

**SOCIAL JUSTICE AND SPECIAL ASSISTANCE DEPARTMENT**

Madam Cama Marg, Hutatma Rajguru Chowk,  
Mantralaya, Mumbai 400 032, dated the 31st August 2012.

**NOTIFICATION**

MAHARASHTRA SCHEDULED CASTES, SCHEDULED TRIBES, DE-NOTIFIED TRIBES (*VIMUKTA JATIS*), NOMADIC TRIBES, OTHER BACKWARD CLASSES AND SPECIAL BACKWARD CATEGORY (REGULATION OF ISSUANCE AND VERIFICATION OF) CASTE CERTIFICATE ACT, 2000.

No.CBC10/2012/C.R.165/B.C.W.—In exercise of the powers conferred by sub-section (1) of section 18 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah.XXIII of 2001), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section 18, namely :—

1. *Short title* :—These rules may be called the Maharashtra Scheduled Castes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2012.

2. *Definitions* :—(1) In these rules, unless the context otherwise requires,

(a) **“Act”** means the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001);

(b) **“Appellate Authority”** means an officer or an Authority specified by the Government, by notification in the *Official Gazette*, issued under sub-section (1) of section 5 of the Act, to hear and decide appeals against the order of the Competent Authority on an application for issuance of Caste Certificate;

(c) **“applicant”** means a person who makes an application for obtaining a Caste Certificate or for verification of such Caste Certificate;

(d) **“decision of Scrutiny Committee”** means a reasoned order passed by the Scrutiny Committee, by following due procedure and upon appreciating necessary, basic and requisite evidence placed on record ;

(e) **“deemed date”** means the **10th August 1950**, that is the date of Presidential Order for Scheduled Castes; and the **21st November 1961** for De-notified Tribes (*Vimukta Jatis*) and Nomadic Tribe; and the **13th October 1967** for Other Backward Classes and Special Backward Category;

(f) **“Form”** means a Form appended to these rules;

(g) **“Presidential Order”** means the Order issued by the President of India under **Article 341** of the Constitution of India and as amended by the Parliament, from time to time, notifying the list of the Scheduled Castes in respect of the State of Maharashtra;

(h) **“relative”** means a blood relative from paternal side of the applicant as per the geneology, except any particular tribe which has been notified by the Government from Nomadic Tribes and any particular caste or tribes as notified by the Government, from time to time;

(i) **“section”** means a section of the Act;

(j) **“Validity Certificate”** means a Certificate issued by the Scrutiny Committee validating the Caste Certificate issued by the Competent Authority;

(k) **“well in time”** means atleast six months prior to availing benefits or as notified by the Government in the *Official Gazette*.

(2) Words and expressions used in these rules but not defined, shall have the same meanings respectively assigned to them in the Act.

3. *Conditions of residence for issuance of Caste Certificate* .—(1) The Competent Authority may issue a Caste Certificate to the applicant, who is a permanent resident of the concerned area on deemed date, for which the Competent Authority is designated or appointed, by the Government, by notification published under clause (b) of section 2 of the Act, in the *Official Gazette*.

(2) In case of the applicant, who is born after deemed date, the place of ordinary residence for the purpose of issuance of Caste Certificate shall be the place of permanent residence of his father or grandfather or great grandfather on deemed date.

(3) In case of migration within the State of Maharashtra, the applicant shall apply for Caste Certificate to the concerned Competent Authority, within whose jurisdiction their fore-fathers or relative were residing.

4. *Procedure for obtaining Caste Certificate from Competent Authority.*—(1) A person who claims to belong to any of the Scheduled Caste, Scheduled Caste converts to Buddhism, De-notified Tribe (*Vimukta Jatis*), Nomadic Tribe, Other Backward Classes or Special Backward Category and accordingly desires to have such Caste Certificate, shall submit his application in **FORM-1** accompanied, by two affidavits, in **FORM-2 and FORM-3** duly sworn before **Competent Authority or Court or Notary** or any authority authorised by the Government, from time to time, to be made by the applicant or parent of the applicant to the Competent Authority.

