

No. 5

No. BC. 12025/1/82 SC & BCD IV

Issuing Authority: B.N.Srivastava,
Director,
Ministry of Home Affairs
Govt. of India
New Delhi- 110 001

Addressee: The Chief
Secretaries of all
State Governments/
Union Territory
Administrations.

New Delhi dated 29th June 1982.

Subject: --Issue of Scheduled Caste/Tribe Certificates—Providing for punishments for officials issuing such certificates without proper verification.

Sir,

I am directed to say that it was mentioned in the meeting of the Consultative Committee for the Ministry of Home Affairs held in Feb. 1982 that Scheduled Caste/Tribe certificates have been issued to ineligible persons, carelessly or deliberately without proper verification by the officials empowered to issue such certificates. This have resulted in some persons availing of the benefits meant for the Scheduled Castes and Scheduled Tribes on false pretext. The Consultative Committee has desired that suitable steps should be taken to prevent such wrong issue of certificates.

2. Attention is invited to this Ministry's letter No. BC 12025/3/78-SCT-I dated 29th March 1976 addressed to the Chief Secretaries of all the State Governments/U.T. Administrations requesting them to take deterrent action against officials who issued certificates carelessly or deliberately without proper verification. The State Governments/U.T. Administrations were requested to issue necessary instructions to all the officials under their control who are empowered to issue certificates to take proper care before issuing them. These officials were also to be informed that action would be taken against them under the relevant provisions of the Indian Penal Code (Section 420 etc.) if any of them is found to have issued certificates carelessly and without proper verification in addition to the action to which they are liable under the appropriate disciplinary rules applicable to them.

3. It is requested that the action taken in the matter by the State Governments/U.T. Administrations may kindly be intimated to this Ministry urgently with regard to the following points: --

- (i) Number of bogus certificates detected during the last 2 years (1980 and 1981).
- (ii) Action taken against the erring officials.
 - (a) Under the relevant provision of the I.P.C.
 - (b) Under the appropriate disciplinary rules applicable to them.
- (iii) Action taken against persons who obtained such bogus Certificates under I.P.C. etc.
- (iv) Details of the steps taken to curb such malpractices in future.

4. The State Governments and U.T. Administrations are also requested to take strict measures to detect such cases of non-Scheduled Caste and non-Scheduled Tribe persons holding false S.C./S.T. Certificates, deprive them of benefits that they are not entitled to, and impose appropriate penalties and take legal action against them and against those who were responsible for the issue of such certificates, strictly and expeditiously. Further, it was suggested in the Consultative Committee meeting that the State Governments/U.T. Administrations may set up special courts for expeditiously trying the cases relating to the issue of bogus certificates with deterrent rapidity and give wide publicity to the names of persons who are convicted of this offence by the courts.

Yours faithfully,
(B.N. Srivastava)
Director.

No. 6

No. BC-16014/1/82-SC & BCD-I

Issuing Authority: B.K. Sarkar
Joint Secretary,
Ministry of Home
Affairs, Govt. of India.

Addressee: The Chief Secretaries to
all State Governments/
Union Territory
Administrations.

New Delhi, dated the 18th November, 1982.

Subject: --Issue of Scheduled Caste/Scheduled Tribe
Certificate to migrants from other States/Union Territories.

Sir,

I am directed to say that it has been represented to this Ministry that persons belonging to Scheduled Castes/Scheduled Tribes, who have migrated from one State to another for the purpose of employment, education, etc. experience great difficulty in obtaining caste/tribe certificate from the State from which they have migrated. In order to remove this difficulty, it has been decided in modification of the instructions issued in letter No. BC-12025/2/76-SCT-1, dated 22.03.1977 and letter No. BC-12025/11/79-SC & BCD-I/IV, dated 29.03.1982 that the prescribed authority of a State Government/Union Territory Administration may issue the Scheduled Caste/Tribe certificate to a person who has migrated from another State, on the production of the genuine certificate issued to his father/mother by the prescribed authority of the State of the father's/mother's origin except where the prescribed authority feels that detailed enquiry is necessary through the State of origin before issue of the certificate. The certificate will be issued irrespective of whether the Caste/Tribe in question is scheduled or not in relation to the State/Union Territory to which the person has migrated. This facility does not alter the Scheduled Caste/Scheduled Tribes status of the person in relation to the one or the other State. The revised form of the Scheduled Caste/Tribe certificate is enclosed.

Yours faithfully,
Sd/- (B.K. Sarkar)