

IDENTIFICATION RULES

GOVERNMENT OF WEST BENGAL
SCHEDULED CASTES & TRIBES WELFARE DEPARTMENT
Writers' Buildings, Calcutta—700001

No. 532-TW/EC/MR-177/96

Calcutta, the 14th October 1996.

NOTIFICATION

In exercise of the power conferred by section 12 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 (West Ben. Act XXXVIII of 1994), the Governor is pleased hereby to make the following rules: --

1. **Short title.** —These rules may be called the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995.

2. **Definitions.** —In these rules, --

(a) “the Act” means the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 (West Bengal. XXXVIII of 1994);

* [(a1) “application”, unless otherwise specified, means an application for a Scheduled Caste or Scheduled Tribe certificate;

(a2) “authorized official” means an official authorized by the recommending authority to receive application at his office;

(a3) “certificate”, unless otherwise specified, means a Scheduled Caste or Scheduled Tribe certificate;]

(b) “certificate issuing authority” means, --

(i) in the district, the Sub-divisional Officer of the sub-division concerned,
or

(ii) in Calcutta, the District Magistrate, South 24-Parganas, or the Additional District Magistrate, south 24-Parganas, as may be authorised by the District Magistrate, South 24-Parganas, in this behalf, as the case may be, referred to in section 5;

^ [(b1) “Form” means the Form appended to these rules;

(b2) “paternal blood relation” includes—

(i) father, father’s father, or father’s sister, or

(ii) father’s father, father’s father’s brother, or father’s sister, or

(iii) son or daughter, or

(iv) son’s son or son’s daughter, or

* Inserted vide Notification No. 2117-BCW, dated 03.08.1999.

^ Inserted vide Notification No. 2117-BCW, dated 03.08.1999.

- (v) brother or sister, or
- (vi) cousin from father's side;

- (b3) "recommending authority" means the recommending authority referred to in rule 7A;]
- (c) "section" means a section of the Act.

3. Procedure for cancellation, impounding or revocation of certificate.—

- (1) Whenever it appears to a certificate issuing authority on complaints by any person or suo motu that a person, in whose favour a Scheduled Caste or Scheduled Tribe certificate has been issued, does not belong to such caste or tribe, the certificate issuing authority shall hold a preliminary enquiry by itself or by any officer above the rank of Inspector of the Scheduled Castes and Tribes Welfare Department, as may be authorised by it in this behalf, and shall prima facie satisfy itself as to the truth or otherwise of the complaints as aforesaid, record the reasons of its satisfaction as to the truth or otherwise of the complaints and, if necessary, start proceedings for cancellations, impounding or revocation of the certificate, as the case may be.
- (2) Where any proceedings have been started under sub-rule (1), the certificate issuing authority shall, by written notice, ask the person holding the certificate to deposit the same, in original, in its office and, when a certificate has been so deposited, a receipt in favour of the person depositing the certificate shall be issued.
- (3) The certificate issuing authority shall, then, issue a notice to the holder of the certificate to show cause within fifteen days or within a period of shorter duration as it may think fit, as to why the certificate issued in his favour shall not be cancelled, impounded or revoked on the grounds stated in the notice.
- (4) (a) On the expiry of the period referred to in sub-rule (3), the certificate issuing authority shall fix a date of hearing of the case by notice to the complainant and the holder of the certificate, asking them to bring oral witness or documentary evidence against, or, as the case may be, in support of, the caste or the tribe identity of the holder of the certificate.
 - (b) A copy of the notice issued to the complainant, if any, and the holder of the certificate, shall be affixed to the notice board of the office of the certificate issuing authority for the information of the public.
 - (c) The service of any notice under these rules shall be governed by the provisions of the Code of Civil Procedure, 1908 (5 of 1908).

4. Order for hearing etc. to be in writing.—Any order by the certificate issuing authority for the purpose of hearing of the witness giving evidence against, or, as the case may be, in support of, the caste or the tribe identity of the holder of the certificate or of such other person as it deems necessary to hear, or for the purpose of inspection of any document or material object, shall be in writing.

