

Government of West Bengal
Backward Classes Welfare Department
Administrative Building of SDO, Bidhannagar
DJ-4, Sector- II, Salt Lake City, Kolkata – 700091
Website: www.anagrasarkalyan.gov.in

M E M O R A N D U M

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Updated Guidelines for issuance of SC/ST Certificates

Guidelines for issuance of SC/ST Certificates were issued vide Memo No. 1465-BCW/MR-67/10 dated 30/04/2015. Since then there have been a number of modifications/changes in the relevant Act and Rules necessitating modification of such guidelines.

Therefore, in supersession of the previous guidelines issued in this respect and in compilation and amplification of the provisions of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 and the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995 (hereinafter referred to as the said Act and the said Rules) as amended up-to-date for issuance of Caste Certificates to the persons belonging to Scheduled Castes and Scheduled Tribes, the Governor is pleased to issue the following guidelines for receipt and disposal of applications for issuance of SC/ST Certificates.

1. **Nomenclature:** Caste Identification Certificate issued to a Scheduled Caste or a Scheduled Tribe person is popularly called as Caste Certificate. A format of Caste Certificate is appended to these guidelines.
2. **Certificate Issuing Authority:** As per Section 5 of the said Act, the Sub Divisional Officer of a Sub-Division in a District is certificate issuing authority. In Kolkata such certificate is issued by such an officer as the State Government by modification authorizes. Accordingly, the District Welfare Officer, Kolkata and Ex-officio Joint Director, BCW has been notified to act as the certificate issuing authority in respect of Kolkata covering the jurisdiction of the Kolkata Municipal Corporation.
3. **Recommending Authority:** In a Block area, Block Development Officer is the Recommending Authority in respect of issuance of certificate. In Municipal areas, a Deputy Magistrate under a Sub-Division acts as Recommending Authority. In Kolkata, Backward Classes Welfare Officer, Kolkata acts as Recommending Authority. Backward Classes Inspectors or any other Officer of the same rank acts as enquiring officer in respect of issuance of caste certificate.
4. **Entitlement:**
 - a. Any person belonging to any of the castes or tribes specified in the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950 pertaining to the State of West Bengal may be identified to be a member of the Scheduled Castes or Scheduled Tribes.
 - b. There is no age restriction for being eligible to apply for caste certificate. So no age proof for this purpose is necessary.
 - c. Scheduled Tribe persons may belong to any religion, but a Scheduled Caste person must belong to Hindu, Sikh or Buddhist Religion.

- d. A person who was not a SC/ST by birth will not be deemed to be a member of a SC/ST merely because he or she has married a person belonging to SC/ST. Similarly, a person who is a member of a SC/ST would continue to be a member of that SC/ST even after his or her marriage with a person who does not belong to SC/ST. In fine, a SC/ST person by birth continues to be so till his/her death.
5. **Application:** Application for issuance of Caste Certificate can be filed online in the website address at www.castcertificatewb.gov.in. When an application is made online, the applicant gets an acknowledgement with a receipt number and with information as to the steps to be taken by him to obtain the certificate. After filing the application, the applicant will have to download a copy of the filled in application along with the acknowledgement and then submit the filled in application duly signed along with the documents, if any, in support of his claim on the 2nd and 4th Wednesdays of a month within 60 days from the date of filing of his online application. The applicant will have to upload his current passport size photograph at the time of filing the application. On the date of his appearance at the concerned Block/Sub-Division Office he will have to bring originals as well as copies of his documents for verification by the officials. Self attested copies of all the documents, excepting attested copies of permanent residential status prior to the cut-off date (10/08/1950 in case of Scheduled Caste and since 06/09/1950 in case of Scheduled Tribes) for each application as required will be accepted subject to verification with the originals.
6. **Intimation under Right to Public Services Act:** As issuance of Caste Certificate has been brought under the purview of the West Bengal Right to Public Services Act, 2013, (WBRTPSA 2013) a receipt in form 1 will also be given to the applicant on submission of the physical copy of the application along with the documents. (Form 1 will be issued subject to Rule 5, WB RTPS Rules 2013).
7. **Requirements for obtaining a Caste Certificate:** In order to obtain a Caste Certificate for Scheduled Castes and Scheduled Tribes an applicant has to fulfill the following criteria:
- a) The applicant must be a citizen of India.
 - b) He has to be a permanent resident of West Bengal since 10.08.1950 in case of Scheduled Caste and since 06.09.1950 in case of Scheduled Tribes.
 - c) He is an ordinary resident at the address currently residing.
 - d) He belongs to the said caste/tribe he claims to belong to.
 - e) Proof of identity.
- The online application covers all such points and allows the applicant to submit documents / evidence in support of his claim.
8. **Eligibility Criteria (Criteria in details):**
- a) For Citizenship : Citizenship of an applicant may be ascertained from any of the following documents:
 - i) Citizenship Certificate.
 - ii) Voter Identity Card of self or parent(s) (EPIC).
 - iii) Authenticated Voter List of self or parent(s).
 - iv) Permanent Account Number (PAN) Card of self or parent(s).
 - v) Birth Certificate from Competent Authority.

