



Compendium of Government Orders & Circulars

Volume: 1

Backward Classes Welfare Department and Tribal Development Department

Compendium of Government Orders & Circulars

Volume: 1

Published: January, 2016

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Backward Classes Welfare Department Government of West Bengal

Published by:
Backward Classes Welfare Department
Government of West Bengal

Printed by:
The Saraswati Printing Works
2 Guruprosad Chowdhury Lane,
Kolkata 700 006

Price : ₹ 950/-



Dr. Upendra Nath BiswasMinister-in-Charge,
Backward Classes Welfare Department
Government of West Bengal



MESSAGE

The Department of Backward Classes Welfare is capable of bringing out this compendium of Acts, Rules and Departmental Orders relating to various activities of the department. Needless to say, that every year there may be some amendments and changes in the Act, Rules and Orders. It is hard to bring out new edition of compendium with every change. However, the department has felt the necessity to bring out the present volume and has endeavoured to make the present volume of compendium as elaborate and complete as possible. This volume will be capable of acting as an effective guide to those who are entrusted with the implementation of the Acts and Rules related to this department.

Though whole hearted efforts have been taken to make an error-free edition, however like any printed book there may be some errors and omissions. Any suggestion for improvement of the edition will be gratefully acknowledged.

I must thank Shri S.K. Thade, Principal Secretary, Backward Classes Welfare Department and Tribal Development Department, Shri Manatosh Pandit, Member Secretary, West Bengal Commission for Backward Classes, Shri Atonu Chatterjee, Special Secretary, Backward Classes Welfare Department, for their commendable role in planning, compiling and editing this present edition of the Compendium. I would also like to thank Shrimati Sharmistha Banerjee, Project Officer (Head Quarters) and Shri Biswajit Dey for rendering their valuable service in bringing out this compendium.

Date: 24 August, 2015

Place: Kolkata

Dr. Upendra Nath Biswas

Minister-in-Charge

Backward Classes Welfare Department



Dr. Sukumar HansdaMinister-in-Charge,
Tribal Development Department
Government of West Bengal



MESSAGE

All Government Departments serve in the interest of public service within their own domain and use to follow certain Acts, Rules and Regulations. With the passage of time and for the sake of fulfilling the needs of target groups, Government Departments sometimes adopt fresh policies and issue Notifications accordingly. All Government programmes, aiming to betterment of socio-economic status of the people are needed to be clearly elucidated among ail stakeholders who are attached to implementation at all levels throughout the entire State. Here lies the necessity of publication of Compendium, an archive of ali relevant Acts, Rules, Notifications, Amendments and Clarifications thereon.

Both Backward Classes Welfare Department and Tribal Development Department put relentless effort for social, economical and cultural development of the people belonging to SC, OBC and ST in our State.

Sri S K Thade, Principal Secretary of both the Departments took due initiative to publish this latest edition of Compendium. Guidance of him and that of Sri Manatosh Pandit, Member Secretary, WBBC Commission, encouraged other associated Officers to put toil for its publication.

I hope this publication will be immensely beneficial for all concerned.

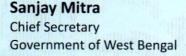
Date: 10th December, 2015

Place: Kolkata

Dr. Sukumar Hansda

Minister-in-Charge Tribal Development Department







One of the objectives of this government is to provide a level playing field to all citizens including those belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Communities.

Lack of awareness about the services offered to the target groups is a great hindrance towards achieving the goal of social justice.

In order to bring all relevant issues into the public domain, the Backward Classes Welfare Department of the Government of West Bengal, under the leadership of Shri S. K. Thade, Principal Secretary and Shri Manatosh Pandit, Member Secretary, WBBC Commission has compiled all the relevant Acts, Rules and Orders in regard to identification of castes, reservation matters and caste certificates as well as the procedures for the redressal of grievances.

I hope that this compendium will prove useful for government departments as well as for the people in general.

A second volume pertaining to The Protection of Civil Rights Act, 1955 and The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is under preparation.

I compliment Shri Thade and his team/the Backward Classes Welfare Department for the praiseworthy endeavour.

Sanjay Mitra

SanjayAntie

Chief Secretary to the Government of West Bengal

I have to put on record that other officers and staff of BCW and TDD and officers of the W.B. Commission for Backward Classes provided necessary assistance in providing relevant documents and secretarial assistance. Here, I have to especially mention the contribution of Shri Biswajit Dey (Computer Assistant), Shri Kaushik Naskar (Computer Assistant) and Shri Sibnath Ghoshal (Senior Personal Secretary) in compiling this important document.

I am confident that these compilations will be of great help not only to the citizens aspiring for the benefits and services meant for them, but will also be of immense help to the peoples' representatives and Government employees implementing the provisions of Acts and Rules and interest groups who are working towards delivery of such benefits and services for achieving social justice and thus ensure inclusive development.

S. K. Thade

Principal Secretary to the Govt. of West Bengal.



Manatosh Pandit Member Secretary West Bengal Commission for Backward Classes



PREFACE

A Compendium on reservation with information up to 31-10-2001 was published by the Backward Classes Welfare Department in 2002. The book was very useful and was in great demand. However, the book is hardly available now. Moreover, during the last 14 years the domain of Scheduled Castes, Scheduled Tribes and Other Backward Classes (OBC) have seen some profound and fundamental changes in the State of West Bengal; a number of new Acts and Rules have come up and several Government Orders and Circulars were issued for proper implementation and monitoring of the norms of reservation. Further the welfare of the Backward Classes has also gained prominence, over the years. The scope of work of the Department has also increased with more and more classes being recognised as 'Other Backward Classes'. Besides, with the passage of time, requirement for better understanding of the entitlements of the backward classes of citizens and responsive action to ensure such entitlements have increased. In this background, Dr. Upendra Nath Biswas, Hon'ble Minister-in-Charge, Backward Classes Welfare Department impressed upon the need for a fresh compilation of the Government Orders and Circulars including Acts and Rules covering all the backward classes including the Scheduled Castes, Scheduled Tribes and Other Backward Classes so that it becomes helpful to both the functionaries as well as the stake holders for utilisation of the benefits granted by the Constitution of India. Shri Sanjay K. Thade, Principal Secretary, Backward Classes Welfare Department and Tribal Development Department assigned this job of compilation to the undersigned. Continuous guidance has also been received from him towards selection of materials and compilation.

Considering the materials to be compiled and the volume of such materials it was decided that this compilation would be published in two volumes. In Volume-I, the relevant Acts, Rules and Orders in regard to identification of castes, issuance of caste certificate, reservation in services and posts and reservation in admission to educational institutions have been included. This compilation does not only contain the provisions of law and entitlements, but also contains the guidelines as to how such entitlements could be secured and remedial steps in cases of denial or dissatisfaction. The second volume will cover the Acts and Rules on Prevention of Atrocities, Protection of Civil Rights, Forest Rights and various Corporations under the Backward Classes Welfare Department and the Tribal Welfare Department. The Second volume will also contain details of the societies set up by these two Departments for welfare and development of particular communities.

This Volume I contains six chapters. Chapter 1 covers the Rules of Business of the two Departments and the Constitution Orders related to the Scheduled Castes and Scheduled Tribes. Chapter 2 is dedicated to the Acts Rules, Central Government (Govt. of India) Orders and Circulars, State Government Orders and Circulars on reservation in respect to the Scheduled Castes, Scheduled Tribes and OBCs. Chapter 3 covers the issues related to reservation in admission to educational institutions. Chapter 4 is related to Acts, Notifications, and Orders etc. on reservation for exempted categories in the State Government. Chapter 5 covers Acts, Rules of Central and State Governments, Orders, Circulars regarding issuance of caste certificates to the Scheduled Castes, Scheduled Tribes and OBCs and lastly chapter 6 covers a few Acts, Rules and Orders related to reservation and issuance of caste certificate.

Attempts have been made to cover all the relevant Acts, Rules and orders published up to October, 2015 in these two volumes. The chief aim of the compilation is, on the one hand, to provide ready guidance to the functionaries involved in the process of implementation of the Government policies towards welfare of the Scheduled Castes, Scheduled Tribes and Other Backward Classes, and on the other hand equip the backward classes of citizens with their entitlements and the ways and means to receive such entitlements.

In this work of compilation I have received help and assistance from the staff and officers of both the Departments whoever I have requested for. However, two persons were very closely associated with me in this project - Shri Atonu Chatterjee, Special Secretary, Backward Classes Welfare Department and Smt. Sharmistha Banerjee, P.O. (HQ), Backward Classes Welfare Directorate who were all along with me in this compilation work. Without their assistance it would not have been possible for me to complete this work. I have also received tremendous support from Shri Tapan Nag, P.A., West Bengal Commission for Backward Classes and Shri Biswajit Dey who provided secretarial support. Besides, Smt. Arundhuti Sarkar, Joint Secretary, Backward Classes Welfare Department, Shri Aniraddha Raha, Private Secretary to the Minister-in-Charge, Backward Classes Welfare Department, Shri Sagar Chakraborty, Joint Director, Shri Aghore Roy, Deputy Director, both from Backward Classes Welfare Directorate, Shri Santanu Roy and Shri Ranjan Sengupta Inspectors, BCW, the officers and staff of the West Bengal Commission for Backward Classes also rendered assistance. Shri Partha Pratim Manna, Managing Director, West Bengal Scheduled Castes and Scheduled Tribes Development and Finance Corporation (WBSCSTDFC) Shri Abdul Raqib Sheikh, Additional General Manager, WBSCSTDFC took the responsibility of selection of the printing press and printing of the book.

While care has been taken to include all the relevant materials up to October, 2015, there may be some errors and omissions. Any suggestion from any corner in this regard will be highly appreciated.

Ad finem, we sincerely hope that the compilation will benefit both the camps- the 'Beneficiaries' who seek the benefits of their entitlements and the 'End-users' who work to ensure delivery of such benefits, alike, begetting thereby an enabling environment and informed milieu, conducive for hundred flowers to bloom!

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Manatosh Pandit

Member Secretary

West Panaal Commission for Dachward Classes

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COMPENDIUM OF GOVERNMENT ORDERS & CIRCULARS

VOLUME I

CHAPTER - 1

Rules of Business and Government of India SC & ST Orders

A. Rules of Business
Rules of Business of the Backward Classes Welfare Department

No. 865 - Home (Cons) /R2R (Cons)-08/2013. Dated, Kolkata, the 28th November, 2013.

NOTIFICATION

In exercise of the power conferred by Clause (3) of Article 166 of the Constitution of India, the Governor is pleased hereby to make the following amendments in the West Bengal Rules of Business, as subsequently amended (hereinafter referred to as the said rules):-

AMENDMENTS

In the First Schedule to the said rules, under the sub-heading "XLI. Backward Classes Welfare Department", for Part I, Part II and Part III, and the entries relating thereto, substitute the following Parts and entries:-

PART - 1

- (i) All matters related to the welfare and development of the Scheduled Castes and Other Backward Classes including provision of funds; sub-plan, Constitutional matters relating to the Scheduled Castes and other Backward Classes,
- (ii) All matters pertaining to the identificaties of Scheduled Castes and Other Backward Classes.
- (iii) Prevention of atrocities on Scheduled Castes. (Act. 33 of 1989)
- (iv) All matters relating to the Protection of Civil Rights, (Act. 22 of 1955)
- (v) All matters pertaining to the reservation of posts and seats for Scheduled Castes and Other Backward Classes.
- (vi) All matters relevant to Public Sector Undertakings dealing with the welfare and development of Scheduled Castes and Other Backward Classes,
- (vii) Matters pertaining to the Cultural Research Institute and Commission for Backward Classes.
- (viii) All matters pertaining to the Uttarbanga Lokasanskriti Parishad, Ambedkar Centre for Excellence, Panchanan Barma Sangrahashala O Gabeshana Kendra, Kabi Gaan Academy.
- (ix) Any other matter pertaining to the overall socio-economic, cultural and skill development of the Scheduled Castes and Other Backward Classes.

PART - II

- (i) State public services in respect of the matters with which the Department is concerned (entry 41of list II).
- (ii) Offences against Laws with respect to any of the matters in List II with which the Department is concerned (entry 64 of list II).
- (iii) Economic and Social planning so far as the Department is concerned (entry 20 of List III).
- (iv) Inquiries, survey and statistics for the purpose of any of the matters specified in List II or List III with which the Department is concerned (entry 45 of List III)-

PART-III

- (i) Union public services in respect of the matters with which the department is concerned (entry 70 of List I).
- (ii) Offences against Laws with respect to any of the matters in List I with which the Department is concerned (entry 93 of list I).
- (ii) Inquiries, surveys and statistics for the purpose of any of the matters in List I with which the Department is concerned (entry 94 of list I).
- (iv) Participation in international conference, associations and other bodies and implementing decisions made there at so far as the Department is concerned (entry 13 of List I).

By order of the Governor,
Sd/- Sanjay Mitra
Chief Seeretary to the Government of West Bengal

Rules of Business of the Tribal Development Department

No. 866- Home (Cons) /RZR (Cons)-08/2013. Dated, Kolkata, the 28th November, 2013.

NOTIFICATION

In exercise of the power conferred by clause (3) of Article 166 of the Constitution of India, the Governor is pleased hereby to make the following amendments in the West Bengal Rules of Business, as subsequently amended (hereinafter referred to as the said rules):-

AMENDMENTS

In the First Schedule to the said rules,

(1) Under the heading "Departments", after item LXII, and the entry relating thereto, insert the following item and entry:-

"LXIII. Department of Tribal Development";

(2) Under the heading "Allocation of business among the departments", after sub-heading "LXII Department of Child Development", and the entries relating thereto, insert the following sub-heading and entries:-

"LXIII. Department of Tribal Development";

PART-I

- (i) All matters related to the welfare and development of the Scheduled Tribes, including provision of funds; Tribal sub-plan. Constitutional matters,
- (ii) All matters pertaining to the Identification of Scheduled Tribes,
- (iii) Prevention of atrocities on Scheduled Tribes.
- (iv) All matters pertaining to the Forest Rights Act and forest produce,
- (v) All matters pertaining to the reservation of posts and seats for Scheduled Tribes.
- (vi) Restoration of alienated tribal land.
- (vii) All matters relevant to PSUs and Cooperative Bodies dealing with the welfare and development of Scheduled Tribes.
- (viii) Matters pertaining to the Cultural Research Institute,
- (ix) Matters pertaining to the Tribes Advisory Council,
- (x) All matters relevant to Particularly Vulnerable Tribes.
- (xi) Development of Lepchas and other indigenous hill tribes.

