

राजस्थान सरकार
सामाजिक न्याय एवं अधिकारिता विभाग
जी 3/1. सजमहल रेजीडेन्सी ऐरिया, सिविल लाईन्स, जयपुर

क्रमांक:एफ11(8)()/R&P/DDBC/SJED/2018/

जयपुर, दिनांक

12733-65

15/02/2018

समस्त जिला कलेक्टर्स,
.....।

विषय:- अन्य राज्यों से राजस्थान राज्य में माइग्रेट होकर आये व्यक्तियों के जाति प्रमाण पत्र जारी करने के संबंध में भारत सरकार से प्राप्त पत्र की प्रति भिजवाने के संबंध में।

उपरोक्त विषयान्तर्गत अन्य राज्यों से माइग्रेट व्यक्तियों के जाति प्रमाण पत्र जारी करने के संबंध में प्राप्त पत्र एवं जारी किये जाने वाले जाति प्रमाण पत्र का प्रारूप भेजकर लेख है कि उक्त पत्र के अनुसरण में माइग्रेट व्यक्तियों को जाति प्रमाण पत्र जारी करने हेतु आवश्यक कार्यवाही करने का श्रम करावें।

संलग्न-उपरोक्तानुसार।

(डॉ. समित शर्मा)

निदेशक एवं विशिष्ट शासन सचिव

113

ACS TAD

18/11

81/585
23-11-18
DDBCL

F.No. 2015-02-2017-C&LM

Government of India
Ministry of Tribal Affairs
(C&LM Division)

Dated: .01.2018

10/01/2018

387
22/11/18

To,

Chief Secretaries of all State Governments / UT Administrations.

Subject: Issue of Scheduled Tribe Certificates to migrants from other States/Union Territories.

Sir,

I am directed to refer to the subject cited above and to state that the National Commission for Scheduled Tribes has brought to the notice of this Ministry that they have been receiving complaints from the Scheduled Tribe individuals and their Associations regarding denial to issue Scheduled Caste/ Scheduled Tribe Certificates to migrants from other States/Union Territories who have migrated from one State to another for the purpose of employment, education etc. by designated authorities. It has also been pointed out by them that the State Governments/ UT Administrations have not issued any instructions to the issuing authorities for providing such certificates to the migrants from other States/UTs, despite the fact that Ministry of Home Affairs has at several times in the past issued instructions in this regard. A copy of a letter No. Policy/3/CC/2017/RU-III dated

108

24-1-18
25/1/18
25/1/18

Directors

STAD

what action is needed

circulate to all Collectors of the State & inform GNT

Comm. TAD

2. 11.2015 received from National Commission for Scheduled Tribes (NCST) in this regard is enclosed.

2. In this connection a copy of instructions issued by Ministry of Home Affairs vide a No. BC-16014/1/82-SC & BCD-I dated 22.02.1985 regarding 'Issue of Scheduled Caste/Scheduled Tribe Certificates to migrants from other States/Union Territories' is enclosed herewith. It is requested that these instructions may be circulated to the Authorities issuing Scheduled Tribe Certificate in your State and suitable directions issued to them for strict compliance so as to remove the difficulties faced by migrant Scheduled Tribe persons in obtaining Scheduled Tribe Certificate.

(Shyla Titus)

Deputy Secretary to Govt. of India

Tel. 2618 2824

Encl: as above.

Signature valid

Digitally signed by SHYLA
TITUS
Date: 2015.01.14 11:59:47
PST
Reason: Approved

109

115



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

822
4114

Se

छठी मंजिल बी विंग, लोकनायक भवन
खान मार्केट, नई दिल्ली - 110003
6th Floor, 'B' Wing, Lok Nayak Bhawan,
Khan Market, New Delhi - 110003

Dated 29.11.2017

No.Policy/3/CC/2017/RU-III

Handwritten signature

*Discussed today, DDC
Pl. put up, as discuss*

To,
Secretary,
Ministry of Social Justice and Empowerment,
Shastri Bhawan,
New Delhi-110001

Sub: Issue of Scheduled Caste/Scheduled Tribe Certificates to migrants from other States/Union Territories.