5. Cancellation, impounding or revocation of certificate. —When the certificate issuing authority is satisfied that the person, in whose favour the certificate was issued, does not belong to the caste or the tribe as stated in the certificate, it shall, by order, cancel, impound or revoke the certificate and shall notify such cancellation, impounding or revocation to the person to

whom the certificate was issued and also to the authority, if any, before which the certificate was produced by the holder of the certificate for gaining benefits.

6. Publication of order of cancellation, impounding or revocation of certificate.—A copy of every order of cancellation, impounding or revocation of the certificate under rule 5 shall be forwarded to the State Government by the certificate issuing authority for the information of the public in such manner as the State Government may determine.

7. Certificate issuing authority to file complaint against any person for furnishing false information or for misrepresenting any fact etc.—The certificate issuing authority shall file a complaint against any person who—

- (a) knowingly furnishes any false information, or
- (b) knowingly misrepresents any fact, or
- (c) knowingly suppresses any material information, or
- (d) knowingly produces any document which is an act of forgery, with a view to obtaining the certificate under the Act,—
 - (i) in the district, before the Sub-divisional Judicial Magistrate of the sub-division concerned, and
 - (ii) in Calcutta, before the Chief Metropolitan Magistrate.

* [7A. **Recommending authority and authorised official**—(1) in respect of rural areas, the Block Development Officer within whose territorial jurisdiction the applicant ordinarily resides shall be the recommending authority. In urban areas excluding Calcutta, such authority shall be an officer, not below the rank of Deputy Magistrate, as may be authorised in writing by the Sub-divisional Officer concerned. In Calcutta, each of the District Welfare Officers, Salt Lake shall act as recommending authority.

(2) Every recommending authority shall by order in writing authorise one or more officials of his office for the purpose of receiving completed applications. A copy of such order shall be prominently displayed in the office notice board of the recommending authority.

7B. Forms of application and certificate—

- (1) An application for certificate shall be made in Form I.
- (2) The certificate shall be issued in Form II.
- (3) In rural areas, forms of application shall be available with the concerned Block Development Officer. For the residents of urban areas except Calcutta, Forms shall be available with such authority as may be decided and notified by the concerned District Magistrate. In Calcutta, Forms shall be available at the respective Borough Offices of the Calcutta Municipal Corporation. The concerned District Welfare Officer/District Welfare Officer-cum-Project Officer, as the case may be, shall make sufficient numbers of these Forms available with respective distribution authorities.
- (4) Any one who requires to make an application shall be supplied with the Form on demand, free of cost. No prima facie proof of Caste/Tribe identity shall be required for obtaining the form.

* Inserted vide Notification No. 2117-BCW dt. 3rd August 1999

Explanation: For the purposes of sub-rule (1), a typed or photocopy of the Form shall be accepted.

7C. Receipt of completed applications—

- (1) Completed applications shall be received by the Block Development Officers in rural areas, the concerned Sub-divisional Officers in urban areas other than Calcutta, and District Welfare Officers, Salt Lake in Calcutta.
- (2) Applications, duly filled in, along with documentary evidences, if any, three passport size black and white photographs, and certificates from the local authority, such as the *Pradhan* of a *Gram Panchayat* or the Chairman of a Municipality, wherever necessary, shall be submitted to the authorised official in respective offices who shall immediately enter them in a register to be maintained in Form III. Such authorised Official shall, then, issue an acknowledgement of the application received indicating, *inter alia*, serial No. against which the application is entered in the register and the date of receipt under official seal and his signature.

