CHAPTER: 10 – INDIGENOUS INHABITANT MATTERS

(10.1)

Government of Nagaland Home Department: Appointment 'B' Branch

NOTIFICATION

Dated Kohima, the 25 July, 1966

No.APB.1/24/64:-It is notified for general information to all concerned that henceforth in appointment to all grades of service in Nagaland except those exceptional technical posts preference shall be given to those candidates knowing one of the Naga dialects in Nagaland. All the appointing authorities in Nagaland are hereby informed that in all their advertisements for filling up posts in their respective Departments, this condition that the knowledge of one of the local Naga dialects will be given preference among the legible candidates should invariably be included.

Sd/-U.N. SHARMA

Chief Secretary to the Government of Nagaland

(10.2)

Government of Nagaland Home Department: Appointment 'B' Branch

OFFICE MEMORANDUM.

Dated, Kohima, the 2nd November, 1972.

Sub:- Appointment to Gazetted/Non-Gazetted both Technical and Non-Technical posts under the State Government.

No.APB-2/20/72:- The undersigned is directed to say that in the interest of public, the Government of Nagaland have taken the following decisions in matters of appointments/employment under the Government of Nagaland both Technical and Non Technical, gazetted and gazetted posts;

- 1. All cases of appointment to technical posts both gazetted and non-gazetted and non-technical gazetted posts, preference should be given to the indigenous local people.
- 2. All cases of appointment to non-gazetted and non-technical posts in the State of Nagaland should be reserved for the indigenous local people of the State.
- 3. All cases of appointment in the state of non-gazetted and gazetted posts both technical and non-technical on contract basis shall be done with the prior approval of the Cabinet.

All appointing authorities of the Government of Nagaland shall, therefore, comply with above decisions of the Government in all cases of future appointments.

Please acknowledge the receipt of this memorandum.

Sd/- L. LUNGALANG

Chief Secretary to the Government of Nagaland

Government of Nagaland Department of Personnel and Administrative Reforms (Administrative Reforms Branch)

NOTIFICATION

Dated Kohima, the 28th April, 1977.

NO. AR-8/8/76;- The Governor of Nagaland is pleased to decide that in order to qualify as an "Indigenous Inhabitant" of the State of Nagaland for the purpose of employment as envisaged in the order No. APPT-16/6/6/7 dated 6-7-73, a person should have settled permanently in Nagaland prior to 1-12-1963. The following shall be the criteria for determining a person to have had a permanent settlement in the State prior to 1-12-1963.

(1) His/her name or name of parents or legitimate guardians, in case the person was then a minor should have been entered in the Electoral Roll published on 5-12-1963.

OR

(2) The person or his/her parents or legitimate guardian should have been paying house tax prior to 1-12-1963.

OR

- (3) The person or his/her parents or legitimate guardian should have acquired property and patta on it prior to 1-12-1963.
- It has been further decided that only those certificates issued by a Deputy Commissioner or an Additional Deputy Commissioner shall be accepted and with immediate effect the form of certificate as annexed shall be used.
- This supersedes this Department's Notification of even number dated the 17th December, 1976.

Sd/- A. SHANMUGAM

Joint Secretary to the Govt. of Nagaland.

CERTIFICATE OF INDIGENOUS INHABITANT OF NAGALAND FOR THE PURPOSE OF EMPLOYMENT UNDER STATE GOVERNMENT AS ENVISAGED IN THE GOVT. ORDER NO.APPT-16/6/67 DATED 6.7.1973.

(This Certificate should be issued by a Deputy Commissioner only)

This is to certify that Shri/ Shrimati/Kumari
Son/daughter/wife of in
of Village/Town
District of the State of Nagaland belongs to
Tribe which is recognized as a Scheduled Tribe under the constitution (Nagaland) Scheduled
tribes order, 1970 and that the said Shri/Smti/Kumariand his /her family
ordinarily resides invillage/own of District of the
State Nagaland and his / her name or parent's name or legitimate guardian's name has been
entered in the Electoral Roll published on 5-12-1963/ the family has been paying house tax
prior to 1-12-1963/. The family has acquired property and patta on it prior to 1-12-1963.
Dated.
Signature

(10.4)

Government of Nagaland Department of Personnel and Administrative Reforms (Administrative Reforms Branch)

No.AR-8/8/76

Dated Kohima, the 19th January, 1979.

