

Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013

CHHATTISGARH

India

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Act 13 of 2013

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Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013(Act No. 13 of 2013)Last Updated 15th October, 2019[Dated 29.04.2013]An Act to protect the interest of persons belonging to the Scheduled Castes, the Scheduled Tribes and the Other Socially and Educationally Backward Classes of citizens in the State from those who fraudulently obtains false Social Status Certification, certifying that the person belongs to these sections of populations; and to provide for punishment for issuing and obtaining false Social Status Certification; and for matters connected therewith or incidental thereto.Be it enacted by the Chhattisgarh Legislature in the Sixty-fourth year of the Republic of India, as follows :-

Chapter I Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Chhattisgarh Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013.(2)It shall extend to the whole of the State of Chhattisgarh.(3)It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"Appellate Authority" means an officer or authority authorized by the State Government, by notification in the Official Gazette to hear as appeal as provided under Section 5 of this Act;(b)"Competent Authority" means an officer or authority designated by the Government, by notification in the Official Gazette, to issue a social status certificate, for such area or for such purposes as may be specified in the said notification and shall include all the Competent Authorities already designated by the Government before coming into force of this Act, having jurisdiction over the area or place to which the applicant originally belongs, unless otherwise specified;(c)"District Level Certificates Verification Committee" means the Committee constituted in a district under sub-section (1) of Section 6 of this Act, for the verification of Social Status Certificate issued to any person;(d)"Educational Institution" means any institution, by whatever name called, including university imparting education or training in any stream at any level and where question arises as to whether an institution is an educational institution, then the decision of the State Government in that regard shall be final;(e)"Government" means the Government of Chhattisgarh;(f)"High Power Certification Scrutiny Committee" means the Committee or Committees constituted under sub-section (1) of Section 7, for conducting enquiry into a social status certificate which is referred by the District Level Certificates Verification Committee or the State Government or any other authority for conducting enquiry, where such certificate is alleged to be wrongfully or fraudulently obtained;(g)"Local Authority" means in relation to local areas comprised within the jurisdiction of a Municipal Corporation, the concerned Municipal Corporation or in relation to any other local area in the State, the concerned Municipal Council, Nagar Panchayat, Janpad Panchayat or Village Panchayat, as the case may be, having jurisdiction over such local area;(h)"Other Backward Classes" in relation to the State of Chhattisgarh means other socially and educationally backward classes as have been or may be notified from time to time, by the State Government;(i)"Prescribed" means prescribed by the rules made under this Act;(j)"Public Appointment" means an appointment to a post under the State Government, the Central Government, Local Authority, any Company or Corporation, or any Undertaking, owned or controlled or substantially funded by the Government or any Institution aided by Government or Cooperative Society or Education Institution including a University;(k)"Reserved Post" means any post reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes or the Other Backward Classes, as the case may be, in respect of any Public Appointment;(l)"Reserved Seat" means any seat reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes or the Other Backward Classes, as the case may be, in respect of admission to any Educational Institution, or any seat reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes or the Other Backward Classes, as the case may be, in any statutory body whether filled by a process of election, by nomination or otherwise;(m)"Scheduled Castes" means the Scheduled Castes as specified in relation to the State of Chhattisgarh under Article 341 of the Constitution of India;(n)"Scheduled Tribes" means the Scheduled Tribes as specified in relation to the State of Chhattisgarh under Article 342 of the Constitution of India;(o)"Social Status Certificate" means the certificate issued by the Competent Authority to an applicant, indicating, therein, the name of Scheduled Castes or the Scheduled Tribes or other Backward Classes, as the case may be, to which such applicant belongs;(p)"State" means the State of Chhattisgarh.

Chapter II

Issue of Social Status Certificate

3. Application for issuance of Social Status Certificate.

- Any person belonging to a Scheduled Caste or a Scheduled Tribe or Other Backward Class may apply to the Competent Authority for issuance of a Social Status Certificate in such form and in such manner as may be prescribed.

4. Procedure for Issuance of Social States Certificate.

(1)The Competent Authority, may on receipt of an application under Section 3 and after making such inquiry as may be prescribed issue a Social Status Certificate :Provided that where the competent authority comes to a conclusion that there are sufficient reasons for rejecting the application for such certificate, it shall record the reasons of rejection in writing and inform the applicant accordingly.(2)A Social Status Certificate issued by the Competent Authority under sub-section (1) of this Section, shall be a document of permanent nature, the validity of which shall not be limited by time :Provided that duplicate copy of the Social Status Certificate may be issued by competent authority only when the applicant declares the loss of the original certificate.(3)Social Status Certification issued by an person, officer or authority other than the Competent Authority shall not be accepted for the purpose of any public employment, admission to an educational institution or for availing any benefit accruing to the Scheduled Castes or a Scheduled Tribes or Other Backward Classes.

