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Calcutta



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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
SCHEDULED CASTES & TRIBES WELFARE DEPARTMENT
Writers' Buildings, Calcutta-700 001

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:—

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 Ben. Act XXXVIII of 1994);
 - (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;
 - (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 mis-representing any fact etc.**—The certificate issuing authority shall file a complaint against any person who—

- (a) knowingly furnishes any false information, or
- (b) knowingly mis-represents 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.

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

By order of the Governor,

U. K. RAY,
Secy. to the Govt. of West Bengal.