(2) The applicant shall furnish the attested copies of the following documents with his application in **FORM-1** for obtaining the Caste Certificate and shall produce the originals thereof, on demand by the Competent Authority, —

(a) (i) extract of the birth register in respect of the applicant, his father or relative;

(ii) extract of the Primary School Admission Register of the applicant, his father or relative, if available;

(iii) Primary School Leaving Certificate of the applicant, his father or relative;

(b) documentary evidence in regard to the Scheduled Castes or Scheduled Caste convert to Buddhism or De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribe or Other Backward Classes or Special Backward Category to which the applicant belongs and ordinary place of his residence prior to the date of notification of such Scheduled Caste, Scheduled Caste convert to Buddhism, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribe, Other Backward Classes or Special Backward Category, as the case may be;

(c) an extract of service record (book) mentioning the Scheduled Caste, Scheduled Caste convert to Buddhism, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribe, Other Backward Classes or as the case may be, Special Backward Category of the applicant's father or relative who are in Government or any other services;

(d) validity certificate, if any, of the father or real uncle or any other relative of the applicant, granted by the Scrutiny Committee;

(e) revenue record or village panchayat record, if any;

(f) other relevant documentary evidence, if any.

(3) If the applicant is unable to produce any document mentioned in sub-rule (2) above, in such cases, the applicant shall state reason therefore in his affidavit, and the Competent Authority may consider the same and after conducting inquiry as it deems fit, shall decide the claim on merit.

(4) Every objection raised in respect of an application for Caste Certificate shall be affixed on the Notice Board in **FORM- 4**.

5. *Procedure to be followed by Competent Authority for issuance or rejection of Caste Certificate .—*

(1) The Competent Authority may issue Caste Certificate to an applicant who himself or whose father or grand father or great grand father or relative was ordinarily residing within the area of territorial jurisdiction of that Competent Authority on deemed date.

(2) In case the applicant or his father or grand father or great grand father or relative was not ordinary resident of any place within the area of jurisdiction of that Competent Authority, temporary residence of applicant for the purpose of service, employment, education or confinement in jail etc. within such area shall not confer jurisdiction on that Competent Authority to issue the Caste Certificate.

(3) On receipt of the application in **FORM-1**, the Competent Authority shall ensure that the applicant has furnished complete information in all respects and shall give the acknowledgement with the date of receipt of the application along with the list of documents furnished by the applicant with such application.

(4) The Competent Authority shall maintain a register of such applications in **FORM- 5**.

(5) The Competent Authority shall scrutinise the claim of the applicant and shall satisfy himself about the genuineness of the claim.

(6) The Competent Authority shall verify the documents with the original documents, if necessary and if satisfied about the correctness of the information, documents and evidence furnished by the applicant he shall issue the Caste Certificate to the applicant belonging to Scheduled Caste in **FORM-6**; to Scheduled Caste converts to Buddhism in **FORM-7**; to De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes or Special Backward Category in **FORM-8**; and to the applicant belonging to Other Backward Class or De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Special Backward Category, which have been included in the list

of Other Backward Class by the Government of India for this State shall be issued in **FORM-9**, within forty-five days from the date of receipt of the duly completed application.

(7) The Caste Certificates issued in any other FORM, than in sub-rule (6) above shall be treated as null and void.

(8) The lists of the applicants to whom the Caste Certificates have been issued or, as the case may be, rejected, during a month, shall be displayed on the notice board of the office of the Competent Authority by the 5th day of the next succeeding month and certificate to that effect shall be recorded in the register.

(9) Each such Caste Certificate shall bear,—

(a) Serial number of the Scheduled Caste as mentioned in the Presidential Order or in case of De-notified Tribe (*Vimukta Jatis*), Nomadic Tribe, Other Backward Classes or Special Backward Category, serial number as mentioned in the relevant Government Resolution, as amended from time to time;

(b) name, designation, signature and official seal of the Competent Authority.