- vi) Caste Certificate of father / Caste Certificates of persons having direct blood relations with the applicant from paternal side.
- vii) Any Govt. Document proving citizenship.

Note: Validity and veracity of any of these documents can only be questioned only when there is valid reason to believe that such document might have been procured through misrepresentation of facts.

b) Permanent residence : Permanent residence of an applicant may be ascertained from any of the following documents:

- i) Land deed or land tax receipt.
- ii) Voter List proving residence since 1950.
- iii) Birth Certificate proving residence since 1950.
- iv) Ration Card proving residence since 1950.
- v) Caste Certificate of parent(s).
- vi) Any Govt. Document proving permanent residence since 1950.

Note: Normally a person with authentic documents can be accepted as a permanent resident of West Bengal if no contrary evidence is available.

c) For local residence : One of the following documents may be accepted

- i) Land deed or land tax receipt.
- ii) Voter Identity Card of self or parent(s).
- iii) Certificate from Competent Authority.
- iv) Caste Certificate of parent(s).
- v) Birth Certificate.
- vi) Ration Card.
- vii) Rent receipt.
- viii) Pass Book of a Nationalized Bank, Gramin Bank, Post office or Co-operative Bank.
- ix) BPL Card.
- x) Any Govt. Document proving local residence.

d) Caste identity : One of the following documents may be accepted:-

- i) Caste certificate of any relatives having blood relation with the applicant from paternal side and proof of such relation (genealogical tree/ chart)
- ii) Copy of old land deed (prior to 1950) specifying community name in that document
- iii) Any Govt. Document proving Caste identity.

e) For identity : One of the following documents may be accepted:-

- i) Admit Card
- ii) EPIC
- iii) PAN Card
- iv) Birth Certificate from Competent Authority
- v) Identity Card by Employer /Educational Institution
- vi) Pass Book of Bank Account
- vii) BPL Card.
- viii) Any Govt. Document proving identity

Note 1: In the lists above, certificate from Proadhan, Chairman of Municipality or Councilor of Municipal Corporation, MLA, MP etc. has not been included. In case of non-availability of certificates/documents as mentioned at 8 (a) to (e), any of these certificates together with reports of enquiry and hearing are to be taken into consideration for determination of eligibility.

Note 2: It is to be mentioned here that the applicant has the right to apply even without any documentary proof in support of his claim and no application shall be rejected merely on the ground of non-availability of documentary evidences about caste identity, residence or citizenship. In such cases, certificates from the Proadhan of the local Gram Panchayat, Chairman of the local Municipality or the local Councilor of the Municipal Corporation along the findings of the enquiry shall be considered to be sufficient. Proper weightage, in these instances should be given to the local enquiry and hearing of the applicant.

Note 3: One document like EPIC can be a proof of a number of items like identity, address, citizenship etc.

9. Procedure for disposal :

- A. An application filed online is received in Block offices in respect of the applicants living in Block areas and in Sub-Division offices for applicants living in Municipal areas within the Sub-Division. In case of Kolkata, such applications are received at the office of the District Welfare Officer, Kolkata. On the appointed date i.e. on 2nd and 4th Wednesdays of a month and within 60 days from the date of filing the application, the applicant has to appear with physical copy of the application and documents for verification. The concerned B.C.W. Inspector/authorized officer under WBRTPSA 2013 shall receive such application, issue receipt, verify documents and upload scanned copies of such documents as presented by the applicant and felt relevant by the official in disposing of the application. He will put his recommendation therein. The concerned BCW Inspector/ Addl. Inspector/ Extension Officer etc. if satisfied, with the documentary evidence shall forward his recommendation online to the BDO. He will mention specifically as to how he has been satisfied about each of the criteria and relate documents to each of them. Obviously the recommendation needs to be clear, specific and speaking.
- B. When an application is accompanied by a caste certificate issued to a relative of the applicant from paternal side having blood relation with the applicant and the relationship as well the veracity of the certificate thus submitted is established, the application for caste certificate can be accepted without further enquiry. In case there is doubt as to genuineness of the certificate submitted as reference, the matter needs to be enquired into in detail. In that case, acceptance of the application shall be subjected to findings of such enquiry.
- C. An application for caste certificate shall ordinarily be disposed of within four weeks from the date of receipt of the application (Subject to Rule 4, 5, of RTPS Rule 2013). The date on which the physical copy of the application along with all the supporting documents is received shall be treated as the date of receipt of the application in respect of issuance of Form 1 and the stipulated time shall be calculated on the basis of that date.
- D. The certificate issuing authority needs to keep in mind that the caste certificate is either issued or denied on the basis of Sec 7 of the West Bengal Scheduled Castes and