5. Appeal.

(1)An applicant aggrieved by an order of the Competent Authority passed under Section 4, may within 30 days from the date of receipt of such order, file an appeal before the Appellate Authority :Provided that Appellate Authority may after recording sufficient reasons in writing, condone any delay caused, in filing of such appeal.(2)The Appellate Authority may, within a period of three months, after giving the applicant reasonable opportunity of being heard either confirm or set aside the order of the Competent Authority with such directions as it may deem appropriate.

Chapter III

Verification of Social Status Certificate

6. District Level Certificates verification Committee and its powers.

(1)There shall be a District Level Certificates Verification Committee with such composition as may be prescribed for verification of Social Status Certificate issued by the Competent Authority under Section 4, as may be notified by the State Government having jurisdiction over one or more districts.(2)A district Level Certificates Verification Committee shall on its own motion or on receipt

of any information or reference made to it, in regard to Social Status Certificate(s) issued by the competent Authority, verify such Certificate(s) in the manner as may be prescribed :Provided that the reference made to the District Level Certificates Verification Committee by an employer, an Educational Institution, a Local Authority, the Central Government or the State Government, as the case may be, for verification of Social Status Certificate(s), shall be in such form and in such manner as may be prescribed, and it shall be the duty of the District Certificates Verification Committee or report its findings to the employer, the Educational Institution, the Local Authority, the Central Government or the State Government, as the case may be, within a period of one month from the date of receipt of the reference.(3)Where there is prima-facie reason to believe that the Social Status Certificate(s) have been wrongfully or fraudulently obtained, the District Level Certificates Verification Committee shall refer all information and relevant documents along with record of its findings to the High Power Certification Scrutiny Committee :Provided that where the District Level Certificates Verification Committee arrives at an adverse finding, it shall not refer the case to High Power Certification Scrutiny Committee unless a reasonable opportunity of being heard is given to the person, whose Social Status Certificate is disputed.(4)The District Level Certificates Verification Committee shall follow such procedure for verification of Social Status Certificates and adhere to such time limit for reference to the High Power Certification Scrutiny Committee under sub-section (3) of this Section, as may be prescribed.

7. High Power Certification Scrutiny Committee.

(1)The State Government shall constitute, by notification in the Official Gazette, one or more High Power Certification Scrutiny Committee or Committees, for conducting enquiry into Social Status Certificate(s) referred to it by District Level Certificates Verification Committee under Section 6 or by the State Government, and it shall be the duty of the High Power Certification Scrutiny Committee to examine the report of the District Level Certificates Verification Committee and to proceed in this matter as prescribed under Chapter IV of this Act.(2)The High Power Certification Scrutiny Committee shall follow such procedure as may be prescribed :Provided that where the High Power Certification Scrutiny Committee decides to arrive at an adverse finding, it shall not do so unless a reasonable opportunity of being heard is given to the person whose Social Status Certificate is disputed.

Chapter IV

Cancellation and Confiscation of False Social Status Certificate

8. Cancellation and confiscation of false Social Status Certificate.

(1)If after enquiry under Section 7 of this Act, High Power Certification Scrutiny Committee is of the opinion that, the social status certificate was obtained wrongfully or fraudulently, it shall, by an order in writing, cancel and confiscate the certificate by following such procedure as may be prescribed.(2)The order passed by the High Power Certification Scrutiny Committee under this Act, shall be final and conclusive subject to the proceedings under Article 226 of the Constitution of India only.

9. Benefits secured on the basis of false Social Status Certificate to be withdrawn.

(1)Whoever, secures admission against a reserved seat or secures public appointment against a reserved post meant for such Castes, Tribes or Classes by producing a Social Status Certificate obtained wrongfully or fraudulently, shall on cancellation of such certificate be liable to be restituted from the educational institution or dismissed from the public employment, as the case may be, forthwith or be denied any other benefit or advantage enjoyed by virtue of such admission or appointment.(2)Whoever, takes advantage of any benefit or facility under any welfare scheme, by way of cash, kind or service or special treatment intended for the Scheduled Castes, the Scheduled Tribes or the Other Backward Classes, by producing a Social Status Certificate obtained wrongfully or fraudulently, shall on cancellation of such certificate under Section 8, be liable to be debarred from enjoying such benefit or special treatment, as the case may be.(3)Any financial benefit by way of scholarship, grant, allowance or any other form enjoyed by person(s) on the basis of a Social Status Certificate, which is cancelled under Section 8, shall be recovered from such person(s) as arrears of land revenue.(4)Notwithstanding anything contained in any Act of State Legislature for the time being in force, Degree, Diploma, Certificate or any other educational qualification acquired by a person by obtaining admission against a reserved seat in any educational institution, on the basis of Social Status Certificate, which is cancelled under Section 8, shall be deemed to have been cancelled and never been awarded.(5)Notwithstanding anything contained in any Act of State Legislature for the time being in force, whoever, is elected to a reserved seat under a local authority or a cooperative society or any other statutory body or institution on the basis of a social Status Certificate, which is cancelled under Section 8, shall stand disqualified from being a member of such local authority or a co-operative society or any other statutory body or institution from the date of cancellation of such Social Status Certificate and such reserved seat shall be deemed to have fallen vacant forthwith.

