

S3218881/RTI Act-2005 for Information
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Dated-11-05-2015

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Postal Order No. - 1) 700-651619 of- 5/-
2) 700-651620 of- 5/-

5/2/15

11-05-2015

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R.O/NJ
15/5/15

Bhavinder Kumar.

जलवायी के जलवायी के जलसंग्रह
मा. 9817564390

संख्या टीबीडी.एफ (टीडीएम) 10-12/2014
जन जातीय विकास विभाग, हिं0 प्र0

प्रेषक

जन सूचना अधिकारी-एवं-उप निदेशक (ज0जा0वि),
बिजलानी हाउस, नजदीक नव रत्न गैस्ट हाउस,
छोटा शिमला, हिं0प्र0-171002 ।

प्रेषित

श्री बलविन्दर कुमार,
सुपुत्र श्री मदन लाल,
गांव जखेवाल, डा0 बीटन,
तहसील हरोली, जिला उना ।

दिनांक शिमला-171002 15 जून 2015 ।

विषय:-

2011 की जनगणना के अनुसार हिं0प्र0 की अनुसूचित जनजाति की प्रतिशतता के बारे में जानकरी हेतु और पंजाब या अन्य किसी भी राज्य से हिं0प्र0 में गुजर जाति की लड़की की शादी होने पर अनुसूचित जनजाति प्रमाण पत्र बन सकने या नहीं बन सकता है की जानकरी हेतु ।

महोदय,

उपरोक्त विषय पर आपसे प्राप्त आवेदन दिनांक 11.05.2015 के सन्दर्भ में यह सूचित किया जाता है कि वर्ष 2011 की जनगणना के अनुसार हिं0प्र0 की कुल जनसंख्या 6864602 है जिसमें से अनुसूचित जनजाति की जनसंख्या 392126 है जोकि कुल जनसंख्या का 5.71 प्रतिशत है । जहां तक किसी अन्य राज्य में शादी होने पर अनुसूचित जनजाति का प्रमाण पत्र बनाने का प्रश्न है, के सन्दर्भ में प्रधान सचिव (ज0जा0वि0) हिं0प्र0 सरकार द्वारा जारी दिशा निर्देशों की प्रति संलग्न है ।

संलग्न: उपरोक्त ।

भवदीय,

सुरेश कुमार आंगरा
जन सूचना अधिकारी-एवं-उप निदेशक (ज0जा0वि),
हिमाचल प्रदेश, शिमला-171002 ।

15/06/15

From:

No.TBD.(F)4-5/2002-II
 Government of Himachal Pradesh
 Tribal Development Department

Tribal Development Deptt.
 Dated 15.9.2007
 Date.....

04/10/07

To:

The Pr. Secretary (TD) to the
 Govt. of H.P. Shimla-2.

1. All the Deputy Commissioners in H.P. *(Signature)*
 2. The Resident Commissioner, Pangi, District Chamba, H.P.
 3. The A.D.C. Kaza.

Dated: Shimla-2, the 28th September, 2007.

Government of India guidelines on Issue of Scheduled Tribe Certificate.

Sir,

Clarifications have been sought from time to time on issue of Scheduled Tribes Certificate. As per Article 366(25) of the Constitution of India, Scheduled Tribes are those communities who are scheduled in accordance with the Article 342 of the Constitution i.e. only those communities who have been declared as such by the President through an initial public notification will be considered as Scheduled Tribes.

With respect to Himachal Pradesh, the following communities have been declared as Scheduled Tribes as per the Constitution (Scheduled Tribes) Order 1950 (C.O.22) notified on 6.9.1950:-

1. Bhot, Bodh.	5. Kanaura, Kinnara.
2. Gaddi.	6. Lahaula.
3. Gujjar.	7. Pangwala.
4. Jad, Lamba, Khampa.	8. Swangla.

Area restrictions for Gujjar and Gaddi Communities of erstwhile area of Punjab merged in H.P. in 1966 have been removed as per Scheduled Caste and Scheduled Tribe Orders (Amendment) Act, 2002 of 8.1.2003. Accordingly, all these 8 Communities are Scheduled Tribes throughout Himachal Pradesh.

