

Lokpal of India
Plot No.6, Vasant Kunj Institutional Area – Phase-II
New Delhi – 110070

Complaint No. :209/2024(arising out of Dy.No.2222024)

Date : 23.10.2024

**Coram : Shri Justice A.M. Khanwilkar
Chairperson**

**Shri Justice L. Narayana Swamy
Judicial Member**

**Shri Justice Sanjay Yadav
Judicial Member**

**Shri Sushil Chandra
Member**

**Shri Justice Ritu Raj Awasthi
Judicial Member**

**Shri Pankaj Kumar
Member**

**Shri Ajay Tirkey
Member**

ORDER

1. The complainant had sent a communication dated Nil, described as an "Official Letter", calling upon the Lokpal to help the complainant in the cause propounded in the stated letter. The letter reads thus:



"Official Letter

Respected Sir,

With immense pleasure I would like to draw the following few lines for your kind consideration. Sir, our state government had sent proposals to central government through proper channel for the inclusion of Valmiki Boyas into Schedule Tribe category. As per the Modalities laid down the State Government proposal is the pre-requisite instead of this the concerned ministry always forwarding to the ORGI for comments and they are rejecting the proposal and the process is stopped still from the last 8 years what is exactly happening we are not getting. According to the Constitution and as per the modalities lay down when we had filed different RTI they had given different Answers for our questions.

The problem of our community had been started in 1956, upto that we are in Scheduled Casted category and after 1956 due to a agency and non-agency act we had been removed from ST and from 1956 to 76 we are into ST, SC, DNT, MBC and BC finally in 1976 we had been added into BC-A when we had asked concerned ministries on what basis we had been removed and placed in BC they didn't have any answer.

The Ministry of Tribal Affairs saying that we are formed in 15.06.1999, we don't have any previous data of your community you have to ask with Ministry of Social Justice and Empowerment Ministry, they say that up to 1985-86 all these was dealt with Ministry of Home, the Scheduled Castes Development Division, Tribal Development Division and Minorities and Backward Classes of Welfare Division were moved from the Ministry of Home Affairs and from the Ministry of Law to form the then Ministry of Welfare. Subsequently, the name of the Ministry was changed to the Ministry of Social Justice and Empowerment in May, 1998. Further, in October 1999, the Tribal Development Division had moved out to form a separate Ministry of Tribal Affairs.

In all these process who lost most were Valmiki Boyas of Andhra Pradesh, we dint have any census and we don't have any welfare schemes or we didn't received any compensation while we had been divided and also no transition steps were taken by the government on this community during this period.

Based on all this and based on our requisition and backwardness, distinctive culture, Primitive Traits Valmiki Boyas of Andhra Pradesh have



been recommended by the state governments to include Valmiki boyas into Scheduled Tribe Category, the state government passed resolutions in 2017 and 2022 and sent to Central Government but the Ministry of Tribal Affairs as they don't have any data regarding us they are asking ORGI(Office of Registrar General of India) for comments and ORGI without visiting the state giving comments and rejecting the proposal sent by the state government, how can they do....?

The state government through a G.O formed a Commission and they visited all over the state and after collecting Historical and Empirical Data they had sent their recommendation to include Valmiki Boyas into Scheduled Tribe category on what basis the DRG of ORGI rejecting and giving comments we had asked them but they are rejecting our request. This created a doubt that they had been influenced or corrupted and rejecting our proposal. In every step we are facing some legal hurdle so the main ministries who are concerned have to be examined and investigated, also have to recommend for investigation our issue and help our community at large.

Andhra Pradesh Valmiki Boyas are most backward, depressed, oppressed and exploited community, many are migrating and in jails due to this and they are not at all getting any benefits from the government at a needed basis, so I request the honorable institution to help us.

Thanking you Sir,.....”

2. As the Registry of the Lokpal had noted defects in the Scrutiny Report dated 27.09.2024, the complainant was given time to do the needful in that regard. The complainant then took steps to remove the defects. He has sent a communication on 09.10.2024, purportedly replying to the defects noted in the Scrutiny Report. The said communication reads thus:



Respected Honorable Full Bench of Lokpal,

With immense pleasure I would like to draw the following few lines of for your kind consideration here I am giving reply to the order point wise so please consider my reply as per order accordingly.

1. Here the Public Servants and the Government in the Andhra Pradesh had supported our issue of inclusion of **Valmiki Boyas** into Scheduled Tribe Category and sent proposal with the state government resolution to the centre but in centre it was facing issues in every way. Actual procedure and through proper channel was not following.
2. Defects pointed out and the reply for them were:
 - a. Affidavit has been filed in plain paper previously as a self-declaration, as ordered to file a notarized affidavit on a non-judicial stamp paper had been filed as per the order.
 - b. Complained against names and designation of the Public Servants who are holding present positions of the posts which are important in resolving our long lasting issue so mentioning current post holders names as per the order:
 1. Shri XXXXX(Name Designation redacted)-
 2. Shri XXXXX(Name Designation redacted)-
 3. Shri XXXXX(Name Designation redacted)-
 4. Shri XXXXX(Name Designation redacted)-
 5. Shri XXXXX(Name Designation redacted)-
 6. Shri XXXXX(Name Designation redacted)-
 7. Shri XXXXX(Name Designation redacted)-
 8. Shri XXXXX(Name Designation redacted)-
 9. Smt XXXXX(Name Designation redacted)- -Not aware that presently where she is working in which position but previously she hold the Dy.RG(SS) position when our 1st proposal for inclusion of Valmiki Boyas into ST was sent by the State government in 2017.
5. Reply to this point:-
 - a. Here the allegation is the Ministry is not following the standard procedures. In Constitution any Resolution came from the state government have to be discussed in the Parliament and a standing committee have to be formed and submit a report, if they approve the state government proposal then they make a bill and table it in the parliament and if parliament approves then President of India will approve it. But here the procedure is entirely changed and they kept some modalities which were not mentioned in the parliament and saying that they were following them from many years, our allegation is who



mentioned them and why the ministry following without any parliament approval.