Scheduled Tribes (Identification) Act, 1994. So it is desirable that a reasoned order of the issuing authority be kept with the case records (So that it can be referred to in case of exigency).

- E. **Procedure for disposal of application when no documentary evidence is available:**
There may be applicants who do not have documentary evidence in support of their claims or documents furnished may not be conclusive. They may only adduce a copy of the certificate issued by the Panchayat representative / Municipal representative / M.L.A. / M.P. etc., in support of their claim of belonging to a particular caste / tribe. In such case, the application has to be disposed of either through field enquiry or through field enquiry and hearing. In case of field enquiry, the BCW Inspector / enquiring officer has to visit the spot, take deposition of the neighbours and collect such information / evidence as is needed in determining the caste either in favour or against the claim of the applicant.
- F. In any case, proper record of the information/evidence collected has to be kept and specific recommendation either in favour or against the applicant has to be forwarded to the Superior Authority. In case of hearing, the hearing has to be conducted by a Magistrate (In case of Kolkata DWO Kolkata can conduct the hearing). All hearings must be arranged fixing date, time, place of hearing and persons to be heard beforehand. Record of the persons attending the hearing, summary of their deposition and the findings of the hearing are to be recorded for arriving at proper conclusion regarding the applicant.

10. Caste Certificate to migrants:

- a. When a person migrates from one State to another after the dates of notification of the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950, he can claim to belong to a Scheduled Caste or Scheduled Tribe only in relation to the State he originally belonged and not in respect of the State to which he has migrated. A person of SC or ST community migrated to West Bengal from other States after 1950, is not entitled to the benefits provided by the State Government to the persons belonging to SC or ST, though the caste / tribe he or she belongs to is listed as SC or ST in West Bengal. In case of such persons who are born after the date of notification of the relevant Presidential Order, the place of residence for obtaining SC/ST status is the permanent abode of their parents at the time of the notification.
- b. Issuance of caste certificate to the migrants is not covered under this Act. Caste certificate to such a person can be issued in a different format also appended to these guidelines. In these cases, on application, the certificate issuing authority may issue caste certificate on production of genuine certificate issued to the **father** by the prescribed authority of the concerned State of father's origin. The certificate issuing authority may also cause detailed enquiry in the applicant's State of origin. The certificate will be issued irrespective of fact whether the caste / tribe in question are scheduled in west Bengal. However, this certificate holder is not entitled to benefits of reservation granted by the Govt. of West Bengal.
- c. However, a special dispensation has been allowed by the Government of India regarding migrants from erstwhile East Pakistan (now Bangladesh). In a person belonging to SC/ST migrated from Bangladesh to West Bengal before 1971, he would

be treated a permanent resident of West Bengal and a caste certificate could be issued to him subject to eligibility.

- d. As per Sec 7 of the WB SC&ST (Identification) Act 1994 the Certificate issuing authority should first be satisfied with all the evidences and then only can issue the Certificate.

11. Scrutiny Committee and District Vigilance Cell: A State Scrutiny Committee has been set up by the State Government with the Secretary, BCW Department as the Chairperson. The State Scrutiny Committee verifies the social status of a person in whose favour a certificate has been issued under Section 5 of West Bengal SC&ST (Identification) Act 1994. There is also a Vigilance Cell constituted in every district with the Additional District Magistrate as Chairperson to enquire into the social status of a person in whose favour a certificate has been issued under the same section.

The Scrutiny Committee and District Vigilance Cell shall exclusively deal with cases arising out of complaints in regard to impounding / revocation of certificates.