(c) Serial number, date and place of issuance of such Caste Certificate.

(10) The claim of caste certificate shall be decided by Competent Authority within forty-five days.

(11) After considering the evidence produced by the applicant or any other person on his behalf, and the statement of the applicant and after taking into account the material gathered by the Competent Authority, if the Competent Authority is satisfied about the genuineness of the claim, he shall issue the Caste Certificate to the applicant within a period of forty-five days from the date of the application after recording reason therefor.

(12) After considering the evidence produced by the applicant or any other person on his behalf, and the statement of the applicant and after taking into account the material gathered by the Competent Authority, if the Competent Authority is not satisfied about the genuineness of the claim, he may reject the claim of Caste Certificate of the applicant by stating reasons in his order. The Competent Authority shall give a copy of such order, free of cost, immediately, after passing of the order, to the applicant and obtain an acknowledgement thereof. The Competent Authority shall specifically state, below the operative part of the order, that the applicant has a right to appeal and shall also mention about the Appellate Authority and the period of limitation for appeal.

6. *Issuance of Caste Certificate to migrated persons.*—(1) In case of persons migrated from other State or Union Territories to Maharashtra State,-

(a) The Competent Authority, if satisfied, may issue Caste Certificate to the applicants belonging to, Scheduled Caste in **FORM-6** and in case of Scheduled Caste converts to Buddhism or De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Classes or Special Backward Category in **FORM-10**, to an applicant who has migrated to Maharashtra State from any other State or Union Territory, on production of the respective Scheduled Caste or Scheduled Caste converts to Buddhism or De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Classes or Special Backward Category Certificate issued to his father or grand-father or relative by the concerned Competent Authority of that State;

(b) If the Competent Authority is of the opinion that before issuing such Caste Certificate in **FORM-10** to a migrated person, a detailed inquiry is necessary, then he may do so through the applicant's State of origin;

(c) A Caste Certificate holder who has migrated to the State of Maharashtra from the State of his origin for the purpose of seeking education, employment, etc., may be deemed to be the person belonging to Scheduled Caste or Scheduled Caste converts to Buddhism or De-notified Tribe (*Vimukta Jati*) or Nomadic Tribe or Other Backward Class or Special Backward Category, as the case may be, of the State of his origin and may be entitled to derive benefits from the State of his origin and Union Government, but he shall not derive any benefits from the State of Maharashtra.

Explanation.— For the purpose of sub-rule (1), “ migrant from other State” means,-

(i) a person who has migrated to Maharashtra State from any other State or Union Territory on or after the **deemed date**;

(ii) a person whose Caste is Scheduled Caste or Scheduled Caste converts to Buddhism or De-notified Tribe (*Vimukta Jatis*) or Nomadic Tribe or Other Backward Class or Special Backward Category in his original State, but not in Maharashtra State; and the person whose Caste is Scheduled Caste or Scheduled Caste converts to Buddhism or De-notified Tribe (*Vimukta Jati*) or Nomadic Tribe or Other Backward Class or Special Backward Category in the Maharashtra State as well as in his original State having his ordinary residence on **deemed date** in any State or Union Territory other than the Maharashtra State shall both be treated as migrants.

(2) The provisions of sub-rule (10), (11) and (12) of rule 5 shall *mutatis mutandis* apply in respect of the rejection of application of a migrated person.

7. *Appellate Authority.*—(1) If the application for issuance of Caste Certificate is rejected by the Competent Authority, the applicant may prefer an appeal in **FORM-11** against the order of rejection to the respective Appellate Authority within a period of thirty days from the date of the rejection order.

(2) The Appellate Authority shall examine the grounds on which the appeal is filed and also receive or call for further documents and call for further record of the Competent Authority, if considered necessary, and pass such order within a period of three months as the Appellate Authority may consider fit and proper in the matter.