OFFICE MEMORANDUM

The undersigned directed to say that the procedure for issue of indigenous inhabitant certificate to non-local adopted sons/daughters has been under consideration of the Government for some time. It has been decided that officers authorized for issue of indigenous inhabitant certificate should not issue such certificate to non-local adopted sons/daughters without the prior approval of the Government. All such cases should be referred to Personnel and Administrative Reforms Department for decision.

Sd/- L.L. YADEN

Special Secretary to the Govt. of Nagaland

(10.5)

Government of Nagaland Land Revenue Department

NO.LR/2-118/76

Dated Kohima, the Nov' 1979.

Whereas it is considered necessary by the State Government to adopt protective measures for the under-mentioned classes for people who are indigenous inhabitants of Nagaland.

And whereas their welfare depends upon having sufficient land for their maintenance.

And whereas on account of their primitive condition and lack of education or material advantages are incapable of looking after their welfare.

Now, therefore, the State Government of Nagaland in exercise of powers conferred by Section 160 (2) of the Assam Land and Revenue Regulation, 1886 (Regulation 1 of 1886) specify the following indigenous inhabitants of Nagaland whom it considers entitled to protection.

- 1. Naga
- 2. Kuki
- 3. Kachari
- 4. Garo
- 5 Mikirs.

Sd/- O.KATHIPRI

Special Secretary to the Government of Nagaland.

(10.6)

Government of Nagaland Personnel & Administrative Reforms Department (Administrative Reforms Branch)

NO.AR-8/22/82

Dated: Kohima, the 7th February, 1985

NOTIFICATION

- 1. In continuation to this Department Notification NO.GAB-8/2/9/73 dated 22-10-1974 and NO.AR-8/22/82 dated12-11-82 and in supersession of this Department's Notification of even number dated 20-4-83, the Governor of-Nagaland is pleased to extend the benefit of employment opportunities under the Government to the Non-Naga Local Indigenous Nepalis/Gurkhas and their direct descendants who had settled in the areas of the erstwhile Naga Hills District permanently prior to 31st December, 1940. This shall come into force with immediate effect.
- 2. While issuing the certificate for employment as prescribed in the annexure to this Notification, the District Administration should strictly refer the list of Nepalis/Gurkhas contained in the Government Notification NO.GAB-8/2/9/73 dated 22-10-74 and Nagaland Gazette Part , II A dated 31st January, 1975.
- 3. This cancels this-Department's Notification of even number dated 11-12-84.

Sd/- I. LongkumerChief Secretary to the Government

Government of Nagaland Personnel and Administrative Reforms Department (Administrative Reforms Branch)

OFFICE MEMORANDUM

NO.AR-12/3/89

Dated, Kohima, the 4th Oct '1995.

The undersigned is directed to draw the attention of all Deputy Commissioners and Addl. Deputy Commissioners who are the issuing authority for Indigenous Inhabitant Certificate for employment purposes. A notification followed by a Memorandum was issued by the Department of Personnel & Administrative Reforms vide No. AR-8/8/76 Dated 19th Jan, 1979, Despite this standing order, of late, it has come to the notice of the Government that the DCs and ADCs are issuing Indigenous Inhabitant Certificates randomly and without care to non-locals, adopted sons and daughters without even verifying the authority and identity of such persons. Government has been seriously considering this issue again and it is found that the DCs and ADCs who have been authorised to issue such certificate have not applied their mind before issue of such certificates much less taking permission from the Government.

After careful consideration, it has now been decided that henceforth only the Deputy Commissioners will be authorised to issue Indigenous Inhabitant Certificate with immediate effect. If any Deputy Commissioner issues such certificate without referring to the Government as per the existing standing order will face disciplinary action for non-compliance of Government order and negligence of duty. Whenever any such application is received necessary enquiry should be conducted and the enquiry report should be placed before the Deputy Commissioner who will apply his mind for claim of issuing indigenous inhabitant certificate before it is brought to the notice of the Government with all facts for permission. A photo copy of the Notification No. AR-8/8/76 dated 28th April, 1977 is enclosed for future guidance and strict compliance.