12. Cancellation, impounding or revocation of caste certificate (Rule 3 of the said Rules): If the certificate issuing authority is satisfied that a certificate under said Act has been obtained by any person by furnishing any false information or by misrepresenting any fact or by suppressing any material information or by producing any document which is an act of forgery, it may cancel, impound or revoke such certificate. The following procedure is to be followed for such action:-

- (a) On receipt of a complaint or proceeding *suo motu*, the certificate issuing authority shall hold a preliminary enquiry by himself/herself or by any officer above the rank of BCW Inspector and shall *prima facie* be satisfied as to the truth or otherwise of the complaints as aforesaid, record the reasons of this 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. **The certificate issuing authority, as it is mentioned can also start any such proceeding *suo motu*.**
- (b) On start of such proceedings, the certificate issuing authority shall, by written notice, ask the person holding the certificate to deposit the same, in original, in his/her office and, when a certificate has been so deposited, a receipt in favour of the person depositing the certificate shall be issued. Even if no certificate is deposited, the Certificate issuing authority shall continue with the proceedings.
- (c) The certificate issuing authority shall, then, ask the certificate holder 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.
- (d) After that a date for hearing would be fixed, the case would be heard and the proceeding recorded.
- (e) 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, he 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/ies, if any, before whom the certificate was produced by the holder of the certificate for gaining benefits.

- (f) The certificate issuing authority shall also refer the matter to the Vigilance Cell for enquiry and shall act as per advice of the Cell. The case has also to be referred to the Scrutiny Committee for proper direction (subject to *para 11* of these guideline). If the Scrutiny Committee is satisfied that a certificate under said Act has been obtained by any persons by furnishing any false information or by misrepresenting any fact or by suppressing any material information or by producing any document which is an act of forgery, it may issue a direction to the certificate issuing authority to cancel, impound or revoke such certificate and, on receipt of such direction, the certificate issuing authority shall, by order in writing, cancel, impound or revoke such certificate.
- (g) Every order of cancellation, impounding or revocation of the certificate shall be published for information of the public.


13. Appellate Authority: District Magistrate of the concerned district is the Appellate Authority in respect of certificates issued by a Sub-Divisional Officer of that district. In Kolkata, Divisional Commissioner, Presidency Division is the Appellate Authority. Decision of the Appellate Authority in cases of appeals shall be final.

14. Some relevant points on issuance of caste certificate:

- i. **Affidavit:** Certificate issuing authority may seek Affidavit when enquiry / hearing is inconclusive but the application contains strong possibility of being accepted. Two formats have been designed and appended to these guidelines. Though the format covers all points of eligibility, this is basically meant for cases where only the caste / class identity requires further supporting information. However, indiscriminate use of Affidavit should not be resorted to.
- ii. **Verification of genealogical chart:** A genealogical chart is normally submitted when an applicant submits copy of a caste certificate in support of his claim. The chart is to prove blood relationship of the applicant with the certificate holder. The chart may be certified by some authority, may be proven through some document or at times may be without any proof. The enquiring officer is to get the blood relation verified through documentary evidence, certificate or through local enquiry before recommending for acceptance.
- iii. **Cases of adoption:** Caste certificate to a person adopted by a Scheduled Caste/Tribe family may be granted. Issuance of such certificates is guided by No 35/1/72-R.U. dated 2/5/1975. It is advised that such cases may be referred to the administrative department with all the relevant papers, detailed case records and enquiry report for advice.

List of Annexure:-

1. Format of caste certificate.
2. Format of Affidavit by the applicant himself.
3. Format of Affidavit by parent of applicant.
4. Format of caste certificate to migrated person.


27/7/2015
Principal Secretary
to the Government of West Bengal



GOVERNMENT OF WEST BENGAL

OFFICE OF THE SUB-DIVISIONAL OFFICER

_____ **SUB-DIVISION**

DIST. - _____

CASTE/TRIBE CERTIFICATE

Certificate No. - _____

Date : _____

This is to certify that _____ **son/daughter of**

_____ **of village** _____

P.O. _____ **P.S.** _____

in the district _____ **of the state of** _____ **belongs to the** _____

_____ **which is recognized as** _____ **under the Constitution (Scheduled Caste) Order 1950 and the Constitution (Scheduled Tribes) Order 1950 as amended by the Scheduled Castes and Scheduled Tribes Lists (Modification) order 1956, and the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976.**

_____ **and his family ordinarily reside(s) in the village**

_____ **of the** _____ **district of the state of**

Place :

Date :

Applicant's recent
colour passport
size photograph
downloaded

Office
Seal

Sub-Divisional Officer

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)".