- (xii) All matters pertaining to the Paschim Banga Santhali Academy, Paschim Banga Adibasi Kalyan-o-Shiksha Parishad, Banga Lok Shilpa-o-Sanskriti Kendra.
- (xiii) Any other matter pertaining to the overall socio-economic, cultural and skill development of Scheduled Tribes.

PART-II

- (i) State public services in respect of the matters with which the Department is concerned (entry 41 of list II).
- (ii) Offences against Laws with respect to any of the matters in List II with which the department is concerned (entry 64 of List II).
- (iii) Economic and social planning so far as the department is concerned (entry 20 of List III),
- (iv) Inquiries and statistics for the purpose of any of the matters specified in List II or List III with which the department is concerned (entry 45 of List III).

PART-III

- (i) Union public services in respect of the matters with which the department is concerned (entry 70 of List I).
- (ii) Offences against Laws with respect to any of the matters in List I with which the department is concerned (entry 93 of List I).
- (iii) Inquiries, surveys and statistics for the purpose of any of the matters in List I with which the department is concerned (entry 94 of List I).
- (iv) Participation in international conference, associations and other bodies and implementing decisions made there at so far as the department is concerned (entry 13 of List I).

By order of the Governor,
Sd/- Sanjay Mitra
Chief Secretary to the Government of West Bengal

B. Constitution Orders The Constitution (Scheduled Castes) Order, 1950¹ C.O. 19

In exercise of the powers conferred by clause (1) of article 341 of the Constitution of India, the President, after consultation with the Governors and Rajpramukhs of the States concerned, is pleased to make the following Order, namely:—

- 1. This Order may be called the Constitution (Scheduled Castes) Order, 1950.
- 2. Subject to the provisions of this Order, the castes, races or tribes or parts of, or groups within, castes or tribes specified in²[Parts to³[XXIV]] of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Castes so far as regards member thereof resident in the localities specified in relation to them in those Parts of that Schedule.
- ⁴[3. Notwithstanding anything contained in paragraph 2, no person who professes a religion different from the Hindu⁵ [the Sikh or the Buddhist] religion shall be deemed to be a member of a Scheduled Caste.]
- ⁶[4. Any reference in this Order to a State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division as constituted on the 1st day of May, 1976.]

Published with the Ministry of Law Notification No. S.R.O. 385, dated the 10th August, 1950, Gazette of India, Extraordinary, 1950, Part II, Section 3, page 163.

^{2.} Subs. by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956.

The figure "XXI" has been successfully subs. by Act 18 of 1987, s. 19 and 1st Sch. (w.e.f. 30.5.87), by Act 28 of 2000, and 3rd Sch (w.e.f. 1.11.2000) and by Act 29 of 2000, s. 24 and 5th Sch (w.e.f. 9.11.2000) to read as above.

^{4.} Subs. by Act 63 of 1956, s. 3 and First Sch., for paragraph 3.

^{5.} Subs. by Act 15 of 1990, s. 2, for "or the Sikh".

^{6.} Subs. by Act 108 of 1976, s. 3 and the First Sch., for paragraph 4 (w.e.f. 27-7-1977).

Constitution (Scheduled Castes) Order, 1950 (PART III. — Rules and Orders under the Constitution)

¹[THE SCHEDULE PART I. - Andhra Pradesh

	PARTI AIIG	iiiur	ruuesii
1.	Adi Andhra	28.	Jaggali
2.	Adi Dravida	29.	Jambuvulu
3.	Anamuk	² [30.	Kolupulvandlu, Pambada, Pambanda,
4.	Aray Mala		Pambala]
5.	Arundhatiya	31.	Madasi Kuruva, Madari Kuruva
6.	Arwa Mala	32.	Madiga
7.	Bariki	33.	Madiga Dasu, Mashteen
8.	Bavuri	34.	Mahar
² [9.	Beda (Budga) Jangam (in the districts of	² [35.	Mala, Mala Ayawaru]
	Hyderabad, Ranga	36.	Mala Dasari
	Reddy, Mahbubnagar, Adilabad, Nizamabad,	37.	Mala Dasu
	Medak,	38.	Mala Hannai
	Karimnagar, Warangal, Khammam and	39.	Malajangam
	Nalgonda)]	40.	Mala Masti
10.		41.	Mala Sale, Nethani
	Byagara, Byagari]	42.	Mala Sanyasi
12.	Chachati	43.	Mang
13.	Chalavadi	44.	Mang Garodi
² [14.	Chamar, Mochi, Muchi, Chamar-Ravidas,	45.	Manne
	Chamar-Rohidas]	46.	Mashti
15.	Chambhar	47.	Matangi
16.	Chandala	48.	Mehtar
17.	Dakkal, Dokkalwar	49.	Mitha Ayyalvar
18.	Dandasi	50.	Mundala
19.	Dhor	51.	Paky, Moti, Thoti
20.	Dom, Dombara, Paidi, Pano	52.	3 * * *
21.	Ellamalawar, Yellammalawandlu	53.	Pamidi
22.	Ghasi, Haddi, Relli, Chanchandi	54.	Panchama, Pariah
² [23.	Godagali, Godagula (in the districts of	55.	Relli
	Srikakulam,	56.	Samagara
	Vizianagaram and Vishakhapatanam)]	57.	Samban
24.	Godari	58.	Sapru
25.	Gosangi	59.	Sindhollu, Chindollu
26.	Holeya		Yatala
27.	Holeya Dasari	61.	Valluvan.]

^{1.} Subs. by Act 108 of 1976, s. 3 and the First Sch., for the former Sch. (w.e.f. 27-7-1977).

^{2.} Subs. by Act 61 of 2002, s. 2 and the First Sch.

^{3.} Entry 52 omitted by s. 2 and the First Sch., ibid

^{4.} Ins. by s. 2 and the First Sch., ibid

PART II. - Assam

1.	Bansphor	9.	Kaibartta, Jaliya
2.	Bhuinmali, Mali	10.	Lalbegi
3.	Brittial Bania, Bania	11.	Mahara
4.	Bhupi, Dhobi	12.	Mehtar, Bhangi
5.	Dugla, Dholi	13.	Muchi, Rishi
6.	Hira	14.	Namasudra
7.	Jalkeot	15.	Patni
8.	Jhalo, Malo, Jhalo-Malo	16.	Sutradhar.

PART III. - Bihar

1.	Bantar		11.	Dusadh, Dhari, Dharhi
2.	Bauri		12.	Ghasi
3.	Bhogta		13.	Halalkhor
4.	Bhuiya		14.	Hari, Mehtar, Bhangi
5.	Bhumij 1***		15.	Kanjar
² [6.	Chamar, Mochi,	Chamar-Rabidas.	16.	Kurariar
Įo.	Chamar-Ravidas,		17.	Lalbegi
	Charmarkar]	400-500-50-500	18.	Mushar
7.	Chaupal		19.	Nat
8.	Dabgar		² [20.	Pan, Sawasi, Panr]
² [9.	Dhobi, Rajak]		21.	Pasi
² [10.	Dom, Dhangad, Ba	ansphor, Dharikar,	22.	Rajwar
LIO.	Dharkar, Domra]	anopilot, Starmar,	23.	Turi.

PART IV.—Gujarat

1.	Ager		Halalkhor, Lalbegi, Balmiki, Korar,
2.	Bakad, Bant		Zadmalli, Barwashia, Barwasia,
3.	Bawa-Dedh Debh-Sadhu		Jamphoda, Zampada, Zampda, Rushi,
² [4.	Bhambi, Bhambhi, Asadaru, Asodi,		Valmiki]
	Chamadia, Chamar, Chamar-Ravidas,	6.	Chalvadi, Channayya
	Chambhar, Chamgar, Haralayya, Harali,	7.	Chenna Dasar, Holaya Dasar
	Khalpa, Machigar, Mochigar, Madar,	8.	Dangashia
	Madig, Mochi, (in Dangs district and	9.	Dhor, Kakkayya, Kankayya
	Umergaon Taluka of Valsad district only),	10.	Garmatang
	Nalia, Telegu Mochi, Kamati Mochi,	11.	Garoda, Garo
	Ranigar, Rohidas, Rohit, Samgar]	12.	Halleer
² [5.	Bhangi, Mehtar, Olgana, Rukhi, Malkana,	13.	Halsar, Haslar, Hulasvar, Halasvar

^{1.} Certain words omitted by Act 30 of 2000, s. 23 and the Fifth Sch. (w.e.f. 15-11-2000).

Subs. by Act 61 of 2002, s. 2 and the First Sch., for entry 4.

- 14. Holar, Valhar
- 15. Holaya, Holer
- 16. Lingader
- 17. Mahar, Taral, Dhegu Megu
- 18. Mahyavanshi, Dhed, Dhedh, Vankar, Maru Vankar, Antyaj
- 19. Mang, Matang, Minimadig
- 20. Mang-Garudi
- 21. Meghval, Meghwal, Menghvar
- 22. Mukri
- 23. Nadia, Hadi
- 24. Pasi
- 25. Senva, Shenva, Chenva, Sedma, Rawat
- 26. Shemalia
- 27. Thori

- 28. Tirgar, Tirbanda
- 29. Turi
- 30. Turi Barot, Dedh Barot.
- ¹[31. Balahi, Balai
- 32. Bhangi, Mehtar
- 33. Chamar
- 34. Chikwa, Chikvi
- 35. Koli, Kori
- Kotwal (in Bhind, Dhar, Dewas, Guna, Gwalior, Indore, Jhabua, Khargone, Mansaur, Morena, Rajgarh, Ratlam, Shajapur, Shivpuri, Ujjain and Vidisha districts)].

PART V.— Haryana

- 1. Ad Dharmi
- 2. Balmiki, Chura, Bhangi
- 3. Bangali
- 4. Barar, Burar, Berar
- 5. Batwal
- 6. Bauria, Bawaria
- 7. Bazigar
- 8. Bhanjra
- ²[9. Chamar, Jatia Chamar, Rehgar, Raigar, Ramdasi, Ravidasi, Balahi, Batoi, Bhatoi, Bhambi, Chamar-Rohidas, Jatav, Jatava, Mochi, Ramdasia]
- 10. Chanal
- 11. Dagi
- 12. Darain
- 13. Deha, Dhaya, Dhea
- 14. Dhanak
- 15. Dhogri, Dhangri, Siggi
- 16. Dumna, Mahasha, Doom
- 17. Gagra

- 18. Gandhila, Gandil Gondola
- 19. Kabirpanthi, Julaha
- 20. Khatik
- 21. Kori, Koli
- 22. Marija, Marecha
- ²[23. Mazhabi, Mazhabi Sikh]
- 24. Megh
- ²[25. Nat, Badi]
- 26. Od
- 27. Pasi
- 28. Perna
- 29. Pherera
- 30. Sanhai
- 31. Sanhal
- 32. Sansi, Bhedkut, Manesh
- 33. Sansoi
- ²[34. Sapela, Sapera]
- 35. Sarera
- ²[36. Sikligar, Bariya]
- 37. Sirkiband.

^{1.} Ins. by Act 32 of 2002, s. 2.

^{2.} Subs. by Act 61 of 2002, s 2 and the First Sch., for entry 9.

PART VI.— Himachal Pradesh

1.	Ad Dharmi	29.	Hesi
2.	Badhi, Nagalu	30.	Jogi
3.	Balmiki, Bhangi, Chuhra, Chura, Chuhre	31.	Julaha, Julahe, Kabirpanthi, Keer
4.	Bandhela	32.	Kamoh, Dagoli
5.	Bangali	33.	Karoack
6.	Banjara	34.	Khatik
7.	Bansi	35.	Kori, Koli
8.	Barad	36.	Lohar
9.	Barar, Burar, Berar	37.	Marija, Marecha
10.	Batwal	38.	Mazhabi
11.	Bauria, Bawaria	39.	Megh
12.	Bazigar	40.	Nat
13.	Bhanjra, Bhanjre	41.	Od
14.	Chamar, Jatia Chamar, Rehgar, Raigar,	42.	Pasi
	Ramdasi, Ravidasi, Ramdasia, Mochi	43.	Perna
15.	Chanal	44.	Phrera, Pherera
16.	Chhimbe, Dhobi	45.	Rehar, Rehara
17.	Dagi	46.	Sanhai
18.	Darain	47.	Sanhal
19.	Darai, Daryai	48.	Sansi, Bhedkut, Manesh
20.	Daule, Deole	49.	Sansoi
21.	Dhaki, Toori	50.	Sapela
22.	Dhanak	51.	Sarde, Sarera, Sarare, Siryare, Sarehde
23.	Dhaogri, Dhuai	52.	Sikligar
24.	Dhogri, Dhangri, Siggi	53.	Sipi
25.	Doom, Doomna, Dumna, Dumne,	54.	Sirkiband
	Mahasha	55.	Teli
26.	Gagra	56.	Thathiar, Thathera
27.	Gandhila, Gandil, Gondola	¹ [57.	
28.	Hali	[57.	barwaraj
	² [PART VIA.	—Jhari	khand
1.	Bantar	12.	Halalkhor
2.	Bauri	13.	Hair, Mehtar, Bhangi
3.	Bhogta	14.	Kanjar
		4 =	V i

1.	Bantar	12.	Halalkhor
2.	Bauri	13.	Hair, Mehtar, Bhang
3.	Bhogta	14.	Kanjar
4.	Bhuiya	15.	Kuraiar
5.	Chamar, Mochi	16.	Lalbegi
6.	Choupal	17.	Musahar
7.	Dabajar	18.	Nat
8.	Dhobi	19.	Pan, Sawasi
9.	Dom, Dhangad	20.	Pasi
10.	Dusadh, Dhari, Dharhi	21.	Rajwar
11.	Ghasi	22.	Turi.]

^{1.} Ins. by s. 2 and First Sch., ibid.

^{2.} Ins. by Act 30 of 2000, s. 23 and the Fifth Sch. (w.e.f. 15-11-2000).