Receipt of this letter should be acknowledged by the DC himself and report compliance in all respects.

Sd/-T.C.K.LOTHA
Chief Secretary

(10.8)

Government of Nagaland Home Department

OFFICE MEMORANDUM

Dated, Kohima, the 28 Feb'2003.

HOME/EST-2/2002/ Whereas a request has been received from the Deputy Commissioner, Dimapur for issue of guidelines regarding issue of Scheduled Caste (SC) and Other Backward Castes (OBC) Certificates. The matter has been examined by the Government and it is hereby brought to the notice of all concerned that no classes of persons residing in the State of Nagaland have been identified as belonging to Scheduled Caste (SC) or Other Backward Caste (OBC). No such certificate should, therefore be issued by any authority in the State to any resident or non-resident of Nagaland State and in case of any such certificates having been issued in the past, the same may be identified and declared void immediately.

Sd/- H.K.KHULU

Home Commissioner.

(10.9)

No.36022/1/2007-Estt.(Res) Government of India Ministry of Personnel, Public Grievances & Pensions Department of Personnel & Training

New Delhi, dated: the 20th March, 2007.

To

The Chief Secretaries of all States/Union Territories

Sub: <u>Verification of claims of candidates belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes.</u>

Sir,

It has been brought to the notice of this Department that some candidates manage to secure employment under the Government against the vacancies reserved for SCs/STs/OBCs on the basis of false/forged caste/community certificates. It is a serious matter which can only be tackled with the cooperation of the State Governments.

- 2. Instructions issued by this Department require the appointing authorities to verify the caste status of SC/ST/OBC candidates at the time of initial appointment. Accordingly, the concerned appointing authorities, at the time of initial appointment of SC/ST/OBC candidates against vacancies reserved for them, make a request to the concerned District authorities to verify the veracity of caste/community certificate produced by the candidate. Many a time, the District authorities take unduly long time to respond. Where verification is not completed in time, the candidates are given appointment on provisional basis pending verification of their caste status. Some candidates continue to hold the post on the basis of false/forged certificates in the absence of proper response from the district authorities. Chances of collusion of the candidate with some unscrupulous employee(s) at the District level cannot also be ruled out.
- 3. I am directed to request you to streamline the system so that the unscrupulous non-SC/ST/OBC persons are prevented from securing jobs meant for SCs/STs/OBCs by producing false certificates. It would be appreciated if you could issue instructions to the District

Magistrates/District Collectors/Deputy Commissioners of the Districts to the effect that they should ensure at their own level that veracity of the caste/community certificate referred to the district authorities, as stated above, is verified and reported to the appointing authority within the month of receipt of request from such authority. In order to rule out collusion between candidates holding false/forged certificate and employees at the District level or sub-district level, disciplinary proceedings may be initiated against officers who default in timely verification of caste status in such cases or issue false certificates.

Yours faithfully,

Sd/- R.Ramanujam Joint Secretary

(10.10)

No 42011/22/2006-Estt.(Res)
Ministry of Personnel, P,G,& Pensions
Department of Personnel & Training
Government of India

New Delhi, Dated: the 29th March, 2007

OFFICE MEMORANDUM

Sub: Action against Government servants who get appointment on the basis of false SC/ST/OBC certificates.

Respondent No. 1 in Civil Appeal No.2294/1986 {State of Maharashtra Vs Milind & Ors} before the Supreme Court had got admission as a Scheduled Tribe candidate to MBBS degree course for the year 1985-86 on the strength of a Scheduled Tribe Certificate issued to him by the competent authority. The Supreme Court held him not to belong to a Scheduled Tribe but did not annual his admission or affected his degree. The Hon'ble Court observed that about 15 years had passed since he took admission and had already completed the cause. At that length of time it was for nobody's benefit to annual his admission inasmuch as any action against the candidate might lead to depriving the society of the service of a doctor on whom public money had already been spent. The Court in that case also held that the admission and appointments that had become final would remain unaffected by the judgment.