7D. Procedure for disposal of applications—

- (1) The recommending authority shall give a hearing to the applications received, in batches, once a fortnight. For this purpose, a public notice giving particulars of applications to be heard, and date, time and place of hearing shall be issued in advance calling upon the members of the public to file objections, if any, with supporting evidence on the date of hearing. Such notice shall be published in the office of the recommending authority, the office of the concerned *Gram Panchayat* in respect of rural areas and the concerned ward/Borough Office in respect of urban areas, and such other office or offices as the recommending authority may consider necessary.
- (2) During such hearing, anyone who wants to raise objection to an application and/or a paternal blood relation certificate shall be allowed to do so and shall be given the opportunity of furnishing evidence in support of such objection.
- (3) If the recommending authority is satisfied on the basis of the evidence produced at the time of hearing that an objection against an application has been substantiated, he shall, for reasons to be recorded in writing, recommend the application for rejection. If he considers that an enquiry into the matter is necessary, he shall refer the same for enquiry and shall finalise his recommendation on receipt of report of such enquiry:
Provided that in the case of any objection with *prima facie* evidence against a paternal blood relation certificate submitted by an applicant, the recommending authority shall refer the matter along with the certificate in original to the certificate issuing authority for disposal in accordance with the provisions of these rules.
- (4) Where there is no objection against an application or the objection is not substantiated, it shall be disposed of in the following manner: --
 - (a) When an applicant has produced a certificate of his paternal blood relation in original and document(s) to establish his relationship with such certificate holder, he shall be deemed to belong to the same Caste/Tribe as that of such relation whose certificate is produced unless there is reason to believe that the

certificate so produced is a product of fraud, forgery or misrepresentation in which case the recommending authority shall refer the matter along with the certificate in original to the certificate issuing authority for taking action in accordance with the provisions of rules 3 to 7 and the provisions of the Act. The cases which have not been challenged and where there is no reasonable doubt about the genuineness of the paternal blood relation certificate, shall straightway be recommended to the certificate issuing authority for issue of certificate.

- (b) In the cases where the applicant fails to produce and/or substantiate any certificate of his paternal blood relation, the recommending authority hearing the application shall cause the application to be enquired into.
 - (c) In case of personal satisfaction, the recommending authorities, may however, recommend any case for issuance of certificate.
- (5) An enquiry into an application, wherever necessary, shall be made by an Inspector of Backward Classes Welfare Department or such other field level state Government Official of equivalent rank as may be authorised by the recommending authority in this behalf. Such official shall have the powers to take such oral or written depositions as may be necessary for the purpose of arriving at a finding of the enquiry.

[Provided that where an adequate number of Inspectors of Backward Classes Welfare Department or other field level State Government Officials of equivalent rank is not available the recommending authority shall have the power to appoint Gram Sevaks or other Block level officials of equivalent rank to enquire into an application as aforesaid.]

- (6) Such enquiry shall be held at the concerned *Gram Panchayat* office, Municipal Office or Corporation Borough Office as the case may be, with prior notice giving particulars of cases to be enquired into and date, time and place of enquiry. Adequate publicity of such enquiry shall also be given locally.
 - (7) (a) After completion of enquiry, the enquiring officer shall submit a report in Form IV to the recommending authority within two weeks from the date on which the enquiry is entrusted to him. For this purpose, the recommending authority shall put a rubber stamp on the body of the application indicating the date of submission of the report as follows—
“ Report to be submitted by(Date)”
 - (b) If, for unavoidable reasons, it is not possible for the enquiring officer, to complete the enquiry within the specified date, he shall obtain an extension of time from the recommending authority, in writing, on the body of the application itself.
- (8) An applicant may not be required to submit documentary evidences of his caste/tribe identity and his permanent residence in support of his application for certificate, in the case or cases where, from the nature of the case(s), there is reason to believe that such evidences are not likely to be available. In such case or cases, the certificate issued by the *Pradhan* of his *Gram Panchayat* or the Chairman of the concerned Municipality/notified area authority or the concerned Councillor of the Municipal Corporation, as the case may be, and also the

findings of the enquiry on the basis of evidences of the local people shall be considered to be sufficient. No application shall be rejected merely on the ground that documentary evidences either in support of Caste/Tribe identity or of permanent residence of the applicant are not available.

- (9) The Certificate issued by the *Pradhan* of a *Gram Panchayat*, or the Chairman of a Municipality/notified area authority or the Councillor of a Municipal Corporation referred to in sub-rule (8), shall be deemed to be authentic unless challenged or proved to be otherwise.

