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PART III-A

Regulations, Orders, Notifications, Rules, etc. issued by the
Governor, Heads of Departments and High Court

SCHEDULED TRIBES & SCHEDULED CASTES DEVELOPMENT DEPARTMENT

NOTIFICATION

The 23rd September 2019

No. 16197—STSCD-PCRC-CASE 1-0005/2019-SSD.—The following draft of certain rules, which the State Government proposes to make in exercise of the powers conferred by Section 18 of the Odisha Scheduled Castes, Scheduled Tribes and Backward Classes (Regulation of Issuance and Verification of Caste Certificates) Act, 2012 (Odisha Act 8 of 2014) is hereby published as required by the said section for information of all persons likely to be affected thereby and notice is hereby given that the said draft rules shall be taken into consideration on or before expiry of a period of thirty days from the date of publication of this notification in the *Odisha Gazette*;

Any objection and suggestion which may be received from any person with respect to the said draft before the expiry of the period so specified shall be considered by the State Government :

DRAFT

1. Short title and commencement.—(1) These rules may be called the Odisha Scheduled Castes, Scheduled Tribes and Backward Classes (Regulation of Issuance and Verification of Caste Certificates) Rules, 2019.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

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

(a) "Act" means the Odisha Scheduled Castes, Scheduled Tribes and Backward Classes (Regulation of Issuance and Verification of Caste Certificates) Act, 2012 (Odisha Act 8 of 2014);

(b) "Aadhaar number" means a 12 digit Unique Identity Number issued under sub- section (3) of Section 3 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016);

- (c) "Appointing Authority" means the Authority empowered to make appointment to a service or a post in an establishment;
- (d) "District Vigilance Cell" means the District Vigilance Cell constituted by the Government;
- (e) "Driving Licence" means a licence issued under the Motor Vehicles Act, 1988 (59 of 1988);
- (f) "Form" means the Forms appended to these rules;
- (g) "PAN" means Permanent Account Number issued under Section 139-A of the Income Tax Act, 1961 (43 of 1961);
- (h) "State" means the State of Odisha; and
- (i) "Voter Identity Card" means an identity card issued in favour of any elector under Rule 28 of the Registration of Electors Rules, 1960, made under the Representation of People Act, 1950 (43 of 1950).

(2) Words and expressions used and not defined shall have the same meaning as assigned to them, respectively, in the Act.

3. Application for issue of Caste Certificate.—(1) Application for issuance of Caste Certificate may be made to the Competent Authority by any person belonging to reserved category in Form A.

(2) The application must be duly signed by the applicant or his parents or legal guardian in case the applicant is a minor and be accompanied by self-attested copy of one or more of the following documents, as may be required, in support of the claim, namely:-

- (a) Copy of the finally published Settlement Record of Rights or Consolidation Record of Rights of the lands preferably of the homestead land or any old Record of Rights issued prior to the year 1950 standing in names of grandparents or parents of the applicant specifying the name of the community therein;
- (b) Land Pass-Book issued in favour of parents or grandparents of siblings.

(3) In addition to the documents mentioned in sub-rule (2), the application shall also accompany the following documents, namely :—

- (a) Income Certificate and Resident Certificate issued by the competent authority;
- (b) Two recent Passport Size colour photographs;
- (c) Any document in support of the claim such as copy of Caste Certificates, if any, issued to his parents or siblings or paternal kins;
- (d) Self-declaration by applicant or his or her parent or parents regarding his caste, sub-caste and religion duly countersigned by the Sarpanchas, Members of the Panchayat Samitis, Chairpersons of Panchayat Samitis or Local Bodies, District Welfare Officers, Additional District Welfare Officers or the Head of the Educational Institution, in case the applicant is a *bona fide* student of the concerned Institution;
- (e) Voter Identity Card or Aadhaar number or Driving License or PAN Card or first page of Bank Pass Book having identity details or Birth Certificate from a competent authority.

(4) The applicant may apply for Caste Certificate even without any documentary proof in support of the claim if such documents are not available with the applicant and no application shall be rejected merely on the ground of non-availability of the supporting documents.

(5) On receipt of the application, the Competent Authority shall provide an acknowledgement of receipt with a number and date to the applicant which shall be used as reference number for all future purposes.

(6) The applicant may also make application through online web portal notified by Government, from time to time, by paying the prescribed user charges and in case of an application made online, the applicant shall get a system generated acknowledgement with a receipt number.

4. Disposal of application.— (1) The Competent Authority, on receipt of an application made to him under Rule 3 and after satisfying himself about the genuineness of the claim and following the due process, shall, either issue a Caste Certificate in Form B or reject the claim within thirty days of the date of receipt of the application, excluding the time taken for compliance of objections, if any.

