

## CHAPTER VII

### FALSE CERTIFICATES

The Constitutional Provisions and legislative safeguards as discussed in the preceding Chapters, aim to secure the overall and all-round development of Scheduled Castes and Scheduled Tribes. However, any cornering of these facilities and benefits by non-SCs/STs by obtaining false community certificate negates the very purpose of these safeguards.

7.2 Of late, widespread incidence of false caste certificates in respect of Scheduled Castes and Scheduled Tribes have come to the notice of the Commission. Such false caste certificates not only enable the ineligible persons to avail of the concessions and reservations in the matter of securing employment or admission in educational institutions or contesting for or being elected to the elective offices, reserved for SCs and STs, but also result in depriving the genuine members of the Castes and Tribes of the said concessions and reservations.

7.3 The Commission, in its Report for 1993-94 had discussed many cases of false caste certificates that had come to its notice and the lack of action on the part of concerned authorities.

7.4 Alarmed at the growing menace of such false certificates, the Commission itself took up some field level studies during the period under report. It is thus for the first time that the issue is being dealt with in a separate Chapter in the Annual Report.

7.5 Before analysing the findings of these studies and other cases that have come to the notice of the Commission, it would be appropriate to set out the Constitutional and legal provisions, executive instructions and judicial pronouncements on the subject.

#### Constitutional provisions

7.6 **Article 366(24)** : "Scheduled Castes" means such castes, races or tribes or parts of a groups within such castes, races or tribes as are deemed under Article 341 to be Scheduled Castes for the purposes of this Constitution.

7.7 **Article 341** "(1) The President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purpose of this Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified by a notification issued under Clause (1) any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification".

7.8 **Article 366 (25)** : "Scheduled Tribes" means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this Constitution.

7.9 **Article 342** "Scheduled Tribes" "(1) The President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts or groups within tribes or tribal communities which shall for the purpose of this Constitution be deemed to be Scheduled Tribes in relation to the State or Union Territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under Clause (1) any tribe or tribal community, or part of or group within any tribe or

tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification”

### **Presidential Orders relating to Scheduled Castes & Scheduled Tribes**

7.10 Under Clause (1) of Article 341 of the Constitution the President promulgates orders listing the Scheduled Castes in relation to individual State /Union Territory. Under Clause (1) of Article 342 the President promulgates similar orders listing the Scheduled Tribes. So far the President has issued 16 Orders as mentioned in Annexure 7.1.

### **Authorities empowered to issue SC/ST Certificates and form of Certificates**

7.11 The Ministry of Home Affairs vide O.M.No 13/2/57-SCT ( I ), dated 25<sup>th</sup> May, 1960, revised the proforma of the Certificate to be produced by Scheduled Caste and Scheduled Tribe candidates applying for appointment to posts under the government of India and authorised the District Magistrate and Subordinate Revenue Officers to issue the Caste Certificate. The Gazetted Officers of Central or a State Government, were also authorised to issue Caste Certificates which were required to be countersigned by the District Magistrate.

7.12 On 25<sup>th</sup> February, 1963 Ministry of Home Affairs Vide O.M. No.8/3/63-SCT(I ) amended the list of authorities empowered to issue SC/ST Certificate by deleting the Gazetted Officers of Central and State Governments.

7.13 On 11<sup>th</sup> November, 1963 Ministry of Home Affairs Vide O.M.NO.13/6/63-SCT (I) revised the form of Caste Certificate but the list of authorities empowered to issue the Caste Certificate remained the same.

7.14 On 12<sup>th</sup> August, 1976 Department of Personnel & A.R. vide O.M.No. 13/2/74-Estt (SCT) again revised the form of certificate without amending the list of authorities empowered to issue the certificates.

7.15 On 22<sup>nd</sup> march,1977, Ministry of Home Affairs vide letter No. BC/12025/2/76-SCT(I) issued detailed instructions to all State Governments/UTs and inter-alia requesting that “where Revenue Authorities have been empowered to issue Certificates on the basis of a Certificate issued by an M.P. , MLA, Gazetted Officers etc., they should do so only after having made proper verification and after having satisfied themselves of the correctness of such Certificates”

7.16 On 29<sup>th</sup> October, 1977 Department of Personnel & A.R. vide letter No.36012/6/76-Estt.(SCT ) revised the SC/ST Certificate without changing the authorities empowered to issue the certificates.