- * [(10) (a) If a person or, in the case of a minor, either of the parents of the minor is enrolled as a Voter in the Electoral Roll of Parliamentary/Assembly Elections such person or minor, as the case may be, shall be deemed to be a citizen of India

Provided that for such purpose, such persons or minor as the case may be, may be required to submit a certified copy of an extract of the part of the Electoral Roll in which the name of such person or the name of either of the parents of such minor, as the case may be, appears along with a relationship certificate, wherever necessary.

- (b) In the case of a minor, neither of whose parents is enrolled as a Voter in the Electoral Roll of Parliamentary/Assembly Elections, an opportunity shall be given to such minor for proving his citizenship with the help of such documents as may be considered sufficient for the purpose of the enquiry.

- (c) No application shall be rejected merely on the ground that the applicant does not possess a formal citizenship certificate.]

- (11) The certificate issuing authority shall, on considering the recommendation of the recommending authority and such further report or reports as may be required, either reject the application or admit the same and issue the certificate:

Provided that in the case of rejection, the certificate issuing authority shall give a hearing to the applicant before passing the final order.

Provided further that the certificate issuing authority may, in the case of personal satisfaction, issue certificate even without the recommendation of the recommending authority.

- (12) An application for certificate shall ordinarily be disposed of within a period of eight weeks from the date of receipt of the application. In the case of delay beyond the said period, the reasons for such delay shall be recorded in each individual case.

- (13) In any particular case or cases, if it is considered expedient to refer the matter to an outside agency for any expert opinion or clarification or police enquiry, such reference shall be made by the certificate issuing authority only and by none else. In such event, the period spent for getting such opinion, clarification or report of enquiry shall be deducted from the period for disposal specified in sub-rule (12).

- (14) During the continuation of the proceedings for disposal of an application from the stage of hearing to the date of final order on rejection or issuance of a certificate, the

applicant shall at every stage be informed of the next date of business in the same manner as is done in quasi-judicial proceeding.

7E. Issue of certified copy—In the case of rejection of an application or objection against an application, a certified copy of the order of the certificate issuing authority shall be issued on application for such copy and on payment of requisite fees.

7F. Appeal against the order of certificate issuing authority—

- (1) Every appeal under the Act shall be filed in the form of a memorandum which shall be signed and verified by the appellant in the manner provided in sub-rules (2) and (3) of rule 15 of Order VI of the First Schedule of the Code of Civil Procedure, 1908, (5 of 1908) and shall be accompanied by an authenticated copy of the order appealed against.
- (2) Court fees payable on the memorandum of appeal shall be such as is provided in Schedule I of the West Bengal Court fees Act, 1970 (West Ben. Act X of 1970) shall be collected in the manner laid down in that Act.
- (3) A process fees of rupees three and paise fifty for each Party to whom notice is to be served shall be paid by the appellant.
- (4) The period of limitation for an appeal under section 8 of the Act shall commence on and from the date of the order appealed against and shall be as follows:-
 - (a) When the appeal lies to the District Magistrate or the Additional District Magistrate—30 days:
 - (b) When the appeal lies to the Commissioner, Presidency Division—sixty days.

8. Interpretation.—For the purposes of these rules, “Calcutta” shall have the same meaning as in *Explanation I* to section 5.

FORM I
[See Rule 7B (1)]

FORM OF APPLICATION FOR SCHEDULED CASTE / SCHEDULED TRIBE CERTIFICATE.

To
The Sub-divisional Officer/Additional District Magistrate,
.....
.....



Sir,
I am to state that I am a person belonging to Scheduled Caste/Scheduled Tribe. I hereby apply for a Scheduled Caste/Scheduled Tribe identification certificate.

I submit herewith necessary particulars and declaration in prescribed formats (Annexure I and Annexure II) duly signed by me.

I request you to issue the certificate in my favour as early as possible.

Date.....

Yours faithfully,

Full Signature/Left Thumb Impression of the Applicant

For Office use

Sl. No. of the application.....
Date of receipt.....
Next date and time of hearing.....
Place of hearing.....
Brief particulars of subsequent action towards disposal.....
.....