(2) The verification shall be made basing upon revenue records and other relevant documents furnished by the applicant and if required, supported through reliable field enquiries and the Caste Certificate shall not be denied to a deserving landless person if otherwise, through such inquiry, it is found that the applicant belongs to any reserved category and in such case, the applicant shall be given a date for personal appearance by the Competent Authority for recording his statement.

(3) In case of applicants who either do not have, or have not furnished, documentary evidence with the application or later on call in support of the claims, such applications shall be disposed of by conducting field enquiry by the Competent Authority.

(4) The field enquiry report shall be prepared in the shape of a memorandum by the officers who visited the field in the presence of at least two witnesses along with the applicant or his family members or representative and such report shall be clear, specific and speak about the findings pertaining to the claim of the applicant belonging to any reserved category.

(5) The Competent Authority shall dispose of the matter within thirty days of receipt of the application, excluding the time taken for compliances of the objections, if any, and a reasoned order of the Competent Authority shall be kept with the case record, both in case of grant of certificate or rejection of the claim, for future references.

(6) In case of failure to issue a Caste Certificate or to dispose of the application otherwise by passing appropriate orders within the stipulated time, the Competent Authority shall record in the order sheet of the case record, the reasons for such non- disposal of the application within the stipulated time.

5. Appeal.—Any person aggrieved by an order of rejection of application passed by a Competent Authority subordinate to that of Collector and District Magistrate may make an appeal before the Collector and District Magistrate concerned and to the concerned Revenue Divisional Commissioner where the Competent Authority is the Collector and District Magistrate, within a period of thirty days from the date of receipt of such order.

6. Powers and functions of Scrutiny Committee.—(1) The Scrutiny Committee as may be constituted under Section 6 of the Act shall have the power for verification of Caste Certificates issued by the Competent Authorities working in the districts covered under the concerned Revenue Divisions, if any application is received by it.

(2) The Scrutiny Committee shall receive complaint petitions in Form C from the authorities of the Government, Central Government, Local Bodies, Public Sector Undertakings, Educational Institutions, Co-operative Societies or any other Government aided institutions, aggrieved persons or any registered associations for verification of the genuineness of a Caste Certificate issued by the Competent Authority.

(3) The Scrutiny Committee shall also have the power to verify *suo motu* the genuineness of a Caste Certificate issued by the Competent Authority.

(4) The person whose Caste Certificate has been subjected to verification shall not be debarred from availing the benefit nor shall discontinue to avail the benefit until such Caste Certificate is cancelled by the Scrutiny Committee.

(5) The Scrutiny Committee shall, while holding an enquiry under the Act, have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908).

(6) The Scrutiny Committee may take the assistance of the District Vigilance Cells as may be constituted by the Government from time to time for each district to conduct enquiry in respect of the cases referred to them.

7. Procedure for verification of the genuineness of the Caste Certificate.—(1) Where the Scrutiny Committee, after receipt of the complaint, feels it appropriate to take assistance of the District Vigilance Cell and initiates the proceedings for verification of genuineness of a Caste Certificate issued by the Competent Authority, it shall proceed in the following manner, namely :—

- (a) the Scrutiny Committee, shall forward the petition to the concerned District Vigilance Cell for conduct of inquiry into the case by its officer;
- (b) the Inspector of Police of the concerned area, where the candidate whose social status is to be verified originally hails or usually resides, shall go to the local place of residence and original place from where the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed from and shall collect the information regarding ethnological traits, deity, rituals, customs, mode of marriages, death ceremonies, method of burial of dead bodies etc. by the concerned castes or tribal communities;
- (c) the Inspector of Police shall personally verify and collect all the facts of the social status claimed by the candidates or the parent or guardian, as the case may be, and examine the school records, birth registration, if any;
- (d) the Inspector of Police shall also examine the parent, guardian of the candidates in relations to their castes etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Scrutiny Committee together with all the particulars necessary;
- (e) in particular, about the Scheduled Tribes, the Inspector of Police of the area concerned shall enquire relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriages, death ceremonies, method of burial of dead bodies etc. by the concerned tribes or tribal communities;
- (f) for conducting the enquiry, the Inspector of Police may take assistance of the local Tahasildar or Revenue Inspector and peruse the revenue records as may be necessary; and
- (g) after the completion of the enquiry, the District Vigilance Cell shall take steps to prepare a report which shall be submitted to the Scrutiny Committee having a definite logical conclusion along with supporting documents within a period of two months from the date of receipt of the petition for enquiry.