(3) The Appellate Authority shall pass an order as deemed fit after giving the applicant reasonable opportunity of being heard.

(4) A copy of the order so passed by the Appellate Authority shall be communicated to the applicant and to the concerned Competent Authority with a direction to take action as per the order.

8. *Duties of Competent Authority while issuing Caste Certificate.*—

The Competent Authority shall,—

(a) maintain an updated list of Scheduled Caste, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes or Special Backward Category and all Categories, as notified by the Government, from time to time;

(b) maintain, in duplicate, List of applications in **FORM-5** and a list of objections in **FORM-4**;

(c) keep such copies of lists specified in clause (b) on notice board in its office;

(d) maintain a register regarding disposal of applications and objections in **FORM-12** and **FORM-13** respectively;

(e) objection, if any to be raised shall be in writing with requisite details and the proof thereof, within one week, from the date of publication of **FORM-4**;

(f) upon receipt of objection, if any, before taking final decision, common hearing of the concerned parties be fixed, by the Competent Authority. Notice of such hearing with date and time be affixed on notice Board, which will be presumed as sufficient Notice to parties. Notice for hearing claim of application for issue of Caste Certificate shall be issued in **FORM-14** and Notice for hearing objections to Caste Certificate shall be issued in **FORM-15**.

9. *Maintenance of record by Competent Authority.*—(1) Register maintained by the Competent Authority in **FORM-5**, in respect of application received, and in **FORM-12** in respect of Caste or Tribe Certificate issued to the persons belonging to the Scheduled Caste, Scheduled Caste converts to Buddhism, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes or Special Backward Category shall be a permanent record.

(2) The Competent Authority shall forward an extract of the registers of the Caste Certificates issued for each calendar month, to the following authorities before the 5th day of the next succeeding month, namely :—

- (a) The Commissioner, Social Welfare ;
- (b) Director General, Dr. Babasaheb Ambedkar Research and Training Institute, Maharashtra State, Pune;
- (c) The concerned Scrutiny Committee;
- (d) Collector of the concerned District;
- (e) Office of the concerned Tahasildar.

(3) The Competent Authority shall make endorsement on the register of the Caste Certificates that the extracts have been sent to the authorities mentioned in sub-rule (2) above.

10. *Preservation of records by Competent Authority.*—(1) The Competent Authority, who issues Caste Certificates shall preserve the record of Scheduled Caste, Scheduled Caste converts to Buddhism, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes or Special Backward Category as mentioned below,-

- (i) Register of issuance of Caste- Certificate (FORM-12) - Permanent record.
- (ii) Office copy of the Caste Certificates and copy of reasoned order - 30 Years record.
- (iii) Individual case records - 10 Years record.

(2) After expiry of the period as stipulated in sub-rule (1) above, the concerned records shall be destroyed by the Competent Authority in accordance with prevailing instructions issued by the Government from time to time:

Provided that, before destroying the concerned records, the Competent Authority shall maintain its copies in digital or electronics format and, as and in such form, as may be notified by the Government in the *Official Gazette*.



11. *Constitution of Scrutiny Committee.*—The Scrutiny Committee shall consist of the following members, namely:-

- (a) Divisional Commissioner or  
Additional Divisional Commissioner (Revenue)  
or Collector or Additional Collector (I.A.S) or  
Additional Collector (Selection Grade) or  
Joint Secretary of the State Government or any  
officer not below the rank of Joint Secretary to  
State Government. **Chairman.**
- (b) Deputy Commissioner (Social Welfare) or  
Regional Deputy Commissioner (Social Welfare)  
or Divisional Social Welfare Officer. **Member.**
- (c) Research Officer or  
Assistant Commissioner (Social Welfare) or  
Special District Social Welfare Officer. **Member-Secretary.**

12. *Constitution of Vigilance Cell.*—(1) There shall be a Vigilance Cell to assist each Scrutiny Committee in conducting the field inquiry under rule 17. The Vigilance Cell shall consist of,—

- (a) Deputy Superintendent of Police or equivalent;  
(b) Police Inspectors ;  
(c) Police Constables to assist the Police Inspectors.