7.17 Ministry of Home Affairs keeping in view the problems of SC/ST migrants, revised the form of Caste Certificate vide letter No. BC16014/1/82-SC & BCD-I dated 6<sup>th</sup> August, 1984.

7.18 The form of Certificate valid at present and the authorities competent to issue the same may be seen at Annexure 7.II

### **Check List for Issue/Verification of SC/ST Certificate**

7.19 The Ministry of Home Affairs, which was earlier looking after the work relating to SCs and STs had issued a check list for issue and verification of SC/ST Certificate vide their letter No.35/1/72-RU (SCT.V ) dated 2.5.75. In view of this check list and subsequent amendments, the following points are important in the issue of SC/ST Certificates.

(1) It should be verified that the person and his/her father actually belongs to the SC/ST community claimed by him. It has been observed that due to phonetic similarities the persons, actually not belonging

to SC/ST, get the benefit of SC/ST Certificate in the name of community/caste scheduled as Scheduled Caste and/or Scheduled Tribe. For example, a member of Hindu Backward caste GOND residing in a plain areas obtains false ST Certificate in the name of GOND which is a very important tribe residing in hilly tracts.

(2) It should be verified that the caste/community is included in the official SC/ST List of the concerned State/UT. Before issue of the SC/ST Certificate, the competent authority should check the list of SC and ST communities included in the Presidential Orders instead of depending on his/her memory.

(3) It should be verified that the person belongs to the State in respect of which the community has been scheduled. In view of the word 'In relation to that State' contained in Article 341(1) and 342(1) of the Constitution, a person belonging to SC or ST in one State cannot be regarded as belonging to SC or ST in another State.

(4) The person claiming to be SC should profess Hindu, Sikh or Buddhist religion whereas a person claiming to be member of ST may profess any religion. In case a Government Servant appointed against Scheduled Caste quota changes his religion from Hinduism/Sikhism/Budhism to any other religion, he must notify his Department about the same as thereafter, he will cease to enjoy any benefits of reservation.

(5) The person or his/her parents should have been permanent residents of the place mentioned in the certificate on the date of notification of the Presidential Order applicable in his/her State.

#### **Need for streamlining the procedure and Judicial pronouncements in this regard**

7.20 While considering a case relating to a false certificate, the Supreme Court laid down the procedure and guidelines which should be followed in issuing the caste/tribe certificates in Civil Appeal No.5854 Kumari Madhuri Patil Vs. Government of Maharashtra, 1994.

- (1) The application for grant of social status Certificate shall be made to the Revenue Sub-Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such officer rather than by the officer at Taluk or Mandal Level.
- (2) The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and sub-castes, tribes, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the concerned Directorate.
- (3) Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or appointment to a post.
- (4) All the State Governments shall constitute a Committee of three officers, namely, (i) an Additional or Joint Secretary or any officer higher in rank to the Director of the concerned department; (ii) the Director, Social Welfare/Tribal Welfare/Backward Class Welfare, as the case may be, and (iii) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of the social status certificates. In the case of Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities.
- (5) Each Directorate should constitute a Vigilance Cell consisting of Senior Deputy Superintendent of Police in over all charge and such number of Police Inspectors to investigate into the social status claims. The inspector would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which

he originally hailed from. The Vigilance Officer should personally verify and collect all the facts of the social status claimed by the candidate or the parents or guardian as the case may be. He should examine the school records, birth registration, if any. He should also examine the parent, guardian or the candidate in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars as envisaged in the proforma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, social customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. by the concerned castes or tribes or tribal communities, etc.

