CHAPTER - VI

ATROCITIES AGAINST SCHEDULED TRIBES BY CASTE VERIFICATION:
CASE STUDY OF MAHADEO KOLI TRIBE
6. INTRODUCTION:

After presenting the picture of atrocities against SCs and STs in India, Maharashtra and Kolhapur District and the review of available related literature and Methodology of the study, the present chapter deals with the cases of atrocities against STs by means of caste certificate verification specially of Mahadeo Koli Tribe. In this chapter some important judgments of decided cases have been presented with Court's remarks about reality.

6.1 HISTORICAL BACKGROUND OF MAHADEV KOLI — A SCHEDULED TRIBE

In the book entitled 'The Tribes and Castes of Bombay Presidency' of R.E. Enthoven, I.C.S. Superintendent of Ethnology, Bombay Presidency Volume - II of 1922 on Page No. 256, following description of Mahadev Koli is given. "The original occupation of Mahadev Koli is supposed to have been that of an Infantry Soldier. These are now husbandmen, cattle keepers, and labourers. In some places, they are boatman, carrying passengers across rivers and streams during the rainy season. Some are hereditary ministrants at Mahadev Temples and take to themselves the offerings laid before the God." In Kolhapur District they also gather slake and sell lime nodules and catch and sell fish. Many are land holders and many Kolis are employed as watchmen, a considerable number are Patils as village headmen, and few are Deshmukhs or hereditary district officers."

In the Gazetteer of the Bombay Presidency, Kolhapur District, Volume XXIV, originally printed in 1886, published by The Executive Editor and
Secretary, Gazetteers Department, Government of Maharashtra, Mumbai, on page No. 106, the historical record of Koli's and specifically Mahadev Kolis in Kolhapur District are described as under "Koli's, or ferrymen, are returned as numbering 6240 and as found all over the state. They claim descent from the sage Valmik, the reputed author of Ramayan. They are divided into Kabir Kolis, Mahadev Kolis and Raj Kolis. Their surnames are Ghutenwar, Hugadvar, and Jatanvar. They are a hardworking, quiet and hospitable people, but rude dirty and given to drink. They gather slake and sell lime nodules, catch the sell fish and work ferries on rivers. Some are village servants and labourers and others make and sell sack cloth. Their favourite deities are Bhairoba, Jotiba, Mahadev and Goddess Yallamma, and their priests are ordinary village Brahmans. Social disputes are settled at mass meetings by their head or Guru called Ganachar. They donot send their boys to school and are a poor class."

6.2 STUDIES OF SOCIAL SCIENTISTS AND THEIR OBSERVATIONS

Shri. G.S. Ghurye, former Professor Emeritus of Sociology, University of Bombay, in his book specifically written on "The Mahadev Kolis" in year 1963, published by Popular Prakashan Bombay, mentioned following observations and historical references with the help of the information supplied by local peoples of Ambegaon, Junnar, Nimgiri, Poona, Ahmadnagar, Nasik etc. He referenced census for his study and also Gazetteers of various districts. "Kolis are perhaps largest and the most well-known of the non-Brahmanic, non-dominant ethnic groups in Bombay State. In 1891 they numbered about twenty-one lakhs. They are found spread over from Saurashtra, through Gujrat down the coast through Thana and Kolba districts and over the Ghats through Khandesh, Nasik, Ahmednagar to the Southern and Western Talukas of the Poona district. In Maharashtra, Koli par
excellence means a fisherman. In a Gujrati-speaking region of the State, it has no such connotation."

