



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग  
GOVERNMENT OF INDIA  
NATIONAL COMMISSION FOR SCHEDULED TRIBES

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

Policy/06/Devpt/2012/RU-I

Dated ..... 02/01/2013

To

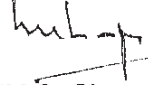
1. Dr. Rameshwar Oraon, Chairperson
2. Smt. K. Kamala Kumari, Member
3. Shri Bheru Lal Meena, Member

Sub: Clarification on the Synonymous/Phonetic similarity in names of "Dhanak, Dhanuk"/  
"Dhankia (S.No.21) as Scheduled Castes; and "Dhanaka, Tadvi, Tetaria, Valvi"/ "(entry  
S.No.4) as Scheduled Tribes in the State of Rajasthan.

Sir,

I am directed to enclose a copy of the letter No. 12026/4/2009-C&LM-I dated 18/09/2012 received from MTA along with its enclosures seeking comments of NCST on the above subject. It is requested that views/comments on the letter may kindly be sent for discussion in the forthcoming meeting of the Commission.

Yours faithfully

  
(M.S. Chopra)  
Director

Copy of information and necessary action to:

1. PPS to Joint Secretary
2. Dy. Director (RU-III & RU-IV)
3. Consultant (RCD)
4. AD (Coord.)
5. SSA NIC

Dr. Namita Priyadarshree  
Director  
Tel.23073176



भारत सरकार  
GOVERNMENT OF INDIA  
जनजातीय कार्य मंत्रालय  
MINISTRY OF TRIBAL AFFAIRS  
शास्त्री भवन, नई दिल्ली-110001  
SHASTRI BHAWAN, NEW DELHI-110001

D.O.No. 12026/4/2009-C&LM-I  
Dated: 18<sup>th</sup> September, 2012

Dear Sir,

The National Commission Scheduled for Tribes (NCST), Regional Office, Rajasthan, Jaipur vide its letter no. 5/1/Raj/2/2005-R.U. dated 20.7.2009 had sought clarifications of the Ministry on the synonymous/ phonetic similarity in names of Dhanak, Dhanuk (S.No. 20), Dhankia (S.No. 21) as Scheduled Castes and Dhanka, Tadvi, Tetaria, Valvi (entry S.No. 4) as Scheduled Tribes groups of Rajasthan (copy enclosed for ready reference). Consequent to this, the Ministry had issued a clarificatory letter on the issue raised by NCST, Regional Office, Rajasthan (copy enclosed). The State Government of Rajasthan responded vide its letter No. F. 11(89) II R&P/SJ&ED/2012/59404 dated 16.8.2012 requesting the Ministry to withdraw the administrative letter no. 12026/4/2009-C&LM-I dated 13.7.2010. It is also to mention that in the said matter, a Writ Petition No. 8623/2010 has been filed before the hon'ble High Court of Rajasthan, Jodhpur challenging the contents of the letter No. 12026/4/2009-C&LM-I dated 13.7.2010 of the Ministry of Tribal Affairs.

I am directed to seek comments of the NCST on the query raised by the Chief Secretary, Government of Rajasthan (copy enclosed).

With regards,

Yours sincerely,

(Namita Priyadarshree)

Shri Aditya Mishra,  
Joint Secretary,  
National Commission for Scheduled Tribes,  
Lok Nayak Bhawan, Khan Market,  
New Delhi-110003

Committee (C)      DP  
Pl. discuss      1/1/17  
24/07

30/8/2012  
29/09/2012

As discussed  
We may seek comments  
of Dr. Sanjay

RoII  
RU-I

RU-I



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 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) Order 1951 in the then Ajmer State, which is now part of the State of Rajasthan. The Constitution (Scheduled Tribes) Order, 1950 was amended in 1956 by the Scheduled Castes & Scheduled Tribes Order (Amendment) Act, 1956 (28<sup>th</sup> September, 1956). Dhanka, including Tadvī, Tetaria and Valvi were listed at S.No. 5 under Bombay State. It is a fact that there was no entry of 'Dhanka' including Tadvī, 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 Tadvī, 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 Tadvī, 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, Tadvī, 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, Tadvī, 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 Tadvī, 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, Tadvī, 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,