Format for Affidavit by the Applicant for his / her own SC /ST Certificate

(To be sworn in before the 1st Class Judicial Magistrate / Executive Magistrate on NJ stamp paper of Rs.10/-)

I, Shri / Smtson / daughter of Shri
....., presently residing at
(Address).....

....., have applied for SC / ST certificate for myself and hereby declare that:-

- 1. I am a citizen of India;
- 2. I am a permanent resident of West Bengal since 1950, the permanent address being
.....;

Or

My forefathers have been living in this State since 1950 / have migrated to this State before 1950, the permanent address being
.....;

- 3. I am a resident of the address declared above;
- 4. I belong to caste / tribe which is recognized as Scheduled Caste / Scheduled Tribe in West Bengal;

I further certify that the information given above in respect of myself is fully correct and I take full responsibility of the accuracy of this statement. If at any point of time a part of the statement is found to be incorrect, I shall have to forfeit the benefit received and shall also be liable to be punished under Section 193 of the Indian Penal Code.

Format for Affidavit by Parent for his / her ward's SC / ST Certificate

(When the applicant is a minor)

(To be sworn in before the 1st Class Judicial Magistrate / Executive Magistrate on NJ stamp paper of Rs.10/-)

I, Shri / Smtson / daughter of Shri
....., presently residing at
(Address).....

....., have applied for SC / ST
certificate for my son / daughter / ward and hereby declare that:-

1. My son / daughter / ward is a citizen of India;
2. My son / daughter / ward is a permanent resident of West Bengal since 1950,
the permanent address being
.....
.....;

Or

Forefathers of my son / daughter / ward have been living in this State since
1950 / have migrated to this State before 1950, the permanent address being
.....
.....;

3. My son / daughter / ward is a resident of the address declared above;
4. My son / daughter / ward belongs to caste / tribe which is
recognized as Scheduled Caste / Scheduled Tribe in West Bengal;

I further certify that the information given above in respect of my son / daughter /
ward is fully correct and I take full responsibility of the accuracy of this statement.
If at any point of time a part of the statement is found to be incorrect, My son /
daughter / ward shall have to forfeit the benefit received and both my son /
daughter / ward and I shall be liable to be punished under Section 193 of the
Indian Penal Code.

Form of certificate to be issued to persons belonging to a Scheduled Castes or Scheduled Tribes who have migrated from other State / Union Territory.

Form of Caste certificate

This is to certify that Shri/Shrimati/Kumari son/Daughter of of village/town in district/Division/Division of the State/Union Territory belongs to the Caste/Tribe which is recognised as Scheduled Caste / Scheduled Tribe under :

The Constitution (Scheduled Castes) Order, 1950.

The Constitution (Scheduled Tribes) Order, 1950.

The Constitution (Scheduled Castes)(Union Territories) Order, 1951. *

The Constitution (Scheduled Tribes) (Union Territories) Order, 1951. *

(as amended by the Scheduled Castes and Scheduled Tribes lists (Modification) Order, 1956, the Bombay Reorganisation Act, 1960, the Punjab Reorganisation Act, 1966, the State of Himachal Pradesh Act, 1970 and the North Eastern Areas (Reorganisation) Act, 1971 and the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976).

The Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956. *

The Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959. *

The Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962. *

The Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order, 1962. *

The Constitution (Pondicherry) Scheduled Castes Order, 1964. *

The Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967. *

The Constitution (Goa, Daman and Diu) Scheduled Caste Order, 1968. *

The Constitution (Goa, Daman and Diu) Scheduled Tribes Order, 1968. *

The Constitution (Nagaland) Scheduled Tribes Order, 1970. *

The Constitution (Sikkim) Scheduled Castes Order, 1978. *

The Constitution (Sikkim) Scheduled Tribes Order, 1978. *

2. This certificate is issued on the basis of the Scheduled Caste/Scheduled Tribe certificate issued to Shri/Shrimati father/mother of Shri/Shrimati/Kumari of village/town..... in District/Division of the State/ Union Territory who belongs to the caste/tribe which is recognised as a Scheduled Caste / Scheduled Tribe in the State/Union Territory..... issued by the (name of prescribed authority) *vide* their No dated.....

Signature.....

Designation.....

(with seal of Office)

Place.....

Date.....

* Please quote specific Presidential order.