



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 11<sup>TH</sup> DAY OF DECEMBER, 2023**

**PRESENT**

**THE HON'BLE MR PRASANNA B. VARALE, CHIEF JUSTICE**

**AND**

**THE HON'BLE MR JUSTICE KRISHNA S DIXIT**

**WRIT PETITION NO. 26836 OF 2023 (SCST-PIL)**

**BETWEEN:**

DR AMBEDKAR SCHEDULED CASTES  
FEDERATION KARNATAKA  
PAN CARD AAGAD3232N  
NO 172, FIRST MAIN , 2<sup>ND</sup> CROSS,  
HOYSALA NAGARA, NAGARABHAVI,  
BANGALORE, BANGALORE ZONE 4  
GOVINDRAJANAGARA - 560 072.

REP BY ITS PRESIDENT  
MAHENDRA KUMAR MITRA  
PAN CARD AVKPM5366J  
AADHAR 520582409770  
EMAIL mitramahendrakumar gmail.com

...PETITIONER

(BY SRI.MAHENDRA KUMAR MITRA.,PARTY IN PERSON)

**AND:**

1. UNION OF INDIA,  
THROUGH ITS SECRETARY TO  
GOVERNMENT OF INDIA  
CABINET AFFAIRS,  
RASTRAPATHI BHAVAN,  
NEW DELHI 110 004.
2. THE SECRETARY TO GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS  
DEPARTMENT OF HOME,





NORTH BLOCK, CENTRAL SECRETARIAT  
NEW DELHI 110 001.

3. THE SECRETARY TO GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE,  
DEPARTMENT OF LAW,  
SHASTRI BHAVAN, A WING,  
DR RAJENDRA PRASAD ROAD,  
NEW DELHI 110 001.
4. THE SECRETARY TO GOVERNMENT OF INDIA  
MINISTRY OF SOCIAL AND EMPOWERMENT  
DEPARTMENT OF SOCIAL JUSTICE AND  
EMPOWERMENT,  
SHASTRI BHAVAN, C WING,  
D RAJENDRA PRASAD ROAD,  
NEW DELHI 110 001.
5. MINISTRY OF TRIBAL AFFAIRS,  
REP BY ITS SECRETARY,  
D WING, 2<sup>ND</sup> FLOOR,  
SHASTRI BHAVAN,  
NEW DELHI 110 011.
6. THE REGISTRAR GENERAL AND CENSUS  
COMMISSIONER OF INDIA,  
WEST R K PURAM, BLOCK 1,  
SARVAPRIYA VIHAR,  
NEW DELHI 110 066.
7. NATIONAL COMMISSION FOR  
SCHEDULED CASTES  
REP BY ITS SECRETARY,  
5<sup>TH</sup> FLOOR, LOKNAYAK BHAVAN,  
KHAN MARKET, NEW DELHI 110 003.
8. NATIONAL COMMISSION FOR  
SCHEDULED CASTES  
REP BY ITS SECRETARY  
6<sup>TH</sup> FLOOR, B WING,  
LOKNAYAK BHAVAN,  
KHANMARKET,  
NEW DELHI 110 003.



9. CHIEF ELECTION COMMISSIONER,  
ELECTION COMMISSION OF INDIA,  
NIRVACHAN SADAN,  
ASHOKA ROAD, NEW DELHI 110 001.
10. GOVERNMENT OF KARNATAKA,  
REP BY ITS CHIEF SECRETARY,  
ROOM NO 320, 3<sup>RD</sup> FLOOR,  
VIDHANA SOUDHA,  
BENGALURU 560 001.
11. STATE OF KARNATAKA,  
REP BY PRINCIPAL SECRETARY,  
DEPARTMENT OF PRALIAMENTARY AFFAIRS,  
1<sup>ST</sup> FLOOR, VIDHANA SOUDHA,  
BENGALURU 560 001.
12. THE PRINCIPAL SECRETARY,  
DEPARTMENT OF SOCIAL WELFARE,  
2<sup>ND</sup> FLOOR, VIKASA SOUDHA  
BENGALURU 560 001.
13. THE ADDITONAL CHIEF SECRETARY TO  
GOVERNEMNT DEPARTMENT OF HOME  
STATE OF KARNATAKA  
2<sup>ND</sup> FLOOR, VIDHANA SOUDHA,  
BENGAULURU 560 001.
14. THE SECRETARY,  
STATE ELECTION COMMISSION,  
KSCMF BUIDLING,  
NO 8, 1<sup>ST</sup> FLOOR,  
CUNNINGHAM ROAD,  
VASANTH NAGAR,  
BENGALURU 560 052.
15. THE DIRECTOR,  
DEPARTMENT OF TRIBAL WELFARE,  
GOVERNMENT OF KARNATAKA,  
NO 34, 1<sup>ST</sup> FLOOR, LOTUS TOWERS,  
RACE COURSE ROAD,  
BEGNALURU 560 001.



16. COMMISSIONER BACKWARD CLASSES  
COMMISSON,  
GOVERNMENT OF KARNATAKA,  
NO 16, 2<sup>ND</sup> FLOOR,  
DEVARAJ URS BHAVAN,  
MILLERS TANK BED AREA,  
VASANTHNAGAR,  
BENGALURU 560 001.