PART VII. - Karnataka

1.	Adi Andhra	30.	Dakkal, Dokkalwar
2.	Adi Dravida	31.	Dakkaliga
3.	Adi Karnataka	32.	Dhor, Kakkayya, Kankayya
4.	Adiya (in Coorg district)	33.	Dom, Dombara, Paidi, Pano
5.	Ager	34.	Ellamalwar, Yellammalawandlu
6.	Ajila	35.	Ganti Chores
7.	Anamuk	36.	Garoda, Garo
8.	Aray Mala	37.	Godda
9.	Arunthathiyar	38.	Gosangi
10.	Arwa Mala	39.	Halleer
11.	Baira	40.	Halsar, Haslar, Hulasvar, Halasvar
12.	Bakad	41.	Handi Jogis
13.	Vant (In Belgaum, Bijapur, Dharwar and	42.	Hasla
	North Kanara District)	43.	Holar, Valhar
14.	Bakuda	44.	Holaya, Holer, Holeya
15.	Balagai	45.	Holeya Dasari
16.	Bandi	46.	Jaggali
¹ [17.	Banjara, Lambani, Lambada, Lambadi,	47.	Jambuvulu
	Lamani, Sugali, Sukali]	48.	Kadaiyan
18.	Bathada	49.	Kalladi
19.	Beda Jangam, Budga Jangam	50.	Kepmaris
20.	Bellara	51.	Kolupulvandlu
21.	Bhangi, Mehtar, Olgana, Rukhi, Malkana,	52.	Koosa
	Halalkhor, Lalbegi, Balmiki, Korar,	¹ [53.	Koracha, Korachar
	Zadmalli	54.	Korama, Korava, Koravar]
22.	Bhambi, Bhambhi, Asadaru, Asodi,	55.	Kotegar, Metri
	Chamadia, Chamar, Chambhar,	56.	Kudumban
	Chamgar, Haralayya, Harali, Khalpa,	57.	Kuravan
	Machigar, Mochigar, Madar, Madig,	58.	Lingader
	Mochi, Muchi, Telegu Mochi, Kamati	59.	Machala
	Mochi, Ranigar, Rohidas, Rohit, Samgar	60.	Madari
¹ [23.	Bhovi, Od , Odde, Vaddar, Waddar,	61.	Madiga
	Voddar, Woddar]	62.	Mahar, Taral, Dhegu Megu
24.	Bindla	63.	Mahyavanshi, Dhed, Vankar, Maru-
25.	Byagara		maruvonkar
26.	Chakkiliyan	64.	Maila
27.	Chalavadi, Chalvadi, Channayya	65.	Mala
28.	Chandala	66.	Mala Dasari
29.	Chenna Dasar, Holaya Dasar	67.	Mala Hannai

^{1.} Subs. by Act 61 of 2002, s. 2 and First Sch., for entry 17.

68. Mala Jangam 69. Mala Masti 70. Mala Sale, Netkani 71. Mala Sanyasi 72. Mang, Matang, Minimadig 73. Mang Garudi, Mang Garodi 74. Manne 75. Masthi 76. Mavilan 77. Meghwal, Menghvar 78. Moger

79.

80.

81.

82.

83.

84.

Mukri

Mundala

Nadia, Hadi

Nalkadava

Nalakeyava

Nayadi

1 * * *

Chakkiliyan

Chandala

Domban

1 * * *

1 * * *

Cheruman

Chamar, Muchi

13.

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18.

19.

20.

- 85. Pale 86. Pallan 87. Pambada 88. Panchama 89. Panniandi
- 90. Paraiyan, Paraya91. Paravan92. Raneyar
- 93. Samagara94. Samban95. Sapari
- 96. Sillekyathas97. Sindhollu, Chindollu
- 98. Sudugadu Siddha
 99. Thoti
- 100. Tirgar, Tirbanda
- 101. Valluvan.

PART VIII. - Kerala

- 1. Adi Andhra Adi Dravida 2. Adi Karnataka 3. 4. Aiila Arunthathiyar 5. 6. Ayyanavar 7. Baira Bakuda 8. 1 * * * 9. 10 Bathada 11. ²[12. Bharathar (other than Parathar), Paravan1
- 1 * * *

 22. Gosangi
 23. Hasla
 24. Holeya
 25. Kadaiyan

 ² [26. Kakkalan, Kakkan]
 27. Kalladi
 - ² [28. Kanakkan, Padanna, Padannan] 29. ³***
 - ²[30. Kavara (other than Telugu speaking or Tamil speaking Balija, Kavarai, Gavarai, Gavarai Naidu, Balija Naidu, Gajalu Balija or Valai Chetty)]
 - 31. Koosa32. Kootan, Koodan
 - 33. Kudumban
 - ²[34. Kuravan, Sidhanar, Kuravar, Kurava, Sidhana]
 - 35. Maila
 - 36. Malayan [in the areas comprising the

^{1.} Omitted by Act 61 of 2002, S. 2 and the First Sch.

^{2.} Subs. by S. 2 and the First Sch., ibid., for entry 12.

^{3.} Omitted by Act 10 of 2003, S. 3 & First Schedule.

Malabar district as specified by subsection (2) of section 5 of the States Reorganisation Act, 1956 (37 of 1956)]

- ²[37. Mannan, Pathiyan, Perumannan, Vannan Velan]
- 38. 3 * * *
- ²[39. Moger (other than Mogeyar)]
- 40. Mundala
- 41. Nalakeyava
- 42. Nakadaya
- 43. Navadi
- 44. 1 * * *
- 45. Pallan
- 46. Palluvan
- 47. Pambada
- 48. Panan
- 49. 1 * * *
- ²[50. Paraiyan, Parayan, Sambavar, Sambavan, Sambava, Paraya, Paraiya, Parayar]
- 51. 1 * * *
- 52. 1 * * *

- 53. 1 * * *
- ²[54. Pulayan, Cheramar, Pulaya, Pulayar, Cherama, Cheraman, Wayanad Pulayan, Wayanadan Pulayan, Matha, Matha Pulayan]
- 55. 1 * * *
- 56. Puthirai Vannan
- 57. Raneva
- 58. Samagara
- 59. Samban
- ⁴[60. Semman, Chemaman, Chemmar]
- 61. Thandan
- 62. Thoti
- 63. Vallon
- 64. Valluvan
- 65. 1 * * *
- 66. 1 * * *
- 67. Vetan
- ⁴[68. Vettuvan, Pulaya Vettuvan (in the areas of erstwhile Cochin State only)
- 69. Nerian]

PART IX. — Madhya Pradesh

- 1. Audhelia
- 2. Bagri, Bagdi
- 3. Bahna, Bahana
- 4. Balahi, Balai
- Banchada
- 6. Barahar Basod
- 7. Bargunda
- 8. Basor, Burud, Bansor, Bansodi, Bansphor, Basar
- 9. Bedia
- 10. Beldar, Sunkar
- Bhangi, Mehtar, Balmiki, Lalbegi, Dharkar
- 12. Bhanumati
- 13. Chadar

- 14. Chamar, Chamari, Bairwa, Bhambhi, Jatav, Mochi, Regar, Nona, Rohidas, Ramnami, Satnami, Surjyabanshi, surjyaramnami, Ahirwar, Chamar, Mangan, Raidas
- 15. Chidar
- Chikwa, Chikvi
- 17. Chitar
- 18. Dahait, Dahayat, Dahat
- 19. Dewar
- 20. Dhanuh
- 21. Dhed, Dher
- Dhobi (in Bhopal, Raisen and Sehore distirct)
- 23. Dohor
- 1. Omitted by Act 61 of 2002, s. 2 and the First Sch.
- 2. Subs. by s. 2 and the First Sch., ibid., for entry 12.
- 3. Omitted by Act 10 of 2003, s. 3 and the First Sch.
- Subs. by Act 61 of 2002, s. 2 and the First Sch.

- 24. Dom, Dumar, Dome, Domar, Doris
- 25. Ganda, Gandi
- 26. Ghasi, Ghasia
- 27. Holiya
- 28. Kanjar
- 29. Katia, Patharia
- 30. Khatik
- 31. Koli, Kori
- 32. Kotwal (in Bhind, Dhar, Dewas, Guna, Gwalior, Indore, Jhabua, Khargone, Mandsaur, Morena, Rajgarh, Ratlam, Shajapur, Shivpuri Ujjain and Vidisha Districts)
- 33. Khangar, Kanera, Mirdha
- 34. Kuchbandhia
- Kumar (in Chhatarpur, Datia, Panna, Rewa, Satna, Shahdol, Sidhi and Tikamgarh districts)
- ¹[36. Mahar, Mehra, Mehar, Mahara]

- Mang, Mang Garodi, Mang Garudi, Dankhani Mang, Mang Mahasi, Madari, Garudi, Radhe Mang
- 38. Meghwal
- 39. Moghia
- 40. Muskhan
- 41. Nat, Kalbelia, Sapera, Navdigar, Kubutar
- Pardhi (in Bhind, Dhar, Dewas, Guna, Gwalior, Indore, Jhabua, Khargone, Mandsaur, Morena, Rajgarh, Ratlam, Shajapur, Shivpuri, Ujjain and Vidisha Distircts)
- 43. Pasi
- 44. Rujjhar
- 45. Sansi, Sansia
- 46. Silawat
- 47. Zamral
- ²[48. Sargara]

PART X.—Maharashtra

- Ager
- Anamuk
- Aray Mala
- 4. Arwa Mala
- 5. Bahna, Bahana
- 6. Bakad, Bant
- 7. Balahi, Balai
- 8. Basor, Burud, Bansor, Bansodi
- 9. Beda Jangam, Budga Jangam
- 10. Bedar
- 11. Bhambi, Bhambhi, Asadaru, Asodi, Chamadia, Chamar, Chamari, Chambhar, Chamgar, Haralayya, Harali, Khalpa, Machigar, Mochigar, Madar, Madig, Mochi, Telegu Mochi, Kamati Mochi, Ranigar, Rohidas, Nona, Ramnami, Rohit, Samgar, Samagara, Satnami,

- Surjyabanshi, Surjyaramnami.
- Bhangi, Mehtar, Olgana, Rukhi, Malkana, Halalkhor, Lalbegi, Balmiki, Korar, Zadmalli
- 13. Bindla
- 14. Byagara
- 15. Chalvadi, Channayya
- Chenna Dasar, Holaya Dasar, Holeya Dasari
- 17. Dakkal, Dokkalwar
- 18. Dhor, Kakkayya, Kankayya, Dohor
- 19. Dom, Dumar
- 20. Ellamalvar, Yellammalawandlu
- 21. Ganda, Gandi
- 22. Garoda, Garo
- 23. Ghasi, Ghasia
- 24. Halleer

^{1.} Subs. by Act 61 of 2002, s. 2 and the First Sch.

^{2.} Ins. by s. 2 and First Sch., ibid.

25. Halsar, Haslar, Hulasvar, Halasvar 42. Mala Jangam 26. Holar, Valhar 43. Mala Masti 27. Holaya, Holer, Holeya, Holiya 44. Mala Sale, Netkani 28. Kaikadi (in Akola, Amravati, Bhandara, 45. Mala Sanyasi Buldana, Nagpur, Wardha and Yavatmal 46. Mang, Matang, Minimadig, Dankhni districts and Chandrapur district, other Mang, Mang Mahashi, Madari, Garudi, than Rajura tahsil) Radhe Mang 29. Katia, Patharia 47. Mang Garodi, Mang Garudi 30. Khangar, Kanera, Mirdha 48. Manne 31. Khatik, Chikwa, Chikvi 49. Mashti 32. Kolupulvandlu 50. Meghval, Menghvar 33. Kori 51. Mitha Ayyalvar 34. Lingader 52. Mukri 35. Madgi 53. Nadia, Hadi 36. Madiga 54. Pasi 37. Mahar, Mehra, Taral, Dhegu Megu 55. Sansi 38. Mahyavanshi, Dhed, Vankar, Maru 56. Shenva, Chenva, Sedma, Ravat Vankar 57. Sindhollu, Chindollu 39. Mala 58. Tirgar, Tirbanda 40. Mala Dasari 59. Turi. 41. Mala Hannai

PART XI.-Manipur

1.	Dhupi, Dhobi	5.	Patni
2.	Lois	6.	Sutradhar
3.	Muchi, Ravidas	7.	Yaithibi.
4.	Namasudra		

PART XII.—Meghalaya

Bansphor	9.	Kaibartta, Jaliya
Bhuinmali, Mali	10.	Lalbegi
Brittial Bania, Bania	11.	Mahara
Dhupi, Dhobi	12.	Mehtar, Bhangi
Dugla, Dholi	13.	Muchi, Rishi
Hira	14.	Namasudra
Jalkeot	15.	Patni
Jhalo, Malo, Jhalo-Malo	16.	Sutradhar.
	Bhuinmali, Mali Brittial Bania, Bania Dhupi, Dhobi Dugla, Dholi Hira Jalkeot	Bhuinmali, Mali 10. Brittial Bania, Bania 11. Dhupi, Dhobi 12. Dugla, Dholi 13. Hira 14. Jalkeot 15.

PART XIII.—Orissa

- Adi Andhra
- ¹[2. Amant, Amat, Dandachhatra Majhi]
- Audhelia
- 4. Badaik
- 5. Bagheti, Baghuti
- 6. Bajikar
- 7. Bari
- 8. Bariki
- 9. Basor, Burud
- ¹[10. Bauri, Buna Bauri, Dasia Bauri]
- 11. Bauti
- 12. Bayuri
- 13. Bedia, Bejia
- 14. Beldar
- 15. Bhata
- 16. Bhoi
- 17. Chachati
- 18. Chakali
- 19. Chamar, Mochi, Muchi, Satnami
- 20. Chandala
- 21. Chandai Maru
- 22. 2***
- 23. Dandasi
- ¹[24. Dewar, Dhibara, Keuta, Kaibarta]
- 25. Dhanwar
- 26. Dhoba, Dhobi
- 27. Dom, Dombo, Duria Dom
- 28. Dosadha
- 29. Ganda
- 30. Ghantarghada, Ghantra
- 31. Ghasi, Ghasia
- 32. Ghogia
- 33. Ghusuria
- 34. Godagali
- 35. Godari
- 36. Godra
- 37. Gokha
- 38. Gorait, Korait
- 39. Haddi, Hadi, Hari
- 1. Subs. by Act 61 of 2002, s. 2 and the First Sch.
- 2. Omitted by Act 25 of 2002, s. 2.