(2) In case of failure to submit the enquiry report within the period stipulated in sub-rule (1), the officer-in-charge of the District Vigilance Cell or its concerned enquiring officer shall be summoned to appear before the Scrutiny Committee to explain the reasons of delay orally and also in writing and if the reasons are found satisfactory, the Scrutiny Committee may grant extension of time not exceeding one month and for unsatisfactory explanations and failure to submit report by the end of extended time period, the Scrutiny Committee shall record its adverse remarks on the conduct of the enquiring officer in his report and forward the same to the concerned Superintendent of Police for necessary disciplinary action against the officer concerned and ask for conduct of enquiry and submission of report within next two weeks by engaging another officer, if so required.

(3) While conducting enquiry, the concerned officer shall observe the principles of natural justice and shall issue notice to the person whose certificate is under verification and provide such person a reasonable opportunity to defend and to produce records, statements and witnesses in support of defence, as may be required, in all stages of enquiry.

(4) The Scrutiny Committee shall also intimate the complainant and the alleged person to attend and co-operate in the process of enquiry and their act of non-co-operation, if so found, shall be recorded in the proceedings of enquiry and will be taken into consideration by the Scrutiny Committee while passing the final order.

(5) After receipt of the enquiry report from the District Vigilance Cell, the Scrutiny Committee shall hold its meeting to scrutinize the report and in case it is not found to be satisfactory, the Scrutiny Committee shall record its observations in its proceedings which shall be intimated to the District Vigilance Cell with the direction to conduct re-enquiry with reference to the observations of the Scrutiny Committee and to submit the report within a period of one month failing which the procedure as per sub-rule (2) shall be followed.

(6) The enquiry report from the District Vigilance Cell, if found satisfactory by the Scrutiny Committee, it shall proceed to the next stage of asking for show cause reply from the person whose certificate is under verification and the Member-Convener of the Scrutiny Committee shall send the notice along with the copy of the enquiry report and the copy of the complaint petition to such person asking for show cause reply, and if such person wants to avail the opportunity of personal hearing before the Scrutiny Committee, he shall appear in person or through his authorized representative within fifteen days from the date of receipt of such notice.

(7) The period stipulated under sub-rule (6) may be extended by the Scrutiny Committee for a further period of fifteen days upon receipt of written request from him on reasonable grounds.

(8) In case of failure of the person to submit show cause reply either by written statement or by personal appearance within the stipulated period, he shall be given the second and last chance to appear before the Scrutiny Committee on the scheduled date and time along with his show cause reply and for personal hearing, if he so desires.

(9) After receipt of the show cause reply from the person, opportunity of personal hearing may be offered to such person and notice shall also be issued to the complainant and the witnesses on both the sides summoning them for their appearance before the Scrutiny Committee on the date and time to be fixed by the Scrutiny Committee.

(10) The concerned field officers like the Enquiring Officer or an officer of the District Vigilance Cell, the District Welfare Officer or the Additional District Welfare Officer, the Tahasildar or the Additional Tahasildar having knowledge of the facts and findings of the case may also be summoned to appear on the date of personal hearing to appraise the Scrutiny Committee about the case by submission of relevant records and their written statements.

(11) While conducting the personal hearing, the person whose certificate is under verification shall be offered an opportunity of hearing the depositions of the complainant and their witnesses first and an opportunity to cross-examine them so that he can defend himself by submission of his written statement of defence, production of relevant records and witnesses and observing the principles of natural justice and the proceedings of the personal hearing shall be transparent providing such person full opportunity to defend himself against the allegation and the Scrutiny Committee may also ask some leading questions to the complainant and the alleged person during the hearing to ascertain the truth.

(12) Except in extraordinary circumstances, the failure to submit the show cause reply by the stipulated time period and failure for appearance for personal hearing before the Scrutiny Committee on the scheduled date and time by the alleged person shall not ordinarily be pardoned by the Scrutiny Committee without reasonable grounds to be communicated in writing by the alleged person to the Chairperson or Member-Convener of the Scrutiny Committee.

(13) To ensure that the notice for show cause reply and the notice for personal hearing issued by the Member-Convener of the Scrutiny Committee is delivered to the alleged person in the address in which he is available at that time, it shall be sent by Registered Post or Speed Post or through reliable official channels and the records of dispatch and delivery shall be kept in the concerned case record.

(14) After conducting the personal hearing, the Scrutiny Committee shall issue proclamation through the concerned District Welfare Officer and Tahasildar in the locality of the alleged person inviting objections from persons and registered organizations within fifteen days from the date of issue of proclamation by beat of drum or any other mode and to accomplish the task, the Member Convener of the Scrutiny Committee shall send the copies of the allegation petition, the enquiry report of the District Vigilance Cell, the show cause reply of the alleged person and the statements of the alleged person, the complainant and the witnesses recorded during personal hearing to the concerned District Welfare Officer or Tahasildar translated into the local language.