(2) Jurisdiction of the Vigilance Cell shall be subject to territorial jurisdiction of concerned Scrutiny Committee, for all purposes, including domestic inquiry and verification of authenticity of documents :

Provided that, in appropriate case, if Scrutiny Committee feels, it may solicit a report of Vigilance Inquiry, from any other concerned Scrutiny Committee.

(3) Vigilance Cell shall work under the control and supervision of concerned Caste Scrutiny Committee.

13. *Report of Vigilance Cell and Issues to be dealt with.*—(1) Vigilance Cell Officer(s) shall submit report upon investigating into the Scheduled Caste, Scheduled Caste converts to Buddhism, De-notified Tribes (*Vimukta Jatis*) , Nomadic Tribes, Other Backward Classes or Special Backward Category claim, referred to it,—

- (a) by visiting permanent place of residence and conducting domestic inquiry; or

(b) by recording statements of respected and responsible persons from concerned area, including representatives of Local Self Government, Police Patil, etc.; or

(c) by collecting information, as part of recording statement, as regards to name, age, educational qualification, occupation, existing place of residence and information regarding properties (existing and disposed) of family members of applicant or claimant; or

(d) by collecting information including the sociological, anthropological and ethnological (anthropological moorings and ethnological kinship), genetical traits of the Scheduled Caste, Scheduled Caste converts to Buddhism, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes or Special Backward Category, if any; or

(e) by personally visiting Office of the Competent Authority or revenue or school or other concerned offices.

(2) Notwithstanding anything contained in any provision of these rules,-

(a) the Vigilance Cell shall not record concluding remark or opinion, since vigilance inquiry is meant for internal assistance to the Scrutiny Committee and adjudication of Scheduled Caste, Scheduled Caste converts to Buddhism, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes or Special Backward Category status is exclusive domain of the Scrutiny Committee;

(b) finding recorded and opinion expressed, if any, by the Vigilance Officer shall not be binding on Scrutiny Committee nor could be used as evidence, in support of Scheduled Caste, Scheduled Caste converts to Buddhism, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes or Special Backward Category claim.

14. *Verification of Caste Certificate.*—Any person desirous of availing of the benefits and concessions provided to the Scheduled Caste, Scheduled Caste converts to Buddhism, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes or Special Backward Categories for any of the purposes as mentioned in section 3 of the Act shall, invariably submit an application in **FORM-16** with an affidavit in **FORM 3 and FORM-17** for students; **FORM-18** with an affidavit in **FORM 3 and FORM-19** for employees or service purpose; **FORM-20** with an affidavit in **FORM 3 and FORM-21** for election purpose; or **FORM-22** with an affidavit in **FORM 3 and FORM-23** for other purpose, as per his requirement, to the concerned Scrutiny Committee for verification of his caste claim and issue of Caste Validity Certificate, well in time :

Provided that, the Caste Certificate issued to migrant from other State and Caste or Community Certificates issued by Authorities of the States other than the State of Maharashtra, shall not be verified by such Caste Scrutiny Committee.

15. *Manner of filing or submitting application for verification of Caste Certificate claim.*— The application for verification of Caste Certificate, under rule 14 shall be filed or submitted well in time in such form and in such manner as is prescribed, in rule 17 :

Provided that , the Government may permit, by issuing notification in the *Official Gazette*, certain classes of persons, to submit their application for verification of Caste Certificate claim, through appropriate School or College or University or any Administrative Authority, to the concerned Scrutiny Committee, subject to the adherence of time-limit specified therein.