Receipt

Received an application for Scheduled Caste/Scheduled Tribe certificate from the following person—

Shri/Shrimati..... Full address: Village
.....House No. and name of Road, if any.....
Post Office..... District
Serial No. of the application..... date and time of hearing.....
.....Place of hearing.....

Dated :

Seal and Signature of receiving official.

ANNEXURE I

1. Regarding the applicant:

- (a) Full name of the applicant
(in Bengali or in Block letters in English)
- (b) Present address—
- Name of road/lane and house No., if any
- Corporation/Municipality/Block
- Ward No./Borough No./Gram Panchayat
- Post Office..... Police Station.....
- Sub-division.....DistrictState.....
- (c) How long have you been
residing at this address
- (d) Permanent address of the applicant—
- Name of the road/lane and house No., if any
- Corporation/Municipality/Block.....
- Borough No./Ward No./Gram Panchayat
- Post Office..... Police Station
- Sub-division..... District
- (e) To which community amongst Scheduled Caste/Scheduled Tribe does the
applicant belong.....
- (f) Religion
- (g) Date of birth (as per British calendar)
- Full address of place of birth
-
- Name of State
- (h) Does any of the applicant's paternal blood relations has Scheduled Caste/
Scheduled Tribe certificate.....
- (i) If answer to (h) is "yes", --
- (a) the name of the particular caste/Tribe
to which such relation belongs
- (b) exact relationship between such paternal
blood relations and the applicant
- (c) Whether attested copy of the certificate of
such paternal blood relations along with
a certificate of relationship between the
applicant and his paternal blood relation
submitted

2. Particulars of father:

- (a) Name of applicant's father (in Bengali or
in Block letter in English)
- (b) Name of particular Caste/Tribe to which
father belongs
- (c) Present address of father—

Name of the road/lane and house No., if any
Municipal Corporation/Municipality/Block
Borough No./Ward No./Gram Panchayat
Post Office..... Police Station.....
Sub-division.....District.....

(d) Duration of father's living at the present address

(e) Permanent address of the applicant's father--

Name of the road/lane and house No., if any
Municipal Corporation/Municipality/Block
Borough No./Ward No./Gram Panchayat
Post Office.....Police Station.....
Sub-division..... District.....

(f) Father's religion

3. If the applicant or his family has migrated to

West Bengal from any other State/Country, then
specify the name of that State/Country'

complete address there, and the date and manner
of migration.

4. Particulars of two referees (preferably from amongst paternal blood relations whose
declarations are to be furnished in Annexure II to these forms)--

(a) First referee:

Full name (in Block letters)
Profession.....Caste/Tribe to which belongs.....
Place of birth
Full address
Relationship with the applicant (if any)

(b) Second referee:

Full name (in Bengali or in Block letters in English)
Profession..... Caste/Tribe to which belongs.....
Place of birth
Complete address
Relationship with the applicant (if any)

Declaration by the applicant

I do solemnly declare that I am a citizen of India and that the particulars furnished in this
application are true to the best of my knowledge and belief. I shall be liable to such penal action
as provided for in law if any of these particulars is proved to be false.

.....
Signature/Left Thumb Impression of the applicant.

ANNEXURE II

Declaration by 1st Referee

To The Sub-divisional Officer/Additional District Magistrate,
.....

Sub: Scheduled Caste/Scheduled Tribe certificate.

Sir,

I hereby declare that Shri/Shrimati..... son/daughter/wife
of.....,
of (address)..... is personally
known to me.

Shri/Shrimati..... belongs
to..... (Name of Caste/Tribe) which is recognized as
Scheduled Caste/Scheduled Tribe for the State of West Bengal.

The applicant is my.....(relationship).

I have Scheduled caste/Scheduled Tribe certificate, an attested copy of which I submit herewith/I
do not have any Scheduled Caste/Scheduled Tribe certificate in my favour.

I accept the full legal responsibility in giving this declaration.

Date :.....

Yours faithfully,

Full Signature of the declarant.

Declaration by 2nd Referee

To
The Sub-divisional Officer/Additional District Magistrate,
.....

Sub: Scheduled Caste/Scheduled Tribe certificate.

