

ITEM NO.110

COURT NO.6

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 56 OF 2011

MOHAN DHANSING CHAVHAN

Petitioner(s)

VERSUS

REGR.GEN.& CENSUS COMMR.OF INDIA & ORS

Respondent(s)

(With office report)

Date: 07/11/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s)

Mr. Nitin Meshram, Adv. for
Mr. E.C. Vidya Sagar, Adv.

For Respondent(s)

Ms. Rashmi Malhotra, Adv. for
Mr. D.S. Mahra, Adv.

Mr. Shreekant N. Terdal ,Adv

UPON hearing counsel the Court made the following

O R D E R

In this Writ Petition, filed under Article 32 of the Constitution of India, the neglect of De-notified and Nomadic and semi-Nomadic Tribes Communities (for short 'DTNTs') has been raised. It is stated that DTNTs are neglected communities; they do not have any education, land, skill and knowledge and they are living in undignified and unprotected state of life. They constitute population of about 15 crores in the country. Millions of their children are

malnourished and are living in destitute.

The petitioner alleges that for want of formulation of effective policy measures, DTNTs have been denied constitutional protection and guarantees.

Inter alia, it is prayed that respondents be commanded to frame up the policy giving the DTNTs right to food, right to shelter and right to settle down as a special security measure.

Ms. Rashmi Malhotra, learned counsel for respondents, submits that counter affidavits have been filed by respondent Nos. 1 and 2, namely, Registrar General and Census Commissioner of India and Home Secretary, Government of India, Ministry of Home Affairs, and by respondent No 6.

In the counter affidavit filed by respondent Nos. 1 and 2, it is stated that Census 2011 has already been conducted and completed in two phases of operation. It is further stated that in response to the overwhelming demands for enumerating castes other than scheduled castes and scheduled tribes in the Census 2011, the Union Cabinet has approved for conducting caste wise enumeration to be carried out in a combined survey along with Below Poverty Line (BPL) survey named as Socio Economic and Caste Census. That said survey

is to be carried out by the Ministry of Rural Development and the Ministry of Housing and Urban Poverty Alleviation and the office of the Registry General and Census Commissioner, India will provide technical support in the survey and will process the caste data collected from the field. It is also stated by the respondent No. 1 in the counter affidavit that DTNT is not a constitutional category and hence there is no list of DTNTs available similar to the lists of scheduled castes and scheduled tribes.

To the counter affidavits filed by respondent No. 1 & 2 and respondent No. 6, the petitioner has filed rejoinder affidavit and reiterated that DTNTs continue to live under socio economic and religious discrimination and very acute poverty and destitution. Along with the rejoinder affidavit, a copy of the Report submitted by the Technical Advisory Group, 2006 has been annexed.

From the Office Memorandum, Government of India, Ministry of Tribal Affairs (C&I.M. Division) dated 18th July, 2011, it appears that National Commission for De-notified Nomadic and Semi-Nomadic Tribes set up in 2005 has submitted its report to the Government of India in July 2008. The Ministry of

Social Justice & Empowerment is the administrative Ministry for the implementation of the recommendations made in the report.

The Secretary, Ministry of Social Justice and Empowerment, Government of India, has been impleaded as respondent No. 4, but no counter affidavit has been filed on his behalf. Having regard to the serious issues raised in the Writ Petition concerning socio economic plight of millions of De-notified and Nomadic and Semi-Nomadic Tribes, we direct the Secretary, Ministry of Social Justice and Empowerment, Government of India, to place before this Court the Report of the National Commission for De-notified Nomadic and Semi-Nomadic Tribes submitted in July 2008 in a sealed cover. We further direct the Secretary, Ministry of Social Justice and Empowerment, Government of India, to file his affidavit and state therein the status of action/s taken on the Report submitted in July 2008 by the National Commission for De-notified Nomadic and Semi-Nomadic Tribes. In his affidavit the Secretary, Ministry of Social Justice and Empowerment, Government of India, shall also indicate the steps taken by the Government of India on the recommendations of the Technical Advisory Group, 2006 constituted by the

Ministry of Social Justice and Empowerment, Government of India vide its notification dated 8th September, 2006.

The above affidavit shall be filed by the Secretary, Ministry of Social Justice and Empowerment, Government of India - respondent No. 4 - within eight weeks.

List the matter on January 15, 2013.

(Rajesh Dham)
Court Master

(Renu Diwan)
Court Master