16. *Information to be supplied by applicant.*—The applicant shall make an application, with affidavit(s) duly sworn and attested copies of supporting documents, thereby providing particulars of religion, sect, caste, sub-caste, permanent place of residence, etc. If the applicant is female, then application shall be in her maiden name (pre-marriage) and documents of relatives shall be submitted. To enable the Scrutiny Committee to decide the application expeditiously, preferably, the following documents shall be produced or following information be supplied as preliminary information and evidence, namely :—

(a) original copy of Caste Certificate alongwith attested copy of Caste Certificate;

(b) attested copy of Primary School Leaving Certificate or other School or College Leaving Certificate(s);

(c) attested copy of Primary School Leaving Certificate or other School or College Leaving Certificate(s) of relatives;

(d) in case of an illiterate person, illiterate parents or relative, extract of birth register (village register No.14/ kotwar book or nationality register) issued by the Competent Authority, wherein his caste is mentioned, relating to family members as per genealogy, i.e. great-grand father or grandfather or father or real uncle, etc.;

(e) certified copies of old revenue document(s), wherein caste is mentioned, if any;

(f) other relevant evidence, if any, subject to admissibility;

(g) proof of permanent residence in the State of Maharashtra with regard to the deemed date as prescribed in clause (e) of rule 2;

(h) attested copy of decision of Scrutiny Committee and or Validity Certificate of applicant's relative, if any.

*Explanation.*—(1) Mere production of above referred documents doesn't mean that applicant had discharged burden of proof.

(2) Applicant shall undertake production of original documents as and when required by the Scrutiny Committee.

17. *Procedure of Scrutiny Committee* .—(1) On receipt of application, the Scrutiny Committee shall ensure that the application and the information supplied therewith is complete in all respects and to carry out scrutiny of the application.

(2) Notwithstanding anything contained in these rules, the claimant or applicant or complainant shall be personally responsible for removal of objections raised by Scrutiny Committee, if any, within two weeks or within such extended period, which shall not be more than six weeks, failing which the claim or application or complaint shall be disposed of, by appreciating available records and such decision may be communicated to the applicant by the Scrutiny Committee.

(3) The incomplete application may be rejected by recording reasons.

(4) Notwithstanding anything contained in these rules, it will be the sole responsibility of the claimant or applicant to attend the dates of hearing , either personally or through duly authorised representative.

(5) The roznama of the Scrutiny committee shall be self evident as to what transpired on a particular day and it shall be signed by all the members of the Scrutiny Committee.

(6) If the Scrutiny Committee, upon appreciating the statement of applicant or claimant submitted in the form of Affidavit filed in consonance with Order 18 Rule 4 of the Code of Civil Procedure, 1908, as well as other evidence and documents furnished along with any application or proposal is satisfied , about the genuineness of Scheduled Caste or Scheduled Caste converts to Buddhism or De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Classes or Special Backward Category claim the scrutiny committee shall forthwith issue Validity Certificate in **FORM-20** without enquiry by vigilance cell.

(7) If the Scrutiny Committee, upon appreciating the statement of applicant or claimant submitted in the form of Affidavit filed in consonance with Order 18 Rule 4 of the Code of Civil Procedure, 1908, as well as other evidence and documents furnished along with any application or proposal, is of the opinion that the documents do not satisfy or conclusively prove the Scheduled Caste or Scheduled Caste converts to Buddhism or De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Classes or Special Backward Category claim, the Scrutiny Committee by mentioning the same in the roznama, shall refer such case to the Vigilance Cell for carrying out suitable inquiry, as is deemed fit, by the Scrutiny Committee:

Provided that, findings recorded by the Vigilance Cell shall not be binding on the Scrutiny Committee, as the vigilance inquiry is meant for internal assistance to the Scrutiny Committee. The Scrutiny Committee shall record its reasons for discarding the report of Vigilance Cell.

(8) The Vigilance Cell shall complete the inquiry within six weeks, thereby making suitable inquiry, on all the issues or as specifically directed by the Scrutiny Committee.

(9) Vigilance Inquiry shall be made for respective territorial area of jurisdiction of concerned Scrutiny Committee.