- 40. Irika
- 41. Jaggali
- ¹[42. Kandra, Kandara, Kadama]
- 43. Karua
- 44. Katia
- ¹[45. Kela, Sapua Kela, Nalua Kela, Sabakhia Kela, Matia Kela]
- 46. Khadala
- 47. Kodalo, Khodalo
- 48. Kori
- 49. Kummari
- 50. Kurunga
- 51. Laban
- 52. Laheri
- 53. Madari
- 54. Madiga
- 55. Mahuria
- ¹[56. Mala, Jhala, Malo, Zala, Malha, Jhola]
- 57. Mang
- 58. Mangan
- 59. Mehra, Mahar
- 60. Mehtar, Bhangi
- 61. Mewar
- 62. Mundapotta
- 63. Musahar
- 64. Nagarchi
- 65. Namasudra
- 66. Paidi
- 67. Painda
- 68. Pamidi
- ¹[69. Pan, Pano, Buna Pana, Desua Pana]
- 70. Panchama
- 71. Panika
- 72. Panka
- 73. Pantanti
- 74. Pap
- 75. Pasi
- 76. Patial, Patikar, Patratanti, Patua

77.	Rajna	87.	Tamadia
78.	Relli	88.	Tamudia
79.	Sabakhia	89.	Tanla
80.	Samasi	90.	2* * *
81.	Sanei	91.	Turi
82.	Sapari	92.	Ujia
83.	Sauntia, Santia	93.	Valamiki, Valmiki
84.	Sidhria	³ [94.	Mangali (in Koraput and Kalahandi
85.	Sinduria		districts)
¹ [86.	Siyal, Khajuria]	95.	Mirgan (in Navrangpur districts).]

PART XIV.—Punjab

1.	Ad Dharmi	19.	Kabirpanthi, Julaha
2.	Balmiki, Chura, Bhangi	20.	Khatik
3.	Bangali	21.	Kori, Koli
4.	Barar, Burar, Berar	22.	Marija, Marecha
¹ [5	. Batwal, Barwala]	¹ [23.	Mazhabi, Mazhabi Sikh]
6.	Bauria, Bawaria	24.	Megh
7.	Bazigar	25.	Nat
8.	Bhanjra	26.	Od
2[9	. Chamar, Jatia Chamar, Rehgar, Raigar,	27.	Pasi
	Ramdasi, Ravidasi, Ramdasia, Ramdasia	28.	Perna
	Sikh, Ravidasia, Ravidasia Sikh]	29.	Pherera
10.	Chanal	30.	Sanhai
11.	Dagi	31.	Sanhal
12.	Darain	32.	Sansi, Bhedkut, Manesh
13.	Deha, Dhaya, Dhea	33.	Sansoi
14.	Dhanak	34.	Sapela
15.	Dhogri, Dhangri, Siggi	35.	Sarera
16.	Dumna, Mahasha, Doom	36.	Sikligar
17.	Gagra	37.	Sirkiband.
18.	Gandhila, Gandil, Gondola	³ [38.	Mochi.]

^{1.} Subs. by Act 61 of 2002, s. 2 and the First Sch.

^{2.} Omitted by Act 25 of 2002, s. 2.

^{3.} Ins. by s. 2., ibid.

PART XV. Rajasthan

1.	Adi Dharmi	27.	Garo, Garura, Gurda, Garoda
2.	Aheri	28.	Gavaria
3.	Badi	29.	Godhi
4.	Bagri, Bagdi	30.	Jingar
5.	Bairwa, Berwa	31.	Kalbelia, Sapera
6.	Bajgar	32.	Kamad, Kamadia
7.	Balai	33.	Kanjar, Kunjar
8.	Bansphor, Bansphod	34.	Kapadia Sansi
9.	Baori	35.	Khangar
10.	Bargi, Vargi, Birgi	36.	Khatik
11.	Bawaria	37.	Koli, Kori
12.	Bedia, Beria	38.	Kooch Band, Kuchband
13.	Bhand	39.	Koria
14.	Bhangi, Chura, Mehtar, Olgana, Rukhi,	40.	Madari, Bazigar
	Malkana, Halalkhor, Lalbegi, Balmiki,	41.	Mahar, Taral, Dhegumegu
	Valmiki, Korar, Zadmalli	42.	Mahyavanshi, Dhed, Dheda, Vankar,
15.	Bidakia		Maru, Vankar
16.	Bola	43.	Majhabi
17.	Chamar, Bhambhi, Bambhi, Bhambi,	44.	Mang, Matang, Minimadig
	Jatia, Jatav, Jatava, Mochi, Raidas,	45.	Mang Garodi, Mang Garudi
	Rohidas, Regar, Raigar, Ramdasia,	46.	Megh, Meghval, Meghwal, Menghvar
	Asadaru, Asodi, Chamadia, Chambhar,	47.	Mehar
	Chamgar, Haralayya, Harali, Khalpa,	48.	Nat, Nut
	Machigai, Mochigar, Majar, Madig,	49.	Pasi
	Telugu Mochi, Kamati Mochi, Ranigar,	50.	Rawal
	Rohit, Samgar	51.	Salvi
18.	Chandal	52.	Sansi
19.	Dabgar	53.	Santia, Satia
20.	Dhanak, Dhanuk	54.	Sarbhangi
21.	Dhankia	55.	Sargara
22.	Dhobi	56.	Singiwala
23.	Dholi	57.	Thori, Nayak
24.	Dome, Dom	58.	Tirgar, Tirbanda
25.	Gandia	59.	Turi.
26.	Garancha, Gancha		

PART XVI.—Tamil Nadu

1.	Adi Andhra	35.	Kudumban
2.	Adi Dravida	36.	Kuravan, Sidhanar
3.	Adi Karnataka	37.	Madari
4.	Ajila	38.	Madiga
5.	Arunthathiyar	39.	Malia
6.	Ayyanavar (in Kanyakumari district and	40.	Mala
	Shenkottah taluk of Tirunelveli district)	41.	Mannan (in Kanyakumari district and
7.	Baira		Shenkottah taluk of Tirunelveli district)
8.	Bakuda	42.	Mavilan
9.	Bandi	43.	Moger
10.	Bellara	44.	Mundala
11.	Bharatar (in Kanyakumari district and	45.	Nalakeyava
	Shenkottah taluk of Tirunelveli district)	46.	Nayadi
12.	Chakkiliyan	47.	Padannan (in Kanyakumari district and
13.	Chalavadi		Shenkottah taluk of Tirunelveli district)
14.	Chamar, Muchi	48.	Pagadai
15.	Chandala	49.	Pallan
16.	Cheruman	50.	Palluvan
17.	Devendrakulathan	51.	Pambada
18.	Dom, Dombara, Paidi, Pano	52.	Panan (in Kanyakumari district and
19.	Domban		Shenkottah taluk of Tirunelveli district)
20.	Godagali	53.	Panchama
21.	Godda	54.	Pannadi
22.	Gosangi	55.	Panniandi
23.	Holeya	56.	Paraiyan, Parayan, Sambavar
24.	Jaggali	57.	Paravan (in Kanyakumari district and
25.	Jambuvulu		Shenkottah taluk of Tirunelveli district)
26.	Kadaiyan	58.	Pathiyan (in Kanyakumari district and
27.	Kakkalan (in Kanyakumari district and		Shenkottah taluk of Tirunelveli district)
	Shenkottah taluk of Tirunelveli district)	59.	Pulayan, Cheramar
28.	Kalladi	60.	Puthirai Vannan
29.	Kanakkan, Padanna (in the Nilgiris	61.	Raneyar
	district)	62.	Samagara
30.	Karimpalan	63.	Samban
31.	Kavara (in Kanyakumari district and	64.	Sapari
	Shenkottah taluk of Tirunelveli district)	65.	Semman
32.	Koliyan	66.	Thandan (in Kanyakumari district and
33.	Koosa		Shenkottah taluk of Tirunelveli district)
34.	Kootan, Koodan (in Kanyakumari distict	67.	Thoti
	and Shenkottah taluk of Tirunelveli	68.	Tiruvalluvar
	district)	69.	Vallon

- 70. Valluvan
- Vannan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)
- 72. Vathiriyan
- 73. Velan

- 74. Vetan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)
- 75. Vettiyan
- Vettuvan (in Kanyakumari district and Shenkottah taluk of Tirunelveli district)

PART XVII.—Tripura

- Bagdi
- 2. Bhuimali
- 3. Bhunar
- 4. Chamar, Muchi
- 5. Dandasi
- 6. Dhenuar
- Dhoba
- 8. Dum
- 9. Ghasi
- 10. Gour
- Gur
 Jalia Kaibarta
- 13. Kahar
- 201 1101101
- Kalindi
- 15. Kan16. Kanda
- 17. Kanugh

- 18. Keot
- 19. Khadit
- 20. Kharia
- 21. Koch
- 22. Koir
- 23. Kol
- 24. Kora
- 25. Kotal
- 26. Mahisyadas
- 27. Mali
- 28. Mehtor
- 29. Musahar
- 30. Namasudra
- 31. Patni
- 32. Sabar.
- ¹[33. Dhulhi, Sabdakar, Badyakar
- 34. Natta, Nat.]

PART XVIII.—Uttar Pradesh

- Agariya ²[excluding Sonbhadra districts]
- 2. Badhik
- Badi
- 4. Baheliya
- 5. Baiga ²[excluding Sonbhadra districts]
- 6. Baiswar
- 7. Bajaniya
- Bajgi
- 9. Balahar
- 10. Balai
- 11. Balmiki
- 12. Bangali

- 13. Banmanus
- 14. Bansphor
- 15. Barwar
- 16. Basor
- 17. Bawariya
- 18. Beldar
- 19. Beriya
- 20. Bhantu
- 21. Bhuiya ²[excluding Sonbhadra districts]
- 22. Bhuyiar
- 23. Boira
- 24. Chamar, Dhusia, Jhusia, Jatava

^{1.} Subs. by Act 61 of 2002, s. 2 and the First Sch.

^{2.} Ins. by Act 10 of 2003, s. 3 and the First Sch.

25.	Chero ¹ [excluding Sonbhadra and	45.	Khairaha
	Varanasi districts]	² [46.	Kharwar(excluding Benbansi) (excluding
26.	Dabgar		Deoria, Balia Gazipur, Varanasi and
27.	Dhangar		Sonbhadra districts)]
28.	Dhanuk	47.	Khatik
29.	Dharkar	48.	Khorot
30.	Dhobi	49.	Kol
31.	Dom	50.	Kori
32.	Domar	51.	Korwa
33.	Busadh	52.	Lalbegi
34.	Gharami	53.	Majhwar
35.	Ghasiya	54.	Mazhabi
36.	Gond ¹ [excluding Mehrajganj, Sidharth	55.	Musahar
	Nagar, Basti Gorakhpur, Deoria, Mau,	56.	Nat
	Azamgarh, Jonpur Balia, Gazipur,	57.	Pankha ¹ [excluding Sonbhadra and
	Varanasi, Mirzapur and Sonbhadra		Mirzapur districts]
	districts]	58.	Parahiya ¹ [excluding Sonbhadra district]
37.	Gual	59.	Pasitarmali
38.	Habura	60.	Patari [excluding Sonbhadra district]
39.	Hari	61.	Rawat
40.	Hela	62.	Saharya ¹ [excluding Lalitpur district]
41.	Kalabaz	63.	Sanaurhiya
42.	Kanjar	64.	Sansiya
43.	Kapariya	65.	Shilpkar
44.	Karwal	66.	Turaiha.

PART XIX.—West Bengal

1.	Bagdi, Duley	12.	Chaupal
2.	Bahelia	13.	Dabgar
3.	Baiti	14.	Damai (Nepali)
4.	Bantar	15.	Dhoba, Dhobi
5.	Bauri	16.	Doai
6.	Beldar	17.	Dom, Dhangad
7.	Bhogta	18.	Dosadh, Dusadh, Dhari, Dharhi
8.	Bhuimali	19.	Ghasi
9.	Bhuiya	20.	Gonrhi
10.	Bind	21.	Halalkhor
11.	Chamar, Charmakar, Mochi, Muchi, Rabidas, Ruidas, Rishi	³ [22.	Hari, Mehtar, Mehtor, Bhangi, Balmiki]

^{1.} Ins. by Act 10 of 2003, s. 3 and the First Sch.

^{2.} Subs. by s. 3 and the First Sch., ibid.

^{3.} Subs. by Act 25 of 2002, s. 2.

Jalia Kaibartta 23 24. Jhalo Malo, Malo 25. Kadar Kami (Nepali) 26. 27. Kandra 28 Kaniar 29. Kaora 30. Karenga, Koranga 31. Kaur 32. Keot, Keyot 33. Khaira 34. Khatik 35. Koch 36. Konai 37. Konwar 38 Kotal 39. Kurariar 40. Lalbegi

41.

42

Lohar

Mahar

- 43. Mal44. Mallah45. Musahar46. Namasudra
- 46. Namasudra47. Nat48. Nuniya49. Paliya50. Pan, Sawasi
- 51. Pasi52. Patni53. Pod, Poundra
- 54. Rajbanshi55. Rajwar56. Sarki (Nepali)
- 57. Sunri (excluding Saha)
- 58. Tiyar 59. Turi.
- ¹[60. Chain (in Malda, Murshidabad, Nadia and Dakhin Dinajpur districts).]

²[PART XX.—Mizoram

1.	Bansphor	9.	Kaibartta or Jaliya
2.	Bhuinmali or Mali	10.	Lalbegi
3.	Brittial-Bania or Bania	11.	Mahara
4.	Dhupi or Dhobi	12.	Mehtar or Bhangi
5.	Dugla or Dholi	13.	Muchi or Rishi
6.	Hira	14.	Namasudra
7.	Jalkeot	15.	Patni
8.	Jhalo, Malo or Jhalo-Malo	16.	Sutradhar.]

³[PART XXI.—Arunachal Pradesh

4 * * * *

⁵[PART XXII-Goa

- Bhangi (Hadi)
 Chambhar
- 3. Mahar

- 4. Mahyavanshi (Vankar)
- 5. Mang.]

^{1.} Ins. by Act 25 of 2002, s. 2.

Ins. by Act 34 of 1986, s. 13 and the First Sch. (w.e.f. 20-2-1987).

^{3.} Ins. by Act 69 of 1986, s. 16 and the First Sch. (w.e.f. 20-2-1987).

^{4.} Omitted by Act 61 of 2002, s. 2 and First Sch.

^{5.} Ins. by Act 18 of 1987, s. 19 and the First Sch. (w.e.f. 30-5-1987).