- A question has been raised whether in view of the above referred judgment, the appointments made against the vacancies reserved for SCs/STs/OBCs on the basis of false SC/ST/OBC certificates shall not be disturbed if such appointments have been made final or are continuing for a long time.
- The matter has been examined in consultation with the Department of Legal Affairs and it has been found that admissions and appointments of some candidates in the case of Milind and in some other similar cases were not annulled by the Supreme Court as a special case keeping in view the special circumstances of those cases. The relief accorded by the Supreme Court was specific relief provided only to the candidates who were party in those cases. The cases other than those protected by the specific order of the Apex Court should be dealt with in accordance with the instructions contained in this Department's OM No.11012/7/91-Estt (A) dated 19.5.1993 which provides as follows:

"Wherever it is found that a Government servant, who was not qualified or eligible in terms of the recruitment rules etc, for initial recruitment in service or had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service. If, he is a probationer or a temporary Government servant, he should be discharged or his services should be terminated. If he has become a permanent Government

servant, an inquiry as prescribed in Rule 14 of CCS(CCA) Rules, 1965 may be held and if the charges are proved, the Government servant should be removed or dismissed from services. In no circumstances should any penalty be imposed".

- The above referred instructions are strengthened by the observations of the Supreme Court in Milind Kumar's case (SUPRA) to the effect that if the benefits of reservation are taken away by those for whom they are not meant, the people for whom they are really meant or intended will be deprived of the same and their suffering will continue. Allowing the candidates not belonging to the reserved categories to have benefit of reservation either in admissions or appointments would lead to making mockery of the very reservation against the mandate and scheme of Constitution.
- 5 Contents of this O.M may be brought to the notice of all concerned.

Sd/- K. G. Verma

(10.11)

Government of Nagaland Personnel and Administrative Reforms Department (Administrative Reforms Branch)

OFFICE MEMORANDUM

NO.AR-15/5/93

Dated, Kohima, the 15th Oct, 2008.

Sub:- Authority to issue Scheduled Tribe and Indigenous Inhabitant Certificate.

In supercession of this Department's Office Memo No. AR-12/3/89 dated 4/10/1995, the Governor of Nagaland is pleased to authorise the Additional Deputy Commissioners of various Districts to issue Scheduled Tribe and Indigenous Inhabitant Certificates for the indigenous tribals within their respective jurisdictions.

Further, it has been brought to the notice of the State Government that many ineligible applicants have been able to obtain ST Certificates without proper verification of the eligibility or otherwise of the applicants. All issuing authorities shall meticulously verify the claim of indigenous inhabitant/tribal status before issue. The Deputy Commissioners/Addl. Deputy Commissioners shall be personally responsible for entertaining any fraudulent claims of ineligible persons.

Sd/- C.J. PONRAJ

Principal Secretary to the Govt. of Nagaland.

(10.12)

Government of Nagaland Department of Personnel and Administrative Reforms (Administrative Reforms Branch)

No.AR-8/19/79 Dated: Kohima the 1st June, 2009

OFFICE MEMORANDUM

Sub:- Clarification on issue of Backward Tribe Certificates.

It has come to the notice of the Government that certain confusion have arisen regarding issue of Backward Tribe Certificates to persons from the forward tribes who are married to persons belong to backward tribes.

It is hereby clarified that a candidate from a forward tribe transplanted into Backward Tribe by adoption or marriage shall not be eligible to the benefit of acquisition of the status of backward tribe or acquiring backward tribe certificates, by voluntary mobility into these categories.