Dr. Govind M. Gare, Former Chairman of Trial Research and Training Institute, Pune along with M.B. Aphale, describes "Mahadev Kolis" in a book published by Government of Maharashtra, Tribal Research and Training Institute, Pune, in "The Tribes of Maharashtra", published in year 1982, the Mahadev Koli as, "The Mahadev Kolis are one of the populous hilly tribals groups of Maharashtra state. The Koli-Mahadevs are 3,39,855 in number forming one of the major tribes in the Maharashtra State, ranked second in 1971 among all the Scheduled Tribes of the State. This tribe is predominantly found in districts of Nasik (1,81,083), Ahmadnagar (57,779), Pune (63,909), Thane (29,660), and Raigad (7,424). They are largely distributed in small villages of uplands, some of which are much in the interior surrounded by isolated peaks and rocky cliffs rising in many places to the height of 1,000 to 4,000 ft. above the sea-level. Many high peaks of the Sahyadri mountain ranges are found here viz. Bhimashankar, Harichandragarh, Ratangad, Kalasubai and Trimbak which are believed to be the holy abode of the deities of the Mahadev Kolis. In the historical records Kolis are treated under one head viz. Koli's without any distinction and specification. The Koli Mahadev also known as Dongar Koli is patrilocal."

6.3 HOW GOVERNMENT OF MAHARASHTRA CHANGES THE LISTS OF SC'S, ST'S, DT'S, NT'S AND OBC'S.

1) While describing the Schedules of Backward classes the Schedule mentioned are as under (Regarding the changing pattern of Koli's)

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Schedule I</th>
<th>Schedule II</th>
<th>Schedule III</th>
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<tbody>
<tr>
<td></td>
<td>Depressed Classes</td>
<td>Aboriginal and Hill Tribes</td>
<td>Other Backward Classes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>63. Koli Suryavanshi</td>
</tr>
</tbody>
</table>
2) Accompaniment to Govt. Resolution, Political and Services Department No. 1673/34, dated the 23rd April 1942.

Schedule A
Intermediate Communities
115. Koli (In Gujrat)
116. Koli (Son)

3) Schedule B (List of Backward Communities)

<table>
<thead>
<tr>
<th>Scheduled Castes</th>
<th>Aboriginal and Hill Tribes</th>
<th>Other Backward Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>66. Koli Suryavanshi</td>
</tr>
</tbody>
</table>

4) Government of Bombay, Political and Services Department Resolution No. 490/46, Dt. 1st November 1950.

<table>
<thead>
<tr>
<th>Schedule Castes</th>
<th>Schedule Tribes</th>
<th>Other Backward Communities</th>
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</thead>
<tbody>
<tr>
<td>-</td>
<td>12. Koli Dhor</td>
<td>77. Koli Malhar</td>
</tr>
<tr>
<td></td>
<td>13. Koli Mahadev</td>
<td>78. Koli Suryavanshi</td>
</tr>
</tbody>
</table>

5) List of Backward Classes in the old Bombay State
(As per Booklet "List of Backward Classes in old Bombay State" Printed in 1958 by the Government of Bombay)

(A) SCHEDULED CASTES
[Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956 issued by the President of India, under Ministry of Home Affairs, Notification No. S.R. O. 2427-A, Dated the 29th October 1956]

OLD BOMBAY STATE TERRITORY
District – Kolhapur
Nil

(B) SCHEDULED TRIBES
[S.C's and S.T.'s lists (Modification) order, 1956, issued by the President of India, under Ministry of Home Affairs Notification No. S.R.O. 2477-A, Dated – 29th October 1956]
OLD BOMBAY STATE

Kolhapur District

12. Koli Dhor, Torko Koli, Kolcha or Kolgha

In addition to the above list, certain communities are treated as Scheduled Tribes in some areas of the State only. Their lists and the areas are given below.

