



No. 12026/04/2009-C&LM-I  
Government of India  
Ministry of Tribal Affairs  
(C&LM-I Section)

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Shastri Bhavan, New Delhi – 110001  
13<sup>th</sup> July, 2010

To,

The Chief Secretary  
Government of Rajasthan  
Jaipur (Rajasthan).

Sub: Clarification on the Synonymous/Phonetic Similarity name of "Dhanak, Dhanuk"/ "धानक, धानुक" (S.No.20), "Dhankia "धानकिया" (S.No.21) as Scheduled Castes; and "Dhanka, Tadvi, Tetaria, Valvi"/ "धाणका, तडवी, तेतारिया, वलवी" (entry S.No.4) as Scheduled Tribes in the State of Rajasthan.

Sir,

I am enclosing herewith copy of the National Commission for Scheduled Tribes letter No. 5/1/RAJ/2/2005-R.U. dated 20.7.2009 on the subject cited above and to inform that the NCST has raised the issue regarding issuance of Scheduled Tribes Certificate to the persons belonging to "Dhanak"/ "धानक" (notified as Scheduled Caste in Rajasthan) community in the name of "Dhanka"/ "धाणका" ( notified as Scheduled Tribe at S.No. 4 in Rajasthan). It has been mentioned in the letter that prior to 1976, the Dhanak, Dhanuk and Dhankia (S.No.20 & 21) obtained caste certificates as 'Scheduled Castes', but after promulgation of the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976, these Scheduled Caste communities persons being the Phonetic similarities in the name of the Castes have started obtaining Scheduled Tribes certificates as 'Dhanka' which is scheduled as a Scheduled Tribe in Rajasthan. In several cases, it is found the father has claimed Schedule Caste benefit and has an SC certificate whereas sons and daughters have obtained Scheduled Tribes certificates. This has resulted an increase in the issuance of false caste certificates of Scheduled Tribes in the State of Rajasthan.

2. So far as the issues relating to Scheduled Tribes in Rajasthan are concerned, it is to inform that the first list of Scheduled Tribes in Rajasthan was notified on 6.9.1950 through the Constitution (Scheduled Tribes) Order, 1950. **Under this**

**Order 'Dhanka' was not listed in Rajasthan State as a Scheduled Tribe.** It was listed at S.No. 5 under the State of Bombay. The list of Scheduled Tribes in Rajasthan was further modified through the **Constitution (Scheduled Tribes) (Part C States) Order 1951 in the then Ajmer State**, which is now part of the existing Rajasthan. **The Constitution (Scheduled Tribes) Order** was amended in 1956 by **the Scheduled Castes & Scheduled Tribes Order (Amendment) Act, 1956** (25<sup>th</sup> September, 1956). Dhanka, including Tadvi, Tetaria and Valvi were listed at S.No. 5 under Bombay State. It is a fact that there was no entry of 'Dhanka' including Tadvi, Tetaria and Valvi in Constitution (Scheduled Tribes) Order, 1950 as well as the **Scheduled Castes and Scheduled Tribes (Amendment) Order, 1956** under the State of Rajasthan.

3. In pursuance of Section 41 of the **States Reorganisation Act, 1956**, the **Scheduled Castes & Scheduled Tribes Lists (Modification) Order, 1956** was notified (29<sup>th</sup> October, 1956). The entry 'Dhanka' including Tadvi, Tetaria and Valvi continued under Bombay State at S.No.5. Since Abu Road taluka of Banaskantha districts of Bombay State was transferred to Sirohi district of Rajasthan, as a consequence, 'Dhanka' including Tadvi, Tetaria and Valvi entry was listed at S.No.5 under 3 in Abu Road taluka of Sirohi District under the State of Rajasthan having area restriction meaning that Dhanka, Tadvi, Tetaria Valvi tribal groups of Abu Road Taluka were only eligible for S.T. certificate.

4. **The Scheduled Castes & Scheduled Tribes Order (Amendment) Act, 1976**, was passed for the readjustment or representative of parliamentary and assembly constituencies. The entry 'Dhanka, Tadvi, Tetaria and Valvi' figured at S.No. 13 in the State of Maharashtra, at S.No.8 in the State of Gujarat and at S.No.4 in the State of Rajasthan. The fact is that the tribal group 'Dhanka' including Tadvi, Tetaria and Valvi, was for the first time listed in 1956 under the Scheduled Tribes of State of Rajasthan due to the transfer of Abu Road taluka of Bombay State to the State of Rajasthan in State Reorganization.