*11/12
DSCC/M*

Sir,

I am to refer to the above subject and to say that this Commission has been receiving complaints from the Scheduled Tribe individuals and their Associations regarding denial to issue Scheduled Caste/Scheduled Tribe Certificates to migrants from other States/Union Territories who have migrated from one state to another for the purpose of employment, education etc. by designated authorities. It has been observed that the State Governments/UT Administration have not issued any instructions to the issuing authorities for providing such certificates to the migrants from other States/UTs despite the fact that Govt. of India, Ministry of Home, vide letter no. BC-16014/1/82-SC&BCD-I dated 18-11-1982 had modified the instructions issued in letter no. BC-12025/2/76-SCT I, dated 22-03-1977 and letter No. BC-12025/11/79-SC&BCD I/IV, dated 29-03-1982 and directed that the prescribed authority of a State Government /Union Territory Administration may issue the Scheduled Caste/Tribe Certificate to a person who has migrated from another state, on the production of the genuine Certificate issued to his father/mother by the prescribed authority of the state of the father's/mother's origin except where the prescribed authority feels that detailed enquiry is necessary through the State of origin before issue of the certificate. It was also clarified that the certificate will be issued irrespective of whether the Caste/Tribe in question is scheduled or not in relation to the State /Union Territory to which the person has migrated and this facility does not alter the Scheduled Caste/Scheduled Tribes status of the person in relation to the one or the other State.

*Discussed
Action as
at 'x' on
next page
may be to
It may be
be checked
whether
MSJE
this matter
has already
reiterated
these
instructions
& state go
earlier*

Ministry of Home, vide letter no. BC-16014/1/82-SC&BCD-I dated 06-08-1984 had further revised the form of Scheduled Caste/Tribe Certificate and clarified that the Scheduled Caste/Scheduled Tribe person on migration from the State of his origin to another State will not lose his status as Scheduled Caste/Scheduled Tribes but he will be entitled to the concessions/ benefits admissible to the Scheduled Castes/Scheduled Tribes from the State of his origin and not from the state where he has migrated. It was also requested that all competent authorities may be advised under intimation to the Ministry to issue the Scheduled Caste/Scheduled Tribe Certificates on the revised form of certificate henceforth after satisfying themselves of correctness of the certificate

*11/12
US/COE
12/11
DSCC/M*

110

FTS No. 70/68
Date 6/12/17
Secy. (TA)

after proper verification based on the revenue records. Through reliable enquiries these instructions were reiterated vide Ministry of Home letter of even no. dated 22-02-1985 also

As some States/UTs have not issued directions to the authorities issuing SC/ST Caste certificates and in many cases, the Caste certificate issuing authorities are not aware of the above instructions, it is necessary for the Ministry of Social Justice and Empowerment and Ministry of Tribal Affairs, to reiterate the above instructions to the Chief Secretaries of all the State governments/UTs administration to remove the difficulty faced by migrant SC/ST persons in obtaining Caste/Tribe certificate. It is requested to issue suitable instructions in this regard under intimation to this Commission.

Yours Sincerely,

S.K. Ratho
29.11.77
(S.K. Ratho)

Joint Secretary to the Government of India

Copy for similar action to:

✓ Secretary,
Ministry of Tribal Affairs,
Shastri Bhawan,
New Delhi-110001

(11)

(17)

No. BC-16014/1/82-SC & BCD-I
Government of India, New Delhi
Ministry of Home Affairs, G.P. Mantralaya

New Delhi, the 22/2/1985

To
The Chief Secretaries of All State Govts. and U.T. Administrations.

Subject:- Issue of Scheduled Caste/ Scheduled Tribe certificate to migrants from other States/Union Territories.