3. Koli Malhar – In Thana District

4. Koli Mahadev or – In Ahmednagar District – Akola, Rahuri and Sangamner

Dongar Koli

Talukas

- In Kulaba District – Karjat, Khalapur, Alibag Mahad and Sudhagad Talukas
- In Nasik District – Nasik, Nilphad, Sinnor, Chandor, Baglan, Igatpuri, Dindori, Kalvan talukas and Surgana and Peint Mahals.
- In Poona District – Ambegaon, Junnar, Khed, Mawal and Mulshi talukas and Velhe Mahal
- In Thana District – Thana, Murbad, Bassein, Bhivandi, Bassein, Wada, Shahapur, Dahanu, Palghar, Umbergaon, Jawhar and Mokhada talukas

(C) Other Backward Classes

[Government Resolution, Political and Services Department No. 490/46, Dt. 1st November 1950, as amended from time to time and Government Resolution, Political and Services Department No. BAC – 1054, Dt. 14th May 1954]

OLD BOMBAY STATE TERRITORY

+77. Koli Malhar (Except in Thana District)

+78. Koli Suryavanshi


Scheduled Castes - Maharashatra

(As appearing in Part – VII – A of the Seventh Schedule of the Bombay Reorganisation Act, 1960)

--------Nil-------

Scheduled Tribes – Maharashtra

(As appearing in Part – VII – A of the Eight Schedule of the Bombay Reorganisation Act, 1960)

1. Koli Dhor, Tokre Koli, Kolcha or Kolgha (Except the districts of Nagpur, Bhandara, Aurangabad, Rajura)
2. Koli Malhar – Thana District
3. Koli Mahadev and Koli Dongar

As per previous list Dt. 29th October 1956

Other Backward Classes – Maharashtra (Old Bombay Territory)

• 77. Koli Malhar (Except in Thana District)
• 78. Koli Suryavanshi

Vidarbhah Territory

• 106. Koli
• 107. Koli Malhar (Except in Thana District)
• 108. Koli Suryavanshi

Marathwada Territory

22. Koli (fisherman)


Other Backward Class – Whole Maharashtra

78. Koli


SCHEDULED CASTES – MAHARASHTRA

(As appearing in Part X of the first Schedule of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 (108 of 1976).

Part X – Maharashtra

------- Nil -------

SCHEDULED TRIBES – MAHARASHTRA

Part IX – Maharashtra

28. Koli Dhor, Tokre Koli
29. Koli Mahadev, Dongar Koli
OTHER BACKWARD CLASSES – MAHARASHTRA (corrected upto 17th August 1984)

(Government Resolution, Education and Social Welfare Department, No. CBC – 1467/M dated the 13th October 1967, and amended from time to time).

68. Koli Suryavanshi
78. Koli

10) From all the Circulars and Resolution of Government of Maharashtra, from 1933 to 1986 when the Koli and all sub-castes of Kolis it shows the difference between shifting the castes and sub-castes made by the Government of Maharashtra.

As considered only Koli caste was not listed in O.B.C. till year 1967, the Koli-caste should not be seen in Other Backward Class list in 1962’s circular it was listed in Vidharbha and Koli-fisherman in Marathwada, while in 1967 it was implemented to whole Maharashtra. Then a question arises if this is so as Government of Maharashtra itself noticed it in 1967 and implemented to Maharashtra, how the scrutiny committee formed by the Government of Maharashtra listed all the persons of Mahadev Koli, Schedule Tribe who are born before year 1967 and having the entries as Koli’s in their birth or school extract general register, is a question? It seems that the original and guanine peoples are kept away from getting the facilities of Scheduled Tribes.

On the basis of above circulars, whether people of Scheduled Tribes, satisfied with the decisions given by this committee? How far the courts are satisfied with the decisions given by the committee? Whether the scrutiny committee made proper enquiries and gave proper decisions according to the procedure of evidence act? To answer these questions, a Scheduled Tribe – Mahadev Koli, was undertaken for detailed investigation. The cases in which Hon. Supreme Court of India, Hon. High Court Benches of Aurangabad and Mumbai, Sessions Court, Various Divisional Commissioners, Additional Tribal
Commissioners, where these cases were decided in the appeal, in favour of applicants in Maharashtra and Kolhapur District are represented and one case in which how scrutiny committee made false observation has been represented in respect to the study of atrocities on Scheduled Tribes.