The guidelines issued by the Ministry of Tribal Affairs, Government of India on Issue of S.T. Certificate as contained in Chapter 3 of the Annual Report for the year 2005-06 of the Ministry of Tribal Affairs, Government of India, is enclosed. The main features of the guidelines are that Scheduled Tribe is a community and he may profess any religion; that a person should belong to such community and should have permanent abode of their parents at the time of notification of the Presidential Order i.e. prior to 6.9.1950 in H.P. and that no person who was not Scheduled Tribe by birth will be deemed to be a Scheduled Tribe merely because he or she has married a person belonging to a Scheduled Tribe.

You are requested to take necessary action as per the guidelines of MoTA, Government of India on the Issue of Scheduled Tribe Certificate.

Yours faithfully,

Signature
 Pr. Secretary (TD) to the
 Government of H.P.

PRO(CN)

✓ Copy to Commissioner Tribal Dev. 6044
Signature

TS

Guidelines of Ministry of Tribal Affairs, G.O.I regarding issue of Scheduled Tribe Certificate as contained in Para 3.8.1 to 3.8.4 of Chapter 3 titled The Scheduled Tribes and Scheduled Areas of Ministry of Tribal Affairs, G.O.I. Annual Report 2005-06.

iv) He may profess any religion;

v) That he or his parents/ grandparents etc., should be permanent resident of the State/UT on the date of notification of the Presidential Order applicable in his case.

vi) A person who is temporarily away from his permanent place of residence 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 Tribe, If his tribe has been specified in that Order in relation to his State/ Union Territory. But he cannot be treated as such in relation to the place of his temporary residence notwithstanding the fact that the name of his tribe has' been scheduled in respect of that State where he is temporarily settled, In any Presidential Order.

vii) In the case of persons born after the date of notification of the relevant Presidential Order, the place of residence for the purpose of acquiring Scheduled Tribe status, is the place of permanent abode of their parents at the time of the notification of the Presidential Order under which they claim to belong to such a tribe.

Issue of Scheduled Tribes Certificate

3.8.1 (a) General : Where a person claims to belong to a Scheduled Tribe by birth it should be verified: -

- i) That the person and his parents actually belong to the community claimed;
- ii) That the community is included in the Presidential Order specifying the Scheduled Tribes in relation to the concerned State;
- iii) That the person belongs to that State and to the area within that State in respect of which the community has been scheduled;

Scheduled Tribe claims on migration

- i) Where a person migrates from the portion of the State in respect of which his community is scheduled to another part of the same State in respect of which community is not scheduled, he will continue to be deemed to be a member of the Scheduled Tribe, in relation to that State;
- ii) Where a person migrates from one State to another, he can claim to belong to a Scheduled Tribe only in relation to the State to which he originally belonged and not in respect of the State to which he has migrated.

(c) Scheduled Tribe claims through marriages

The guiding principle is that no person who was not a Scheduled Tribe by birth will be deemed to be a member of Scheduled Tribe merely because he or she has married a person belonging to a Scheduled Tribe. Similarly a person who is a member of a Scheduled Tribe would continue to be a member of that Scheduled Tribe, even after his or her marriage with a person who does not belong to a Scheduled Tribe.

(d) Issue of Scheduled Tribe certificates

3.8.2 The candidates belonging to Scheduled Tribes may get Scheduled Tribe certificates, in the prescribed form, from any one of the following authorities:

1. District Magistrate/ Additional District Magistrate/ Collector/ Deputy Commissioner/ Additional Deputy Commissioner/ Deputy Collector/ 1st Class Stipendiary Magistrate/ City Magistrate/ Sub Divisional Magistrate/ Taluka Magistrate/ Executive Magistrate/ Extra Assistant Commissioner.

[not below the rank of 1st Class Stipendiary Magistrate]

2. Chief Presidency Magistrate/ Additional Chief Presidency Magistrate/ Presidency Magistrate
3. Revenue Officers not below the rank of Tehsildar
4. Sub-Divisional Officer of the area where the candidate and/ or his family normally resides
5. Administrator/ Secretary to the Administrator/ Development Officer [Lakshadweep Islands]

(e) Punishments for officials issuing Scheduled Tribe Certificates without proper verification

3.8.3 Action is to be taken against them under the relevant provisions of the Indian Penal Code if any of them is found to have issued the Scheduled Tribe certificate carelessly and without proper verification in addition to the action to