

Original in Gujarati

Scrutiny committee for scrutiny of
the certificates of Scheduled Castes
- Constitution of the.....

Government of Gujarat,
Social Justice and Empowerment Department,
Resolution No. IPS-1096/I.78(95)/(i)/H
Sachivalaya, Gandhinagar
Dated the 26-3-2002

Read:

- (1) Letter No.45/1/95-RES, dated 5-12-1995 from National Commission for Scheduled Castes and Scheduled Tribes, Ahmedabad
- (2) Judgement of the Hon'ble Supreme Court, New Delhi, dt.2-9-94 in Spl. Civil Appeal no.5854/1994
- (3) Government Resolution, Social Justice and Empowerment Department, (Tribal Development Division) No. AJY-1037/1649/Ch. Dated 20-7-2000

PREAMBLE

The National Commission for Scheduled Castes and Scheduled Tribes has recommended to the state Government under letter dated 5-12-1995 referred above to constitute a committee in the state of Gujarat on the lines of Maharashtra State for scrutiny of false claims being made for reservation in services as well as other benefits on the basis of bogus certificates of scheduled castes.

2. In accordance with the instructions/guidance given in the judgement of Hon'ble Supreme Court, New Delhi, in the special Civil Appeal No.5854/1994 (in the case of Kumari Madhuri Patil and Others) the Social Justice and Empowerment Department, (Tribal Development Division) has, under Resolution dated 20-7-2000 referred at (3) above, constituted a scrutiny committee for verification/scrutiny of certificates of persons of Scheduled Tribes.

3. In view of the above, the issue of constituting the scrutiny committee for verification/scrutiny of the certificates of Scheduled Castes for Gujarat State has been under active consideration of the Government.

RESOLUTION

After careful consideration, Government is pleased to constitute a State level scrutiny committee for verification/scrutiny of the certificates of scheduled castes, as detailed below, with a view to prevent misuse of securing benefits by obtaining bogus caste certificates of Scheduled Castes unauthorisedly after adducing bogus evidence for getting entry in services as well as in medical/engineering colleges for availing other benefits with malafide intention :

- (1) Additional Chief Secretary/Principal Secretary/ Chairman
Secretary/Additional Secretary/Joint Secretary,
Social Justice and Empowerment Department
- (2) Director (Scheduled Castes Welfare) Member
- (3) Director (Tribal Research and Training Centre, Member
Gujarat Vidyapith, Ahmedabad)

2. The joint Director of the Directorate of Scheduled Castes Welfare shall work as the Member-Secretary of this Committee for ancillary administrative work such as convening meetings of the scrutiny committee, preparing minutes etc. The headquarters of this committee shall be at Gandhinagar and the meeting shall be called once in a month. The emergency meeting may be called if required. The area of operation of the said committee shall be whole of Gujarat.

3. Functions/duties of the Scrutiny Committee

- (1) The committee shall frame policy/make changes regarding issue of caste certificate from time to time.
- (2) The committee shall scrutinize the caste certificates issued by the competent officers and hold hearings and if found suspected, the committee shall take immediate action to withdraw benefits availed on production of bogus certificates to prevent them from securing such benefits.
- (3) The committee shall take legal action against the persons processing illegal certificates and also initiate departmental inquiry against the officer who issued such certificates.

- (4) The committee shall declare the candidate unfit for registering candidature for election, who is inflicted punishment for procuring bogus certificate.
- (5) The committee shall inform the employer/head of the educational institution about the bogus certificate produced and to make order to dismiss him/her from the present post.
- (6) Other ancillary matters coming within the jurisdiction of the scrutiny committee.
- (7) In taking legal action in respect of suspected caste certificates, the decision of the scrutiny committee shall be final.
- (8) The committee shall instruct vigilance cell and vigilance officer to inspect site and submit the report.
- (9) The committee shall undertake a review with regard to the work of vigilance cell, strength of employees and appointment of staff etc.

4. Powers of Scrutiny Committee

- (1) The committee shall have full powers to keep intact or cancel the suspected caste certificates, issued by the competent officers, after carrying out verification/scrutiny.
- (2) The decision taken by the committee with regard to the caste certificate shall be final and binding. However, such decisions shall be subject to the provision of Article 226 of the Constitution of India. Except the Spl. Leave Application, no appeal can be preferred to by any other Hon'ble High Court against the verdict of the committee.
- (3) To grant/approve opportunities of defence in the case of suspected certificates
- (4) To extend time limit of defence, wherever necessary.
- (5) To accept/reject the evidence adduced.
- (6) To declare the candidate unfit for candidature for election, who obtained such certificate, considering his/her moral turpitude in obtaining bogus certificate.
- (7) To get registered legal complaint for punishment.
- (8) Non-government members of the scrutiny committee shall be paid T.A./D.A. as per rules and the Director, Scheduled Caste Welfare shall countersign the said bills of non-government members.

5. The scrutiny committee shall complete the work of scrutiny of certificates produced before it, within maximum two months and the period may be extended, if required.

6. The expenditure involved shall be debited to the Head: Demand No.93 of the Budget, Non-Plan, Major Head: 2251-Sachivalaya-Social services, Minor Head (090) Sachivalaya, Sub-Head: (1) Special Component Plan for Scheduled Castes- Social Justice and Empowerment Department and shall be met from the provisions made in the respective financial year.

7. This issues with the concurrence of the Finance Department dated 8-3-2002 and that of Government on 19-3-2002 on this department's file of even number.

By order and in the name of the Governor of Gujarat,

Sd/

(V. M. Parmar)

Deputy Secretary,

Social Justice and Empowerment Department

To

* The Secretary to the Hon'ble Governor, Raj Bhavan, Gandhinagar.

The Personal Secretary to the Hon. Chief Minister, Sachivalaya,

Gandhinagar

Personal Secretaries to all Hon'ble Ministers, Sachivalaya,

Gandhinagar

The Personal Secretary to the Hon'ble Leader of Opposition Party,

Legislative Assembly, Secretariat, Gandhinagar

All Departments of Sachivalaya.

* The Registrarate, Hon'ble Gujarat High Court, Ahmedabad

* The Secretary, Gujarat Vigilance Commission, Gandhinagar.

* The Secretary, Gujarat Public Service Commission, Ahmedabad.

* The Secretary, Gujarat Legislative Assembly, Secretariat,
Gandhinagar

* The Secretary, Gujarat Panchayat Service Selection Board,
Ahmedabad

* The Secretary, Gujarat Subordinate Service Selection Board,
Dr. Jivraj Mehta Bhavan, Gandhinagar

The Director, Scheduled Caste Welfare, Dr. Jivraj Mehta Bhavan,
Gandhinagar. (To bring this to the notice of all competent
officers concerned and to take other follow up actions)

----- 5 -----

The Director, Tribal Research and Training Centre, Gujarat Vidyapith,
Ahmedabad.
All District Backward Class Welfare Officers
All District Social Welfare Officers (Panchayat)
All District Collectors
All District Development Officers
All District Superintendents of Police
The Commissioner, Information Department, Dr. Jivraj Mehta Bhavan,
Gandhinagar. (With a request to issue necessary press note).
The Director, State Office of the National Commission for Scheduled
Castes/Scheduled Tribes, Ahmedabad
Head of All Departments/office under the department
The Private Secretary to the Secretary (Social Justice and
Empowerment Department)
All Officers/All branches of Social Justice and Empowerment
Department
The Select file (General Duty Clerk of 'H' branch)

* by letter

— X — X — X —