- (6) The Director concerned, on receipt of the report from the Vigilance Officer if he found the claim for social status to be "not genuine" or "doubtful" or "spurious" or "falsely or wrongly claimed" should issue show cause notice supplying a copy of the report of the Vigilance Officer to the candidate by a registered post with acknowledgement due or through the Head of the concerned educational institution in which the candidate is studying or employed. The notice should indicate that the representation or reply, if any, would be made within two weeks from the date of the receipt of the notice and in no case on request not more than 30 days from the date of the receipt of the notice. In case, the candidate seeks for an opportunity of hearing and claims an inquiry to be made in that behalf, the Director on receipt of such representation/reply shall convene the committee and the Joint/Addl. Secretary as chairperson who shall give reasonable opportunity to the candidate/parent/guardian to adduce all evidence in support of their claim. A public notice by beat of drum or any other convenient mode may be published in the village or locality and if any person or association opposes such a claim, an opportunity to adduce evidence may be given to him/it. After giving such opportunity either in person or through counsel, the committee may make such inquiry as it deems expedient and consider the claims vis-a-vis the objections raised by the candidate or opponent and pass an appropriate order with brief reasons in support thereof.
- (7) In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in para 6 be followed.
- (8) Notice contemplated in para 6 should be issued to the parents/guardian also in case candidate is minor to appear before the Committee with all evidence in his or their support of the claim for the social status certificates.
- (9) The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the Caste Scrutiny Committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent/guardian and the applicant.
- (10) In case of any delay in finalising the proceedings and in the meanwhile the last date for admission into an educational institution or appointment to an office or post, is getting expired, the candidate be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the social status certificate already issued or an affidavit duly sworn by the parent/guardian/candidate before the competent officer or non-official and such admission or appointment should be only provisional, subject to the result of the inquiry by the Scrutiny Committee.
- (11) The order passed by the committee shall be final and conclusive only subject to the proceedings under Article 226 of the Constitution.
- (12) No suit or other proceedings before any other authority should lie.

- (13) The High Court would dispose of these cases as expeditiously as possible within a period of three months. In case, as per its procedure, the writ petition/miscellaneous petition/matter is disposed of by a Single Judge, then no further appeal would lie against that order to the Division Bench but subject to special leave under Article 136.
- (14) In case, the certificate obtained or social status claimed is found to be false, the parent/guardian/candidate should be prosecuted for making false claim. If the prosecution ends in a conviction and sentence of the accused, it could be regarded as an offence involving moral turpitude, disqualification for elective posts or offices under the State or the Union or elections to any local body, legislature or the parliament.
- (15) As soon as the finding is recorded by the Scrutiny committee holding that the certificate obtained was false, on its cancellation and confiscation simultaneously, it should be communicated to the concerned educational institution or the appointing authority by registered post with acknowledgement due with a request to cancel the admission or the appointment. The Principal etc. of the educational institution responsible for making the admission or the appointing authority, should cancel the admission/appointment without any further notice to the candidate and debar the candidate for further study or continue in office in a post.

7.21 Since this procedure could be fair and just and shorten the undue delay and also prevent avoidable expenditure for the State on the education of the candidate admitted/appointed on false social status or further continuance therein, every State concerned should endeavour to give effect to it and see that the Constitutional objectives intended for the benefit and advancement of the genuine Scheduled Castes/Scheduled Tribes or Backward Classes, as the case may be, are not defeated by unscrupulous persons.

#### **Scrutiny and Review Committees**

7.22 In view of the increasing incidence of the cases of false caste certificates and in pursuance of Government directives and Supreme Court orders, many States have initiated steps to set up Scrutiny Committees at district and State levels. Such committees have been set up in Andhra Pradesh, Karnataka, Kerala, Rajasthan, Maharashtra and UT of Chandigarh, as per the information available with the Commission. The Commission is of the view that not only should the other State/UT governments set up such Committees, but in the States where such Committees have been set up they should be more active and vigilant. The Committees must not only look into individual cases, but also attempt to check any organised efforts on part of certain groups who try to get false community certificates for the entire community on fraudulent basis.

#### **Need for Uniform Legislation**

7.23 In another case of Director of Tribal Welfare, Government of Andhra Pradesh versus Laveti Giri and Others, the Supreme Court in its judgement dated 18<sup>th</sup> April, 1995 desired, "the Government of India would have the matter examined in greater detail and bring about a uniform legislation with necessary guidelines and rules prescribing penal consequences on persons who flout the Constitution and corner the benefits reserved for the real tribals etc., so that the menace of fabricating the false records and to gain un-Constitutional advantages by plain/spurious persons could be prevented".

