



No. MRN/15/2017/STGRJ/MIMISE/RU-II
Government of India
(National Commission for Scheduled Tribes)

6th floor, Lok Nayak Bhawan,
Khan Market, New Delhi
Dated:- 12.03.2018.

To

1. The Chief Secretary,
Government of Rajasthan,
Rajasthan Govt. Secretariat,
Jaipur-302005 (Rajasthan)
2. The Secretary,
Ministry of Tribal Affairs,
7th Floor, 'A' Wing,
Shastri Bhawan
New Delhi-110001.

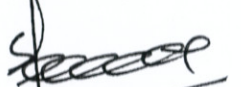
Sub:-Representation dated 25.09.2017 received from Shri Mali Ram Nayak, 1, Raj Vatika 2nd, Nangal Jaisa Bohara, Jhotwara, Jaipur-302040, Rajasthan regarding issuance of Scheduled Tribe (ST) certificate to the people of Nayak Community of Rajasthan-regarding.

Sir,

I am directed to enclose herewith a copy of minutes of the Sitting held in the National Commission for Scheduled Tribes on 29.01.2018 at 12.30 P.M. on the above mentioned subject for information and necessary action. In this regard, the action taken report may also be submitted to the Commission within 30 days positively.

Encl: As above

Yours faithfully,


(S.P. Meena)
Assistant Director
Tel:24645826

Copy for information:-

Shri Mali Ram Nayak, 1, Raj Vatika 2nd, Nangal Jaisa Bohara, Jhotwara, Jaipur-302040, Rajasthan.

2. SAS, NIC, NCST, New Delhi for uploading.

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Sub:- Minutes of the Meeting held on 29.01.2018 at 12.30 P.M. Chaired by Hon'ble Chairmanship (Shri Nand Kumar Sai) regarding Issuance of Scheduled Tribe (ST) certificate to the people of Nayak Community of Rajasthan.

List of participants is attached

Representation dated 25.09.2017 received from Shri Mali Ram Nayak, 1, Raj Vatika 2nd, Nangal Jaisa Bohara, Jhotwara, Jaipur-302040, Rajasthan regarding issuance of Scheduled Tribe (ST) certificate to the people of Nayak community of Rajasthan.

2. Shri Mali Ram Nayak, Petitioner has informed that Cast certificate was not issued by the State Government of Rajasthan to the people of Nayak community of Rajasthan.


3. In this context, it is mentioned that the Ministry of Tribal Affairs (C&LM Section), Shastri Bhawan, New Delhi had requested the Secretary, Department of Social Justice & Empowerment, Government of Rajasthan vide their letter dated 27/28.01.2009 and requested to the Chief Secretary, Government of Rajasthan vide letter dated 08/16.08.2017 and dated 27.10.2017 seeking clarification on the issue of Scheduled Tribe's Certificate to the Nayak Community.

4. Further, it is mentioned that Commission has also requested the Chief Secretary, Government of Rajasthan vide letter dated 27.10.2017 to furnish the information regarding issuance of Scheduled Tribe (ST) certificate to the Nayak community of Rajasthan. In response, the Department of Social Justice, Government of Rajasthan has forwarded requisite information/comments vide their letter dated 22.12.2017 to the Commission wherein the status of the 'Nayak' and 'Nayaka' Communities are given as below:-

- (i) As per the Scheduled Caste and Scheduled Tribe Orders (Amendments), Act 1976 dated 20.09.1976 (**in English Version**). 'Nayak' community has been notified in Scheduled Caste list at Sl no. 57 and 'Nayaka' community has been notified in Scheduled Tribe list at Sl. No.10.
- (ii) As per the Scheduled Caste and Scheduled Tribe Orders (Amendments), Act 1976 dated 01.10.1976 (**in Hindi Version**), 'Nayak' community has been notified in Scheduled Caste list at Sl No. 57 and 'Nayaka' community has been notified in Scheduled Tribe list at Sl. No.10.


5. In this regard, Ministry of Tribal Affairs is the nodal Ministry for issuance of Notification of a community as Scheduled Tribes (STs) under Article 342 of the Constitution. Responsibility for issuance and verification of ST certificate and social status rests with concerned State Government/UT Administration. Ministry of Tribal Affairs has clarified vide their letter No.12026/4/2009-C&LM-I dated 27/28.01.2009 which read as under:-

- (i) Scheduled Caste - "NAYAK" notified at Sl. No.57 in SC List.
- (ii) Scheduled Tribe - "NAYAKA" notified at Sl. No.10 in ST List.


नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

Gist of the Discussion:-

6. DDG, Ministry of Tribal Affairs has stated that Authoritative text of the notification namely the Scheduled Caste and Scheduled Tribes Orders (Amendment) Act, 1976 may be taken as the one which is in English language.
7. After a detailed discussion in the matter. Hon'ble Chairperson, NCST has advised to MoTA to investigate the following issues urgently as under:-
 - (i) The Senior Officers of the Ministry of Tribal Affairs have to visit to Rajasthan for getting the clarification regarding 'Nayak' and 'Nayaka' and status of these communities of Rajasthan.
 - (ii) Since no response has been received from State Government of Rajasthan for the clarification sought by MoTA, MoTA has to persuade the State Government of Rajasthan for their views in the matter and then proceed in the matter as per set procedure.


नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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