As discussed earlier, some cases in which Mahadev Koli, a Scheduled Tribe people get proper justice through court are presented here.

6.4 CASE STUDIES

6.4.1 CASE NO. 1 – Dilip Jamdar v/s State of Maharashtra (Supreme Court Decision)

The respondent Dilip Vishwanath Jamdar, applied for appointment to a post under the State of Government of Maharashtra and the Public Service Commission selected him against a seat reserved for Scheduled Tribes, on the condition that he produced a certificate showing that he belonged to a Scheduled Tribe. The Tahasildar, authorized to issue such a certificate, refused to do so on the ground that the respondent belongs to Hindu Koli caste and not to belongs to Mahadev Koli caste which is a Scheduled Tribe. Dilip Jamdar, therefore moved the Commissioner, who examined the matter and directed the Tehsildar to issue the necessary certificate. Dilip Jamdar, thus obtained a caste certificate of Hindu Mahadev Koli and produced to Maharashtra Public Service Commission. From where it was sent to the Caste Scrutiny Committee where the committee rejected the caste certificate. Thus Dilip Jamdar, on an application under article 226 of the Constitution of India, rushed in High Court Bombay for filling an appeal against the order of Scrutiny Committee. Bombay High Court quashed the Committee's order and directed the authorities to take appropriate steps in the matter of appointment of Dilip Jamdar. The main grounds High Court given in support of its judgment is that the Commissioner, who after an enquiry into the controversy,
held that Dilip Jamdar belongs to Scheduled Tribe was "an" appellate authority over the decision of the Scrutiny Committee. As such when the superior authority has applied its mind and its application of mind has not been challenged, it would not be proper for the subordinate authority to give a contradictory finding. As the decision has been given in favour of Dilip Jamdar, by the High Court, the Scrutiny Committee as a part of State of Maharashtra filed an appeal against the decision of High Court Bombay as a special leave petition in Hon. Supreme Court.

This matter was held up for hearing before the Hon. Supreme Courts two Judges Bench consisting of Lalit Mohan Sharma and T.K. Thommen. The two Judges Bench dismissed the appeal. But during the time of hearing, the learned counsel for State of Maharashtra on behalf of Scrutiny Committee, Bhasme, contended that the Commissioner is not an appellate authority over the decision of Scrutiny Committee and the assumption made in this regard by the High Court is misconvinced. While discussing on this point, the Judges of Supreme Court Bench mentioned that "We are not in a position to agree with the learned counsel in as much as no such plea has been taken in the Special Leave Petition. The question whether the Commissioner was the appellate authority or not doesnot appear to have been challenged before the High Court. Nor has it been done so before this court except during the course of argument addressed by the learned counsel for the appellants. In the circumstances this plea cannot be entertained in the present appeal. The appeal is therefore dismissed but without costs. We however, make it clear that it will be open to the Government of Maharashtra and Scrutiny Committee to argue that the Commissioner is not an appellate authority, vis-à-vis, the Scrutiny Committee if an occasion arises to do so in any other case in the future." The above case was filed in the Supreme Court of India vide Civil Appeal No. 2811/1987 and judgment was delivered on 12/09/1989.
The most important fact to note here from the above decision is that the respondent rushed to Commissioner by making proper enquiry in this regard issued the order in favour of applicant Dilip Jamdar and thus Tahasildar issued him the caste certificate, which the applicant Jamdar submitted to M.P.S.C. and M.P.S.C. submitted it to Scrutiny Committee where they rejected this as their prejudice thinking in each case. The same argument without any relation of who is appealant authority argued by the party in Hon. Supreme Court as above clearly indicates that how far the committees presentation stand for. Although Divisional Commissioner enquired and gave decision in favour of the applicant before its submission to Scrutiny Committee by M.P.S.C. How the learned counsel argued about appellate authority is a big question. Thus in this case Dilip Jamdar, although a guanine Mahadev Koli, S.T. Member he faces the injustice way of Scrutiny Committee and real justice was given to him by High Court and Supreme Court.