Chapter V

Offences and Penalties

10. Offences and Penalties.

(1)Where a Social Certificate has been cancelled under Section 8, the person obtaining such Certificate shall be punished with rigorous imprisonment for a term, which shall not be less than three months but which may extend to two years and with fine, which shall not be less than two thousand rupees and which may extend to twenty thousand rupees.(2)No court shall take cognizance of an offence punishable under this section except upon a complaint, in writing, made by the High Power Certification Scrutiny Committee or on its behalf by any person so authorized by the High Power Certification Scrutiny Committee for this purpose.

11. Offences under the Act to be cognizable and non-bailable.

- Notwithstanding anything contained in the Code of Criminal Procedure, 1973, offences punishable under Section 10 of this Act shall be cognizable, non-bailable and may be tried summarily.

12. Penalty for issuing false social status certificate.

(1) Any person or authority, performing the functions of Competent Authority under this Act, who intentionally issues a false Social Status Certificate, shall be punished with rigorous imprisonment for a term which shall not be less than three months but which may extend to two years and with fine which shall not be less than two thousand rupees and which may extend to twenty thousand rupees; Provided that where a Social Status Certificate has been issued by a Competent Authority, on the basis of an affidavit testifying the social status of an applicant for such certificate and after enquiring in the manner prescribed under Section 4, after observing due diligence, the competent Authority shall not be deemed to have intentionally issued a false Social Status Certificate. (2) No court shall take cognizance of an offence punishable under this Section, except with the previous sanction of the Government.

13. Abetment of offence.

- Whoever, abets any offence punishable under this Act, shall be punished with the punishment provided for such offence in this Act.

Chapter VI

Miscellaneous

14. Burden of proof.

- Where an application is made to the Competent Authority under Section 3 of this Act, for the issuance of a Social Status Certificate or in any inquiry conducted by the Competent Authority, District Level Certificates Verification Committee and High Power Certificate Scrutiny Committee under this Act or in any trial of offence under this Act, the burden of proving the social status in respect of such Caste, Tribe or Class, as the case may be, shall be on such applicant.

15. Authorities under the Act to exercise powers of Civil Court.

- The Competent Authority, Appellate Authority, District Level Certificate Verification Committee and the High Power Certificate Scrutiny Committee shall, while holding an enquiry under this Act, have the powers of a Civil Court under the Code of Civil Procedure, 1908 and particularly in respect of the following matters, namely :- (a) summoning and enforcing the attendance of any witness and examining him on oath; (b) the discovery and production of any document; (c) receiving evidence on affidavits; (d) the requisitioning any public record or document or copy of such record or document

from any office;(e)issuing commissions for the examination of witnesses or documents; and(f)such other matters as may be prescribed.

16. Bar of Jurisdiction of Civil Courts.

- No civil court shall have jurisdiction to entertain, to continue or to decide any suit or proceeding or shall pass any decree or order or execute wholly or partly any decree or order, if the claim involved in such suit or proceeding, or the passing of such decree or order or such execution would, in any way, be contrary to the provisions of the Act.

17. Protection for acts done in goods faith.

- No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done in pursuance of this Act or the rules made thereunder.

18. Act to be in addition to and not in derogation of any other law.

- The provisions of this Act shall be in addition to, and not in derogation of any other law for the time being in force.

19. Power to make rules.

(1)The Government may, by notification in the Official Gazette, make rules to carryout all or any of the purposes of this Act.(2)Every rule made under this Act shall be laid, as soon as after it is made, before the State Legislature when it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session in which the said period expires, the Legislative Assembly adopts a resolution that such a rule should not be made or that any modification be made therein, the rule shall thereafter be of no effect or have effect only in the modified form, as the case may be :Provided that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

20. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty :Provided that no such order shall be made under this Section after the expiry of a period of two years from the date of commencement of this Act.(2)Every order made under this Section shall be laid, as soon as after it is made, before the State Legislature.