Sir,

I am directed to say that it has been represented to this Ministry that persons belonging to Scheduled Castes/ Scheduled Tribes who have migrated from one State to another for the purpose of employment, education, etc. experience great difficulty in obtaining caste/tribe certificate from the State from which they have migrated. In order to remove this difficulty, it has been decided to modify the instructions issued in letter No. 12025/2/76-SCT.I dated 22.03.1977 and letter No. 12015/11/79-SC&BCD-I/IV dated 29.03.1982 that the prescribed authority of a State Government/Union Territory Administration may issue the Scheduled Caste/Tribe certificate to a person who has migrated from another State, on the production of the genuine certificate issued to his father by the prescribed authority of the State of the father's origin except where the prescribed authority feels that detailed enquiry is necessary through the State of origin before issue of the certificate. The certificate will be issued irrespective of whether the Caste/Tribe in question is scheduled or not in relation to the State/Union Territory to which the person has migrated. This facility does not alter the Scheduled Caste/Scheduled Tribe status of the person in relation to the one or the other State. The revised form of the Scheduled Caste/Tribe certificate has already been circulated with this Ministry's letter of even number dated 06.08.1984.

2. It is also clarified that a Scheduled Caste/ tribe persons who has migrated from the State of origin to some other State for the purpose of seeking education, employment, etc. will be deemed to be a Scheduled Caste/ tribe of the State of his origin and will be entitled to derive benefits from the State of origin and not from the State to which he has migrated.

3. This letter substitutes this Ministry's letter of even number dated 18.11.1982.

Yours faithfully,

Sd/-

B.K. Sarkar
Joint Secretary

Dated: 22.02.1985

No. BC-16014/1/82-SC & BCD-I

Copy to:-

1. Department of Personnel & A. R. (Est) (SCT Section) with the request that necessary amendment to the brochure on the reservation in services for Scheduled Castes and Scheduled Tribes, by incorporating, where necessary, the position started in the foregoing paragraphs may please be made.

2. Secretary, Union Public Service Commission, Dholpur House, New Delhi

(12)

- 4. All the Ministries/Departments, Government of India.
- 5. Secretary, Commission for Scheduled Castes/Scheduled Tribes, Lok Nayak Bhawan, New Delhi.
- 6. Commissioner for Scheduled Castes & Scheduled Tribes, R.K. Puram, New Delhi.
- 7. All the Sections in SC&BCD Division/T.D. Division, Ministry of Home Affairs.
- 8. All Officers in SC &BCD Division, Shastri Bhawan, New Delhi.

Sd/-
 (B.K. Sarkar)
 Joint Secretary

No. BC-16014/1/82-SC & BCD-I
Government of India/Bureau of
Ministry of Home Affairs/Grih Mantralaya

New Delhi, dated the 18th November, 1982

To

The Chief Secretaries to all State Governments/Union Territory Administrations.

Subject:- Issue of Scheduled Caste/Scheduled Tribe Certificate to migrants from other States/Union Territories.

Sr,

I am directed to say that it has been represented to this Ministry that persons belonging to Scheduled Castes/Scheduled Tribes, who have migrated from one State to another for the purpose of employment, education, etc. experience great difficulty in obtaining caste/tribe certificate from the State from which they have migrated. In order to remove this difficulty, it has been decided in modification of the instructions issued in letter No. BC-12025/2/76-SCT I, dated 22.03.1977 and letter No. BC-12025/11/79-SC & BCD I/ IV, dated 29.03.1982 that the prescribed authority of a State Government/Union Territory Administration may issue the Scheduled Caste/Tribe certificate to a person who has migrated from another State, on the production of the genuine certificate issued to his father/mother by the prescribed authority of the State of the father's/mother's origin except where the prescribed authority feels that detailed enquiry is necessary through the State of origin before issue of the certificate. The certificate will be issued irrespective of whether the Caste/Tribe in question is scheduled or not in relation to the State/Union Territory to which the person has migrated. This facility does not alter the Scheduled Caste/Scheduled Tribes status of the person in relation to the one or the other State. The revised form of the Scheduled Caste/Tribe certificate is enclosed.

Yours faithfully,

Sd/-

(B.K. Sarkar)

Joint Secretary to the Govt. of India

Dated the 18th November, 1982.

