

CHAPTER—IV
Administrative arrangements to implement laws of Reservation

4(a)

Declaration of District Magistrates as District Reservation Commissioners

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

No. 1204-TW/EC/MR—242/95

Calcutta, the 7th December, 1995.

NOTIFICATION*

In exercise of the power conferred by sub-section (1) of section 6B of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (West Ben. Act XXVII of 1976), the Governor is pleased hereby to appoint the District Magistrate of the respective district of West Bengal to be the District Commissioner for Reservation for that district.

By order of the Governor,
N. KRISHNAMURTI
Chief Secy. to the Govt. of West Bengal

4(b)

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

No. 1979-T.W.

Calcutta, the 1st November, 1989.

NOTIFICATION*

The Governor is pleased to constitute an administrative set-up under the Scheduled Castes and Tribes Welfare Department, Government of West Bengal which will act as a watch-dog machinery to ensure proper implementation of the provisions of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 and the rules framed there under and also the provision of reservation for the members of Scheduled Castes and Scheduled Tribes in spheres other than employment.

2. Administrative set-up at the State level:

* Published in the Calcutta Gazette, Extraordinary, dated December 7th, 1995

- (a) There shall be a Cell styled as 'State Reservation Cell' in the Secretariat of the Scheduled Castes and Tribes Welfare Department.
- (b) The Cell shall function under the direct control, supervision and guidance of the Chief Secretary of the State.
- (c) The Secretary of the Scheduled Castes and Tribes Welfare Department shall function as Special Commissioner for Reservation in *ex-officio* capacity.
- (d) There shall be full time officers in the rank of (i) Jt. Commissioner for Reservation and *ex-officio* Joint Secretary, (ii) Assistant Commissioner for Reservation and *ex-officio* Assistant Secretary, (iii) Officer on Special Duty and (iv) a team of Inspectors, Scheduled Castes and Tribes Welfare.

The officers mentioned above shall be assisted in due discharge of their duties by such other officers and staff as may be available of their disposal.

3. Administrative set-up at the District level:

- (a) There shall be a similar Cell styled as 'District Reservation Cell' in each District.
- (b) The Cell shall be placed under the direct control, guidance and supervision of the District Magistrate who will act as the "District Commissioner for Reservation" in *ex-officio* capacity.
- (c) The District Commissioner for Reservation shall be assisted in due discharge of his duties by one or more Inspectors, Scheduled Castes and Tribes Welfare and such other officers and staff as may be available at his disposal.

4. Function of the State Reservation Cell:

- (a) To ensure proper observance of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 and the rules framed there under by all appointing authorities concerned.
- (b) To ensure due compliance with various orders/instructions etc. issued by different Departments/Offices/Establishments in the State in connection with reservation for members of Scheduled Castes and Scheduled Tribes in spheres other than reservation in employment by all concerned authorities in the State.
- (c) To inspect and examine records/registers/rosters of vacancies in all concerned offices/establishments by the officers mentioned in sub-para (b), (c) and (d) of para 2 for ensuring proper observance of the provision of reservation etc. for the members of the Scheduled Castes and Scheduled Tribes in the sphere of employment and in other spheres also.
- (d) To liaise with the Liaison Officers of different Departments/Offices/ Establishments concerned to ensure proper observance of the Statutory Provision of reservation by all concerned appointing authorities in the State.
- (e) To collect annual returns on the (i) representation of Scheduled Castes and Scheduled Tribes in services and posts under the concerned Department/Offices/Establishments, (ii) To collect relevant data on reservation for Scheduled Castes/Scheduled Tribes in spheres other than employment from concerned authorities.
- (f) To advise and instruct the "District Reservation Cells" in due discharge of their functions in connection with reservation.

- (g) To receive complaints about any non-compliance with the provision of reservation by any concerned authority and to take appropriate remedial actions thereupon after necessary examination/enquiry/investigation.

