

GOVERNMENT OF KERALA

Abstract

Community certificates - Scheduled Caste Certificates to members of PULLUVAN community - Issue of - Grant of benefits - Judgments of the Hon'ble High Court and Supreme Court - Implemented - Orders issued.

SCHEDULED CASTES | SCHEDULED TRIBES DEVELOPMENT (G) DEPT.

G.O. (P) No. 65/96/SCSTD. Thiruvananthapuram, dated 19.12.96

- Read: 1. Judgment dated 29.10.1990 of the Hon'ble High Court of Kerala in O.P. No. 8347/89 filed by Sri C.K. Balakrishnan, Nedumkulangara House, Kusumagiri P.O. Kakkanad, Cochin-30.
2. D.O. Letter No. 12018/11/89-SCD (R. Cell) dated 4.3.1991 from Sri B. N. Srivasthava, Director, Ministry of Welfare, Govt. of India.
3. Judgment dated 5.2.1992 of the Hon'ble High Court of Kerala in W/A No. 1170/91 (in O.P. 8347/89).
4. Judgment dated 23.3.1992 of the Hon'ble High Court of Kerala in O.P. No. 884/91 filed by The Pulluvan Service Society, Kusumagiri (PO), Kochi-30.
5. Order dated 24.7.1992 of the Hon'ble Supreme Court of India in S.L.P. 7741-43/92 (in W/A 1170/91).
6. Circular, No. 23296/E2/90/SCSTD. dated 31.7.1992.
7. Letters No. 12018/11/89-SCD (R-Cell) dated 6.7.1995 and 28.11.1995 from the Ministry of Welfare, Govt. of India.

ORDER

Pulluvan (പുല്ലുവൻ) is a community eligible for consideration as a Scheduled Caste of Kerala, according to the norms therefor. In the Presidential Order of 1950 promulgating the Scheduled Castes list of Kerala, Pulluvan had been included. But when the list was modified by an Act of Parliament in 1956, it was misspelt in the revised list of Scheduled Caste as "PALLUVAN" (പല്ലുവൻ). This mistake could not have been corrected so far, by due constitutional process. Even now it continues as PALLUVAN in the S.C. list of Kerala. Members of Pulluvan community are thus denied the constitutional rights and benefits, for no fault of theirs.

2. Sri C.K. Balakrishnan, filed O.P. No. 8347/89 in the Hon'ble High Court of Kerala praying for directions for grant of benefits of Scheduled Castes to Pulluvans. As per the Judgment read as first paper, the Hon'ble High Court allowed the O.P. holding that the entry PALLUVAN in the S.C. list of Kerala is a printer's devil and that it stands for the Pulluvan community of Kerala and, therefore, that community is entitled to all the benefits of Scheduled Castes.


As the Scheduled Castes list as enacted by the Parliament cannot be amended by any process other than by legislation by Parliament, and as per constitutional provisions, Parliament alone can effect any kind of modifications in the S.C. list, the Ministry of Welfare, Government of India, proposed that the State Government may file appeal against the Judgment. Therefore, a Writ Appeal was filed. It was dismissed as per the Judgment read as third paper above. The special Leave Petition filed against this Judgment in the Supreme Court, under instructions of the Government of India was also dismissed on 24.7.1992. Alleging that despite clear orders from the Courts for grant of benefits of Scheduled Castes to members of Pulluvan community they are not being allowed the benefits the "Pulluvan Service Society" filed O.P. No. 884/91. In the Judgment read as the fourth paper above it was observed that those concerned are dutybound to implement the direction of the High Court and if it is not being done the petitioners can take appropriate action. Pursuant to this the State Govt. issued the circular read as sixth paper above provisionally granting the benefits of Scheduled Castes to Pulluvans. Subsequently the Government of India was moved to grant S.C. status and benefits to Pulluvans, in the light of the Court decisions and the fact that the S.C. benefits are being denied to them for no fault of theirs. The Ministry of Welfare conveyed its decision in the letters read as seventh paper above that S.C. certificates may be issued as "Pulluvan", and adopted the stand that issue of S.C. certificate as "PALLUVAN" would implement the court directions.