¹[PART XXIII.—Chhattisgarh

1.	Audhelia	21.	Dhed, Dher
2.	Bagri, Bagdi	22.	Dohor
3.	Bahna, Bahana	23.	Dom, Dumar, Dome, Domar, Doris
4.	Balahi, Balai	24.	Ganda, Gandi
5.	Banchada	25.	Ghasi, Ghasia
6.	Barahar, Basod	26.	Holiya
7.	Bargunda	27.	Kanjar
8.	Basor, Burud, Bansor, Bansodi,	28.	Katia, Patharia
	Bansphor, Basar	29.	Khatik
9.	Bedia	30.	Koli, Kori
10.	Beldar, Sunkar	31.	Khangar, Kanera, Mirdha
11.	Bhangi, Mehtar, Balmiki, Lalbegi,	32.	Kuchbandhia
12	Dharkar	33.	Mahar, Mehra, Mehar
12. 13.	Bhanumati Chadar	34.	Mang, Mang Garodi, Mang Garudi,
14.	Chamar, Chamari, Bairwa, Bhambhi,		Dankhani Mang, Mang Mahasi, Madari,
14.	Jatav, Mochi, Regar, Nona, Rohidas,		Garudi, Radhe Mang
	Ramnami, Satnami, Surjyabanshi,	35.	Meghwal
	Surjyaramnami, Ahirwar, Chamar,	36.	Moghia
	Mangan, Raidas	37.	Muskhan
15.	Chidar	38.	Nat, Kalbelia, Sapera, Navdigar, Kubutar
16.	Chikwa, Chikvi	39.	Pasi
17.	Chitar	40.	Rujjhar
18.	Dahait, Dahayat, Dahat	41.	Sansi, Sansia
19.	Dewar	42.	Silawat
20.	Dhanuk	43.	Zamral.]

²[PART XXIV.—Uttaranchal

1.	Agaria	11.	Balmiki
2.	Badhik	12.	Bangali
3.	Badi	13.	Banmanus
4.	Baheliya	14.	Bansphor
5.	Baiga	15.	Barwar
6.	Baiswar	16.	Basor
7.	Bajaniya	17.	Bawariya
8.	Bajgi	18.	Beldar
9.	Balhar	19.	Beriya
10.	Balai	20.	Bhantu

^{1.} Ins. by Act 28 of 2002, s.19 and the Third Sch. (w.e.f. 1-11-2000).

^{2.} Ins. by Act 29 of 2000, s. 24 and the Fifth Sch. (w.e.f. 9-11-2000)

- 21. Bhuiya
- 22. Bhuyiar
- 23. Boria
- 24. Chamar, Dhusia, Jhusia, Jatava
- 25. Chero
- 26. Dabgar
- 27. Dhangar
- 28. Dhanuk
- 29. Dharkar
- 30. Dhobi
- 31. Dom
- 32. Domar
- 33. Dusadh
- 34. Dharmi
- 35. Dhariya
- 36. Gond
- 37. Gwal
- 38. Habura
- 39. Hari
- 40. Hela
- 41. Kalabaz
- 42. Kanjar
- 43. Kapariya

- 44. Karwal
- 45. Kharaita
- 46. Kharwar (excluding Vanwasi)
- 47. Khatik
- 48. Kharot
- 49. Kol
- 50. Kori
- 51. Korwa
- 52. Lalbegi
- 53. Majhwar
- 54. Mazhabi
- 55. Musahar
- 56. Nat
- 57. Pankha
- 58. Parahiya
- 59. Pasi, Tarmali
- 60. Patari
- 61. Sahariya
- 62. Sanaurhiya
- 63. Sansiya
- 64. Shilpkar
- 65. Turaiha.]1

^{1.} Ins. by Act 29 of 2000, s. 24 and the Fifth Sch. (w.e.f. 9-11-2000)

¹The Constitution (Scheduled Tribes) Order, 1950 C.O. 22

In exercise of the powers conferred by clause (1) of article 342 of the Constitution of India, the President, after consultation with the Governors and Rajpramukhs of the States concerned, is pleased to make the following Order, namely:—

- 1. This Order may be called the Constitution (Scheduled Tribes) Order, 1950.
- 2. The Tribes or tribal communities, or parts of, or groups within, tribes or tribal communities, specified in ²[Parts I to ³{XXII}] of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Tribes so far as regards members thereof residents in the localities specified in relation to them respectively in those Parts of that Schedule.
- ⁴[3. Any reference in this Order to State or to a district or other territorial division thereof shall be construed as a reference to the State, district or other territorial division as constituted on the 1st day of May, 1976.]

Published with the Ministry of Law Notification No. S.R.O. 510, dated the 6th September, 1950, Gazette of India, Extraordinary, 1950, Part II, Section 3, page 597.

Subs. by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956.

The figure 'XVIII' has been successively subs. by Act 18 of 1987, s. 19 and Second Sch (w.e.f. 30.5.87) by Act 28 of 2000, s. 20 and Fourth Sch. (w.e.f. 1-11-2000) by Act 29 of 2000, s. 25 and Sixth Sch. (w.e.f. 9-11-2000) and Act No. 30 of 2000, s. 24 and Sixth. Sch. (w.e.f. 15-11-2000) to read as above.

^{4.} Subs. by Act 108 of 1976, s. 4 and the Second Sch., for paragraph 3 (w.e.f. 27-7-1977).

Constitution (Scheduled Tribes) Order, 1950 (PART III.—Rules and Orders under the Constitution)

¹[THE SCHEDULE

	PARI I. —And	anra F	radesh
1.	Andh ² [Sadhu Andh]		Karimnagar, Khammam, N
2.	Bagata		Medak, Nalgonda, Niz
3.	Bhil		Warangal districts)
4.	Chenchu, 3***	21.	Manna Dhora
5.	Gadabas ² [Bodo Gadaba, Gutob	22.	Mukha Dhora, Nooka Dho
	Gadaba, Kallayi Gadaba, Parangi	23.	Nayaks (in the Agency tra
	Gadaba, Kathera Gadaba, Kapu Gadaba]	24.	Pardhan
6.	Gond Naikpod, Rajgond ² [Koitur]	25.	Porja, Parangiperja
7.	Goudu (in the Agency tracts)	26.	Reddi Dhoras
8.	Hill Reddis	27.	Rona, Rena
9.	Jatapus	28.	Savaras, Kapu Savaras, M
10.	Kammara		Khutto Savaras
11.	Kattunayakan	29.	Sugalis, Lambadis ² [Banja
12.	Kolam, ⁴ [Kolawar]	30.	Thoti (in Adilabad,
13.	Konda Dhoras, ² [Kubi]		Karimnagar, Khammam, N
14.	Konda Kapus		Medak, Nalgonda, Niz
15.	Kondareddis		Warangal districts)
16.	Kondhs, Kodi, Kodhu, Desaya Kondhs,	31.	Valmiki (in the ⁴ [Schedu
	Dongria Kondhs, Kuttiya Kondhs, Tikiria		Vishakapatnam,
	Kondhs, Yenity Kondhs, ² [Kuvinga]		Vijayanagaram, East Goda
17	Kotia Bentho Oriva Bartika 3*** Dulia		,_,_,

- Holya, 3*** Sanrona, Sidhopaiko
- Koya, ⁴[Doli Koya, Gutta Koya, Kammara 18. Koya, Musara Koya, Oddi Koya, Pattidi Koya], Rajah, Rasha Koya, Lingadhari Koya (ordinary), Kottu Koya, Bhine Koya, Rajkoya
- 19. Kulia
- Malis (excluding Adilabad, Hyderabad, 20.

- Mahbubnagar, amabad and
- ora
- cts)
- laliya Savaras,
- ra]
- Hyderabad, Mahbubnagar, amabad and
- uled Areas of Srikakulam, avari and West Godavari districts)]
- Yenadis, ²[Chella Yenadi, Kappala Yenadi, 32. Manchi Yenadi, Reddi Yenadi]
- Yerukulas, ²[Koracha, Dabba Yerukula, 33. Kunchapuri Yerukula, Uppu Yerukula]
- ²[34. Nakkala, Kurvikaran
- Dhulia, Paiko, Putiya (in the districts of 35. Vishakhapatnam and Vijayanagaram)].

^{1.} Subs. by Act 108 of 1976, s. 4 and the Second Sch., for the Schedule (w.e.f. 27-7-1977).

^{2.} Ins. by Act 10 of 2003, s. 4 and the Second Sch.

^{3.} Omitted by s. 4, ibid.,. and the Second Sch.

^{4.} Subs. by s. 4, ibid. and the Second Sch., for certain words.

PART II.—Assam

I.	¹[In	the autonomous districts of Karbi	(xx	viii)	Riang
	Ang	long and North Cachar Hills]:-	(x	xix)	Sairhem
1.	Cha	kma	()	(xx)	Selnam
2.	Dim	asa, Kachari	(x	xxi)	Singson
3.	Gard	0	(xx	(xii)	Sithou
4.	Hajo	ong	(xx	xiii)	Sukte
5.	Hma	ar	(xx	xiv)	Thado
6.	Kha	si, Jaintia, Synteng, Pnar, War, Bhoi,	(xx	(XV)	Thangngeu
		gngam	(xx	xvi)	Uibuh
7.	27/	Kuki tribes including:—	(xxx)	(vii)	Vaiphei
	(i)	Biate, Biete	8.	Lakh	ner
	(ii)	Changsan	9.	Mar	(Tai speaking)
	(iii)	Chongloi	10.	Any	Mizo (Lushai) tribes
	(iv)	Doungel	11.	² [Ka	rbi]
	(v)	Gamalhou	12.	Any	Naga tribes
	(vi)	Gangte	13.	Paw	1.77
	vii)	Guite	14.	Synt	heng.
	/iii)	Hanneng	³ [15.	Lalu	
	(ix)	Haokip, Haupit	¹ [II.		he State of Assam including the
	(x)	Haolai			oland Territorial Areas District and
	(xi)	Hengna			uding the autonomous districts of
11.5	xii)	Hongsung			i Anglong and North Cachar Hills]:—
	ciii)	Harangkhwal, Rangkhol	1.		nans in Cachar
Control of the Control	(iv)	Jongbe	2.		o, Borokachari
	xv)	Khawchung	3.	Deo	
AND THE RESERVE	(vi)	Khawathlang, Khothalong	4.	Hoja	
	vii)	Khelma	5.		ari, Sonowal
	/iii)	Kholhou	6.	Lalu	
	(ix)	Kipgen	7.	Mec	
	xx)	Kuki	8.	Miri	ale the sure of the
	(xi)	Lengthang	9.	Rabh	and the state of t
	xii)	Lhangum	³ [10.	Dima	
	(iii)	Lhoujem			
	(iv)	Lunhana	11. 12.	Hajo	
	xv)	Lupheng		100	hpho
(xx		Mangjel	13.	Khan	
(xx)	vII)	Misao	14.	Garo	·1.

^{1.} Subs. by Act 47 of 2003, s. 2.

Subs. by Act 10 of 2003, s. 4 and the Second Sch.
 Ins. by s. 4 and the Second Sch *ibid*.

PART III. - Bihar

1.	Asur, ¹ [Agaria]	³ [17.]	Khond
2.	Baiga	³ [18.]	Kisan
3.	Banjara	³ [19.]	Kora ² [Nagesia]
4.	Bathudi	³ [20.]	Korwa ² [Mudi-kora]
5.	Bedia	³ [21.]	Lohara, Lohra
6.	2***	³ [22.]	Mahli
³ [6.]	Bijhia	³ [23.]	Mal Paharia
³ [7.]	Birhor	3[24.]	Munda ² [Kumarbhag Paharia]
³ [8.]	Birjia	³ [25.]	Oraon ² [Patar]
³ [9.]	Chero	³ [26.]	Parhaiya ² [Dhangar Oraon]
³ [10.]	Chik Baraik	³ [27.]	Santal
³ [11.]	Gond Gorait	³ [28.]	
³ [12.] ³ [13.]	Ho	³ [29.]	
³ [14.]	Karmali	¹ [31.]	
³ 15.]	Kharia	32.	Kol
³ [16.]	Kharwar ¹ [Dhelki Kharia, Dudh	33.	Tharu.]
[20.]	Kharia, Hill Kharia]	55.	mara.j
	The state of the s		

PART IV.—Gujarat

1		Barda	13.	Kathodi, Katkari Dhor Kathodi, Dhor
2	2.	Bavacha, Bamcha		Katkari, Son Kathodi, Son Katkari
3		Bharwad (in the Nesses of the forest of	14.	Kokna, Kokni, Kukna
		Alech, Barada and Gir)	15.	5***
4	١.	Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil,	16.	Koli Dhor, Tokre Koli, Kolcha, Kolgha
		Dungri Garasia, Mewasi Bhil, Rawal Bhil,	17.	Kunbi (in the Dangs disrict)
		Tadvi Bhil, Bhagalia, Bhilala, Pawra,	18.	Naikda, Nayaka, Cholivala Nayaka,
		Vasava, Vasave		Kapadia Nayaka, Mota Nayaka, Nana
5	5.	Charan (in the Nesses of the forests of		Nayaka
		Alech, Barada and Gir)	19.	Padhar
6	5.	Chaudhri (in Surat and Valsad districts)	20.	5***
7	7.	Chodhara	21.	Pardhi, Advichincher, Phanse Pardhi
8	3.	Dhanka, Tadvi, Tetaria, Valvi		(excluding Amreli, Bhavnagar, Jamnagar,
9	9.	Dhodia ⁴ [Dhodi]		Junagadh, Kutch, Rajkot and
1	10.	Dubla, Talavia, Halpati		Surendranagar districts)
1	11.	Gamit, Gamta, Gavit, Mavchi, Padvi	22.	Patelia

1. Ins. by s. 4 and the Second Sch., ibid.

Gond, Rajgond

12.

23.

Pomla

^{2.} Item No. 6 and the entries relating thereto omitted by Act 30 of 2000, s. 24 and the Sixth Sch. (w.e.f. 15-11-2000).

^{3.} Item Nos. 7 to 30 renumbered as item Nos. 6 to 29 by s. 24 and the Sixth Sch., ibid. (w.e.f. 15-11-2000).

^{4.} Ins. by Act 10 of 2003, s-4 and the 2nd Sch.

^{5.} Omitted by Sec. 4 and the 2nd Schedule., ibid

- 24. Rabari (in the Nesses of the forests of Alech, Barada and Gir)
- 25. Rathawa
- Siddi, ¹[Siddi-Badshan] (in Amreli) 26. Bhavnagar, Jamnagar, Junagadh, Rajkot and Surendranagar districts)
- 2*** 27.
- 28. Varli
- 29. Vitolia, Kotwalia, Barodia
- ³[30. Bhil, Bhilala, Barela, Patelia
- 31. Tadvi Bhil, Pawra, Vasave
- 32. Padvil.