Buy, 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 List (Modification) Order, 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 Lists (Modification) Order, 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 Panel 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 Rajamahal 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





भारत सरकार

GOVERNMENT OF INDIA

राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes

संघीय कार्यालय - राजस्थान, गुजरात, हरियाणा, पंजाब, हिमाचल प्रदेश, जम्मू व कश्मीर, उत्तराखण्ड, चण्डीगढ़, दमन एवं दीव  
Regional Office - Rajasthan, Gujarat, Haryana, Punjab, Himachal Pradesh, Jammu & Kashmir, Uttarakhand, Chandigarh, Daman & Diu  
कमरा न. 101 व 102, प्रथम तल, खण्ड - ए, केन्द्रीय सदन सेक्टर 10, विद्याधर नगर, जयपुर - 302023  
Room No. 101 & 102, 1<sup>st</sup> Floor, Block - A, Kendriya Sadan, Sector - 10, Vidyadhar Nagar, Jaipur - 302023  
दूरभाष एवं फैक्स न. - 0141-2235488, Telefax : 0141-2235488

शुल्की संख्या/File No. : 5/1/Roj/2/2005-R.U.

दिनांक/Date : 28/7/2009

To,

The Secretary  
Ministry of Tribal Affairs  
Government of India  
A-wing, 7<sup>th</sup> floor  
Shastri Bhawan  
New Delhi-110001

27/11  
28/7

(For Kind Attention to Dr. N.K. Ghatak, Joint Director, Ministry of Tribal Affairs, New Delhi)

Subject : Clarification on the Synonymous/Phonetic Similarity name of Dhanak, Dhanuk (S.No. 20), Dhankia (S.No. 21) as Scheduled Castes and Dhanka, Tadvi, Tetaria, Valvi (entry S.No. 4) as Scheduled Tribes groups of Rajasthan -- regarding.

Sir,

I am to refer to this office letter of even number dated 22.3.2007 regarding caste 'Nayak' and Koli status as Scheduled Castes or Scheduled Tribes in the State of Rajasthan and the clarification issued in this regard by the Ministry vide Letter No. 12026/4/2009-C & LMI dated 27/28.1.2009, which was addressed to the Secretary, Department of Social Justice & Empowerment, Govt. of Rajasthan, Jaipur and a copy endorsed to this office.

We wish to bring to your kind notice the similar nature case like Nayak (SC) and Nayaka (ST) there are Dhanak, Dhanuk; Dhankia (S.No. 20 & 21) in SC list of Rajasthan and Dhanka (in group) 'घणका' (entry at S.No. 4) in ST list of Rajasthan having Synonymous/Phonetic similarity. The Phonetic similarities are being explained as below.

S.No.	Name of Synonymous or Phonetic Similarity Castes, which are Scheduled Castes in the List of Rajasthan.	Synonymous or Phonetic Similarity name of Scheduled Tribes in the list of Rajasthan.	Scheduled Tribe Certificates are being Issued to
1	2	3	4
1.	Dhanak, (*घानक), Dhanuk, (*धानुक). (Entry Sl. No. 20); Dhankia (*घानकिया), (Entry Sl. No. 21) as per the Constitution Scheduled Castes & Scheduled Tribes Orders, (Amendment), Act, 1976 (Page No. 1384, Part XV-Rajasthan).  *Hindi version of Constitution Scheduled Castes & Scheduled Tribes Orders, (Amendment), Act, 1976 (Page No. 647, Part Iक-Rajasthan).	Dhanka, Tadvi, Tetaria, Valvi (Entry Sl. No. 4 as a one group) as per the Constitution Scheduled Castes & Scheduled Tribes Orders, (Amendment), Act, 1976 (Page No. 1394, Part XIII-Rajasthan).  घानका, तड़वी, तैतारिया, बलवी (Entry Sl. No. 4 as a group) Hindi version of Constitution Scheduled Castes & Scheduled Tribes Orders, (Amendment), Act, 1976 (Page No. 658, Part II-Rajasthan).	Scheduled Castes listed at column No. 2 to as a <b>Dhanka</b> , (घानका) है, परन्तु हिन्दी में घानक के स्थान पर घानका अनुसूचित जनजाति के नाम से जाति प्रमाण पत्र जारी किये जा रहे है।

