

The Orissa Caste Certificate (for Scheduled Castes and Scheduled Tribes) Rules, 1980

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Rule

THE-ORISSA-CASTE-CERTIFICATE-FOR-SCHEDULED-CASTES-AND- of 1980

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The Orissa Caste Certificate (for Scheduled Castes and Scheduled Tribes) Rules, 1980 Published vide Notification No. 38403/2.12.1980, H. and T.W. Department

1. Short title, extent and, commencement.

(1) These Rules may be called "The Orissa Caste Certificate (for Scheduled Castes and Scheduled Tribes) Rules, 1980". (2) They shall come into force at once.

2. Definition.

- In these unless the context otherwise requires-(a) "Scheduled Castes" shall have reference to the Scheduled Castes specified in the Constitution (Scheduled Castes) Orders, 1950 made under Article 341 of the Constitution of India and as amended from time to time; (b) "Scheduled Tribes" shall have reference to the Scheduled Tribes specified in the Constitution (Scheduled Tribes) Orders, 1950 made under Article 342 of the Constitution of India and as amended from time to time; (c) "Forms" means the forms set out in the appendix to these Rules; (d) "Appointing authority" in relation to a service or post in an establishment means the authority empowered to make appointment to such service or post; (e) "Establishment" means any office of the State Government, a local or statutory authority constituted under any State Act for the time being in force or a Corporation in which not less than 51 per cent of the paid up share capital is held by the State Government and includes Universities, Colleges affiliated to the Universities, Primary and Secondary Schools and also other educational institutions which are owned and aided by the State Government and also includes an

establishment in Public Sector;(f)"Establishment in Public Sector" means any Industry, trade, business or occupation owned, controlled and managed by-(i)the State Government or any Department of the State Government;(ii)a Government company as defined under Section 617 of the Companies Act, 1966 or a Corporation established by or under a Central or State Act, in which not less than 51 per cent of paid up share capital is hold by the State Government.(iii)a local or statutory authority constituted under any State Act for the time being in force-(g)"State" means the State of Orissa.

3. Applicability.

- A certificate issued by the competent authority under these Rules shall be accepted by the appointing authorities in relation to a service or post in an establishment.

4. Verification of caste.

- Where a person claims to belong to Scheduled Caste or Scheduled Tribe it should be verified-(1)that the person and his parents actually belong to the community claimed;(2)that the community is included in the Presidential order specifying the Scheduled Castes and Scheduled Tribes in relation to the State of Orissa;(3)that the person belongs is the State of Orissa and to the area in respect of which the community has been scheduled;(4)if a person claims to be a Scheduled Caste, he should profess either the Hindu or Sikh religion;(5)if a person claims to be a Scheduled Tribe, he may profess any religion.

5.

In order that certificates are issued to the deserving persons, it is necessary that proper verification based primarily on revenue records and if need be, through reliable enquires, is made before issue of certificates :[Provided that in case of doubt of the competent authority about the case of the person, the competent authority may conduct local enquiry and take appropriate steps to issue caste certificate without delay within the prescribed time, i.e. within 30 days from receipt of the application] [Substituted vide Orissa Gazette Extraordinary No.1106/10.8.1992.],

6. Competent authority.

- The following shall be the competent authority for the purpose of issue of caste certificates under these rules within their respective jurisdictions.(1)District Magistrate/Collector;(2)Additional District Magistrate;(3)Sub-divisional Magistrate/Sub-divisional Officer;(4)Executive Magistrates;(5)Revenue Officers not below the rank of Tahasildar/Additional Tahasildar.(6)[All O.A.S., B.D.Os.] [Substituted vide Orissa Gazette Extraordinary No.1106/10.8.1992.]

