefits in favour of the "Mala" group and "Adi-Andhra" group of scheduled caste communities compared to their respective populations.
- II. Both the "Madiga" group and "Relli" group of communities are not adequately represented either in public appointments or in educational institutions compared to their respective populations.
- III. There is no Constitutional bar in categorising these S.C. communities into four groups "A", "B", "C" and "D" on a rational basis.

5. Therefore, the Government have decided to implement the following recommendations of the Commission with immediate effect.

i) The "Relli" group of communities will consist of the following sub-castes as listed in the Andhra Pradesh Scheduled Castes Presidential Order 1950, i.e.

8. Bavuri
12. Chachati
16. Chandala
18. Dandasi

20. Dom, Dombara, Paidi, Pano
22. Ghasi, Haddi, Relli Chachandi
23. Godagali
48. Mehtar
51. Paky, Moti, Thoti
53. Pamidi
55. Relli
58. Sapru

The "Relli" group of communities is the most backward among the SC communities and are therefore categorised as "A" with percentage entitlement of one percent (1%) of reservation in proportion to their population, both in public appointments and admissions to educational institutions. They shall be adjusted in serial number 2 of the roster as specified in G.O.Ms.No.357, General Administration (Ser.D) Department dated 23-6-1989.

ii) The "Madiga" group of communities will consist of the following sub-castes as listed in the A.P.Scheduled Castes Presidential Order 1950.

5. Arundhatiya
9. Beda Jangam, Budaga Jangam
10. Bindla
14. Chamar, Mochi, Muchi
15. Chambhar
17. Dakkal, Dokkalwar
19. Dhor
24. Godari
28. Jaggali
29. Jambuvulu

30. Kolupulvandlu
32. Madiga
33. Madiga Dasu, Mashteen
43. Mang
44. Mang Garodi
47. Matangi
56. Samagara
59. Sindhollu, Chindollu

The "Madiga" group of communities is the next most backward among the SC communities and therefore they are categorised as "B" with percentage entitlement of seven percent (7%) of reservation in proportion to their population, both in public appointments and admissions to educational institutions. They shall be adjusted in serial numbers 7, 22, 41, 62, 72, 87 and 97 in the roster as obtained in G.O.Ms.No.357, G.A. (Ser.D) Dept., dated 23-6-1989.

iii) The "Mala group of communities will consist of the following sub-castes as listed in the A.P.Scheduled Castes Presidential Order 1950.

2. Adi Dravida
3. Anamuk
4. Aray Mala
6. Arwa Mala
7. Bariki
11. Byagara
13. Chalavadi
21. Ellamalawar, Yellammala wandlu
25. Gosangi
26. Holey a

27. Holey Dasari
31. Madasi Kuruva, Madari Kuruva
34. Mahar
35. Mala
36. Mala Dasari
37. Mala Dasu
38. Mala Hannai
39. Malajangam
40. Mala Masti
41. Mala Sale, Netkani
42. Mala Sanyasi
45. Manne
50. Mundala
52. Pambad Pambanda
57. Samban

The "Mala" group of communities are receiving benefits of reservations wholly disproportionate to their population and are therefore categorised as "C" with percentage entitlement of six percent (6%) of reservation in proportion to their population both the public appointments and admissions to educational institutions. They shall be adjusted in serial numbers 16, 27, 47, 66, 77 and 91 in the roster as specified in G.O.Ms.No.357, G.A. (Ser.D) Dept., dated 23-6-1989.

iv) The "Adi-Andhra" group of communities will consist of the following sub-castes as listed in the A.P.Scheduled Castes Presidential Order 1950.

1. Adi Andhra
46. Mashti

49. Mitha Ayyalvar

54. Panchama, Pariah

The "Adi-Andhra" group of communities are receiving benefits of reservation wholly disproportionate to their population and are therefore categorised as "D" with percentage entitlement of one percent (1%) of reservation in proportion to their population, both in public appointments and admissions to educational institutions. They shall be adjusted in serial number 52 in the roster as specified in the G.O.Ms.No.357, G.A.(Ser.D) Dept., dated 23-6-1989.

v) The 33 1/3% reservations provided for women in public services shall be adjusted by allotting two seats in each roster cycle of 100 points fixed for "Madiga" group and "Mala" group and one seat alternately for "Relli" group and "Adi-Andhra" group.

vi) If eligible candidates are not available to fill the slots reserved for them in the roster points as mentioned above, the slots may be filled in by the candidates belonging to the next lower group or category of the SC communities as described in the aforesaid paras. For example, in the roster point fixed for "Relli" group (woman), i.e., category "A", if an eligible woman candidate is not available, the roster point may be filled by the woman candidate belonging to the next lower category of "Madiga" group i.e. category "B".

vii) If no eligible SC candidate (including woman candidate, wherever applicable) belonging to any of the "A", "B", "C", "D" categories is available, then the vacancy will be carried forward but shall not be filled by a candidate belonging to

anyother community other than SCs in accordance with the rules and Government orders in force.

