

No. BC. 12025|2|76-SCT.I

Government of India|Bharat Sarkar

Ministry of Home Affairs|Grih Mantralaya

To  
The Chief Secretaries to  
All State Governments|Union Territory  
Administrations.

New Delhi-110001, the 22 March, 1977  
Chaitra, 1898

SUBJECT:—Issue of Scheduled Caste and Scheduled  
Tribe certificates—Clarifications re-  
garding.

Sir,

I am directed to say that many instances have come to the notice of this Ministry wherein certificates of belonging to a particular Scheduled Caste|Tribe have not been issued strictly in accordance with the principles governing the issue of such certificates. This is presumably due to inadequate appreciation of the legal position regarding the concept of the term "residence" on the part of the authorities empowered to issue such certificates.

2. As required under Articles 341 and 342 of the Constitution, the President has, with respect to every State and Union Territory and where it is State after consultation with the Governor of the concerned State, issued orders notifying various Castes and Tribes as Scheduled Castes and Scheduled Tribes in relation to that State or Union Territory from time to time. The inter-state area restrictions have been ~~deliberately~~ imposed so that the people belonging to the specific community residing in a specific area, which has been assessed to qualify for the Scheduled Caste or Scheduled Tribe status, only benefit from the facilities provided for them. Since the people belonging to the same caste but living in different State|Union Territories may not necessarily suffer from the same disabilities, it is possible that two persons belonging to the same caste but residing in different States|U.Ts may not both be treated to belong to

Scheduled Caste|Tribe or vice-versa. Thus 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|U.T. 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.

3. It is to ensure the veracity of this permanent residence of a person and that of the caste|tribe to which he claims to belong that the Government of India has made a special provision in the proforma prescribed for the issue of such certificate. In order that the certificates are issued to the deserving persons it is necessary that proper verification based primarily on revenue records and if need be, through reliable enquiries, is made before such certificates are issued. As it is only the Revenue Authorities who, besides having access to the relevant revenue records are in a position to make reliable enquiries, Government of India insists upon the production of certificates from such authorities only. In order to be competent to issue such certificates, therefore, the authority mentioned in the Government of India (Department of Personnel and Administrative Reforms) letter No. 13|2|74-Est (SCT) dated the 5th August, 1975, (copy enclosed) should be the one concerned with the locality in which the person applying for the certificate and his place of permanent abode at the time of the notification of the relevant Presidential Order. Thus the Revenue

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Authority of one District would not be competent to issue such a certificate in respect of persons belonging to another district. Nor can such an authority of one State|UT issue such certificates in respect of persons whose place of permanent residence at the time of the notification of a particular Presidential Order, has been in a different State|Union Territory. 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 Caste or Scheduled Tribes 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 caste|tribe.

4. It is understood that some State Governments|Union Territory Administrations have empowered all their Gazetted Officers to issue such certificates and ever Revenue Authorities issue certificates on the basis of the certificates issued by Gazetted Officers, M.Ps. and M.L.As, etc. If such a practice is followed, there is a clear danger of wrong certificates being issued, because in the absence of proper means of verification such authorities can hardly assure the intrinsic correctness of the facts stated in such certificates. In order to check the issuance of false certificates, the question of verification assumes all the more importance.

5. All the State Governments|Union Territory Administrations are, therefore, requested to streamline their respective procedures for issuing such certificates so as to conform to the above instructions as well as to those issued from time to time. Where Revenue Authorities have been empowered to issue certificates on the basis of a certificate issued by an M.P., M.L.A., Gazetted Officer, etc., they would do so only after having made proper verifications and after having satisfied themselves of the correctness of such certificates.

Yours faithfully,  
(O. R. SRINIVASAN)  
Under Secretary to the Government of India  
Tel. No. 381843

March, 1977  
Phalguna, 1898

No. BC. 12025|2|76-SCT-I

Copy to:—

1. The Department of Personnel and Administrative Reforms, Government of India, with reference to their U.O. No. D.2014|76-Est. (SCT), dated the 8th July, 1976. They are requested to

make necessary amendments to the Brochure for the reservation for Scheduled Castes and Scheduled Tribes by incorporating, where necessary, the provision stated in the foregoing paragraphs.

2. Director, Institute of Sectt. Training and Management, West Block No. 1, Wing No. 6, Ramakrishnapuram, New Delhi-110022 with reference to his letter No. 12|4|76-ARRNG, dated the 21st February, 1976.

3. Secretary, Union Public Service Commission, New Delhi.

4. All Ministries|Departments of the Govt. of India.

5. All Zonal Directors|Deputy Directors.

6. Commissioner for Scheduled Castes and Scheduled Tribes, Ramakrishnapuram, New Delhi.

(O. R. SRINIVASAN)

Under Secretary to the Govt. of India  
Tel. No. 381843

COPY

Letter No. 13|2|74-Est. (SCT)

Government of India|Bharat Sarkar  
Cabinet Secretariat|Mantrimandal  
Sachivalay

Department of Personnel and Administrative Reforms

(Karmik Aur Prasashanik Sudhar Vibhag)  
New Delhi-110001, the 5th August, 1975

To

The Chief Secretaries of  
All State Governments and Union Territory Administrations.

SUBJECT:—Verification of claims of candidates belonging to Scheduled Castes and Scheduled Tribes—Form of caste certificate—Amendments to.

Sir,

I am directed to say that candidates belonging to Scheduled Castes and Scheduled Tribes seeking employment to posts|services under the Central Government are required to produce a certificate in the prescribed form from one of the prescribed authorities in support of their claim. A list of the prescribed authorities in this regard is enclosed for information. The form of caste certificate has now been slightly revised. The revised form of caste

is enclosed. I am to request that the form of caste certificate may please be to the notice of the authorities under the government who are empowered to issue such certificates.

Sd/- J. S. AHLUWALIA  
Under Secy. to the Govt. of India

3/2/74-Est.(SCT) New Delhi-110001,  
5th August, 1975

copy forwarded to U.P.S.C. for information with to their letter No. 26/43/74-EI(B) dated 1975.

of authorities empowered to issue certificates of

District Magistrate|Additional District Magis-  
trator|Deputy Commissioner|Additional De-

puty Commissioner|Deputy Collector|1st Class Sti-  
pendary Magistrate|City Magistrate|\*Sub-Divisional  
Magistrate|Taluka Magistrate|Executive Magistrate|  
Extra Assistant Commissioner.

(\*not below the rank of 1st Class stipendary  
Magistrate)

2. Chief Presidency Magistrate|Additional Chief  
Presidency Magistrate|Presidency Magistrate.

3. Revenue Officers not below the rank of Teh-  
sildar.

4. Sub-Divisional Officer of the area where the  
candidate and/or his family normally resides.

5. Administrator|Secretary to Administrators|De-  
velopment Officer, (Lakshadweep Islands)