5. In view of facts stated above, it is clear that existing entry of Dhanka, Tadvi, Tetaria Valvi in the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976 relating to Scheduled Tribes in Rajasthan was included in the list of Rajasthan due to the State Reorganisation, 1956.

6. In this regards, it is mentioned that the place of origin at the time of notification of the Presidential Order Scheduled Castes/Tribes is the only basis to ascertain ST status of a person. The Ministry of Home Affairs vide circular dated 22.3.1977 has clarified that ".....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."

7. Therefore, the Scheduled Tribe group 'Dhanka including Tadvi, Tetaria and Valvi', whose origin could be ascertained/traced in Abu Road taluka of Sirohi District at the time of the Scheduled Castes and Scheduled Tribes (modification) Act, 1956, is eligible to get the benefits meant for Scheduled Tribes. In other words, Scheduled Tribe certificates of 'Dhanka' tribe issued to persons of Dhanka tribal communities (S.No.4 – Dhanka, Tadvi, Tetaria, Valvi) who belonged to Abu Road taluka of Sirohi District at the time of notification of Scheduled Castes and Scheduled Tribes list (modification) Act, 1956 only and their children are valid. Any Scheduled Tribe certificate in the name of Dhanka, Tadvi, Tetaria or Valvi tribe on the basis of S.No.4 of the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976 issued to a person who does not belong to the Dhanka, Tadvi, Tetaria or Valvi tribal community of Abu Road taluka of Sirohi district of Rajasthan at the time of notification of the Scheduled Castes & Scheduled Tribes Lists (Modification) Order, 1956 and his son or daughter is invalid.

8. The Ministry of Home Affairs vide circular dated 22.2.1985 has further clarified 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."** Thus, reiterated necessity of ascertaining ancestral place of **permanent abode** as a basis of claiming Scheduled Castes/Tribe status at the time of Presidential Order scheduling a person caste or tribe to that locality.

9. In this regard, it may be stated that for issuing the S.T. certificate, issuing authority must follow the Ministry of Home Affairs Order dated 22.3.1977 to ascertain the ancestral place of permanent abode of a person on the date of the Presidential notification scheduling his/her caste/tribe in relation to that locality, which is Abu Road Taluka of district Sirohi in the case of Scheduled Tribe group Dhanka, Tadvi, Tetaria, Valvi on 29<sup>th</sup> October, 1956, the date of notification of the Scheduled Castes and Scheduled Tribes List (Modification) Order, 1956. Any certificate issued contrary to this or without ascertaining such eligibility and verification is invalid.

10. The Ministry of Home Affairs vide circular dated 29.6.1982 has clarified that **".....all the State Governments/UT Administrations requesting them to take deterrent action against officials who issued certificates carelessly or deliberately without proper verification. The State Governments/UT Administrations were requested to issue necessary instructions to all the officials under their control who are empowered to issue certificates to take**

proper care before issuing them. These officials were also to be informed that action would be taken against them under the relevant provisions of the Indian Penal Code (Section 420 etc.) if, any of them is found to have issued certificates carelessly and without proper verification in addition to the action to which they are liable under the appropriate disciplinary rules applicable to them".

11. The Ministry of Tribal Affairs is the nodal Ministry for specification of communities as Scheduled Tribes under Article 342 of the Constitution. The issuance and verification of the castes certificates rests with the State Governments/UT Administrations.

12. In view of above, it is requested that the competent authorities empowered by the State Government to issue Scheduled Caste/Scheduled Tribe certificates may kindly be directed accordingly to strictly abide with constitutional provisions, exercise due care and follow proper verification in issuance of Scheduled Tribe/Caste certificate to an eligible person only, failing which action is to be initiated under the provisions of Indian Penal Code (Section 420 etc.) as well as appropriate disciplinary proceeding under the rules applicable to them.

Yours faithfully,



(G.B. Mukherji)

Secretary to the Government of India  
Tel: 23381652

Copy to:

- (i) The Secretary, Department of Social Justice & Empowerment, Government of Rajasthan, G-3/1, Ambedkar Bhawan, Behind Rajmahal Palace, Jaipur.
- (ii) The Secretary, Tribal Area Development, Government of Rajasthan, Secretariat, Jaipur.
- (iii) The National Commission for Scheduled Tribes (Kind Attn. Dr. G.S. Somawat, Director), Room No. 101 & 102, 1<sup>st</sup> Floor, Block-A, Kendriya Sadan, Sector - 10, Vidyadhar Nagar, Jaipur - 302023.

  
(Dr. N.K. Ghatak)  
Joint Director