(15) Any person or organization who wants to say anything in the case, shall intimate the Chairperson of the Scrutiny Committee in writing adducing evidences either through the concerned District Welfare Officer or the Tahasildar, as the case may be, or directly within the stipulated period of fifteen days after which no petitions shall be entertained.

(16) Within a week from the date of expiry of the period of fifteen days, the District Welfare Officer or Tahasildar, as the case may be, shall intimate the Member-Convener of the Scrutiny Committee about the date of proclamation and the petitions received from any quarter.

(17) In case the petitioner wants to be heard in person and to adduce evidences before the Scrutiny Committee he shall be allowed to do so either in person or through counsel.

(18) The date of hearing to be fixed by the Scrutiny Committee shall be duly intimated to such petitioner and the hearing shall be conducted transparently in presence of the alleged person and his counsel, if any, providing him the opportunity to defend himself and the proceedings of the hearing shall be recorded.

(19) After the hearing, if so required, the Scrutiny Committee may make further enquiries through the District Vigilance Cell and other concerned officers to gather evidences and ascertain the truth and thereafter the process of enquiry shall be concluded.

(20) After conclusion of the process of enquiry, the Chairperson of the Scrutiny Committee shall fix up a date for consideration of the facts and findings of the case and pass the final speaking order and if any new facts come to notice, the Scrutiny Committee shall decide to address the same in the manner as it may like and then pass the final order.

(21) The final order of the Scrutiny Committee shall be intimated for necessary action to the alleged person, the Collector and District Magistrate, Superintendent of Police, District Vigilance Cell, District Welfare Officer and Tahasildar of the district, to the concerned authorities through whom the alleged person has availed the benefits of reservation including the appointing authority, the authority of the educational institution where he has taken admission, the authority under whom he is an elected people's representative or the authority under whom he has made land transactions, whichever is applicable with the direction to report compliance within a month.

(22) In case the Caste Certificate is found to be valid after verification by the Scrutiny Committee, a Validity Certificate shall be granted by the Scrutiny Committee in Form D.

8. Meeting of the Scrutiny Committee.— For holding the meetings of the Scrutiny Committee, the Member-Convener shall issue notice to all the members along with the Agenda Note containing in brief the reason for such meeting and findings of the case(s) to be discussed at least a week before the scheduled date and time of the meeting and the place where the meeting will be held.

FORM—A

[See Rule 3 of the Odisha Scheduled Castes, Scheduled Tribes and Backward Classes (Regulation of Issuance and Verification of Caste Certificates) Rules, 2019]

APPLICATION FORM FOR OBTAINING ST OR SC OR SEBC OR OBC CERTIFICATE

To

The.....(Name of the Competent Authority)....., Dist....., Odisha.

Sir,

A certificate as per the provisions of Rule 4 of the Odisha Scheduled Castes, Scheduled Tribes and Backward Classes (Regulation of Issuance and Verification of Caste Certificate) Rules, 2019 may please be issued. The detailed particulars about myself in support of my claim are furnished below, namely :—

1. Name.....

2. Parent's Name :

(a) Father.....

(b) Mother.....

3. Permanent Address:

Vill/Town.....

P.O.

P.S.

Tahasil

Dist.

State Odisha

4. Present Address :

Vill/Town.....

P.O.

P.S.

Tahasil.....

Dist.

State Odisha

5. Date of Birth.....

6. Sex.....

7. Nationality.....

8. Religion.....

9. Caste / Tribe/Community to which the applicant belongs.....

10. Name of the Sub-Caste / Sub-Tribe.....

11. In case the parents of the applicant have obtained a certificate, the name of the Caste or Tribe or Community may be mentioned and the number of such certificate and year of issue may be mentioned.

12. List of documents submitted

(a)

(b)

(c)

(d)

(e)

(f)

DECLARATION

I, Shri/Smt./Ku Son/
 Daughter of Shri/Smt. of Village
, P.O., P.S.,
 Dist.....in the State of Odisha do hereby declare that the

information or documents furnished above are true to the best of my knowledge and belief. I do hereby undertake that if subsequently in future, any information or document is found to be false, I shall be liable to be punished as per law and the benefits availed by me shall be recovered from me by the Government.