PART V.—Himachal Pradesh

- 1. Bhot, Bodh
- 2. Gaddi 2***
- 3. Guijar 2***
- Jad, Lamba, Khampa 4.
- 5. Kanaura, Kinnara

- 6. Lahaula
- 7. Pangwala
- 8. Swangla
- ¹[9. Beta, Beda
- 10. Domba, Gara, Zoba.1

PART VI.-Karnataka

- 1. Adiyan
- 2. Barda
- 3. Bavacha, Bamcha
- Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, 4. Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala, Pawra, Vasava, Vasave
- 5. Chenchu, Chenchwar
- 6. Chodhara
- 7. Dubla, Talavia, Halpati
- 8. Gamit, Gamta, Gavit, Mavchi, Padvi, Valvi
- 9. Gond, Naikpod, Rajgond
- 10. Gowdalu
- 11. Hakkipikki
- 12. Hasalaru
- 13. Irular
- 14. Iruliga
- 15. Jenu Kuruba
- 16. Kadu Kuruba
- Kammara (in South Kanara district and 17. Kollegal taluk of Mysore district)

- 18. Kanivan, Kanyan (in Kollegal taluk of Mysore district)
- 19. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Katkari
- 20. Kattunayakan
- 21. Kokna, Kokni, Kukna
- 22. Koli Dhor, Tokre Koli, Kolcha, Kolgha
- 23. Konda Kapus
- 24. Koraga
- 25. Kota
- 26. Koya, Bhine Koya, Rajkova
- 27. Kudiya, Melakudi
- 28. Kuruba (in Coorg district)
- 29. Kurumanas
- 30. Maha Malasar
- 31. Malaikudi
- 32. Malasar
- 33. Malayekandi
- 34. Maleru
- 35. Maratha (in Coorg District)
- 36. Marati (in South Kanara district)
- 37. Meda ¹[Medari, Gauriga, Burud]

^{1.} Ins. by Act 10 of 2003, s. 4, and the Second Sch.

^{2.} Omitted by s. 4. and the Second Sch., ibid.

^{3.} Ins. by Act 32 of 2002, s. 3.

- 38. Naikda, Nayaka, Chollivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka, ²[Naik, Nayak, Beda Bedar and Valmiki]
- 39. Palliyan
- 40. Paniyan
- 41. Pardhi, Advichincher, Phanse Pardhi
 ¹[Haranshikari]
- 42. Petelia

- 43. Rathawa
- 44. Sholaga
- 45. Soligaru
- 46. Toda
- 47. Varli
- 48. Vitolia, Kotwalia, Barodia
- 49. Yerava
- ¹[50. Siddi (in Uttar Kannada district.]

PART VII.-Kerala

- 1. Adiyan
- Arandan ¹[Aranadan]
- 3. Eravallan
- 4. Hill Pulaya ¹[Mala Pulayan, Kurumba Pulayan, Karavazhi Pulayan, Pamba Pulayan]
- 5. Irular, Irulan
- Kadar ¹[Wayanad Kadar]
- 7. 3***
- 8. Kanikaran, Kanikkar
- 9. Kattunayakan
- 10. ⁴[Kochuvelan]
- 11. 3***
- 13. Koraga
- 14. 3***
- 15. Kudiya, Melakudi
- 16. Kurichchan ¹[Kurichiyan]
- 17. Kurumans ¹[Mullu Kuruman, Mulla Kuruman, Mala Kuruman]
- 18. Kurumbas ¹[Kurumba Kuruman]
- 19. Maha Malasar
- Malai Arayan ¹[Mala Arayan]
- 21. Malai Pandaram
- 22. Malai Vedan ¹[Malavedan]

- 23. Malakkuravan
- 24. Malasar
- ⁴[25. Malayan, Nattu Malayan, Konga Malayan (excluding the areas comprising the Kasargode, Connanore, Wayand and Kozhikode districts)
- 26. Malayarayar
- 27. Mannan ¹[to be spelt in Malayalam script in parenthesis]
- 28. 3***
- 29. Muthuvan, Mudugar, Muduvan
- 4[Pallegan, Palligan, Palliyar Paliyan]
- 33. Paniyan
- 34. Ulladan ¹[Ullatan]
- 35. Uraly
- ¹[36. Mala Vettuvan (in Kasargode and Kannur districts)
- 37. Ten Kurumban, Jenu Kurumban
- 38. Thachanadan, Thachanadan Moopan
- 39. Cholanaickan
- 40. Mavilan
- 41. Karimpalan
- 42. Vetta Kuruman
- 43. Mala Panickar.]

^{1.} Ins. by Act 10 of 2003, s. 4 and the Second Sch.

^{2.} Ins. by Act 39 of 1991, s. 2 (w.e.f. 19-4-1991).

^{3.} Entries 7, 8, 11, 12, 14 and 28 omitted by s. 4 and the Second Sch., ibid.

^{4.} Subs. by s. 4 and the Second Sch., ibid.

¹[PART VIII.—Madhya Pradesh

- 1. Agariya
- 2. Andh
- 3. Baiga
- 4. Bhaina
- 5. Bharia Bhumia, Bhuinhar Bhumia, Bhumiya, Bharia, Paliha, Pando
- 6. Bhattra
- 7. Bhil, Bhilala, Barela, Patelia
- 8. Bhil Mina
- 9. Bhunjia
- 10. Biar, Biyar
- 11. Binjhwar
- 12. Birhul, Birhor
- 13. Damor, Damaria
- 14. Dhanwar
- 15. Gadaba, Gadba
- 16. Gond; Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koliabhuta, Koliabhuti, Bhar, Bisonhorn Maria, Chota Maria,
- 17. Halba, Halbi
- 18. Kamar
- 19. Karku
- 20. Kawar, Kanwar, Kaur, Cherwa, Rathia. Tanwar, Chhatri
- 2*** 21.
- 22. Khairwar, Kondar
- 23. Kharia
- Kondh Khond, Kandh 24.
- 25. Kol
- 26. Kolam
- 27. Kokru, Bopchi, Mouasi, Nihal, Nahul Bondhi, Bondeya
- 28. Korwa, Kodaku
- 29. Majhi
- 30. Maihwar
- 31. Mawasi
- 2*** 32.
- 33. Munda
- 34. Nagesia, Nagasia
- 35. Oraon, Dhanka, Dhangad
- 36. Panika (in Chhatarpur, Datia, Panna,

- Rewa, Satna, Shahdol, Sidhi and Tikamgarh districts)
- 37. Pao
- 38. Pardhan, Pathari, Saroti
- 2*** 39.

40.

- Pardhi; Bahelia, Bahellia, Chita Pardhi, Langoli Pardhi, Phans, Pardhi, Shikari, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond Gowari, Hill Maria Kandra, Kalangar, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghya, Mudia, Muria, Nagarchi, Nagwanshi, Ojha, Raj, Sonjhari Jhareka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi Takankar, Takia [in (1) Bastar, Chhindwara, Mandra, Raigarh, Seoni and surguja districts, (2) Baihar tahsil of Balaghat district, (3) Betul and Bhainsdehi tehsils of Betul district, (4) Bilaspur and Katghora tahsils of Bilaspur district, (5) Durg and Balod tahsils of Durg district, (6) Chowki, Revenue Manpur and Mohala Inspectors' Circles of Rajnandgaon district, (7) Murwara, Patan and Sihora tahsils of Jabalpur district, (8) Hoshangabad and Sohagpur tahsils of Hoshangabad district and Narsimhapur district, (9) Harsud tahsil of Khandwa district, (10) Bindra Nawagarh Dhamtari and Mahasamund tahsils of Raipur district]
- 41. Parja
- 42. Saharya, Saharia, Seharia, Sehria, Sosia, Sor
- 43. Saonta, Saunta
- Saur 44.
- 45. Sawar, Sawara
- 46. Sonr.

^{1.} Subs. by Act 28 of 2000, s. 20 and the Fourth Sch., for Part VIII (w.e.f. 1-11-2000).

^{2.} Entries 21, 32 and 39 omitted by Act 10 of 2003, s. 4 and the Second Sch.

PART IX.-Maharashtra

- 1. Andh
- Baiga
- 3. Barda
- 4. Bavacha, Bamcha,
- Bhaina
- Bharia Bhumia, Bhuinhar Bhumia, Pando
- 7. Bhattra
- 8. Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala Pawara, Vasava, Vasave
- 9. Bhunjia
- 10. Binjhwar
- 11. Birhul, Birhor
- 12. 1***
- 13. Dhanka, Tadvi, Tetaria Valvi
- 14. Dhanwar
- 15. Dhodia
- 16. Dubla, Talavia, Halpati
- 17. Gamit, Gamta, Gavit, Mavchi, Padvi
- 18. ²[Gond Rajgond] Arakh, Arrakh, Agaria Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koilabhuta, Koilabhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Kaiki; Gatta, Gatti, Gaita, Gond Gowari, Hill Maria, Kandra, Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghya Mudia, Muria, Nagarchi, Naikpod, Nagwanshi, Ojha, Raj, Sonjhari Jhareka, Thatia, Thotya, Wade Maria, Vade Maria

- 19. Halba, Halbi
- 20. Kamar
- 21. Kathodi, Katkari, Dhor Kathodi, Dhor Kathkari Son Kathodi, Son Katkari
- Kawar, Kanwar, Kaur, Cherwa, Rathia,
 Tanwar, Chattri
- 23. Khairwar
- 24. Kharia
- 25. Kokna, Kokni, Kukna
- 26. Kol
- 33. Koya, Bhine Koya, Rajkoya
- 34. Nagesia, Nagasia
- Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka
- 36. Oraon, Dhangad
- 37. Pardhan, Pathari, Saroti
- 38. Pardhi, Advichincher, Phans Pardhi Phanse Pardhi, Langoli Pardhi, Bahelia, Bahellia, Chita Pardhi, Shikari, Takankar, Takia
- 39. Parja
- 40. Patelia
- 41. Pomla
- 42. Rathawa
- 43. Sawar, Sawara,
- Thakur, Thakar, Ka Thakur, Ka Thakar, Ma Thakur, Ma Thakar
- 45. 1***
- 46. Varli
- 47. Vitolia, Kotwalia, Barodia.

^{1.} Entries 12 and 45 omitted by Act 10 of 2003, s. 4 and the Second Sch.

^{2.} Subs. by s. 4 and the Second Sch., ibid.

PART X. - Manipur

- 1. Aimol
- 2. Anal
- 3. Angami
- 4. Chiru
- 5. Chothe
- 6. Gangte
- 7. Hmar
- 8. Kabui
- 9. Kacha Naga
- 10. Koirao
- 11. Koireng
- 12. Kom
- 13. Lamgang
- 14. Mao
- 15. Maram
- 16. Maring

- 17. Any Mizo (Lushai) tribes
- 18. Monsang
- 19. Movon
- 20. Paite
- 21. Purum
- 22. Ralte
- 23. Sema
- 24. Simte
- 25. Suhte
- 26. Tangkhul
- 27. Thadou
- 28. ¹[Vaiphei]
- 29. Zou.
- ²[30. Poumai Naga
- 31. Tarao
- 32. Kharam
- 33. Any Kuki tribes]

PART XI.—Meghalaya

- 1. Chakma
- 2. Dimasa, Kachari
- 3. Garo
- 4. Hajong
- 5. Hmar
- 6. Khasi, Jaintia, Syteng, Pnar, War, Bhoi,
 - Lyngngam
- 7. Any Kuki Tribes including .-
 - (i)
- Biate, Biete
- (ii) Changsan
- (iii) Chongloi
- (iv) Doungel
- (v) Gamalhou
- (vi) Gangte
- (vii) Guite
- (viii) Hanneng
- (ix)Haokip, Haupit

- (x) Haolai (xi)Hengna
- (xii) Hongsungh
- (xiii) Hrangkhwal, Rangkhol
- (xiv)Jongbe
- (xv)Khawchung
- (xvi) Khawathilang, Khothalong
- (xviii) Kholhou
- (xix)Kipgen
- (xvii) Khelma
- (xx)Kuki
- (xxi)Lengthang
- (xxii) Lhangum
- (xxiii) Lhoujen
- (xxiv) Lhouvun
- (xxv)Lupheng
- (xxvi) Mangiel
- (xxvii) Misao
- (xxviii) Riang

^{1.} Subs. by Act 10 of 2003, s. 4 and the Second Sch.

^{2.} Ins. by s. 4 and the Second Sch., ibid.

(xxix)	Sairhem	
(xxx)	Selnam	
(xxxi)	Singson	
(xxxii)	Sitlhou	
(xxxiii)	Sukte	
(xxxiv)	Thado	
(xxxv)	Thangngeu	
(xxxvi)	Uibuh	
(xxxvii)	Vaiphei	
Lakher		

8.

14.

15.

16.

17.

18.

19.

20.

Chenchu

Gandia

Desua Bhumii

Dal

- Man (Tai speaking)
- 10. Any Mizo (Lushai) Tribes
- 11. Mikir
- 12. Any Naga tribes
- 13. Pawi
- 14. Synteng
- ¹[15. Boro Kacharis
- 16. Koch
- 17. Raba, Rava].

PART XII.—Orissa

- 1. Bagata ²[Bhakta] 2. Baiga 3. Banjara Banjari 4. Bathudi ²[Bathuri] Bhottada, Dhotada ²[Bhotra, Bhatra, 5. Bhattara, Bhotora, Bhatara] 6. Bhuiya Bhuyan 7. Bhumia Bhumij ²[Teli Bhumij, Haladipohria 8. Bhumij, Haladi Pokharia Bhumija, Desi Bhumij, Desia Bhumij, Tamaria Bhumij] 9. Bhunjia Binjhal 2[, Binjhwar] 10. 11. Binjhia, Binjhoa 12. Birhor 13. Bondo Poraja ²[Bonda Paroja, Band Parojal
- 21. Ghara
- Gond, Gondo ²[Rajgond, Maria Gond, Dhur Gond]
- 23. Ho
- 24. Holya
- 25. Jatapu
- 26. Juang
- 27. Kandha Gauda
- 28. Kawar ¹[Kanwar]
- Kharia, Kharian ¹[Berga Kharia, Dhelki Kharia, Dudh Kharia, Erenga Kharia, Munda Kharia, Oraon Kharia, Khadia, Pahari Kharia]
- 30. Kharwar
- 31. Khond, Kond, Kandha, Nanguli Kandha, Sitha Kandha ²[Kondh, Kui, Buda Kondh, Bura Kandha, Desia Kandha, Dungaria Kondh, Kutia Kandha, Kandha Gauda, Muli Kondh, Malua Kondh, Pengo Kandha, Raja Kondh, Raj Khond]
- 32. Kisan ²[Nagesar, Nagesia]
- 33. Kol
- 34. Kolah Loharas, Kol Loharas
- 35. Kolha
- Koli, Malhar
- 37. Kondadora
- 38. Kora ²[Khaira, Khayara]

Gadaba, Sano Gadabal

Dharua ²[Dhuruba, Dhurva]

Didavi ²[Didai Paroja, Didai]

Gadaba, ²[Bodo Gadaba, Gutob Gadaba,

Kapu Gadaba, Ollara Gadaba, Parenga

^{1.} Ins. by Act 43 of 1987, s. 2 (w.e.f. 19-9-1987).

