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No. BC. 12025/2/76-SCT-I
Government of India|Bharat Sarkar
Ministry of Home Affairs|Grah Mantralaya

To

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

New Delhi-110001, the 22 March, 1977:
Chancery, 1898

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

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.

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 States|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 denotes the permanent residence of a person on the date of the notification of the Presidential Order specifying his caste/tribe in relation to that locality. Thus a person who is temporarily away from his permanent place of abode at the date 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 mentioned 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 held so, through reliable enquiry, 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 enquiry, 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, 1973, (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 Gaonchi Officers to issue such certificates and even Revenue Authorities issue certificates on the basis of the certificates issued by Gaonchi Officers, M.P.s, 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 ensure 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., Gaonchi 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

No. BC. 12025/2/76-SCTI

March, 1977
Phagwara, 1898

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

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

2. Director, Institute of Social 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 Bhawan
Cabinet Secretariat/Ministry/andal
Sachivalay

Department of Personnel and Administrative
Reforms

(Karmik Aur Prashnik Sadhar 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 cer-
tificate—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

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certificate is issued, I am to request that the revised form of certificate may be brought to the notice of the authorities of the State Government who are empowered to issue certificates.

Sd/- J. S. AHLIWALA
Under Secy. to the Govt.
No. 13/2/74-Est.(MCT) New Delhi 110001.

5th August, 1975

Copy forwarded to U.P.S.C. for information with ref. to their letter No. 26/43/74-BJ(B) dated 26-1-1975.

List of authorities empowered to issue certificates of qualification.

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

puty Commissioner|Deputy Collector|1st Class Stipendiary Magistrate|2nd Magistrate|Sub-Divisional Magistrate|District 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 Officer not below the rank of Tahsildar.

4. Sub-Divisional Officer of the area where the candidate enjoys his family normally resides.

5. Administrator|Secretary to Administrator|Development Officer|(Lakshadweep Islands)

Form of certificate to be produced by a candidate belonging to a Residential Estate or Residential Block of such area/estate.

This is to certify that Shri/Shrimati/(Name) _____
of village/hamlet _____, _____ of _____
belong to the _____ of the _____ Union Territory, _____
under _____.

The Constitution (Scheduled Caste) Order, 1950;
 The Constitution (Scheduled Tribes) Order, 1950;
 The Constitution (Scheduled Caste) (Union Territories) Order, 1951;
 [as amended by the Scheduled Caste and Scheduled Tribes Lists (Modification) Order, 1956, the Bombay Reorganisation Act, 1960, the Punjab Reorganisation Act, 1966, the State of Bihar and Pradurbh Act, 1970 and the North Eastern Areas (Reorganisation) Act, 1971];
 The Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956;
 The Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959;
 The Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962;
 The Constitution (Dadra and Nagar Haveli) Sth. Tribes Order, 1962;
 The Constitution (Pondicherry) Scheduled Castes Order, 1964;
 The Constitution (Scheduled Tribes) (Utar Pradesh) Order, 1967;
 The Constitution (Gor, Damna and Dua) Scheduled Castes Order, 1968;
 The Constitution (Gor, Damna and Dua) Scheduled Tribes Order, 1968;
 The Constitution (Nagaland) Scheduled Tribes Order, 1970.

* and Master* namely ordinary District Officer* of the

Signature
Designation
(Title and/or Office)

Place _____ State _____
Union Territory _____

Date: _____
Please delete the words which are not applicable.

Note:—The term "Ordinately resides" used here will have the same meaning as in Section 40 of the Registration of the People Act, 1930.