7.24 In view of the above judgement the Government of India had decided to enact an Act to regulate the issue of community certificates relating to persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes.

7.25 A Bill seeking to give effect to the above decisions has been prepared and forwarded to all the State governments for their views and a copy was also sent to the Commission.

7.26 The Bill seeks to lay down a well defined procedure for issuing of community certificates for SCs/STs and OBCs which would be applicable throughout the country. It seeks to provide for a competent authority who would issue the certificate. Further, it provides for a Scrutiny Committee which would go into cases of false certificates that come to its notice suo-moto or on a complaint filed by any person or a case referred to it by an employing authority or head of an educational institution. It also provides for stringent punishment for those who obtain false community certificates and for those responsible for issuing the same. Action for withdrawal of benefits and recovery of arrears has also been provided for.

7.27 The Commission welcomes these steps in enacting central legislation for issue of certificates. However, on a detailed examination of the Bill in its present form, it has suggested some amendments. Its main observation and comments are that the punishment should be higher so as to act as an effective deterrent. Not only should the false community certificate holders be debarred from the offices/educational institutions, but even in case of elective offices, they should be debarred from contesting for a period of 6 years apart from facing the punishment prescribed under the law.

### **Findings of Field Studies**

7.28 As observed earlier the Commission is greatly concerned with the increasing menace of the incidents of false caste certificates and the resultant undue and illegal benefits that have been taken by non-SC/ST people. In this regard some studies were conducted by its field offices at Shillong, Hyderabad, Bangalore and Madras (Chennai). The findings and observations of these studies are as follows :

#### **Study conducted by Field office, Shillong**

7.29 The field office of this Commission at Shillong conducted a study in four Central Government offices viz. North Eastern Council, Directorate of Field Publicity, Survey of India (North Eastern Circle) and Director General Assam Rifles, out of 45 Offices located in Shillong and one Public Sector Enterprise - North Eastern Power Corporation Ltd. with the purpose to ascertain the status of SC/ST Certificates submitted by the officers/employees in their respective offices. The findings are as under :

1. In a number of cases Caste/Tribe/Community status Certificates were not available either in the services books or in the personal files inspite of the fact that against the related column there were entries that the incumbent belongs to SC/ST.
2. In a good number of cases the aforesaid Certificates were in the service records but were not issued by the competent authority. These Certificates were issued by the Office of District Tribal Councils, who are not empowered to issue Caste Certificates but are demanding and pressing hard that the Central Government offices should accept the Community Certificate issued by them.
3. In a number of cases the competent authority have issued community status certificates to the persons who are not ordinarily resident of their jurisdiction.
4. Some of the competent authorities have issued Community Certificates either inserting only 'SC/ST' instead of clearly mentioning the name of Caste/Tribe notified in respect of that State to which the person belongs.
5. The competent authority has also issued a Certificate stating the name of caste/tribe on the basis of their own knowledge without verifying from the Presidential Notification. For example, a Certificate was issued stating the name of Scheduled Caste/Tribe as 'Khasi-Panar' whereas 'Khasi' and 'Panar' are two different tribes.
6. In one case it has been found that the competent authority has issued Scheduled Tribe Certificate in the name of the tribes which have not been notified in respect of that State. For example, the tribe

**'Tammang'** and **'Mech'** are not notified as Scheduled Caste/Tribe in respect of Meghalaya State but the Certificates have been issued.

7. In Meghalaya State the Scavenging/Sweeping work is being done by the Bhanghis migrated from Punjab. In a number of Caste Certificates the competent authority has mentioned their caste as 'Punjabi (Bhanghi)' which is not notified as Scheduled Caste in respect of Meghalaya.
8. In many cases the appointing authorities have not scrutinised the Caste/Tribe Certificates submitted by the officers/employees concerned either at the time of appointment or at the time of promotion.

