

F.No.14/1/2013-Welfare
GOVERNMENT OF INDIA
Ministry of Finance
Deptt. of Financial Services
(Welfare Section)

3rd Floor, Jeevan Deep Bldg., Parl. Street,
New Delhi, dated: 14.08.2013.

To

Sh. Shyamalendu Saha,
General Manager, *Canara Bank,*
H.O., 112, J.C. Road,
Bangalore-560002.

Subject:-Clarification regarding treating the employees recruited under SC/ST category under General Category as per the suggestion made by Caste Verification Committee/State Govt. in State of Karnataka.

Sir,

I am directed to refer to your letter ref. No. HRW IRS 321 MKS MKS:5520:2013 dated 30.03.2013 on the subject mentioned above and to say that the subject matter has been taken up with the Ministry of Social Justice & Empowerment, D/o Social Justice and Empowerment (SJ&E). The D/o SJ&E has sent their views / clarifications on the issues raised by you in your above referred letter. The copy of the same is enclosed herewith along with a copy of DoP&T's letter No. BC.12025/1/82-SC&BCD-IV dated 29.06.1982 for information and further necessary action at your end.

Yours faithfully,

J.S. Phaugat
21/8/2013
(J.S. Phaugat)

Under Secretary to the Govt of India
ज. एस. फौगाट / J. S. PHAUGAT

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*copy also to CEOs of all PSBs / FIs / PSICs
for information and necessary action.*

J.S. Phaugat
21/8/2013
जे. एस. फौगाट / J. S. PHAUGAT
अवर सचिव / Under Secretary

No.12025/1/2013-SCD (R.L.Cell)
Government of India
Ministry of Social Justice and Empowerment
Department of Social Justice and Empowerment

Shastri Bhawan, New Delhi
Dated: 08.07.2013

OFFICE MEMORANDUM

17/7/13
US (well)
D.M. (cell)

Subject: Clarification regarding treating the employees recruited under SC/ST category under General category as per the suggestion made by Caste Verification Committee / State Government in State of Karnataka.

The undersigned is directed to refer to the Department of Financial Services O.M. No. 14/1/2013-Welfare, dated 10.05.2013 and 14.06.2013 on the subject stated above and to say that the Scheduled Castes are notified under the provisions, of Article 341 of the Constitution of India. First list of Scheduled Castes in relation to a State or Union Territory is by a notified Order of the President. Any subsequent inclusion in, or exclusion from the list of Scheduled Castes can be made only by an Act of Parliament in view of clause (2) of Article 341 of the Constitution. The Hon'ble Supreme Court through a catena of judgments has held that entries of the Presidential Orders under Article 341 shall have to be taken on their face value and they are final. The State Governments, Tribunals, Courts etc. have no power to modify the list of Scheduled Castes. In the list of Scheduled Castes of Karnataka, only Kotegar, Metri figure at Sl. No. 55. Kotekshatriya, Kotegara, Kottegar, Kotiyar, Ramakshatriya, Sherugara, Shervagara etc. castes do not figure in the list of Scheduled Castes in relation to Karnataka, therefore, their members cannot be deemed to belong to Scheduled Caste category in relation to the State.

2. With regard to proposal of the Government of Karnataka for inclusion of the above referred communities in the list of Scheduled Castes, the Government of Karnataka vide their letter dated 22.04.2010 had recommended inclusion of Kote Kshatriya, Kotegara, Kottegar, Koteyava, Rama Kshatriya, Koteyara, Serugara and Servegara castes as equivalents of Kotegar, Metri. The said proposal was examined in the Ministry and it was observed that though the State Government had recommended their inclusion but not had substantiated it with the requisite ethnographic details. Accordingly, the State Government was requested on 30.06.2010 to furnish the requisite information in the prescribed proforma, which is still awaited.

3. A perusal of the papers sent by the Department Financial Services shows that the Order dated 11.03.2002 of the Government of Karnataka relates to Parivara, Talwar, Maaleru, Kuruba, Besta and Koli communities, whose members had obtained Scheduled Tribe certificates. In the said Order there is no mention of Kotekshatriya, Kotegara, Kottegar, Kotiyar, Ramakshatriya, Sherugara, Shervagara etc castes.

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4. In view of above, and castes viz Koteekhatriya, Kotegara, Kotegar, Kotiyar, Ramakshatriya, Sherugara, Shervagara etc communities cannot be deemed to belong to Scheduled Castes. In this connection it is stated that the Ministry of Home Affairs vide Circular dated 29.06.1982 (copy enclosed) addressed to the Chief secretaries of all State Governments/ Union Territory Administrations and copy endorsed to all the Ministries/ Departments, had inter-alia requested to take strict measures to detect such cases of non-SC/ST persons holding false SC/ST certificates, deprive them of benefits that they are not entitled to and impose appropriate penalties and take legal action against them.

Encl: as above.


(G.K.Dwivedi) 8.7.12
Director
Tel: 23385491

To
The Under Secretary (Welfare),
Department of Financial Services,
Ministry of Finance,
3rd Floor, Jeewan Deep Building,
Parliament Street,
New Delhi.