(10) In case of those cases which are referred to Vigilance Cell, upon considering the report submitted by Vigilance Cell, if the Scrutiny Committee is satisfied about the genuineness of Scheduled Caste or Scheduled Caste converts to Buddhism or De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Classes or Special Backward Category claim of claimant or applicant, it shall be lawful to decide the matter finally by its written decision, and forward the copy of decision and Validity Certificate in **FORM-24**, to the concerned parties or authority, by preserving its scanned copy (in electronic form).

(11) (i) In case of those cases which are referred to Vigilance Cell, upon considering the report of Vigilance Cell, if the Scrutiny Committee is not satisfied about the claim of the applicant, it shall call upon the applicant to prove his Caste claim, by discharging his burden, as contemplated under section 8 of the Act, by issuing a notice in **FORM-25** coupled with copy of report of Vigilance Inquiry;

(ii) After issuance of notice, if applicant requests, by way of written application, for copies of vigilance inquiry report or any other document or prays for adjournment, reasonable time for final hearing or for submitting written submission, it may be granted;

(iii) After affording an opportunity of hearing, Scrutiny Committee shall,-

(a) being satisfied regarding the genuineness of the Caste claim, decide the matter finally, upon appreciation of evidence, by its reasoned decision, i.e. decision of committee and issue Certificate of Validity, in **FORM-24**; and forward the same to concerned authorities within thirty days, by preserving its scanned copy (in electronic form);

(b) being not satisfied about the genuineness of the claim and veracity of the Caste Certificate, it shall pass its decision, thereby cancelling and confiscating the original Caste Certificate and invalidating the Caste or Tribe claim of the applicant or claimant;

(c) upon invalidation of Caste or Tribe claim, the Caste Certificate under inquiry shall be stamped as "cancelled and confiscated", and forward the same along with copy of decision, to the Competent Authority and concerned parties, by preserving its scanned copy (in electronic form);

(d) after conclusion of the hearing of the case, the work of writing of the decision shall be assigned to one of its member by the Scrutiny Committee;

(e) in case of difference of opinion amongst the members of Committee, on the main order of majority, the dissenting member shall write his separate order;

(f) The name of member of Committee to whom work of writing final order was assigned, shall be mentioned in the roznama. Moreover, front page of final order shall disclose the date of the order.

(12) Notwithstanding anything contained in these rules, it is incumbent on the applicant to disclose all the true and correct information, including disclosure of adverse entries or material, failing which, it shall be lawful for the Scrutiny Committee to draw adverse inference.

(13) If the Scrutiny Committee finds and concludes that the report of Vigilance Cell is false or unrealistic, it shall record the reason in decision and direct appropriate action as contemplated under section 14, read with section 11 and 12 of the Act and also recommend Departmental inquiry against such Vigilance Officer:

Provided that, an opportunity of being heard be granted to the concerned Vigilance Cell officer prior to any direction for appropriate action. This hearing shall be independent to adjudication of Caste or Tribe claim.

18. *Hearing of Scrutiny Committee*.—(1) The Scrutiny Committee shall hold hearing at least once a week.

(2) All the three members shall be present at the hearing of the Scrutiny Committee:

Provided that, in absence of other members of Scrutiny Committee, any other member shall give next date of hearing.

(3) The decision of Committee shall be by majority:

Provided that, majority decision shall be communicated as decision of Scrutiny Committee, with judgement of all the assenting members along with separate judgement by dissenting member.

(4) The Certificate of Validity shall be signed by the Member-Secretary.

(5) The Scrutiny committee shall take its decision about the validity of Caste Certificate within a period of three months and in exceptional circumstances additional period of two months may be taken by the Scrutiny Committee.

19. *Complaints*.—(1) Any complaint or allegation that a person to whom a Caste Certificate has been issued, is not belonging to the Caste or Tribe mentioned in the Certificate shall be inquired into by the concerned Scrutiny Committee.