...RESPONDENTS

(BY SRI. ARAVIND KAMATH., ADDITIONAL SOLICITOR  
GENERAL A/W  
SRI.RAJASHEKAR S., SENIOR PANEL COUNSEL FOR R1- 8;  
SMT.NILOUFER AKBAR., AGA FOR R10 TO 16)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA R/W RULE 14(1) OF THE HIGH COURT OF KARNATAKA (PUBLIC INTEREST LITIGATION) RULES 2018 PRAYING TO A) ISSUE AN APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE RECOMMENDATION MADE BY THE RESPONDENT NO.12 GOVERNMENT OF KARNATAKA THROUGH SOCIAL WELFARE AND LABOUR SECRETARIAT OF LETTER NO.SWL 104 SAD 81 DATED 16TH AUGUST AND 28TH NOVEMBER 1984 PUBLISHED IN THE KARNATAKA GAZETTE DATED 13/02/1986 FORWARDED TO THE GOVERNMENT OF INDIA FOR INCLUSION OF BACKWARD TRIBES OR NON-SCHEDULED TRIBES SUCH AS NAYAK, NAIK, BEDA, BEDAR, VALMIKI, PARIWARA AND TALAWARA AS SYNONYMS OF NAYAKA OR NAIKDA AT ITEM NO.38 IN THE LIST OF SCHEDULED TRIBES FOR KARNATAKA STATE ANNEXURE-E AT PAGE NO. (566) OF VOLUME NO.III. AND B) ISSUE AN APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE CONSTITUTION (SCHEDULED TRIBES) ORDER (SECOND AMENDMENT) BILL, DATED 19/08/1991 ISSUED BY RESPONDENT NO.1 ANNEXURE-G-1 PAGE NOS. (750 TO 774) OF VOLUME NO.III. AND ETC.,

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:



**ORDER**

The petition shorn of its bulky papers filed in PIL jurisdiction of the Writ Court has a plethora of prayers. Essentially, petitioner seeks the quashment of *inter alia* the Constitution (Scheduled Tribes) Order (Second Amendment) Act, 1991 & the Constitution (Scheduled Tribes) Order (Amendment) Act, 2020 to the extent they enlist certain communities such as Nayak, Naik, Beda, Bedar, Valmiki & Talawara as the Scheduled Tribes. Petitioner also seeks a direction to “respondent Nos.2 & 13 not to register case under The Protection of Civil Rights Act, 1955 from the members of Scheduled Castes against Non-Scheduled Tribes such as Nayak, Naik, Beda, Bedar, Valmiki & Talawara ...”. It also seeks a direction to respondent Nos.10 & 12 restraining them from issuing Scheduled Tribe Certificates to the members belonging to Nayak, Naik, Beda, Bedar, Valmiki & Talawara communities nor to extend any reservation benefits either for education, employment, election or the like. Further, a direction is also sought against respondent Nos.9 & 14 for



restraining from accepting the Scheduled Tribe Certificate issued to the members of these communities. The prayers do not end here: a direction is also sought for against respondent No.13 for restraining him from registering the criminal cases if brought by the members of these communities under the Scheduled Castes & Schedules Tribes (Prevention of Atrocities) Act, 1989 and further to direct respondent No.10 to forward a proposal to respondent Nos.7 & 8 for excluding these communities from the list of Scheduled Tribes. The last prayer is for a direction to respondent No.10 "to provide a relief to the Palamma's family (victim) as provided" under the 1989 Act.

2. Having heard the petitioner appearing in person and the learned Additional Government Advocate appearing for the respondent Nos.10 to 16, we decline indulgence in the matter inasmuch as what community needs to be enlisted as a Scheduled Caste/Scheduled Tribe is largely a matter of Legislative Policy and that the Courts



cannot ordinarily intervene in the same unless the violation of constitutional provisions is demonstrated vide **B.BASAVALINGAPPA vs. D.MUNICHINNAPPA, AIR 1965 SC 1269**. It hardly needs to be stated that a host of factors enter the fray of legislative decision making in matters like this and that Courts are ill-equipped for undertaking their evaluation in writ jurisdiction.

3. The Apex Court from the days of **RAM JAVAY KAPUR vs. STATE OF PUNJAB, AIR 1955 SC 549** has recognized the doctrine of separation of powers in the constitutional frame work. Each organ of the State has to show due deference to the decisions of co-ordinate organs as a constitutional imperative, in the fields earmarked for them exclusively. The law relating to reservation & concession enacted for the upliftment of downtrodden communities finds support of the constitutional provisions. It is the prerogative of the Parliament to legislate for the inclusion of the communities *inter alia* in the Constitution (Scheduled Tribes) Order Act or for exclusion from it. Writ Courts cannot run a race of opinions with the Parliament/



Legislatures, in matters like this. We find support for this broad view from the latest Apex Court decision in ***JAISHRI LAXMANRAO PATIL vs. STATE OF MAHARASHTRA (2021) 8 SCC 1.***

4. The prayers for derecognizing the Scheduled Tribes Certificates duly issued to the members of subject communities namely Nayak, Naik, Beda, Bedar, Valmiki & Talawara cannot be granted in a wholesale way when the prayers for invalidation of the above Parliamentary legislations have not been favoured. As long as these communities continue in the legislative instruments, their members are entitled to obtain the social status certificate at the hands of competent authorities for availing the benefits of reservation/concession in the matter of education, employment, election & the like. For the same reason, they are entitled to invoke protection under the 1989 Act or other statutes by registering cases against those who commit atrocities. No direction can be issued to the Authorities not to register cases filed by them.





5. As already mentioned above, the petitioner has structured the pleadings & prayers in 2 volumes in all running into 527 pages. There is misjoinder of causes of action, prayers & parties. Ordinarily, in PIL jurisdiction the *locus standi* of the litigant is not much relevant; similarly the rules of pleadings also do not strictly apply. After all, the social action litigations are not treated as being adversarial. However, this does not mean that distinct causes of action on which multiple prayers are sought for can be clubbed together. PIL jurisdiction is wide like a sea, is true; however, every sea has a shore, cannot be forgotten. *Much is not necessary to specify and less is insufficient to leave it unsaid.*

In the above circumstances, this petition being devoid of merits is liable to be and accordingly dismissed.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

Snb, AHB