6.4.2 CASE NO. 2 - S.G. Amberao v/s State of Maharashtra (High Court Decision)

This is another case in which the applicant rushed to High Court for getting justice against the decision given by the Scrutiny Committee. S.G. Amberao of Nanded District filed on Writ Petition No. 753/1984 in the High Court Mumbai's, Aurangabad Bench, where Hon. Justice N. Khatri and V.P. Salve's bench gave the decision on 17/10/1985. Some of the contents delivered in the Judgment are as follows.

"S.G. Amberao of Nanded District was a M.B.B.S. student of Mahadeo Koli caste. As he applied for M.B.B.S. admission his claim of caste has the subject of scrutiny according to the Government Resolution. Accordingly he applied and supplied necessary documents for his claim of Mahadev Koli, a Scheduled Tribe.
His caste claim was rejected by the Scrutiny Committee. The applicant S.G. Amberao, along with all necessary evidence move towards the appellate authority against the decision of Scrutiny Committee, i.e. Additional Commissioner, Tribal Development Nasik. Here also the applicant Amberao having the evidence in favour of him the appellate authority rejected the appeal field by Amberao. Thus S.G. Amberao, rushed to High Court Mumbai's Aurangabad Bench, for getting justice and filed a Writ Petition.

The applicant S.G. Amberao produced 15 evidential documents, mainly the proof of (1) His first cousin M.Y. Sankhapale whose claim of Mahadeo Koli, Scheduled Tribe was accepted and decided by the Divisional Commissioner on 30/03/1983. (2) The judgment of Maharashtra Revenue Tribunal, dated 17/03/1983 regarding his father, belonging to Mahadev Koli, a Schedule Tribe (3) The school leaving certificate of S.G. Amberao's brother in which the caste was, Mahadev Koli, a Scheduled Tribe. (4) The caste certificate of having Mahadev Koli, a Scheduled Tribe caste issued by Tahasildar Billoli in favour of the appellant Amberao's other first cousin. (5) Amberao's brother's school leaving certificate having entry of Mahadeo Koli, a Scheduled Tribe of year 1974 (6) Amberao's father's service record having Mahadev Koli, a Schedule Tribe.

In this case the guidelines and instructions given by Government of Maharashtra, Social Welfare, Cultural Affairs, Sports and Tourism Department vide Circular No. CBC – 1680/65396/(499)/D-V, Dated – 6th September 1983, from which instruction No. (i) and (iii) did not follow and the proofs and evidences produced by Amberao were denied by the Scrutiny Committee as well as the appellate authority i.e. Additional Commissioner, Tribal Development, Nasik. These authorities also did not gave any weightage to the decision given by Maharashtra Revenue Tribunal in connection with Amberao's father's caste claim.
of positive reference. Further both the authorities say that the decision given by Divisional Commissioner about Amberao’s cousin brother was the personal decision given in favour of that cousin brother. This is very unnatural that the competent authorities although giving proper decisions in favour of the concerned person how these authorities get the rights to say that these are self responsible / applicable only in that case although no procedure of such was giving in Indian Evidence Act – 1876 on which all the judgment and decisions were based.

S.G. Amberao, has to go to High Court for getting natural justice as his case was having full proof evidence in his favour. After filling this Writ Petition in the Aurangabad Bench of High Court. Hon. Justice N. Khatri and V.P. Salave, went through the evidence and documents produced and filed by Amberao, the Decisions of Scrutiny Committee and Additional Commissioner, Tribal Development, Nasik and after detail scrutinization of material produced by both the parties, arguments made by both the parties. The Hon. Justice N. Khatri and V.P. Amberao, is having proper candidate for the claim of Schedule Tribe certificate of Mahadev Koli case, and thus the two Judge Bench delivered the judgment accordingly by accepting the evidence of applicant S.G. Amberao and denied/setting aside the decisions of Scrutiny Committee and Additional Commissioner, Tribal Research Development, Nasik.