No. BC-16014/1/82-SC & BCD-I,

Copy to:-

1. Department of Personnel & A. R. (Est) (SCT Section) with the request that necessary amendment to the brochure of the reservation in services for Scheduled Castes and Scheduled Tribes, by incorporating, where necessary, the position stated in the foregoing paragraphs may please be made.
2. Secretary, Union Public Service Commission, Dholpur House, New Delhi.
3. Secretary, Staff Selection Commission, CGO Complex, Block No.12, Lodi Road, New Delhi.
4. All the Ministries/Departments, Government of India.
5. Secretary, Commission for SC/ST, Lok Nayak Bhawan, New Delhi.
6. Commissioner for Scheduled Castes & Scheduled Tribes, R.K. Puram, New Delhi.
7. All the Sections in SC&BCD Division/T.D. Division, Ministry of Home Affairs.

Yours faithfully,

Sd/-

(B.K. Sarkar)

Joint Secretary to the Govt. of India

Form of certificate to be produced by a candidate claiming to be a Scheduled Caste or Scheduled Tribes in support of his claim.

Form of Caste certificate

This is to certify that Shri/Shrimati/Kumarison/Daughter of of village/town indistrict/Division/Division State/Union Territory of the belongs to the Caste/Tribe which is recognised as Scheduled Caste under: Scheduled Tribe

- The Constitution (Scheduled Castes) Order, 1950.
The Constitution (Scheduled Tribes) Order, 1950.
The Constitution (Scheduled Castes) (Union Territories) Order, 1951. *
The Constitution (Scheduled Tribes) (Union Territories) Order, 1951. *
(as amended by the Scheduled Castes and Scheduled Tribes lists (Modification) Order, 1956, the Bombay Reorganisation Act, 1960, the Punjab Reorganisation Act, 1966, the State of Himachal Pradesh Act, 1970 and the North Eastern Areas (Reorganisation) Act, 1971 and the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976).
The Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.*
The Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959.*
The Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962.*
The Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order, 1962.*
The Constitution (Pondicherry) Scheduled Castes Order, 1964.*
The Constitution (Scheduled Tribes)(Uttar Pradesh) Order, 1967.*
The Constitution (Goa, Daman and Diu) Scheduled Caste Order, 1968.*
The Constitution (Goa, Daman and Diu) Scheduled Tribes Order, 1968.*
The Constitution (Nagaland) Scheduled Tribes Order, 1970.*
The Constitution (Sikkim) Scheduled Castes Order, 1978.*
The Constitution (Sikkim) Scheduled Tribes Order, 1978.*

2. This certificate is issued on the basis of the Scheduled Caste/Scheduled Tribe certificate issued to Shri/Shrimati of father/mother in Shri/Shrimati/Kumari Of village/town in District/Division of the State/ Union Territory who belongs to the caste/tribe which is recognised as a Scheduled Caste Scheduled Tribe

in the State/Union Territory issued by the (name of prescribed authority) vide their No. dated

Signature Designation (with seal of Office)

Place State Union Territory

Date *Please delete the words which are not applicable

No. 110-2025
Government of India
Ministry of Home Affairs/Grih Mantralaya

New Delhi-110 001. Dated, New Delhi, the 22nd March 1977

To
The Chief Secretaries of All State Governments/Union Territory Administrations.
Subject:-- Issue of Scheduled Caste and Scheduled Tribe certificates— Clarifications regarding

Sir,
I am directed to say that many instances have come to the notice of this Ministry wherein certificates of belonging to a particular Scheduled Caste/Tribe have not been issued strictly in accordance with the principles governing the issue of such certificates. This is presumably due to inadequate appreciation of the legal position regarding the concept of the term "residence" on the part of the authorities empowered to issue such certificates.