Place :

Date :

Signature of the Applicant

Address :

FORM-B

[See Rule 4 of the Odisha Scheduled Castes, Scheduled Tribes and Backward Classes
(Regulation of Issuance and Verification of Caste Certificates) Rules, 2019]

FORM OF CASTE CERTIFICATE

GOVERNMENT OF ODISHA

OFFICE OF THE.....

District.....

Certificate Case No.....

Date.....

This is to certify that....., Son/Daughter of
.....of Village/Town.....
....., P.O., P.S.
....., Tahasilin the district of
.....of the State of Odisha belongs to.....
Caste/Tribe/Community which is recognized as.....under the
Constitution (Scheduled Castes) Order, 1950 or the Constitution (Scheduled Tribes) Order, 1950 as
amended, from time to time or notified as SEBC by the Odisha State Commission for Backward
Classes Act, 1993 or Other Backward Classes declared by Government of India in relation to the
State of Odisha.

Shri/Smt. /Miss.....and his/her family ordinarily
reside(s) in the Village/Town, P.S....., Tahasil.....
of the.....District of the State of Odisha.

Place:

Date:

Signature of the Competent Authority

Designation

(Seal)

FORM-C

[See Rule 6(2) of the Odisha Scheduled Castes, Scheduled Tribes and Backward Classes
(Regulation of Issuance and Verification of Caste Certificates) Rules, 2019]

**FORM OF PETITION FOR VERIFICATION OF GENUINENESS OF THE CASTE
CERTIFICATE**

From

To

The Chairperson of the Scrutiny Committee

Subject : Verification of Caste Certificate of Shri/Smt./Miss.....

Sir,

In inviting a reference to the subject noted above, I am to state the following regarding the
Caste Certificate of Shri/Smt./Miss.....

1. That Shri/Smt./Miss..... is the son/daughter of
....., Vill., P.O., P.S.,
Tahasil....., Distand
(in case of married woman) She is the wife of.....
Vill....., P.O....., Tahasil.....,
P.S....., Dist.
2. That though he/she belongs to.....Caste / Community / Tribe as
evident from.....records (copies of records
enclosed) his/her Caste/Community has been mentioned
as.....in his/her Caste Certificates.
3. That, the Caste Certificate(s) have been issued by the Authority/Authorities as detailed
below :—

Designation of the issuing Authority/ Authorities (Tahasildar/ Sub-Collector/ ADM/ Collector)	Certificate No.& Date	The Address in which issued (Son/ Daughter/ Wife of., Vill , P.O. , Tahasil. , P.S. , Dist.)	Purpose for which issued as mentioned in the certificate (Education / Service)	Name of the Caste/ Community/ Tribe & Category (ST/ SC/OBC/ SEBC) mentioned in the certificate	If the certificate is valid or cancelled
(i)	(ii)	(iii)	(iv)	(v)	(vi)

4. That, on the basis of the Caste Certificate he/she has availed reservation benefits as a ST/
SC/OBC/SEBC candidate as detailed below :—

(i) Educational benefits (details) :

(ii) In appointment to Public Service (details) :

(iii) In promotion in Public Service (details):

(iv) In Election to Public Posts as Public Representatives (details) :

(v) Purchase of land from SC/ST (details) :

The copies of relevant documents are attached herewith.

Taking into consideration the above facts, you are requested to make an enquiry for verification of the genuineness of the Caste Certificate produced by the applicant.....

I / We assure you, we will co-operate with the process of enquiry as and when called for by the Scrutiny Committee in this case for which my/our contact details are furnished below : —

(a) Name / Designation of the Complainant

(b) Office / Organisation

(c) Contact Address

(d) Phone / Mobile No.

(e) ID Proof (Copy of Voter Identity Card / Aadhaar Number/PAN Card / Passport)

Yours faithfully,

(Name & designation of the Complainant)

FORM-D

[See Rule 7(22) of the Odisha Scheduled Castes, Scheduled Tribes and Backward Classes (Regulation of Issuance and Verification of Caste Certificates) Rules, 2019]

VALIDITY CERTIFICATE

No.FCC...../..... Date.....

This is to certify that the Caste/Tribe/Community Certificate issued to.....
, Son/Daughter of.....of
 Village/Town....., P.O....., P.S.....
 Tahasilin the district of of the State of Odisha
 by the Tahasildar/ Additional Tahasildar.....in the district of.....as
 belonging to(ST/SC/OBC/SEBC) Community vide Misc. Case
 No..... dt.....of.....Tahasil, after due
 enquiry vide SLSC (FCC) Case No...../.....is found to be valid one.

Place :

Date :

Member-Convener, SLSC

O/o the RDC, (CD/ND/SD).....

(Seal)

By order of the Governor

[ILLEGIBLE]

Principal Secretary to Government