**Study conducted by Field Office, Hyderabad**

7.30 This office conducted a sample study of false Scheduled Caste/Scheduled Tribe Certificates in Hyderabad & Visakhapatnam districts of Andhra Pradesh during March/April, 1996. Though, an initial survey revealed an incidence of 236 cases as false Caste/Tribe Certificate holders in various offices of Andhra Pradesh, detailed study was taken up in respect of 102 cases in the following Organisations/Departments in Hyderabad and Visakhapatnam districts of the State. Details of cases investigated are as follows:

S. No.	Name of Organisation	No. of alleged SC claimants	No of alleged ST claimants	Total No of false Certificate holders
<b><u>HYDERABAD</u></b>				
1	Chief Commissioner of Income Tax.	21	10	31
2	General Manager, Telecommunication.	2	6	8
3	Hindustan Aeronautics Ltd.	6	4	10
<b><u>VISAKHAPATNAM</u></b>				
4	Dredging Corporation of India Ltd.	2	11	13
5	Hindustan Shipyard Ltd.	-	7	7
6	Visakhapatnam Port Trust	9	24	33
	<b>Total</b>	<b>40</b>	<b>62</b>	<b>102</b>

**Study conducted by Field Office, Bangalore**

7.31 The study conducted by Bangalore field office revealed that some people belonging to those communities which have sounding names similar to the notified SC/ST Communities have been obtaining SC/ST certificates. For instance people belonging to Kurba community have been obtaining certificates as Jenu & Kadu Kurba, whereas they are OBC. Some persons belonging to Nayak, Naik have also been obtaining ST certificates as Nayaka. The Maleru are a small Scheduled Tribe generally found in the forests of the Malnad area of the State. Some persons belonging to Maaleru community have obtained ST certificates.

7.32 In the case of SCs., Jangams often claim to be Beda Jangam (SC), Bovi claim to be Bhovi (SC) and Kotega claim to be Kotegar (SC).

7.33 The CRE Cell is the only investigating agency in Karnataka, although there is a Committee at the District level headed by the Deputy Commissioner which looks into complaints and issues validity certificate.

7.34 The study also revealed that many of the disputed certificate holders have obtained stay orders from Court and only few have been removed from service. Moreover, in none of the cases studied action has been taken against the officials for issuance of a false certificate.

#### **Study conducted by Field Office, Madras (Chennai)**

7.35 The field office of Madras conducted a sample study in 12 major Central Government/Public Sector organisations in Tamil Nadu. The study revealed that out of 338 cases referred to the district authorities only 75 cases were declared as false by them. All the other 263 cases were pending for verification. The study of individual cases showed that most of the cases related to ST certificates and majority of them claimed their community as Kondareddis followed by Kattunayakan. In 69 cases out of 338 cases, the employees could get stay order from the court on further action. Out of the 32 cases in which the appointing authorities took action, only 6 were removed from the office.

7.36 The general observations in the case of Tamilnadu are :

1. Most of the cases related to obtaining of ST certificates by non-STs, having similar sounding names, but no tribal characteristics.
2. There was enormous delay in finalising action against false certificate holders.
3. Hardly any action was taken against those who issued such false certificates.

#### **7.37 RECOMMENDATIONS :**

1. As indicated above even micro-level studies of a small number of Central Government Offices and Public Sector Enterprises reveal that the tendency of misuse of caste certificates is growing. Moreover, the entire system of issuing of caste certificates and proper verification at the time of induction in service is not functioning as per the prescribed procedure. As observed many individuals are obtaining certificates from places of which they are not permanent resident and are thus openly flouting legal and Constitutional provisions. Moreover, even after the cases are detected, follow-up of inquiry, verification, and cancellation of certificates and termination of services and criminal action is not being taken. On the other hand, due to slow follow-up the concerned individuals are able to take undue advantage and continue in service and also get protection from the courts. The efforts required to get the stay orders vacated are also not being made. The Commission, in several cases, has issued instructions for prompt action to be taken in the cases of false certificate holders. The concerned Departments/Public Sector Enterprises should take the following measures :