^{2.} Ins. by Act 10 of 2003, s. 4 and the Second Sch.

- 39. Korua
- 40. Kotia
- 41. Koya ¹[Gumba Koya, Koitur Koya, Kamar Koya, Musara Koya]
- 42. Kulis
- 43. Lodha ¹[Nodh, Nodha, Lodh]
- 44. Madia
- 45. Mahali
- 46. Mankidi
- 47. Mankirdia ¹[Mankria, Mankidi]
- 48. Matya ¹[Matia]
- 49. Mirdhas ¹[Kuda, Koda]
- 50. Munda, Munda Lohara, Munda Mahalis ¹ [Nagabanshi Munda, Oriya Munda]
- 51. Mundari
- 52. Omanatya ¹[Omanatyo, Amanatya]
- 53. Oraon ¹[Dhangar, Uran]
- 54. Parenga
- 55. Paroja ¹[Parja, Bodo Paroja, Barong

- Jhodia Paroja, Chhelia Paroja, Jhodia Paroja, Konda Paroja, Paraja, Ponga Paroja, Sodia Paroja, Sano Paroja, Solia Paroja]
- 56. Pentia
- 57. Rajuar
- 58. Santal
- 59. Saora, Savar, Saura, Sahara ¹[Arsi Saora, Based Saora, Bhimma Saora, Chumura Saora, Jara Savar, Jadu Saora, Jati Saora, Juari Saora, Kampu Saora, Kampa Soura, Kapo Saora, Kindal Saora, Kumbi Kancher Saora, Kalapithia Saora, Kirat Saora, Lania Soara, Lamba Lanjia Saora, Laura Saora, Luar Saora, Laria Savar, Malia, Saora, Malla Saora, Uriya Saora, Raika Saora, Sudda Saora, Sarda Saora, Tankala Saora, Patro Saora, Vesu Saora]
- 60. Shabar, Lodha
- 61. Sounti
- 62. Tharua ¹[Tharua Bindhani].

PART XIII.—Rajasthan

- Bhil, Bhil Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala, Pawra, Vasava, Vasave
- 2. Bhil Mina
- 3. Damor, Damaria
- 4. Dhanka, Tadvi, Tetaria, Valvi
- 5. Garasia (excluding Rajput Garasia)
- 6. Kathodi, Katkari, Dhor Kathodi, Dhor

- Katkari, Son Kathodi, Son Katkari
- Kokna, Kokni, Kukna
- 8. Koli Dhor, Tokre koli, Kolcha, Kolgha
- 9. Mina
- Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka
- 11. Patelia
- 12. Seharia, Sehria, Sahariya.

PART XIV.—Tamil Nadu

- 1. Adiyan
- Aranadan
- Eravallan
- 4. Irular
- Kadar
- 6. Kammara (excluding Kanyakumari

- distrct and Shenkottah taluk of Tirunelveli district)
- Kanikaran, Kanikkar (in kanyakumari District and Shenkottah ²[and Ambasaundram taluks] of Tirunelveli district)

^{1.} Ins. by Act 10 of 2003, s. 4 and the Second Sch.

^{2.} Subs. by Act 10 of 2003, s. 4 and the Second Sch.

8	3.	Kaniyan, Kanyan	24.	Malasar
	9.	Kattunayakan	25.	Malayali (in Dharmapuri, North Arcot,
1	10.	Kochu Velan		Pudukottai, Salem, South Arcot and
1	11.	Konda Kapus		Tiruchirapali districts)
	12.	Kondareddis	26.	Malayekandi
1	13.	Koraga	27.	Mannan
1	14.	Kota (excluding Kanyakumari district and	28.	Mudugar, Muduvan
		Shenkottah taluk of Tirunelveli district)	29.	Muthuvan
1	15.	Kudiya, Melakudi	30.	Palleyan
1	16.	Kurichchan	31.	Palliyan
1	17.	Kurumbas (in the Nilgiris district)	32.	Palliyar
1	18.	Kurumans	33.	Paniyan
1	19.	Maha Malasar	34.	Sholaga
2	20.	Malai Arayan	35.	Toda (excluding Kanyakumari district
-	21.	Malai Pandaram		and Shenkottah taluk of Tirunelveli
2	22.	Malai Vedan		district)
2	23.	Malakkuravan	36.	Uraly

PART XV.—Tripura

1.	Bhil			(ix)	Kuntei	
2.	Bhuti	a		(x)	Laifang	
3.	Chain	nal		(xi)	Lentei	
4.	Chakı	ma		(xii)	Mizel	
5.	Garo	0		(xiii)	Namte	
6.	Halam ¹ [Bengshel, Dub, Kaipeng, Kalai,			(xiv)	Paitu, Paite	
	Karb	ong, Lengui, Mussum, Rupini,		(xv)	Rangchan	
	Sukud	chep, Thangchep]		(xvi)	Rangkhole	
7.	Jama	tia marka kongaka kana kana w		(xvii)	Thangluya	
8.	Khasi	a	10.	Lepch	na	
9.	Kuki,	including the following sub-	11.	Lusha	ai	
	tribes	s:-	12.	Mag		
	(i)	Balte	13.	Mund	da, Kaur	
	(ii)	Belalhut	14.	Noati	a ¹ [Murashing]	
	(iii)	Chhalya	15.	Orang		
	(iv)	Fun	16.	Riang		
	(v)	Hajango	17.	Santal		
	(vi)	Jangtei	18.	Tripu	ra, Tripuri, Tipp	era
	(vii)	Khareng	19.	Ucha	i.	
	(viii)	Khephong				

^{1.} Ins. by Act 10 of 2003, s. 4 and the Second Sch.

PART XVI.-West Bengal

1.	Asur	21.	Korwa
2.	Baiga	22.	Lepcha
3.	Badia, Bediya	23.	Lodha, Kheria, Kharia
4.	Bhumji	24.	Lohara, Lohra
5.	Bhutia, Sherpa, Toto, Dukpa, Kagatay,	25.	Magh
	Tibetan, Yolmo	26.	Mahali
6.	Birhor	27.	Mahli
7.	Birjia	28.	Mal Pahariya
8.	Chakma	29.	Mech
9.	Chero	30.	Mru
10.	Chik Baraik	31.	Munda
11.	Garo	32.	Nagesia
12.	Gond	33.	Oraon
13.	Gorait	34.	Parhaiya
14.	Hajang	35.	Rabha
15.	Но	36.	Santal
16.	Karmali	37.	Sauria Paharia
17.	Kharwar	38.	Savar
18.	Khond	¹ [39.	Limbu (Subba)
19.	Kisan	40.	Tamang.]

²[PART XVII.—Mizoram

1.	Chakr	ma		(vi)	Gangte
2.	Dima	sa(Kachari)		(vii)	Guite
3.	Garo			(viii)	Hanneng
4.	Hajor			(ix)	Haokip or Haupit
5.	Hmar			(x)	Haolai
6.	Khasi Synte	and Jaintia, (including	ing Khasi,	(xi)	Hengna
or	Pnar,	War, Bhoi or Lyngn	gam)	(xii)	Hongsungh
7.	Any K	uki tribes, including	g,—	(xiii)	Hrangkhwal or Rangkhol
	(i)	Baite or Biete		(xiv)	Jongbe
	(ii)	Changsan		(xv)	Khawchung
	(iii)	Chongloi		(xvi)	Khawathlang or Khothalong
	(iv)			(xvii)	Khelma
		Doungel		(xviii)	Kholhou
	(v)	Gamalhou		(xix)	Kipgen

^{1.} Ins. by Act 10 of 2003, s. 4 and the Second Sch.

20.

Kora

^{2.} Ins. by Act 34 of 1986, s. 14 and the Third Sch. (w.e.f. 20-2-1987).

(xx)	Kuki			(xxxiii)	Sukte
(xxi)	Lengthang			(xxxiv)	Thado
(xxii)	Lhangum			(xxxv)	Thangngeu
(xxiii)	Lhoujem			(xxxvi)	Uibuh
(xiv)	Lhouvun			(xxxvii)	Vaiphei
(xxv)	Lupheng		8.	Lakher	
(xxvi)	Mangjel		9.	Man (Ta	ai-speaking)
(xxvii)	Missao		10.	Any Miz	zo (Lushai) tribes
(xxviii)	Riang		11.	Mikir	
(xxix)	Sairhem		12.	Any Na	ga tribes
(xxx)	Selnam		13.	Pawi	
(xxxi)	Singson		14.	Synteng	$[3]^1$
(xxxii)	Sitlhou		² [15.	Paite.]	

³[PART XVIII.—Arunachal Pradesh

All t	ribes in the State including: —	9.	Momba	
1.	Abor	10.	Any Naga tril	bes
2.	Aka	11.	Sherdukpen	
3.	Apatani	12.	Singpho.]	
4.	Dafla	² [13.	Hrusso	
5.	Galong	14.	Tagin	
6.	Khampti	15.	Khamba	
7.	Khowa	16.	Adi.]	
8.	Mishmi ² [Idu, Taroon]			

⁴[PART XIX.—Goa

1.	Dhodia	5.	Varli]
2.	Dubla (Halpati)	² [6.	Kunbi
3.	Naikda (Talavia)	7.	Gawda
4.	Siddi (Nayaka)	8.	Velip.]

^{1.} Ins. by Act 34 of 1986, s. 14 and the Third Sch. (w.e.f. 20-2-1987).

^{2.} Ins by Act 10 of 2003, s. 4 and the Second Sch.

^{3.} Ins. by Act 69 of 1986, s. 17 and the Third Sch. (w.e.f. 20-2-1987).

^{4.} Ins. by Act 18 of 1987, s. 19 and the Second Sch. (w.e.f. 30-5-1987).

¹[PART XX.—Chhattisgarh

- 1. Agariya
- 2. Andh
- 3. Baiga
- 4. Bhaina
- Bharia Bhumia, Bhuinhar Bhumia, Bhumiya, Bharia, Paliha, Pando
- 6. Bhattra
- 7. Bil, Bhilala, Barela, Patelia
- 8. Bil Mina
- 9. Bhunjia
- 10. Biar, Bivar
- 11. Binjhwar
- 12. Birhul, Birhor
- 13. Damor, Damaria
- 14. Dhanwar
- 15. Gadaba, Gadba
- 16. Gond, Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bimma, Bhuta, Koilabhuta, Kolibhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond, Gowari Hill Maria, Kandra, Kalanga, Hatola, Koitar, Koya, Khirwar, Hirwara, Kucha Maria, Kuchaki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Minghya, Mudia, Muria, Nagarchi, Nagwanshi, Ojha, Raj Gond, Sonjhari, Jhareka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi
- 17. Halba, Halbi
- 18. Kamar
- 19. Karku
- 20. Kawar, Kanwar, Kaur, Cherwa, Rathia, Tanwar, Chattri
- 21. Khairwar, Kondar
- 22. Kharia
- 23. Kondh, Khond, Kandh
- 24. Kol

- 25. Kolam
- Korku, Bopchi, Mouasi, Nihar, Nahul, Bondhi, Bondeya
- 27. Korwa, Kodaku
- 28. Majhi
- 29. Majhwar
- 30. Mawasi
- 31. Munda
- 32. Nagesia, Nagasia
- 33. Oraon, Dhanka, Dhangad
- 34. Pag
- 35. Pardhan, Pathari, Saroti
- 36. Pardhi, Bahelia, Bahellia, Chita Pardhi, Langoli Pardhi, Phans Pardhi, Shikari, Takankar, Takia [in (i) Bastar, Dantewara. Kanker, Raigarh, Jashpurnagar, Surguja and Koria districts, (ii) Katghora, Pali, Kartala and Korba tahsils of Korba districts, (iii) Bilaspur, Pendra, Kota and Takhatpur tahsils of Bilaspur district, (iv) Durg, Patan, Gunderdehi, Dhamdha, Balod, Gurur and Dondilohara tahsils of Durg district, (v) Chowki, Manpur and Mohala Revenue Inspector Circles of Rajandgon district, (vi) Mahasamund, Saraipali and Basna tahsils of Mahasamund district, (vii) Bindra-Navagarh Rajim and Deobhog tahsils of Raipur district, and (viii) Dhamtari, Kurud and Sihava tahsils of Chamtari district]
- 37. Parja
- Sahariya, Saharia, Seharia, Sehria,
 Sosia, Sor
- 39. Saonta, Saunta
- 40. Saur
- 41. Sawar, Sawara
- 42. Sonr.1

^{1.} Ins. by Act 28 of 2000, s. 20 and the Fourth Sch. (w.e.f. 1-11-2000).

¹[PART XXI.—Uttaranchal

1. Bhotia

Buksa

3. Jannari

4. Raji

5. Tharu.]

²[PART XXII.—Jharkhand

Asur ³[Agaria]

Baiga

3. Banjara

4. Bathudi

5. Bedi

6. Binjhia

7. Birhor

8. Birjia

9. Chero

10. Chick Baraik

11. Gond

12. Gorait

13. Ho

14. Karmali

15. Kharia ²[Dhelki Kharia, Dudh Kharia,

Hill Kharia]

16. Kharwar

17. Khond

18. Kisan ²[Nagesia]

19. Kora ²[Kumarbhag Paharia]

20. Korwa

21. Lohra

22. Mahil

23. Mal Pahariya ²[Kumarbhag Paharia]

24. Munda ²[Patar]

25. Oraon ²[Dhangar (Oraon)]

26. Parhaiya

27. Santhal

28. Sauria Paharia

29. Savar

30. Bhumij.]

²[31. Kawar

32. Kol.]

^{1.} Ins. by Act 29 of 2000, s. 25 and the Sixth Sch. (w.e.f. 9-11-2000).

^{2.} Ins. by Act 30 of 2000, s. 24 and the Sixth Sch. (w.e.f. 15-11-2000)

^{3.} Ins by Act 10 of 2003, s. 4 and the Second Sch.

CHAPTER - 2

Reservation for SC, ST and OBC in Services & Posts under the Government of West Bengal

A. Acts and Rules Notes on Reservation

Introduction:

The concept of reservation for Scheduled Castes and Scheduled Tribes has its genesis in Articles 15 and 16 of the Constitution of India. In West Bengal, the policy on Reservation in Services and Posts in respect of Scheduled Castes and Scheduled Tribes is administered by "The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976", "The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Rules, 1976" framed under the Act. Reservation in services & posts for OBC is administered through "The West Bengal Backward Classes (Other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Act, 2012". There are also a number of Notifications, Memoranda and orders issued from time to time.