5. Functions of the District Reservation Cell:

- (a) To ensure proper observance of the provisions of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 and the rules framed there under by all the concerned appointing authorities in the District.
- (b) To ensure due compliance with various orders/instructions etc. issued by different Departments/Offices/Establishments in the State in connection with reservation for Scheduled Castes and Scheduled Tribes in spheres other than reservation in employment by all concerned authorities in the Districts.
- (c) To inspect and examine Records/Registers/Rosters of Vacancies in all concerned Offices/Establishments by (i) the District Commissioner for Reservation, (ii) Inspector, Scheduled Castes and Tribes Welfare and (iii) any other officer as may be authorised by the District Commissioner for Reservation in the District for ensuring proper observance of the provision of reservation for Scheduled Castes and Scheduled Tribes in employment and also in other spheres by all the concerned appointing authorities/implementing authorities in the District.
- (d) To liaise with the Liaison Officers of different offices/establishments concerned to ensure proper observance of the statutory provision of reservation of all concerned appointing authorities in the district.
- (e) To collect annual returns on the representation of the Scheduled Castes and Scheduled Tribes in services and posts under the concerned offices/establishments from the concerned appointing authorities in the District.
- (f) To collect relevant data on reservation for Scheduled Castes and Scheduled Tribes in spheres other than employment from concerned authorities in the District.
- (g) To solicit necessary instructions and guidance from the “State Reservation Cell” in connection with the due discharge of the duties assigned to the District Reservation Cell.
- (h) To send regular reports/information as may be asked, by the “State Reservation Cell” in connection with reservation matters concerning the District.
- (i) To receive complaints about any non-compliance with reservation provision by any concerned authority in the district and to take appropriate remedial actions thereupon after necessary examination/enquiry/investigation.

The relevant provisions of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Rules, 1976 shall accordingly be amended in due course.

By order of the Governor.

A.K. Maity,
Deputy Secretary.

4(c)

GOVERNMENT OF WEST BENGAL
SCHEDULED CASTES & TRIBES WELFARE DEPARTMENT
Writers' Buildings

No. 126(55)-TW/EC

Dated Calcutta, the 2nd March, 1993

From: Sri K. K. Naskar IAS
Secretary to the Government of West Bengal

To: The Secretary
.....Deptt.
Govt. of West Bengal

Sub :-- Implementation of the decision of the Standing
Committee of the Cabinet for the welfare of the Scheduled
Castes and Scheduled Tribes

Sir,

In the first meeting of the Standing Committee of the Cabinet for the welfare of the Sch. Castes and Sch. Tribes held on 8.9.1992, it was decided, inter-alia, that a nominee of this Department may be included in the Selection Committees, Interview Boards and Commissions etc so as to make it more representative.

In view of the above decision, it is requested that while forming any Selection Committee/Interview Board/Commission in order to select candidates for Employment/Training etc., the concerned authority may send up a proposal to this Deptt. for nomination of an officer of this Department to act as a member on such Selection Committee/Interview Board/Commission.

This may be brought to the notice of all concerned under the administrative control of your Department.

It is requested that action taken may kindly be intimated to this Department at the earliest convenience.

Yours faithfully,
Sd/ **K. K. Naskar**
Secretary to the Govt. of West Bengal
SC & TW department

4(d)

GOVERNMENT OF WEST BENGAL
Scheduled Castes and Tribes Welfare Department
Writers' Buildings

No. 225(55)-TW/EC

Calcutta, the 11th May, 1994

From: Sri K. Sathiavasan, IAS,
Joint Commissioner for Reservation &
ex-officio Joint Secretary,

To: The Secretary to the Govt. Of West Bengal,
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Sub: Nomination of the Liaison Officers (Reservation Act) of the respective departments to act as members of the Selection Board/Interview Board etc.

Sir,

In modification of the decision contained in this Department's letter No. 126(55)-TW/EC/CR-1/91 dt. 2.3.93, I am directed to say that the Liaison Officers (Reservation) for SC/ST of the respective Departments would be treated as the representatives of this department and will be the ex-officio member of all Selection Boards, Interview Boards of the Department and the Directorates, Undertakings, Boards and other autonomous organisations under the respective departments. It is no longer necessary for the departments to approach this department individually for each case for the nomination of member from SC & TW Department.

This may be circulated to all concerned under the administrative control of your department.

Yours Faithfully,
Sd/ **K. Sathiavasan**
Jt. Commissioner for Reservation
& Ex-officio Jt. Secy

GOVERNMENT OF WEST BENGAL
Scheduled Castes and Tribes Welfare Department
Writers' Buildings.

No. 837-TW/EC

Calcutta, the 12th September 1990**MEMORANDUM**

Notwithstanding any thing contained otherwise in any Memorandum, Orders, Notifications etc. issued earlier, the undersigned is directed to say that the authorities as specified in Column 2 below shall be competent to issue Scheduled Caste/Scheduled Tribe certificate for the purpose of admission of Scheduled Caste and Scheduled Tribe Students in respective educational courses as specified under Column 1.