- (a) The status of a person as "Ordinarily resident" is determined according to the place of his residence or residence of his father/grand-father on the date of issue of the Constitution Order under Art. 341(1) or 342 (1) with reference to the State of residence. Caste Certificate showing a person Ordinarily resident of a govt. residential colony, staff quarters or colonies developed by local bodies etc. which came into existence much after date of issue of the Constitution Order (s) should be got verified and the certificate holder may be asked to obtain the Certificate w.r.t. the place of his actual ordinary residence as on the date of issue of the Constitution Order in relation to the state to which he/she belongs.
- (b) Since the communities are specified as SC or ST with reference to a particular State or part of the State, the status of a person does not change on migration to another State or another part of the State. For instance a person belonging to an SC/ST community in Bihar, on migration to M.P. State will



continue to be an SC/ST of Bihar and will not be treated as an SC/ST in M.P., even though his community is also specified as SC/ST in relation to the State of M.P. He will, however, be eligible to draw benefit as an SC/ST from the Central Govt., like (i) reservation in services to be filled on all-India basis under the Central Govt. Offices located in M.P. and elsewhere and (ii) admissions to educational institutions located in M.P. and elsewhere but controlled / financed / regulated / administered by Central Government. Similarly, a person, resident of Bihar and not belonging to either SC/ST of the State on migration to M.P. State would not be treated as SC/ST even though his/her community is listed as SC/ST in relation to M.P. State.

- (c) The caste status of a person is determined on the basis of the caste status of his/her father and not mother. Therefore, the certificate issued to a woman should be verified w.r.t. (i) the caste status of her father and not of her husband, and (ii) her place of ordinary residence or that of her father/grandfather and not that of her husband or husband's family. This further implies that a SC/ST woman marrying a non-SC/ST person would continue to be an SC/ST. and vice-versa. Similarly, in case of inter-caste marriage, children of that family would get the caste status of their father.
  - (d) A person professing a religion other than Hinduism, Sikhism and Buddhism is not treated as an SC. Therefore, an SC person, on conversion to any other religion ceases to be an SC. Similarly, on conversion or reconversion from any other religion to Hinduism/ Sikhism/Budhism does not confer any person the status of belonging to an SC. Therefore, the certificate about SC status should be carefully verified w.r.t. the religion of the person, his father and that of his fore-fathers.
  - (e) Order relating to grant of SC status to persons professing Buddhism came into force on 30.1.1990. Therefore, claims/certificates of persons belonging to SC and professing Buddhism should be verified accordingly.
  - (f) Whenever there is a *prima facie* case of a false SC/ST certificate, a reference to this effect may be made to the Collector of the concerned district to verify the genuineness or correctness of the certificate. In case the certificate is found false the disciplinary action against the false SC/ST certificate holder should be started immediately and the case also be reported to the police for instituting criminal proceeding under the relevant provisions of the Indian Penal Code.
  - (g) In case the false SC/ST certificate holder takes the shelter of Court, the Hon'ble Court may be approached to vacate the stay order, if granted, and to finalise the case on top priority to ensure that the person does not continue to avail the benefits meant for SCs/ STs. This will ensure that not only the guilty persons are suitably punished but also face departmental action.
  - (h) In no case should the false SC/ST certificate holder be allowed to work as a general candidate because he has violated the Conduct Rules and cornered the benefits which are available to only those who are genuine SC/ST. By doing so he has denied the right of reservation to a genuine SC/ST candidate. The services of such a fake certificate holder should be terminated and the post so vacated should be filled from SC/ST for which it was originally reserved. Sometimes applications are made by individuals for treating them as general category employees. It should be ensured that no complaints/enquiries are pending against him regarding false SC/ST certificate, as in many cases, this step is taken by the false certificate holder to protect himself from disciplinary action/prosecution. The employer should ensure the veracity of SC/ST certificate before agreeing to such requests.
2. Steps should be taken to get the proposed Bill in the Parliament enacted at the earliest so that action can be taken against those who misuse the provision and obtain false caste certificates and those officers who abet offences can also be suitably brought to book. An effective legislation, applicable to all States/UTs and offices of Central Govt. etc. will also facilitate the use of common procedures and action throughout the country.