(2) The concerned Scrutiny Committee shall decide all such complaints within a period of six months from the date of receipt of the complaints. If the Scrutiny Committee comes to the conclusion that the Caste Certificate has been wrongly issued, it shall record its decision and such decision of the Scrutiny Committee shall be communicated to the Competent Authority who has issued such Caste Certificate for taking suitable action against the applicant.

(3) The Scrutiny Committee shall also communicate its decision to the State Government about the wrongful issuance of the Caste Certificates for initiating necessary action against the issuing officer under section 13 of the Act and also as per relevant disciplinary rules.

**20. Issuance of duplicate copy of Validity Certificate.** - If the original Validity Certificate issued to the applicant is lost, destroyed or mutilated, the Scrutiny Committee may issue duplicate copy of Validity Certificate if the request in writing is made by the applicant along with an affidavit duly sworn in, with copy of the police complaint lodged for the loss of Validity Certificate by charging fees as specified by Government, from time to time.

**21. Certified Copies.** - Certified copies of the validity Certificate and the decision of the Scrutiny Committee may be supplied on application to the concerned person subject to due satisfaction of the Scrutiny Committee, by charging reasonable fees as specified by the Government, from time to time.

**22. Maintenance of record by Scrutiny Committee.**—(1) The Scrutiny Committee shall maintain registers in **FORM-26** in respect of each category of applicants.

(2) The Scrutiny Committee shall forward monthly report on receipts of application and issue of Validity Certificates to the Commissioner, Social Welfare, Maharashtra State, Pune and the Director General, Dr. Babasaheb Ambedkar Research and Training Institute, Pune, and the Government.

**23. Preservation of records by Scrutiny Committee.** - (1) The Scrutiny Committee shall preserve the record of Validity Certificate as mentioned below,—

- |  |                     |
|--|---------------------|
| (i) Case Register  | - Permanent record. |
| (ii) Office copy of the Validity Certificate<br>and orders of invalid cases. | - Permanent record. |
| (iii) Individual case record   | - 30 Years record.  |

(2) After expiry of the period as stipulated in sub-rule (1) above, the concerned records shall be destroyed by the Scrutiny Committee in accordance with the instructions issued by the Government, however, before destroying, its digital or electronic copies shall be maintained as and in such form, specified by Government.

24. *Training, Co-ordination of Scrutiny Committees.*—The Commissioner, Social Welfare and the Director General, Dr. Babasaheb Ambedkar Research and Training Institute shall work as Co-ordinator between the Competent Authority and Scrutiny Committee working in the State and shall hold training and workshops for Competent Authority, Scrutiny Committee and staff working under them, at least once in a year.

25. *Supervisory, disciplinary and controlling powers.*—(1) Without prejudice to the generality of these rules and subject to the provisions of the Act, it shall be lawful for the Government to exercise administrative powers for making available the infrastructure, financial provisions, availability of staff, powers to issue posting and transfer of Chairman, Member and Member-Secretary as well as other staff with Scrutiny Committee and the Competent Authority.

(2) In addition to the powers referred to in sub-rule (1), for the purposes of efficiency and transparency in the functioning of the Competent Authority and the Scrutiny Committee, the Government may exercise administrative, supervisory and controlling powers.

(3) Notwithstanding anything contained in these rules, the Government may look into and deal with, the complaints and grievances made against the Chairman, Member and Member-Secretary, officers of Vigilance Cell as well as other staff assigned to the Scrutiny Committee and Competent Authority and may cause an independent inquiry and take action, which includes withdrawal of work, withholding retirement and other financial benefits including prosecution as per the provisions of the Act, to maintain purity of justice.

(4) Decision of the Government, in such cases shall be final and conclusive.

Provided that, the inquiry and requisite actions contemplated under these rules shall be in addition to the administrative inquiry and action contemplated under the relevant service rules:

Provided further that, the inquiry shall be made by an officer not below the rank of Deputy Secretary to the State Government, and observance of reasonableness and due compliance of principles of natural justice shall be mandatory.