Name of the Course (1)	Name of the authorities (2)
<p>A. For admission to Schools and Colleges (up to Degree Course both pass and Honours) <u>except</u> post-metric Vocational, Technical, Engineering and Professional degree/diploma/certificate courses.</p>	<p>A(i) District Magistrate, Collector, Addl. District Magistrate, Deputy Collector, Sub-Divisional Officer, Sub-Divisional Magistrate, Executive Magistrate, 1st Class Stipendiary Magistrate, Chief Metropolitan Magistrate, Calcutta, Addl. Chief Metropolitan Magistrate, Calcutta, Metropolitan Magistrate, Calcutta and Collector of Stamp Revenue and Deputy Collector of Land Revenue, Calcutta within their respective jurisdictions in case of candidates claiming to be Scheduled Caste or Scheduled Tribe and ordinarily residing within such jurisdictions;</p> <p>A(ii) Director, Scheduled Castes & Tribes Welfare, West Bengal and Deputy Director, Scheduled Castes & Tribes Welfare, West Bengal in case of candidates claiming to be Scheduled Caste or Scheduled Tribe residing in any part of West Bengal;</p> <p>A(iii) A Member of Parliament, A Member of State Legislature, A Member of Zilla Parishad, A Councillor of Municipal Corporation, A Commissioner of Municipality and Any Group 'A' Officer of the State Govt., * <i>Mayors of Corporations.</i> and</p> <p>A(iv) A Councillor of Darjeeling Gorkha Hill Council for candidates claiming to be Scheduled Caste or Scheduled Tribe and ordinarily residing within the jurisdiction of the Darjeeling Gorkha Hill Council.</p>

* Inserted vide Memorandum No. 78-BCW/RC dated 24th Feb, 1999

B. For admission to all post-metric , Vocational, Engineering, Technical and Professional degree/diploma/certificate courses and all post-graduate courses.

B. Authorities as specified in A(i) and A(ii) overleaf.

This cancels this Department's Memo No. 820-TW/EC dt. 31.8.1990

Sd/ **P. Chaudhuri**
Secretary to the Govt. of West Bengal



GOVERNMENT OF WEST BENGAL
Scheduled Castes and Tribes Welfare Department
Writers' Buildings

No. 280(3600)-TW/EC
April, 1995

Calcutta, the 17th

From: Dr. U. K. Roy
Secretary to the Govt. of West Bengal

To: 1) The Pradhan,Gram Panchayat
2) The Chairman,.....Municipality/Notified Area
Authority
3) The Councillor,.....Municipal Corporation,

Subject: Certificate regarding Caste/Tribe status and permanent residence of a person.

It has come to the notice of Government that Pradhans of Gram Panchayat, Chairman of Municipalities/Notified Area Authorities and Councillors of Municipal Corporation issue certificates to the Scheduled Castes and Scheduled Tribes people stating simply that the person belongs to SC and ST and resides within the jurisdiction of the Gram Panchayat, Municipality/Notified Area and Municipal Corporation. This type of certificate does not help proper verification of Caste/Tribe status and the permanent of a person applying for a Caste/Tribe Certificate.

Hence it is requested whenever Pradhan/Chairman/Councillor issues the certificate in favour of any person regarding his/her Caste/Tribe status and permanent residence, he shall specifically mention that the person or his/her father/grandfather/great grandfather or any other predecessor has been living in any

particular area or areas since 1950 and that the person and his/ her predecessors belong to any of the communities mentioned in the list of Scheduled Castes/Scheduled Tribes in relation to West Bengal (list of SC & ST enclosed)

It may further be mentioned that unless these points are specifically mentioned such certificate will not carry any value for verification of the Caste/Tribe status and permanent residence of the person concerned while issuing a SC/ST certificate.

Sd/ **U. K. Roy**
Secretary

4(g)

GOVERNMENT OF WEST BENGAL
SCHEDULED CASTES AND TRIBES WELFARE DEPARTMENT
Writers' Buildings, Calcutta - 1

No. 360(102)-TW/MC

Dated, the 4th October, 86.

Subject:- Grant of duplicate/fresh Caste Certificates in case of loss or damage of the original Caste Certificate – procedure to be followed instructions regarding.

A question has arisen as to whether in the event of loss or damage of the original Scheduled Caste or Scheduled Tribe Certificate, the holder of the certificate should be granted a fresh certificate or a duplicate one by the authority concerned and what should be the procedure for the grant of such a certificate.

The matter has been duly considered by the Government and it has been decided that in such cases, the following procedure should be adopted: -

1. If records relating to the grant of the original certificate are not available with the authority who had granted it, a fresh enquiry should be held by the issuing authority as if the case is one of granting a new certificate. If findings of the enquiry are satisfactory, *a fresh certificate* should be issued.
2. Where records relating to the grant of the original certificate are available with the authority who had granted it, a duplicate caste certificate should be granted, unless it appears on re-examination of the previous records that earlier original certificate was granted by mistake or on misrepresentation of facts or on the basis of incomplete evidences. In such cases, fresh enquiry should be held to determine the applicant's eligibility or otherwise for caste certificate.

Sd/ **V.P.Ramachandran**
Secretary