Sd/- TEMJEN TOY

Commr. & Secretary to the Govt. of Nagaland

(10.13)

No. R-11011/16/2009-Tab Government of India Ministry of Home Affairs/Griha Mantralaya Office of the Director of Census Operations Bayavu Hill, H.S Road, Kohima: Nagaland

List of recognized Scheduled Tribes in Nagaland

1.	Garo	(Indigenous of Nagaland)
2.	Mikir	(Indigenous of Nagaland)
3.	Kuki	(Indigenous of Nagaland)
4.	Kachari	(Indigenous of Nagaland)
5.	Nagas	(Indigenous of Nagaland)

List of recognized Naga Tribes in Nagaland

1. Ao	8. Phom
2. Angami	9. Chang
3. Sumi	Yimchunger
4. Lotha	11. Khiamniungan
5. Rengma	12. Chakhesang
6. Konyak	13. Zeliang
7. Sangtam	14. Pochury

(As approved by Home Department of Government of Nagaland vide Home Branch letter No. SC-22/Home/1/67 dated 6th July, 2009).

(10.14)

Government of Nagaland Home Department: Home Branch

No. HOME/SCTA-6/2006

MEMORANDUM

Dated: Kohima the 21st March, 2011

Sub:- <u>Guidelines for issue of Scheduled Tribe Certificates and Indigenous Certificates in the State of Nagaland.</u>

In supercession of this Department's letter No.HOME/MISC/01/2001 dated 2/6/2009 and in pursuance of the decision of the Cabinet decision dated 14/5/2009, the Governor of Nagaland is pleased to order that the following guidelines shall be strictly adhered to in the process of verification and issue of Scheduled Tribes Certificates and Indigenous Certificates to indigenous inhabitant s of the State:-

- 1. Scheduled Tribes Certificates/Indigenous Certificates should be issued in the format as prescribed by the Government of Nagaland from time to time.
- 2. Scheduled Tribes Certificates/Indigenous Certificates should be issued by an Administrative Officer not below the rank of Additional Deputy Commissioner.
- 3. Scheduled Tribes Certificates/ Indigenous Certificates should be issued only to bonafide Indigenous Naga tribes of Nagaland, as notified in Notification NO.AR-8/8/76 dated 28/4/77.
- 4. The word 'NAGA' only should be used in the name of the tribe in the Scheduled Tribes Certificates. If the particular tribe name is desired to be included, it may be indicated within the bracket after the word "NAGA"
- 5. Application for Scheduled Tribes Certificates should be duly verified and recommended by the respective Village Council Chairman/Goan Burrah to which the applicant belongs, and re-verified at the level of area Administrative Officers before forwarding to the issuing authority.
- 6. Possession of land ownership documents shall not be a condition for the issuance or verification Scheduled Tribes Certificate/Indigenous Certificates.
- 7. Application for Scheduled Tribes Certificates/Indigenous Certificates should be disposed off as early as practicable.
- 8. Scheduled Tribes Certificate/Indigenous Certificate received for conformation should be verified with the records available in the Office within a fortnight of receipt of request for verification.

Sd/- J.ALAM, IAS HOME COMMISSIONER

Government of Nagaland Personnel and Administrative Reforms Department (Administrative Reforms Branch)

No. RCBT-5/87 (Pt-III)

Dated Kohima, the 11th June, 2012.

OFFICE MEMORANDUM

Sub: Issue of Scheduled Tribe/Backward Tribe and Indigenous Inhabitant Certificate.

It has been observed that certain District Administration are issuing Scheduled Tribe/Indigenous Inhabitant/Backward Tribe Certificates without proper verification, and in some cases tribe certificates are issued in the name of tribes not listed in the recognized Tribes of the State.

Therefore, all Deputy Commissioners/Additional Deputy Commissioners are reminded once again

- (i) to meticulously verify the genuineness of the claim before issue such certificates, and also to see that children of non-Naga father's as well as non-Naga children adopted by Naga parents etc are not to be given Scheduled Tribe/Backward Tribe/Indigenous Inhabitant Tribe Certificates.
- (ii) to see that Indigenous/Backward tribe certificates are to be issued only in the name of the 14 recognized Naga tribes. For example, for those people who claim to be 'Tikhir tribe', the backward/indigenous certificate should mention only 'Yimchunger' as the tribe name. Since 'Tikhir tribe' is yet to be recognized by the State Government, it should not be mentioned in the certificate, even within a bracket, as this creates unwanted confusions.