3. The Govt. of India should also issue and reiterate instructions to all its Ministries/Departments and Public Sector Enterprises, educational and professional institutions and other bodies under its control to take necessary steps for proper verification of caste/community certificate and for taking suitable action against the offenders. Suitable instructions on similar lines should also be issued to the State/UT Governments. It is all the more necessary to check the certificate at the time of entry in educational institutions, where the false caste certificate holders can really deprive the deserving candidates of an opportunity to gain knowledge and skills.
4. Training programmes for Liaison Officers and Social Welfare and Revenue Officers of the State/UT Governemts may be organised to enable them to be fully aware of the rules, regulations and procedures in this regard.
5. The Commission, as mentioned in the chapter on Constitutional Safeguards is also strongly of the opinion that a permanent mechanism should be set up to look into the anomalies that have crept into the lists of SCs and STs and prepare proposals for revision with in-depth analysis. These proposals can then be considered by the Parliament for suitable decisions. Such revisions and analysis will also reduce the undue advantages that are being taken by false certificate holders on account of phonetic similarities or removal of area restrictions.
6. The State Governments should also issue necessary instructions to the District Magistrates/ Certificate Issuing or Verifying authorities to keep in view various directions and instructions regarding verification of claims as belonging to SC/ST/OBC issued by Government of India from time to time, while issuing/verifying the caste certificates.

**PRESIDENTIAL ORDERS RELATING TO SCHEDULED CASTES  
AND SCHEDULED TRIBES**

Under Clause (1) of Article 341 of the Constitution the President promulgates orders listing the Scheduled Castes in relation to individual State/Union Territories. Under Clause (1) of Article 342 the President promulgates similar orders listing the Scheduled Tribes. So far the President has issued 16 orders as per details given below:

Sl.No.	Name of the Order	Date of notification	Name (s) of State (s) UT(s) to which the Order is applicable
1	2	3	4

**SCHEDULED CASTES**

1.	The Constitution (Scheduled Castes) Order, 1950	10.8.1950	All the States except Jammu & Kashmir , Nagaland and Sikkim.
2.	The Constitution (Scheduled Castes) (Union Territories) Order, 1951.	20.9.1951	Arunachal Pradesh, Chandigarh, Delhi and Mizoram.
3.	The Constitution (Jammu & Kashmir) Scheduled Castes Order, 1956.	22.12.1956	Jammu & Kashmir
4.	The Constitution (Dadra and Nagar-Haveli) Scheduled Castes Order, 1962.	30.6.1962	Dadra & Nagar Haveli

1	2	3	4
5	The Constitution (Pondicherry) Scheduled Castes Order, 1964.	5.3.1964	Pondicherry
6.	The Constitution (Goa, Daman and Diu) Scheduled Castes Order, 1968.	12.1.1968	Goa, Daman & Diu
7.	The Constitution (Sikkim) Scheduled Castes Order, 1978.	22.6.1978	Sikkim

#### SCHEDULED TRIBES

8.	The Constitution (Scheduled Tribes) Order, 1950.	6.9.1950	All the States except Haryana,,J&K, Nagaland, Punjab, Sikkim and Uttar Pradesh.
9.	The Constitution (Scheduled Tribes) (Union Territories) Order, 1951.	20.9.1951	Arunachal Pradesh, Lakshadweep and Mizoram.
10.	The Constitution (Andaman and Nicobar Islands ) Scheduled Tribes order, 1959.	31.3.1959	Andaman & Nicobar Islands
11.	The Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order, 1962.	30.6.1962	Dadra & Nagar Haveli

1	2	3	4
12.	The Constitution (Uttar Pradesh) Scheduled Tribes Order, 1967.	24.6.1967	Uttar Pradesh
13.	The Constitution (Goa , Daman & Diu) Scheduled Tribes Order,1968.	12.1.1968	Goa, Daman & Diu
14.	The Constitution (Nagaland) Scheduled Tribes Order,1970.	23.7.1970	Nagaland
15	The Constitution (Sikkim) Scheduled Tribes Order, 1978.	22.6.1978	Sikkim
16.	The Constitution (Jammu & Kashmir) Scheduled Tribes Order, 1989.	7.10.1989	Jammu & Kashmir.

### FORMAT FOR SC/ST CERTIFICATE

A candidate who claims to belong to one of the Scheduled Castes or the Scheduled Tribes should submit in support of his claim an attested/certified copy of a certificate in the form given below, from the District Officer or the Sub-Divisional Officer or any other officer as indicated below of the district in which his parents (or surviving parents) ordinarily reside who has been designated by the State Government concerned as competent to issue such a certificate. If both his parents are dead the officer signing the certificate should be of the district in which the candidate himself ordinarily resides otherwise than for the purpose of his own education.