Prior to year 1976 the Dhanak, Dhanuk and Dhankia (S.No. 20 & 21) were claiming and have obtained caste certificates as '**Scheduled Castes**' but after promulgation of the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976, these SC communities persons being the Phonetic similarities in the name of the Castes have started obtaining Scheduled Tribes certificates as 'Dhanka' which is scheduled as Scheduled Tribe in Rajasthan. In several cases father has claimed SCs benefit and have SC Certificates but children have been obtained Scheduled Tribes certificates. The state and district authorities hardly take not of the hard facts and records while issuing certificates in the state. This has resulted an increase in the issuance of false Caste Certificates of Scheduled Tribes in the State of Rajasthan and are being deprived to the legitimate right of genuine Scheduled Tribe candidates to get the various benefits of reservation available under different development, educational, economic and political programmes and schemes being implemented by the Govt. of India as well as State Government according to there percentage of reservation.

It is therefore requested that Ministry may examine the matter urgently and necessary clarification after examination, may kindly be issued as it has been done in the case of 'Nayak' (SC) and 'Nayaka' (ST) case of Rajasthan Caste/Tribes so that interest of Scheduled Tribes can be safeguarded.

Yours faithfully  
*act*  
 (Dr. G. S. Somawat)  
 Director





Mathew  
क. मैथ्यू

Chief Secretary

मुख्य सचिव

GOVERNMENT OF RAJASTHAN

राजस्थान सरकार

Government Secretariat, Jaipur-302 005

D.O. No. F.11(89)II/R&P/SJED/2012 / 50404  
Dated : 16<sup>th</sup> August, 2012

1385  
23/8  
Dear Sir,

I would like to bring to your kind attention D.O letter No. F.11(89) IIR&P/SJED 2011/90928 dated 8.12.2011 issued under signatures of my predecessor with regard to the contentious issue of withholding ST certification of the "Dhanka Community" of Rajasthan in wake of letter No. 12026/04/ 2009 & LM-1 dated 13.07.2010 of Ministry of Tribal Affairs, Government of India.

As per the Scheduled Caste and Scheduled Tribes lists (Modification) order, 1956 notified on 29<sup>th</sup> October, 1956, the Dhankas including Tadvi, Tetaria and Valvi belonging to Abu Road Taluka of Sirohi district were notified as Scheduled Tribes. Later, the area restriction was removed by the Scheduled Caste and Scheduled Tribes Orders (Amendment) Act, 1976, whereby any person belonging to the Dhanka community was categorized as a Scheduled Tribe, irrespective of his place of residence within Rajasthan.

For many years thereafter, a person belonging to Dhanka community could obtain ST certificate all over the state. The problem started after the letter dated 13.07.2010 was issued. This allowed issuing of ST certificate to only Dhankas originally belonging to the Mount Abu Tehsil of Sirohi district. Dhankas of other places in Rajasthan were thereafter not entitled to the status.

As a result Dhankas are unable to obtain ST certificate in other places of Rajasthan and there is unrest among their youth. We are regularly receiving memoranda demanding the withdrawal of the order dated 13.07.2010. Their plea is that a statutory order issued by an Act of Parliament cannot be replaced by a mere administrative order. The order dated 13.07.2010 was challenged in the Hon'ble High Court of Rajasthan through SB CWP No. 8623/2010 Inder Mohan Singh Dhanka V/s Union of India & others.

Meanwhile some students belonging to Dhanka community filed cases in the High court, Jodhpur against the Tehsildar's decision and succeeded in getting favourable order in individual cases. This has caused confusion among the authorities issuing caste certificates and unrest among Dhanka students.

It is requested that clarification with regard to the above matter may be issued at the earliest. Our appreciation is that the administrative letter of 13/07/2010 may be withdrawn so as to enable the unhindered operation of the letter and spirit of the Amendment Act 1976.

Yours sincerely

(C.K. Mathew)

(11)  
petition  
had  
met me  
handed over  
copy. This  
an urgent  
matter  
Reg. no.  
24/8

Smt. Vibha Puri Das  
Secretary,  
Ministry of Tribal Affairs  
Government of India, Shastri Bhawan,  
New Delhi.

Handwritten signatures and notes: "V. Puri Das", "Imp.", "Put up pl. sh. Tama".