Sd/- LALTHARA

Chief Secretary to the Government of Nagaland

(10.16)

Government of Nagaland Department of Personnel and Administrative Reforms (Administrative Reforms Branch)

NOTIFICATION

Dated Kohima, the 2nd February, 2016.

NO. AR-16/7/94:- In supersession of this Departments Notification No. AR-8/8/76 dated 28th April, 1977*, the Governor of Nagaland is pleased to prescribe a new format for issue of Indigenous Inhabitant and Scheduled Tribe certificates with immediate effect. The formats are enclosed as Annexure I and II. While issuing these certificates, the following procedure shall be observed by all the Deputy Commissioners and the Additional Deputy Commissioners.

- (i) The issue of the Indigenous Inhabitant certificate and Scheduled Tribe certificate should be moved in file and the particular file number noted in the certificate issued so that in the event of any queries, record can be traced out conveniently. Provision for this has been made in the format of certificate.
- (ii) Verification for issue of the certificates should be conducted carefully so that ineligible persons do not obtain the certificates.
- (iii) Indigenous Inhabitant certificate and Scheduled Tribe certificate should be issued from the native district of the applicant. To overcome the problem of verifying applicants who are ordinarily residing in other districts other than their native district, the applicant will have to produce a certificate from the DCs of the district where the applicant is ordinarily residing confirming the details.
- (iv) Before issue of the Indigenous Inhabitant certificate and Scheduled Tribe certificate, Part A in the form will be filled in by the applicant and signed. Part B and C can be obtained by the applicants themselves, or if submitted without details, it will be the responsibility of the DC/ADC office to forward to the concerned administrator for verification. Details relating to Part D and E shall be the responsibility of the concerned officer in the DC/ADC office.
- (v) For issue of Scheduled Tribe (ST) certificate, prior production of Indigenous Inhabitant certificate is mandatory.

Sd/- PANKAJ KUMAR

*Refer Chapter 10.3

Chief Secretary to the Government of Nagaland

Ser	·i.	N	_				



GOVERNMENT OF NAGALAND OFFICE OF THE DEPUTY COMMISSIONER

..... NAGALAND

File No	PHOTO WITH
Register NoEntry No	SEAL

<u>CERTIFICATE OF INDIGENOUS INHABITANT OF NAGALAND</u>

Th	is	is	to	certify	that	Shri/Smti/	Kumari		Son/Daug	hter of
Shri				.of	······································	Village/ Tov	vn of	Distric	t, Nagaland h	as been
perma	nen	tly s	ettle	d in Nag	aland p	rior to 1-12-	1963 and:			
1.	a i	ninc	or, ha		ntered	in the Electo		guardians, in ca ublished on 5-1		
						(OR			
2.		_	perso 2-196		her par	ents or legit	mate guar	dians had been	paying house	tax prioi
						(OR			
3.								rdian had acqu Dated		ınd patta
						ons under Go the State of I).M No.AR-8/8/	76 dated 28 th Ap	pril 1977,
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the Sta				•				C		
								longs to Tribe vide Go		
						April 2011.				
				rds		1				
Place:										
Office	Sea	l:								
								Designation	with seal	

Note: The term "ordinarily resides" used here will have the same meaning as in Section 20 of the Representation of the People Act, 1950. In the first paragraph, the village/town in which the applicant fulfils/fulfilled any of the three criteria will be entered.

Name of the certifying officer should be compulsorily written. Signature and Seal should be appended across the photograph.

Strike off, if not applicable.

*Only 1 (one) precondition needs to be fulfilled to be eligible for Indigenous Inhabitant Certificate and the details of only the fulfilled precondition may be entered in the Certificate.

Serial No.....



GOVERNMENT OF NAGALAND OFFICE OF THE DEPUTY COMMISSIONER

: NAGALAND								
File NoEntry No	Photo with Seal							
SCHEDULED TRIBE CERTIFICATE								
This is to certify that Shri/Smti/Miss								

of District of the State of Nagaland belongs to the Tribe

Place: Date.

NOTE: The term "ordinarily resides" used here will have the same meaning as in Section 20 of the Representation of the People Act, 1950.

The Name of the Officer should be compulsorily written. Signature and Seal should be appended across the photograph.