Sir,

I hereby declare that Shri/Shrimati..... son/daughter/wife
of.....of (address).....
.....is personally known to me.

Shri/Shrimati.....belongs to.....
..... (Name of Caste/Tribe) which is recognized as Scheduled Caste/Scheduled
Tribe for the State of West Bengal.

The applicant is my.....(relationship).

I have Scheduled Caste/Scheduled Tribe certificate, an attested copy of which, I submit
herewith/I do not have any Scheduled Caste/Scheduled Tribe certificate in my favour.

I accept the full legal responsibility in giving this declaration.

Date:.....

Yours faithfully,

Full Signature of the declarant.

INSTRUCTIONS TO THE APPLICANT

1. In the case of a minor, the declarant shall be the father or if father is not alive, the mother and if neither of the parents are alive the legal guardian of such minor.
2. Three copies of recent passport size black and white photographs are to be submitted with application. One copy of these photographs shall be pasted on the application form and the other two copies separately attached.
3. An attested copy of Scheduled Caste/Scheduled Tribe certificate of paternal blood relation, if any, along with a certificate of relationship of the applicant with such paternal blood relation, where necessary, shall be submitted with the application.
4. Certificate of caste/tribe and permanent residence status of the applicant from the *Pradhan* of the concerned *Gram Panchayat*, *Chairman of the Municipality/notified area authority* and *Councillor of the Municipal Corporation*, as the case may be, are to be submitted with the application.

Note—Applicants are requested to obtain receipt of the application submitted by them.

FORM II
[See rule 7(2)]

Form of Caste Certificate

This is to certify that Shri/Shrimati/Kumari*
.....son/daughter* of.....of
village/town*.....in district/division*.....
of the Statebelongs to the.....
Caste/Tribe* which is recognised as a Scheduled Caste/Scheduled Tribe* under the Constitution
(Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribe) Order, 1950, as amended
by the scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956.

2. Shri/Shrimati/Kumari*and his/her* family ordinarily
reside(s) in village/town*.....of.....
district/division* of the State.....

Place:

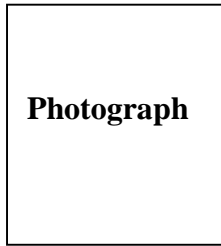
Signature.....

Date:

Designation.....

(with seal of office)

State.....



* Delete the words, which are not applicable.

Note: The expression "ordinarily resident" used here shall have the same meaning as in section 20 of the Representation of the People Act, 1950 (43 of 1950).

FORM IV
[See Rule 7D(7)(a)]

Form of Report of Enquiry
(To be addressed to the recommending authority)

To

.....
.....

Sub: Enquiry into the application of Sri.....
..... son /daughter/wife of.....
.....of.....(village)
.....Post office.....
.....Police station.....
District..... for Scheduled Caste/Scheduled
Tribe/Other Backward Class certificate.

Sir,

I am to report that I have enquired into the above application. During enquiry, I have examined the persons named below and the documents listed hereunder.

(1) Persons examined—

Sl. No.	Name	Father's/Husband's name	Address
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(2) Documents examined--

Sl. No.	Particulars of document	Points ascertained
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(3) There was *no objection to the application/*objections raised by following persons: --

Particulars of persons raising objection

Sl. No.	Name	Father's/Husband's name	Address
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Objection(s) was *held valid/*rejected for the following reasons. (*For cases where there is objection*).

*On completion of enquiry, I find that the applicant belongs to.....

* Strike out whichever is not applicable.

.....(name of caste/sub-caste/tribe/sub-tribe) and is eligible to have Scheduled Caste/Scheduled Tribe/ other Backward Class Certificate as prayed for.

Or,

On completion of enquiry, I find that the applicant does not belong to Scheduled Caste/Scheduled Tribe/Other Backward Class Category and, as such, is not eligible to have caste certificate as prayed for.

The enquiry was completed on.....

Place:

Signature and designation of
Enquiring Officer

Date:

By order of the Governor,
Sd /- **K. Jhala**
Principal Secy. to the Govt. of West Bengal.