2. As required under Articles 341 and 342 of the Constitution, the President has, with respect to every State and Union Territory and where it is State after consultation with the Governor of the concerned State, issued orders notifying various Castes and Tribes as Scheduled Castes and Scheduled Tribes in relation to that State or Union Territory from time to time. The inter-state area restrictions have been deliberately imposed so that the people belonging to the specific community residing in a specific area, which has been assessed to qualify for the Scheduled Caste or Scheduled Tribe status, only benefit from the facilities provided for them. Since the people belonging to the same caste but living in different State/Union Territories may not necessarily suffer from the same disabilities, it is possible that two persons belonging to the same caste but residing in different States /U.Ts may not both be treated to belong to Scheduled Caste/Tribe or vice-versa. Thus the residence of a particular person in a particular locality assumes a special significance. This residence has not to be understood in the literal or ordinary sense of the word. On the other hand it connotes the permanent residence of a person on the date of the notification of the Presidential Order scheduling his caste/tribe in relation to that locality. Thus a person who is temporarily away from his permanent place of abode at the time of the notification of the Presidential Order applicable in his case, say, for example, to earn a living or seek education, etc., can also be regarded as a Scheduled Caste or a Scheduled Tribe, as the case may be, if his caste/tribe has been specified in that Order in relation to his State/UT. But he cannot be treated as such in relation to the place of his temporary residence notwithstanding the fact that the name of his caste/tribe has been scheduled in respect of that area in any Presidential Order.

3. It is to ensure the veracity of this permanent residence of a person and that of the caste/tribe to which he claims to belong that the Government of India has made a special provision in the proforma prescribed for the issue of such certificate. In order that the certificates are issued to the deserving persons it is necessary that proper verification based primarily on revenue records and if need be, through reliable enquiries, is made before such certificates are issued. As it is only the Revenue Authorities who, besides having access to relevant revenue records are in a position to make reliable enquiries, Government of India insists upon the production of certificates from such authorities only. In order to be competent to issue such certificates, therefore, the authority mentioned in the Government of India (Department of Personnel and Administrative Reforms) letter No. 13/2/74-Ext (SCT), dated the 5th August, 1975, (copy enclosed) should be the one concerned with the locality in which the person applying for the certificate and his place of permanent abode at the time of the notification of the relevant Presidential Order. Thus, the Revenue Authority of one District would not be competent to issue such a certificate in respect of persons belonging to another district. Nor can such an authority of one State/UT issue such certificates in respect of persons whose place of permanent residence at the time of the notification of a particular Presidential Order, has been in a different State/Union Territory. In the case of persons born after the date of notification of the relevant

(12)

DDBC

Tribes status, is the place of permanent abode of their parents at the time of the issue of the Presidential Order under which they claim to belong to such a Caste.

4. It is understood that some State Governments/Union Territory Administrations have empowered all their Gazetted Officers to issue such certificates and even Revenue Authorities issue certificates on the basis of the certificates issued by Gazetted Officers, M.P.s and M.L.A.s etc. If such a practice is followed, there is a clear danger of wrong certificates being issued, because in the absence of proper means of verification such authorities can hardly assure the intrinsic correctness of the facts stated in such certificates. In order to check the issuance of false certificates, the question of verification assumes all the more importance.

5. All the State Governments/Union Territory Administrations are, therefore, requested to streamline their respective procedures for issuing such certificates so as to conform to the above instructions as well as to those issued from time to time. Where Revenue Authorities have been empowered to issue certificates on the basis of a certificate issued by an M.P., M.L.A, Gazetted Officer, etc., they would do so only after having made proper verifications and after having satisfied themselves of the correctness of such certificates.

Yours faithfully,

Sd/-
(O.R. SRINIVASAN)
Under Secretary to the Government of India
Tel: 381843

No.BC.12025/2/76-SCT.I

March 1977
Phalguna, 1898

Copy to:-

1. The Department of Personnel and Administrative Reforms, Government of India, with reference to their U.O.No.D.2014/76-Est (SCT), dated the 8th July 1976. They are requested to make necessary amendments to the brochure on the reservation for Scheduled Castes and Scheduled Tribes by incorporating, where necessary, the position stated in the foregoing paragraphs.
2. Director, Institute of Sectt. Training and Management, West Block No.1, Wing No. Ramakrishnapuram, New Delhi-110022 with reference to his letter No.12/4/76-ARRNG, dated the 21st February, 1976.
3. Secretary, Union Public Service Commission, New Delhi.
4. All Ministries/Departments of the Govt. of India.
5. All Zonal Directors/Deputy Directors.
6. Commissioner for Scheduled Castes and Scheduled Tribes, Ramakrishnapuram, New Delhi.

Sd/-
(O.R. SRINIVASAN)
Under Secretary to the Government of India
Tel: 381843

(117)