7. Recommendatory Authority.

- The following authorities for the purpose of these Rules may recommend to the competent authority for issue of caste certificates to the persons belonging to Scheduled Castes and Scheduled Tribes in the State of Orissa : (1) The Sarpanch of the Grama Panchayat in respect of persons residing within the jurisdiction of the Grama Panchayat concerned. [1(a) Chairman of the Municipality/Notified Area Council and Mayor of Municipal Corporation.] [Inserted vide Orissa Gazette Extraordinary No.1714 dated 5.12.2006.] (2) Members of the Orissa Legislative Assembly in respect of persons belonging to their constituencies. (3) Members of Parliament from Orissa in respect of their constituencies: Provided that the competent authority may issue caste certificates on the basis of the recommendation of the recommendatory authority. He may, however, cause such verification or enquiries as may be necessary for the purpose of his own satisfaction.

8. Miscellaneous.

(1) The competent authority shall issue caste certificate in the form prescribed in Appendix I of these Rules. (2) If after issue of caste certificate in any particular case, subsequent verification reveals that the candidate's claim was false, the competent authority who issued the certificate shall have the right to cancel the same and pass orders for revocation of the benefits that might have acquired by the person concerned. (3) Any person securing an appointment in any office or in an establishment on the basis of a false claim regarding his caste, shall be liable for termination from service. (4) The competent authority before whom an application is made for issue of caste certificate for the purpose of securing an employment under the State, shall ensure disposal of such application within a period of one month. 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 violation of the time limit. (5) If any competent authority is found to have issued a wrong caste certificate carelessly or deliberately without proper verification, he shall make himself liable for his acts of commission and omission under relevant provision of the I.P.C. and also under the appropriate disciplinary rules applicable to him. [Cases where caste certificate should not be insisted upon-] [Inserted vide Orissa Gazette Extraordinary No. 1106/10.8.1992.]

8A.

(1) Admission of SC/ST children up to Class VII and related facilities shall be allowed on the recommendation of public representatives such as Sarpanchs, elected members of the Panchayat Samities, Chairpersons of Panchayat Samities, M. L. As. and M. Ps., D. W. Os. and A. D. W. Os. within their respective jurisdiction without insisting upon regular caste certificates issued by competent authorities under Rule 6. (2) Regular caste certificate or in case of its non-availability recommendation from the M.L.A. or M.P. of the area only, shall be compulsory for admission and availing related facilities after Class VII (Pre-matric stages from Class-VIII to Class-X and Post-matric Classes). However benefits of reservation in posts and services without regular caste certificate from the competent authority shall not be admissible. (3) The Welfare Extension Officers shall be responsible for arranging issuance of caste certificates by the Competent Authorities in

favour of the students who have got admission and related facilities up to Class-VII on the recommendation as per provision of Sub-rule (1) before they pass out from Class VII.)

9.

Any person aggrieved by an order passed by a competent authority subordinate to that of District Magistrate/Collector may prefer an appeal before the District Magistrate/Collector concerned and to the concerned Revenue Divisional Commissioner where the original order is passed by the District Magistrate/Collector, within a period of 30 days of passing of such orders. The orders passed by the District Magistrate or the Revenue Divisional Commissioner on such appeal/petition shall be final.

10. Repeal.

- These rules supersedes all previous instructions on the subject. Annexure I Form of Caste Certificate This is to certify that Shri/Smt./Kumari..... Son/daughter of..... Village/town..... in the district..... of the State belongs to the..... Caste/Tribe* which is, recognised as a Scheduled Caste/Scheduled Tribe or under the Constitution (Scheduled Castes) Order, 1950 or as amended by the Scheduled Castes and Scheduled Tribes (Amendment) Orders Act, 1976.

2. Shri/Shrimati..... and his/her* family ordinarily reside (a) in village/town..... of..... District of the State of.....

Place..... Signature.....

Date..... Designation.....

(with seal of Office)

* Please delete the words which are not applicable. Note-The term "ordinarily resides" used here will have the same meaning as in Section 20 of the Representation of the Peoples Act, 1950. Proforma Year.....

Sl. No.	Name and father's name of the person	Permanent address	Designation of the Certificate issuing authority	Case No. and date of issue of certificate	Date of receipt of the copy of certificate from the certificate issuing authority	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)