3. The State Government have considered all aspects of this issue in detail. It is a fact that there is no caste called PALLUVAN (പല്ലവൻ) in this State. It is also a fact that PULLUVAN (പുല്ലവൻ) community was enjoying the Scheduled Caste status prior to the amendment of the Scheduled Castes list in 1956 and that there was no suggestion for exclusion of this community from the S.C. list. They are even now having only the socio-economic and educational status that rightly justifies their continuance in the Scheduled Castes list. That their caste name was misspelt in the amended Scheduled Castes list of Kerala doesnot mean that they are excluded from that list and a new caste included. The Hon'ble High Court of Kerala has elucidated these aspects in its Judgments read above, appeal against which has been dismissed by the Hon'ble Supreme Court of India. The absurdity of inclusion of a non-existent caste (Palluvan) in the S.C. List of Kerala, is equally explained, and the State Government's stand in that Scheduled Caste Certificates are issued to Pulluvans in the correct caste ~~കർമ്മകർമ്മ~~ ~~അർമ്മ~~ name and they are allowed the benefits of Scheduled Castes as in the case of all the other communities included in the Scheduled Castes list of Kerala.

4. Government, therefore, clarify that entry NO. 49 Palluvan (പല്ലവൻ) in the existing Scheduled Castes list of Kerala as per the Scheduled Castes orders (Amendment) Act-1976 (Act 108 of 1976) stands for the PULLUVAN (പുല്ലവൻ) community in Kerala and therefore order that members of Pulluvan community in the State of Kerala shall be entitled to Scheduled

The Chief Post Master General, Kerala Circle, Thiruvananthapuram  
The Divisional Railway Managers, Thiruvananthapuram/Palakkad.  
The General Manager, Southern Railway, Madras.  
The Chief General Manager, Telecommunications, Tvm.  
The Commissioner for Income Tax, Thiruvananthapuram/Kochi.  
The Regional Provident Fund Commissioner, Thiruvananthapuram/  
Kochi/Kozhikode.  
The Director of Census Operations, Poonkulam, Tvm.  
The Regional Passport Officer, Tvm./Kochi/Kozhikode.  
The Air Officer Commanding-in-Chief Southern Air Command,  
I.A.F., Thiruvananthapuram.  
The Director, Dooradarshan Kendra, Thiruvananthapuram.  
The Collector of Customs, Kochi.  
The Chairman, Cochin Port Trust, Kochi.  
The Flag Officer-Commanding-in-Chief, Southern Naval Command,  
Kochi.  
The Secretary, Banking Service Recruitment Board,  
Thiruvananthapuram/Bangalore.  
The Secretary to Governor.  
The Private Secretary to Chief Minister and other Ministers.  
The Private Secretary to Leader of opposition and Government  
Chief Whip.  
The Director of Public Relations.  
All Departments (All Sections) of the Secretariat.  
The General Administration (GC) Department.  
Stock File.  
O/C.

Forwarded/By order,

  
Section Officer.

19.12.19

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caste Certificates as "PULLUVAN ( പുല്ലുവ )", and all the benefits enabling thereunder.

5. The above orders shall be binding on all Government departments, statutory bodies, Government and quasi Government organisation, and undertakings, and on all other institutions and agencies required to grant any benefits, concessions or special treatment to members of Scheduled Castes.

6. It is also clarified that the provisional Scheduled Caste Certificates as "Puluvan" issued pursuant to the circular read above shall be treated as regular Scheduled Caste certificates from the date of issue of the respective certificates provided that other conditions for issue of such certificates had been observed.

7. The conditions stipulated in para 3 (ii) of the circular read above stands rescinded.

(By order of the Governor),

C. CHANDRAN,  
Secretary to Government.

To

- All District Collectors.
- All Tahsildars, R.D.Os, Deputy Collectors and Sub-Collectors (Through District Collectors).
- All Heads of Departments.
- All Dist. S.C. Development Officers } Through DSCD.
- All Taluk S.C. Development Officers }
- The Accountant General (A&E)/Audit, Thiruvananthapuram.
- The Secretary, Kerala Public Service Commission, Pattom, Thiruvananthapuram (with C.L.).
- The Secretary, Union Public Service Commission, New Delhi (with C.L.).
- The Secretary to Govt. of India, Ministry of Welfare, Sastri Bhavan New Delhi (with C.L.).
- The Secretary, to Government of India, Ministry of personal & Public Grievances, New Delhi (with C.L.).
- The Registrar, Central Adm. Tribunal, Ernakulam ( " ) Ernakulam Bench, Ernakulam.
- The Registrar, University of Kerala/Mahatma Gandhi University/Cochin University of Science and Technology/University of Calicut/Kerala Agricultural University/Sree Sankaracharya University of Sanskrit, Kalady, Ernakulam.
- Heads of all Public sector Undertakings.
- Heads of all autonomous Bodies, Cultural and other Institutions.
- Heads of all co-operative Organisations.
- Secretaries to Development Authorities.
- Secretaries to the Municipal corporation of Thiruvananthapuram/ Kochi/Kozhikode.
- The Station Director, All India Radio, Thiruvananthapuram