6 (i) The above orders will be applicable from the academic year 1997-98, in all the educational institutions under the controll of the State Government, wherever rule of reservation is being implemented.

ii) In the case of public appointments for the backlog vacancies/regular vacancies to be filled by Scheduled Caste candidates, pursuant to various Government instructions issued in this regard from time to time, and where the selection process has been completed i.e. appointment orders have been despatched or the applicants have been intimated officially that he/she has been selected and should await posting orders, in such cases the above orders will not be applicable.

iii) Separate instructions will be issued by the Government regarding the appointments to the backlog vacancies/ regular vacancies, where the selection process is at various stages and the appointment orders have not been despatched or selection has not been intimated to the applicants.

iv) In the public appointments to be made henceforth, wherever rule of reservation is being implemented, these orders will be applicable.

7. The categorisation of Scheduled Caste into "A", "B", "C", "D" groups as mentioned above does not apply to posts or admissions to educational institutions under the control of the Central Government Departments or Central Government Corporations/ Public Sector Undertakings.

8. The General Administration (Services) Department and the Education Department (Higher Education and School

Education) will issue necessary orders separately, modifying the existing Government Orders/ Instructions of their departments, in pursuance to the decisions mentioned above.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.S.RAJAJEE,

CHIEF SECRETARY TO GOVERNMENT.

AUM
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Venkateswarlu on 22-8-1988 (Serial No.1 to 4)

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2. Beda Jangam praising ancestors of the deceased.
3. Beda Jangam performing the death ceremony.
4. Beda Jangam receiving two annas from the relatives of the deceased.
5. Beda Jangam (preist) performing the death ceremony in the house of a Beda Jangam.
6. Beda Jangam (preist) performing the death ceremony in Thativaripalam Village, Martur Mandal, Prakasam district.
7. Beda Jangam (preist) performing the death ceremony in the House of a Schedule Tribe (Erukala).
8. S.c & S.T's having common lunch.
9. Beda/Budaga Jangam - Agricultural Operations.
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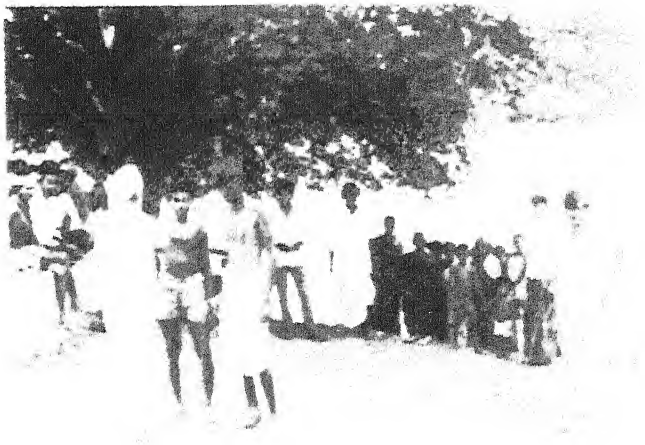


Photo 1
Performing the death ceremony of late Nathala Venkateswarlu
on 22-8-1988

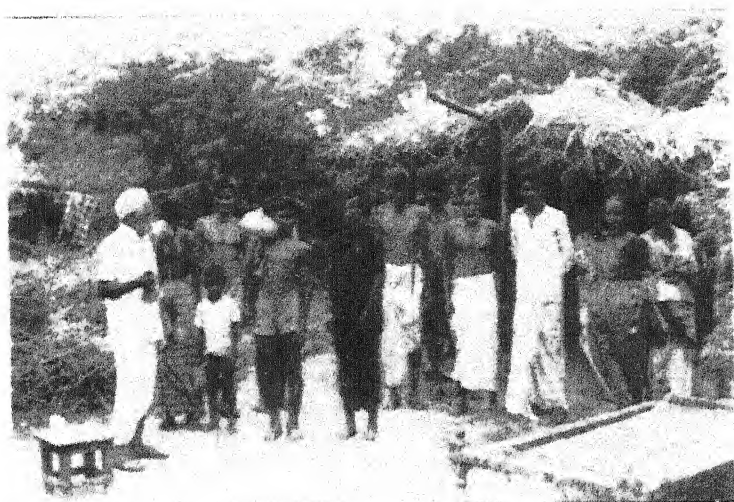


Photo 2
Beda Jangam praising ancestors of the deceased.