6.4.3 CASE NO. 3 – K.M. Dange v/s State of Maharashtra, (High Court Decision)

This is a case of K.M. Dange of Aurangabad District, in Maharashtra and was selected for P.S.I. Post through Maharashtra Public Service Commission and was undergoing training at Police Training College, Nasik, belonging to Mahadev Koli, Scheduled Tribe.
During the course, when he was under training at Police Training College, Nasik, Principal, Police Training College Nasik, directed him to appear before Caste Scrutiny Committee, Pune on 2/4/1983. He produced school leaving and caste certificate and filled questionnaire and attended oral interview. To his surprise, Principal, Police Training College, Nasik, discharged him on 20.6.1983, stating that Caste Scrutiny Committee, Pune, has declared his caste certificate as invalid.

For getting justice, Dange approached to High Court Mumbai's Aurangabad Bench, where he filed a Writ Petition No. 704/1984, against the decision of Caste Scrutiny Committee, Pune. After filling the Writ Petition, the same was put before two judges bench of Aurangabad Bench Hon. Justice S.M. Daud and M.S. Ratnaparakhi for hearing and decision. After scrutinizing all the documentary evidence produced by both the parties and arguments, the two bench judges gave decision on this case on 30/07/1986 in favour of Dange.

The most important point to be raised here is about the applicability of the powers of caste scrutiny committee and their further rights. As Government of Maharashtra, through Resolution of Tribal Development Department vide No. CBC – 1684/2828/(291) / XI, dated 23rd January 1985, the rights of cancellation of certificates are given to this newly formed committee of Tribal Development Department vide No. CBC – 1685/(513)/ D-X dated 13 August 1985, one can see how the justice was denied and the problem faced by the ST candidates.

6.4.4 CASE NO. 4 – Prakash Koli and Shrikant Koli v/s State of Maharashtra - (High Court Decision)

This is a case of Prakash Ramchandra Koli R/O Basarge Budruk, Tal – Gadhinglaj, Dist – Kolhapur, State – Maharashtra and Shrikant Bhangari Koli R/O – Chinchane Tal – Chandgad, Dist – Kolhapur, State – Maharashtra. Prakash Koli
was selected for the course of M.B.B.S. while Shrikant Koli was selected for the Engineering Course. Both were selected on the reserved seats i.e. Scheduled Tribes – Mahadev Koli. The scrutiny Committee dismissed their claims about caste of Mahadev Koli. Thus Prakash Koli filed a Writ Petition No. 3030/80 and Shrikant Koli filed a Writ Petition No. 3098/80 in High Court Mumbai. Both the Writ Petitions are admitted in High Court and on 16/01/1981, the Bench of Hon. Justice – Masodkar and Kanade delivered the judgment as follows.

As far as the first Petition is concerned, we have the certificate showing the caste of petitioner and his father as that of Mahadev Koli community. This is so recorded in the school record and a certificate had been issued. As it evident from the Annexure 'H' and also Annexure "G" that they belong to that caste. As against that material, except stating that interview was taken and from that interview it appears that Prakash Ramchandra Koli belongs to different caste, there exists no material. It is thus abundantly clear that Prakash Ramchandra Koli belongs to Mahadev Koli caste. So is the case with Shrikant Bangari Koli. There too, we find a school leaving certificate showing that Shrikants religion was Hindu and his caste was shown as Mahadev Koli. This position was also available with regard to the certificates given as back as December 11, 1956 with regard to the caste of the father of the petitioner by the Additional District Magistrate, Kolhapur. Thus there is material to infer that Shrikant Bhangari Koli belongs to Mahadev Koli Community. As against this, there is no other material to take any other view of the matter. Under these facts we make the rule in each of the petitions absolute.

