

GAHC040006732025



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : PIL/10/2025

Phuyosa Yobin
Son of Y Yobin, resident of Dawodi Village, PO and PS Vijaynagar, Changlang
District, Arunachal Pradesh.

VERSUS

The State of AP and 5 Ors
through the Chief Secretary, Govt of Arunachal Pradesh, Civil Secretariat, Itanagar
791112: The Deputy Commissioner
Age: 0
Occupation :
Changlang District
Govt of Arunachal Pradesh 792120

3: The Secretary
Age: 0
Occupation :
Department of Social Justice
Empowerment and Tribal Affairs
Govt of Arunachal Pradesh. 791111

4: The Union of India
Age: 0
Occupation :
through the Secretary
Ministry of Tribal Affairs
Shastri Bhawan
New Delhi 110011

5: The Ministry of Tribal Affairs
Age: 0
Occupation :
represented by its Secretary

Govt of
India
New Delhi 110011

6:The National Commission for Schedule Tribes (NCST)

Age: 0

Occupation :

represented by its Chairperson

Govt of India

Lok Nayak Bhavan

6th Floor

B Wing

New Delhi 11000

Advocate for the Petitioner : Petitioner in Person,

Advocate for the Respondent : GA (AP), DSGI, Marto Kato

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

05.05.2025

(M.R.Pathak, J)

Heard Mr. P Yobin, petitioner in person and Mr. N Ratan, learned Additional Advocate General, Arunachal Pradesh for the respondent Nos. 1 to 3. Also heard Mr. M Kato, learned Dy. SGI for the respondent Nos. 4 to 6.

2. The Constitution (Scheduled Tribes) Order, 1950 includes all tribes including 16 named in it at Paragraph-XVIII that relates to Arunachal Pradesh.

3. According to the petitioner, YOBIN Tribe of Arunachal Pradesh have their own culture, traditions, customary laws and costumes different from other tribes of the State of Arunachal Pradesh. Though people belonging to YOBIN Scheduled Tribe Community of Arunachal Pradesh are getting Scheduled Tribe certificate issued by the authorities concerned as provided under the law, but people from the said community are not getting the benefits that are provided by the respondents to the other Scheduled Tribe Communities.

4. In its report dated 25.08.2014, the 60th Committee of the National Commission for

Scheduled Tribes Summary Record of Discussions in File No. 1/10/2014-Coord, after detailed discussion, at Paragraph-9 had provided as under —

“Given the circumstances and the views of the State Government of Arunachal Pradesh that the YOBIN Community is being disadvantaged by lack of mention of the YOBIN Community and denial of Community certificates, the Commission is of the view that the original intention in the Presidential Order needs to be understood and followed scrupulously. If there is any doubt whether a particular community is an indigenous tribe of the State, then a proposal needs to be formulated along with an ethnographic study. In all other cases, local inquiries with ethnographic study, where necessary, should suffice for the State to issue Community certificates. If the State Government continues to have doubts in respect of these indigenous communities, they may obtain clarification from the Ministry of Tribal Affairs. No amendment of the Presidential Order is accordingly required given its provisions, which are also not in conflict with the judgment of the Supreme Court.”

5. From the reading of Para-9 of the said report dated 25.08.2014, noted above, it can be seen that the State Government was directed that if it continues to have doubts in respect of the indigenous communities including the YOBIN Community, it may obtain clarification from the Ministry of Tribal Affairs and no amendment of the Presidential Order is accordingly required to be given in its provisions which are also not in conflict with the judgment of the Hon’ble Apex Court in the Case of *State of Maharashtra -Vs- Milind*.

6. As it is contended by the petitioner in person that people belonging to the YOBIN Community of the State of Arunachal Pradesh including the students of the said community are not getting the benefits being a Scheduled Tribe Community of Arunachal Pradesh, both the respondent Nos. 1 to 3 as well as the respondents in the Union of India, respondent Nos. 4 to 6 shall clarify their stand by filing their respective affidavits in the matter on or before 09.06.2025, serving copies of the same on the petitioner.

7. Notice be issued in that regard to the respondent Nos. 1 to 6.

8. Petitioner shall serve requisite extra copies of this PIL including the annexures appended thereto, to Mr. N Ratan, learned Additional Advocate General, Arunachal Pradesh as well as Mr. M Kato, learned Dy. SGI on or before 07.05.2025, obtaining necessary acknowledgments from them

in that regard.

9. List on 11.06.2025.

JUDGE

JUDGE

Comparing Assistant