The form of the certificate to be produced by Scheduled Castes and Scheduled Tribes candidates applying for appointment to posts under Government of India.

This is to certify that Shri/Shrimati/Kumari\* \_\_\_\_\_  
son/daughter\* of \_\_\_\_\_ of / village/town \* \_\_\_\_\_  
in District/Division\* \_\_\_\_\_ of the State/Union Territory\*  
\_\_\_\_\_ belongs to the \_\_\_\_\_ Caste/

Tribe\* which is recognised as a Scheduled Caste/Scheduled Tribe\* under the Constitution (Scheduled Castes) Order,1950 @/ the Constitution (Scheduled Tribes) Order,1950/ the Constitution (Scheduled Castes) Union Territories Order,1951 @, the Constitution (Scheduled Tribes) Union Territories Order 1951 amended by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order , 1956 The Bombay Reorganisation Act, 1960/ The Punjab Reorganisation Act 1966 the State of Himachal Pradesh Act, 1970/ The North Eastern Area (Reorganisation) Act,1971 and the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act 1976.

The Constitution (Jammu & Kashmir) Scheduled Castes Order, 1956 @

The Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959 as amended by the Scheduled Castes and Scheduled Tribes Order (Amendment Act)1976 @

The Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962 @

The Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order,1962@

The Constitution (Pondicherry) Scheduled Castes Order, 1964@

The Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967@

The Constitution(Goa, Daman & Diu) Scheduled Castes Order, 1968@

The Constitution(Goa, Daman & Diu) Scheduled Tribes Order, 1968@

The Constitution(Nagaland) Scheduled Tribes Order,1970@

The Constitution(Sikkim) Scheduled Castes Order, 1978@

The Constitution(Sikkim) Scheduled Tribes Order, 1978@

The Constitution(Jammu & Kashmir) Scheduled Tribes Order, 1989@

The Constitution(SC) Orders (Amendment) Act, 1990@

The Constitution (ST) Orders (Amendment ) Ordinance, 1991@

The Constitution(ST) Order.(Second Amendment) Act, 1991.

The Constitution(ST) Orders (Amendment) Ordinance, 1996.

% 2. Applicable in the case of Scheduled Caste, Scheduled Tribe persons who have migrated from one State Union Territory Administration.

This Certificate is issued on the basis of the Scheduled Caste/Scheduled Tribe Certificate issued to Shri/ Shrimati\* \_\_\_\_\_ Father's/ Mother\* of Shri/ Shrimati/ Kumari\* \_\_\_\_\_ of village/Town\* \_\_\_\_\_ in District/Division\* \_\_\_\_\_ of the State/Union Territory\* \_\_\_\_\_ who belong to the \_\_\_\_\_ Caste/Tribe\* which is recognised as a Scheduled Caste/Scheduled Tribe in the State/Union Territory\* \_\_\_\_\_ issued by the \_\_\_\_\_ dated \_\_\_\_\_.

% 3. Shri/Shrimati/Kumari\* and/or\* his/her\* family ordinarily reside(s) in village/Town\* \_\_\_\_\_ of \_\_\_\_\_ District/Division\* of the State/Union Territory\* of \_\_\_\_\_.

Signature -----  
Designation -----  
(With seal of Office)

State/Union Territory\*  
Place \_\_\_\_\_  
Date \_\_\_\_\_

- \* Please delete the words which are not applicable.
- @ Please quote Specific Presidential Order.
- % Delete the Paragraph which is not applicable.

Note : The term Ordinarily reside (s) used here will have the same meaning as in Section 20 of the Representation of the People Act, 1950.

\*\* List of authorities empowered to issue Caste/Tribe Certificate :

- (i) District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Deputy commissioner/Dy. Collector/1<sup>st</sup> Class Stipendiary Magistrate/Sub-Divisional Magistrate/Extra Assistant Commissioner/Taluka Magistrate/Executive Magistrate.
- (ii) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
- (iii) Revenue Officers not below the rank of Tehsildar.

(iv) Sub-Divisional Officers of the area where the candidate and/or his family normally resides.

NOTE : ST candidates belonging to Tamil Nadu State should submit Caste Certificate only from the Revenue Divisional Officer.