6.4.5 CASE NO. 5 – Narayan Deoji Koli v/s State of Maharashtra (High Court Decision)

This is the case of Narayan Deoji Koli, Deputy Secretary, Mantralaya Mumbai, while he was doing his service, his caste certificate was sent to Scrutiny
Committee where it was rejected. And also the Divisional Commissioner rejected the claim. Thus he filed an Writ Petition in High Court Mumbai vide Writ Petition No. 2141/1987. The two bench judges Hon. S.M. Daud and R.G.Sindhakar after detail scrutiny and hearing arguments delivered the judgment on 23rd November 1989. The contents in the judgment are as given below.

There is the submission that the Commissioner had no jurisdiction to review or vary an order passed by the Government he being a subordinate of the latter. If the G.R. under which the Commissioner had purported to act, had empowered him to set at naught a decision of the Government, then he would certainly have that power. But this question need not detain us, because as said earlier, the G.R. in prospective and not retrospective in operation. The result of the foregoing discussion is that the petition succeeds. Rule made absolute in terms of prayers (i), (ii) and (iv). Respondents shall bear their own costs and pay those incurred by the petitioners. This is the judgment which indicates, how the misuse of powers has been made and the same order/resolutions made by the Government of Maharashtra not followed by the agencies itself.

6.4.6 CASE NO. 6 – Kum. V.B. Taral v/s State of Maharashtra (Additional Tribal Commissioner Nasik's decision)

This is the case of Kumari Vidyā Balasaheb Taral, a minor girl, her natural guardian and father Balasaheb Bhimappa Taral R/O village Nool, Tal- Gadhinglaj, Dist- Kolhapur, State - Maharashtra. In this case the claim of caste of the applicant was rejected by the scrutiny committee. Hence an appeal against the decision of the Scheduled Tribe certificate Scrutiny Committee, Pune has been filed by the applicant wide caste appeal case No. 190/89, in the court of P.S. bhogal, I.A.S., Additional Tribal Commissioner, Nasik. A decision in this regard has been given on 29th June 1990 and the contents of judgment is as under
The father's record shows Mahadev Kolis at a time in 1960 when they were not entitled to any concessions. Hon. Court Bhogal find this is strong evidence in favour of the claim. At the same time the tendency of the Sahyadri tribals to record themselves as mere Kolis when in fact they are Mahadev Kolis cannot be lost sight of. The appellant has filed the birth certificate. Gare who was born at Nimgiri; recorded as only Koli but is in fact Mahadev Koli. So this tendency in the Sahyadaris does produce a complex situation which the Committee tries its best to unravel. In this case Hon. Court Bhogal find that the family concerned have shown themselves entitled to be called Mahadeo Kolis in view of their habitat and in spite of the Koli record. There is no evidence that they belong to any caste group. Hence he gave the following order.

"The appeal is allowed. The order of the Scrutiny Committee, Poona dated 11.4.1989 rejecting the tribe claim of Kumari Vidya Balasaheb Taral is set aside and she is declared to belong to the Mahadev Koli Scheduled Tribe. The Committee should restore her certificate. Passed this 29th day of June 1990. The parties be informed."

The following cases of the applicants from Kolhapur District are positively decided by the Divisional Commissioner, Pune.

<table>
<thead>
<tr>
<th>Name</th>
<th>Decision Number and date</th>
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</thead>
<tbody>
<tr>
<td>A/P-Kamewadi, Tal-Chandgad,</td>
<td></td>
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<tr>
<td>Dist – Kolhapur</td>
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</tr>
<tr>
<td>A/P-Kamewadi, Tal-Chandgad,</td>
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<td>Dist – Kolhapur</td>
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<td>A/P-Kamewadi, Tal-Chandgad,</td>
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<td>Dist – Kolhapur</td>
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<td>A/P - Kamewadi, Tal-Chandagad,</td>
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<tr>
<td>Dist – Kolhapur</td>
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</tbody>
</table>

In case of following Writ Petition, filed by the applicants against the unfavourable decisions given by Caste Scrutiny Committee and Divisional Commissioner Pune / Additional Tribal Commissioner, High Court Mumbai granted the orders in favour of the following applicants from Kolhapur District.