Photo 3
Beda Jangam performing the death ceremony

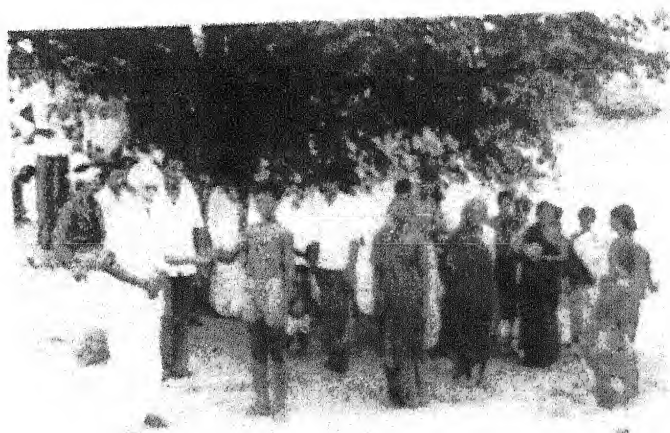


Photo 4
Beda Jangam receiving tw annas from the relatives of the deceased



Photo 5

Beda Jangam (preist) performing the death ceremony in the house
of a BedaJangam



Photo 6

BedaJangam (preist) peerforming the death ceremony in Thativaripalam
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Photo 7

BedaJangam (preist) performing the death ceremony in the house of the
schedule Tribe (Erukala)



Photo 8

S.c & S T's having common lunch



Photo 9
Beda/Budaga Jangam - Agricultural Operations

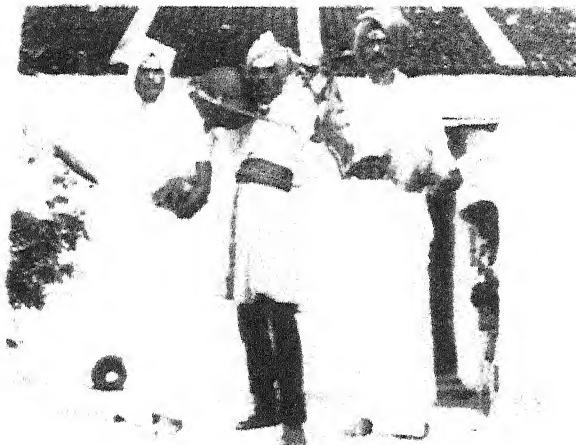


Photo 10
Beda Jangam Narrating Jangam Stories

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Om Namah Sivaya Sahithee Samskrithika Parishad
Plot No.362, Chandragiri Colony,
Ramakrishna Puram, Secunderabad 500 056.
Ph: (040) 712 8133

**Words of Gratitude to
A.M.R. NARENDRA VISAKHAPATNAM**

The parishat is grateful to AMR Narendra, Visakhapatnam who encouraged and insisted Sri R.C.Venkateswarlu to write this book. He paid Rs.10,000=00 towards the cost of the publication of this book.

Sri A.M.R.Narendra is Managing Director, Nirmita Projects (P) Ltd., Vice President of A.P. State Bada/Budaga Jangam Sangam and the Chairman of Sri Basaveswara Educational Academy, Vizag. Sri A.M.R.Narendra is engineering graduate, young, energetic and dynamic person who is eager to help the downtrodden people of our community, which is microscopic minority community.

The following persons have also paid the amounts shown against them.

- | | |
|---|---------|
| 1. Sarvasree R.C. Venkateswarlu, I.P.S.(Rtd). | 2500=00 |
| 2. Sarvasree J.Sivaiah, New Mumbai | 2000=00 |
| 3. K.Suribabu, Hyderabad. | 2000=00 |

We are very grateful to the above members. We pray Lord Siva to bless them with peace and prosperity.

Dhupam Basava Nagaiah, B.A
Managing Trustee