- b. Here Ministry is sending the state government proposal to RGI (Registrar General of India) and not to the National Commission for Scheduled Tribes (NCST) which is a constitutional body, our allegation is why and what are the reasons behind it and need a investigation on this.
- c. While we had filed a RTI in the F.No.12026/13/08-C&LM-1 (Andhra Pradesh), Govt. of India, MOTLA(CLM-1 Division) had given reply that as per extant modalities, recommendation of the state government is a pre-requisite for further processing the proposal for inclusion/exclusion of community they had said but now even though the state government had approved and appointed a commission and also sent to centre through legislative procedure in a constitutional way why the centre public servants are opposing what are their interests and why they are not following constitutional ways. Here while inclusion they are saying all many reasons we were removed illegally in 1976 without any standard procedures what are the vested interests at that time and why the government is doing on their own people.
- d. In another RTI reply registration number:ORGOI/R/2017/80144 they had given reply that the role of ORGI is limited to provide technical comments only on the request of the nodal ministries which is Ministry of social justice and empowerment for SC (MOSJE) and Ministry of Tribal Affairs for ST(MOTLA), then our allegation is why ministry is considering ORGI comments at a large and holding the file since 2017 what are the vested interests who are behind this, the state government after some critical studies approved and passed in legislative assembly and sent to centre as a standard procedure and they themselves said the state government approval is pre-requisite and still this much delay and rejections leads to many doubts in the Valmiki Boya Community so raising allegations against the Ministry and all the concerned including **XXXXXX** and **XXXXXX (Name/ Designation redacted)** as they had supported our proposal and given their voice during the elections that they know our Valmiki Boyas issues and will resolve after coming into power in 2019 but till now they didn't resolved our issues, this shows they have some vested interests which leads to many doubts at many levels, so raised allegations on all the related ministries who are involved and important to resolve our issue.
- e. In the RTI:F.No.11030/17/2018-C&LM, Govt. of India MOTLA(C&LM Division), mentioned that in point no.9 that the Criteria Determining characteristics of community for specifications of scheduled tribes are:-
 - 1.Indications of primitive traits.
 - 2.Distinctive Culture.
 - 3.Geographical Isolation.

4. Shyness of contact with community at large.
5. Backwardness.

Here the state government of Andhra Pradesh appointed two commissions and a committees and approved their reports in the legislative assembly which is a state subject and sent to centre for approval but the centre ministries and institutions at different levels without any field visit and investigation opposing our proposal and didn't approved and delaying the state government proposal which alleges that public servants at different levels who we mentioned in the complaint are responsible in resolving our issue but they are not doing which is causing a grievous problem to the most backward, exploited, cheated community of Andhra Pradesh. So we filed the complaint.

Previously, also I had sent all the documents which are required and necessary for my complaint. Now mentioned in detail and the reasons for my complaint, me on behalf of my community requesting the Honorable Full Bench of Lokpal to look into this issue seriously and launch an investigation on our issue, what are vested interests of these public servants for what, which we are suffering from many years and many people are suffering with many problems. Please excuse me and I am sorry if I had did any mistake in the complaint, after seeing all these irregularities and intentional delays and violations of constitutional procedures, I got aggrieved and filed this complaint, so please consider my request and do the needful for our community and save us.

Thanking you,


Yours sincerely,
Sd/-...."

3. The matter is now posted for our consideration, after the complaint is duly registered.
4. Even on a close scrutiny of the two communications, we are unable to decipher the allegation of corruption against any public servant, within the meaning of the Prevention of Corruption Act, 1988 (PC

Act). Whereas, the grievance is essentially about the inaction or so to say, mishandling of the proposal forwarded by the State Government to the Ministry of Social Justice and Empowerment for SC (MOSJE) and Ministry of Tribal Affairs (MOTLA).

5. The fact that the concerned Ministries and other dignitaries were expected to resolve the demand of the complainant and they have singularly or collectively failed to do so, by itself, cannot be the basis to infer any vigilance angle. The complainant, however, may have to pursue the matter not only before the Executive but also cause it to be taken/laid before the Parliament, as the resolution to the demand of the complainant can be redressed only by way of legislative intervention.

6. Suffice it to observe that the Lokpal can cause inquiry or investigation, only in respect of allegations of corruption within the meaning of the offence prescribed in the PC Act. That is conspicuously lacking in this case.

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7. Accordingly, we dispose of this complaint with liberty to the complainant to pursue such other remedies, as may be permissible in law.

Sd/-
(Justice A.M. Khanwilkar)
Chairperson

Sd/-
(Justice L Narayana Swamy)
Judicial Member

Sd/-
(Justice Sanjay Yadav)
Judicial Member

Sd/-
(Sushil Chandra)
Member

Sd/-
(Justice Ritu Raj Awasthi)
Judicial Member

Sd/-
(Pankaj Kumar)
Member

Sd/-
(Ajay Tirkey)
Member


(Court Master)

/SN/