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of the applicant</th>
<th>Writ Petition No. &amp; Judges</th>
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<tbody>
<tr>
<td>2)</td>
<td>Baburao Parashuram Koli</td>
<td>No. 3384/1993, J.J. Agarwal &amp; Vyas</td>
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All the cases are the appealed cases in which decisions were given by Hon. Supreme Court, New Delhi, Hon. High Court Mumbai and Aurangabad Bench, Additional Commissioner, Tribal Development Department Nasik after the claim rejection by Caste Certificate Verification Scrutiny Committee.

During the time of above case studies the researcher came across two important documents, which are the birth extracts of (1) Dr. Govind Gare, then Additional Commissioner, Tribal Development, Nasik, Ex. Chairman of Scheduled Tribe Scrutiny Committee, Pune, and Ex. Director of Tribal Research and Training Institute, Maharashtra State, Pune (2) Madhukar Pichad, Minister for Tribal Development Department. In the birth extract of both of them the entry of caste as "KOLI" has been noted while they got the caste certificate of "Mahadev Koli" and got the facilities of Scheduled Tribe. If the Scrutiny Committee indicates negative approach in the cases listed for study previously, how these people are treated as "Mahadev Koli"? It is against the Constitutional Provisions.
Many cases in which the atrocities about caste certificate have been made, are available. Some of the important cases are highlighted here. This might have happened with other Scheduled Tribes persons/communities also.

No doubt the aim of Government of Maharashtra and India is to avoid non-tribals from getting facilities of tribal people, at the same time it should be necessary to look, whether the work was going on as per the instructions. If each and every guanine tribe person suffers from this and has to approach to High Court and Supreme Court for justice then what is the use of an authority whose decisions were set aside further by the concerned courts. It was the duty of Government of Maharashtra to form a committee in which while enquiring and deciding the cases of such tribal people. The President of Mahadev Koli or other S. Tribe Community as the case may be of the concerned Division should be appointed and attempt should be made to give the judgment in such a way that while denying proofs the reasons and evidence according to law should be given. So that the tribe people cannot suffer financial loss psychological stress, mental stress, uncertainty during filling appeals against the committee's decision.

One news in "Daily Loksatta", Pune, dated 8th August 2003 is that "Instructions are given about appointments of Retired Judge on Cast Verification Committees".

In continuation with the above news, the reporter of this newspaper from Mumbai gave details as "one Raviprakash Babulalsing Parmar has filed a Writ Petition, 15 years ago indicating that he belonged to "Thakur" a Scheduled Tribe in the Bench of Nagpur High Court. Giving justice in favour of him Hon. Justice Rajan Kochar and Hon. Justice S.T. Kharche gave the instructions and orders to the Government of Maharashtra that on the committees which verifies the caste certificates and claims of castes of the candidates who have applied for the reserve posts in the various services, education, and during the election, one
retired judge should be appointed. Judge should be of the rank of District and Sessions Judge level. After reorganization of the present committees, government should appoint the Judge within 3 months, the appointments of the persons and judges should be made under the directions and control of High Courts.

In the above case, it was observed by the Hon. Justice that, the applicant has given a caste certificate that, he is belonging to "Thakur" community at the time of joining the service. During the scrutiny of the caste certificate, the scrutiny committee rejected his tribe claim and the Divisional Commissioner, Nagpur, also rejected the same. After proper justification and scrutiny of document, Hon. Justice gave the decision in favour of applicant and rejected/dismissed the Scrutiny Committee and Divisional Commissioner's decisions against the applicant.

REFERENCES:

1. R.E. Enthoven, 'The Tribes and Castes of Bombay Presidency' Vol. 2
   (1922), P. 256