It may be mentioned here that as per Census 2011, out of a total population of 9.13 crore in West Bengal, 2,14,63,270 (23.5%) belong to SC and 52,96,953 (5.8%) belong to ST. There has been no census of the OBC population in West Bengal. It is, however, estimated that OBC population in West Bengal is around 39% of the total population.

Salient features of reservation in services and posts in the State Government sector for SC, ST & OBC are as follows:-

A. Reservation in services and posts for SC & ST.

Government of West Bengal passed "The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976" and also framed "The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Rules, 1976" under the Act. The Act and the Rules have been amended on many occasions as per necessity. A number of Notifications and orders have also been issued. The main features of these reservation norms are as follows:-

 The provisions of this Act shall not apply in relation to any employment under the Central Government, in respect of WB Higher Judicial Officers, any private employment, any employment in domestic service and in case of single cadre post.

- 2. In case of promotion posts, in addition to the conditions above, there will also be no reservation in posts having Grade pay exceeding Rs.8,700/-.
- As per provisions of this Act, 22% of the vacancies shall be reserved for SC and 6% shall be reserved for ST. Reservation at this rate is to be maintained for direct recruitment as well as for promotion.
- 4. To maintain this reservation, two rosters have been provided. One roster, named 100 point roster is to be maintained for direct recruitment. Another roster a 50 point roster is to be maintained for promotion.
- 5. All employers have to maintain separate registers called Register of Appointments (RoA) for different categories of posts and also separately for direct recruitment and for promotional posts. Every vacancy due to whatever cause, except termination of service during probation shall be treated as a fresh vacancy. The roster shall be maintained separately for permanent and temporary vacancies.
- 6. To facilitate maintenance of RoA, a cut-off date, 27-03-1990 has been fixed. All the vacancies as on that date has to be listed in the RoA. The format of the RoA has been mentioned in the Rule. All subsequent vacancies are to be written in the RoA and reservation has to be done as per the relevant 100 point or 50 point roster depending on the nature of vacancy (direct or promotional).
- 7. Authentication: The RoA has to be got authenticated by the Competent Authority from time to time, especially as or when vacancies are filled up. Authentication of RoA is done by the District Magistrate and District Reservation Commissioner in case of Districts and by the BCW Department in case of Kolkata.
- 8. **De-reservation:** De-Reservation of a reserved post can be done on the ground of non-availability of suitable reserved candidate, despite best efforts. For this, application in the prescribed format with proof of non-availability has to be submitted by the appointing authority. DM & Dist. Commissioner for Reservation for Schools in Districts and BCW Deptt. for Kolkata are the authorities for de-reservation in Schools. In all other cases, the State Government in the BCW Department is the authority for De-reservation. Dereservation is granted by carrying forward the reserved vacancy to nearest available unreserved vacancy. However, de-reservation is also allowed by carrying forward the reserved vacancy to future unreserved vacancies. There is no specific order as the number of attempts for recruitment to be taken before applying for de-reservation, but the authority granting de-reservation has to ascertain that sufficient attempts have been made to recruit candidates belonging to reserved categories.
- 9. Regularisation: If the Appointing Authority violates the provision of reservation by filling up one reserved vacancy with a different category of candidate, he can approach the Government for regularisation of the violation. If grounds of violation appear to be acceptable, Regularisation can be granted by the State Government by carrying forward the reserved vacancy to nearest available unreserved vacancy. However, in case of

educational institutions only such regularisation is also allowed by carrying forward the reserved vacancy to future unreserved vacancies.

- 10. In cases of regularisation or dereservation, the total number of reserved posts is not reduced. Only the reserved points are shifted to unreserved points in the ROA.
- 11. Every Appointing Authority is required to furnish two reports in the prescribed format annually. These are:-
 - Report on total number of employees and the number of SC & ST employees amongst them on 1st January of every year.
 - Report on total number of recruitments during the last calendar year and the number of SC & ST amongst them.
- 12. If an appointing authority makes an appointment in contravention of the provisions of this Act or fails to maintain records or to furnish annual returns, he shall be punishable with imprisonment for a term of 5 years or with fine of Rs.2,500/-.
- 13. For getting the benefit of reservation one candidate will have to produce a statutory caste certificate obtained from the competent authority and he can claim such benefit of reservation only from the date of obtaining that certificate.
- 14. In addition to the benefit of reservation, a reserved candidate of SC or ST category can claim age relaxation of 5 years in case of appointments not only for reserved posts, but also for unreserved posts. Further examination fees, if any, for selection to any service or post, is also exempted for these candidates.
- 15. Benefit of reservation can be claimed by a reserved candidate only from his State of origin, not from the State to which he may migrate.
- 16. Till now 60 communities as SC and 40 communities as ST have been identified in West Bengal.
- 17. BCW Department and the Tribal Development Department of the Government of West Bengal administer the provisions of these Acts and the Rules. Ministry of Social Justice and Empowerment, Government of India, looks after the matters relating to SCs and OBCs and Ministry of Tribal Affairs, Government of India, looks after the matters relating to the ST at the Central level. In this State there is a State Reservation Cell at the State Level and a District Reservation Cell in each District to monitor implementation of reservation norms.

There are two National Commissions National Commission for Scheduled Castes and National Commission for Scheduled Tribes. They monitor, evaluate the welfare activities of the State and Central Governments and suggest measures to be taken for improvement etc.

B. Reservation in services & posts for OBC

Reservation for Other Backward Classes (OBC) was introduced since 1994. At that time, there was no Act to guide the principles of reservation for OBCs. Notification No. 347-TW / EC dated 13-07-1994 was the first Notification to introduce the matter of reservation for OBCs in

services and posts under State Government control. 5% posts were reserved then for OBC. This was increased to 7% in 1999 and lastly to 17% with effect from 24-09-2010.

- However, OBC persons falling under 'Creamy Layer' are excluded from the provision of reservation.
- 2. An Act by the name "The West Bengal Backward Classes (Other than the Scheduled Castes and the Scheduled Tribes) (Reservation of vacancies in Services and Posts) Act, 2012" to formalise the reservation for OBC in jobs in the State Government sector has since been promulgated and now reservation for OBC in services and posts under State Government Sector is administered through this Act.
- 3. OBCs have been divided into two categories OBC Category A and OBC Category -B. More backward classes within OBC have been included in OBC-A and others in OBC-B. This categorization has been done on the basis of successive sample surveys conducted by the State Government through the University of Calcutta and the Cultural Research Institute. The relative backwardness of 165 classes have been determined through those surveys and on the basis of results of that survey, those classes have been enlisted as OBC -A or OBC-B
- 4. Covering all reservation quotas for SC, ST, & OBC, one 100 point roster has been prescribed which is used to ensure reservation of services and posts for SC, ST & OBC in West Bengal. The latest 100 point roster containing all points reserved for SC, ST, OBC-A and OBC-B including reservations in the exempted category, Ex-Military, physically challenged and meritorious sports person has been published on 01-03-2011.
- 5. Since there is no provision for reservation in promotion in respect of OBCs, 50 point roster is not required to be maintained for OBCs.
- Authentication, De-reservation and Regularisation in respect of OBCs are done following the same principle as in cases of SC & ST. The same RoA is used for SC, ST & OBCs taken together. Annual returns etc. are also to be furnished in the same manner as in cases of SC & ST.
- 7. As on 01-10-2015, 165 classes have been included in the list of OBCs. 78 among those are included in OBC-A, and the remaining 87 in OBC-B. There are 110 minority communities enlisted as OBC, out of which 107 are Muslim minorities and the others being Christian, Buddhist and Jain minorities.
- 8. West Bengal Commission for Backward Classes has been set up here in 1993. The Commission looks after the matter of identification of communities to be listed as OBC.

The West Bengal SC & ST (Reservation of Vacancies in Services and Posts) Act, 1976

NOTIFICATION

No. 1079-L

Dated: 5th May 1976

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XXVII of 1976

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act, 1976

[Passed by the West Bengal Legislature]
[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 5th May, 1976]

An Act to provide for the reservation of vacancies in services and posts for the members of the Scheduled Castes and Scheduled Tribes.

WHEREAS the members of the Scheduled Castes and Scheduled Tribes who are backward classes of citizens are not adequately represented in the services and posts within the State;

AND WHEREAS it is expedient to provide for the reservation of vacancies in services and posts for them;

It is hereby enacted in the Twenty-seventh Year of the Republic of India, by the Legislature of West Bengal, as follows :

- (1) This Act may be called the West Bengal Scheduled Castes and
 - Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

extent and

Short Title

- (2) It extends to the whole of West Bengal.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint*

^{* 15}th Day of August, 1976 appointed as the date of effect vide Notification No. 370-TW/EC dated 14th August, 1976 published in the Calcutta Gazette, Extraordinary dated 14th Aug, 1976.

- In this Act, unless the context otherwise requires,
 - "appointing authority", in relation to a service or post in an establishment, means the authority empowered to make appointment to such service or post;

Definition

"cadre" means the strength of a service or a part of a service sanctioned as a separate unit;



- "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 fifty-one per cent of the paid up share capital is held by the State Government, and includes universities and colleges affiliated to the universities, primary and secondary schools and also other educational institutions which are owned or aided by the State Government and also includes an establishment in public sector;
- "establishment in public sector" means any industry, trade, business or occupation owned, controlled or managed by
 - the State Government or any department of the State Government,

1 of 1956

- a Government Company as defined in section 617 of the Companies Act, (ii) 1956 or a Corporation established by or under a Central or State Act, in which not less than fifty-one per cent of the paid up share capital is held by the State Government,
- a local or statutory authority, constituted under any State Act for the time being in force;
- "establishment in private sector" means any industry, trade, business or occupation which is not an establishment in public sector;
- "Schedule" means the Schedule appended to this Act.
- "single post cadre" means a cadre which has the strength of one post only. $^{2}(f)$
- 3. This Act shall not apply in relation to,
 - any employment under the Central Government; (a)

Act not to apply in relation to certain

employments

- any employment in the West Bengal Higher Judicial Service;
- 3 (c) Omitted;

(b)

- any employment in private sector; (d)
- any employment in domestic service. (e)
- any employment in single post cadre.
- (1) After the commencement of this Act all appointments to services and posts in an establishment which are to be filled up by direct recruitment shall be regulated in the following manner, namely,
 - subject to the other provisions of this Act* the vacancies shall be reserved for candidates belonging to Scheduled Castes and for candidates belonging

¹ Inserted vide West Ben. Act XXI of 2005 w. e. f. 31-8-2005.

² Inserted vide West Ben. Act XXI of 2005 w. e. f. 31-8-2005

³ Vide West Bengal Act XLII of 1994 w. e. f. 16-1-1995

⁴ Vide West Bengal Act XLII of 1980

⁵ Vide West Bengal Act XLII of 1980

Vide West Bengal Act XLII of 1980

Reservation for Scheduled Castes and Scheduled Tribes in vacancies to be filled up by direct recruitment. to Scheduled Tribes, in the manner set out in Schedule I⁶
Provided that the State Government may, from time to time, by notification in the *Official Gazette*, increase the percentage so, that the reservation shall not exceed twenty-five per cent in the case of Scheduled Castes and ten per cent in the case of Scheduled Tribes:

Provided further that different percentages may be fixed by the State Government for different districts in accordance with the percentages of population of Scheduled Castes and Scheduled Tribes in such districts:

Provided also that in respect of the West Bengal Civil Service (Judicial), the percentage shall be ten for Scheduled Castes and five for Scheduled Tribes;

- fees, if any, prescribed for any examination for selection to any service or post <u>shall not be charged</u>⁷ in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes;
- (c) the members of the Scheduled Castes and the Scheduled Tribes shall be entitled to a concession of five years over the prescribed maximum age limit for appointment to any service or post.
- 8 (2) The member of any Scheduled Caste or Scheduled Tribe candidate qualifying on merit for appointment to any unreserved vacancy in a service or post in any establishment to be filled up by direct recruitment shall not be deducted from the quota reserved in such service or post for such candidate under sub-section (1).
 - Reservation for members of the Scheduled Castes and the Scheduled Tribes in vacancies
 to be filled up by promotion in any establishment shall be regulated in the following
 manner, namely,
 - ⁹ (a) There shall be reservation at twenty-two per cent for members of the Scheduled Castes and six percent for members of the Scheduled Tribes <u>in</u> the manner set out in Schedule II:¹⁰

Reservation for Scheduled Castes and Scheduled Tribes in vacancies to be filled up by promotion.

Provided that the State Government may, from time to time, by notification in the *Official Gazette*, increase the percentage so that the reservation shall not exceed twenty-five per cent in the case of Scheduled Castes and ten per cent in the case of Scheduled Tribes:

¹¹ Provided further that the number of any Scheduled Caste or Scheduled Tribe employee appointed on promotion to any unreserved vacancy in a service or post in any establishment to be filled up by promotion shall not be deducted from the quota reserved in such service or post for the members of the Scheduled Castes or Scheduled Tribes under this section.

¹¹ Vide West Bengal Act XXXI of 1983



⁶ Vide West Bengal Act XXIV of 2000 w. e. f. 30-8-2000

⁷ Vide West Bengal Act XXIV of 2000 w. e. f. 30-8-2000

⁸ Vide West Bengal Act XLII of 1980

⁹ Vide West Bengal Act XLII of 1994

¹⁰ Vide West Bengal Act XXIV of 2000.

- There shall be no reservation in any post. Carrying the grade pay excluding Rs. 8,700
- ¹³(c) A separate fifty-point roster shall be maintained by every establishment in the manner set out in the Schedule.
- A candidate who claims to be a member of the Scheduled Castes or the Scheduled ¹⁴5A. Tribes shall support his candidature by a certificate of Identification in accordance with the provisions of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994. West Bengal XXXVIII of
- There shall be no de-reservation of any reserved vacancy by any 1994 appointing authority in any post in an establishment which is required to be filled up by direct recruitment. In the absence of qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, to fill up such vacancy, such vacancy shall remain unfilled.
- "Notwithstanding anything contained in sub-section (1), if, in the public interest, it is necessary to fill up any vacancy as aforesaid remaining unfilled on account of non-availability of a qualified Scheduled Caste or Scheduled Tribes candidate, as the case may be, the appointing authority shall refer the vacancy to the State Government for dereservation. Upon such reference, the State Government may, if it is satisfied that it is necessary or expedient so to do, Dereservation of reserved by order, de-reserve the vacancy, subject to the condition that the reservation against the vacancy so dereserved shall be carried forward against the subsequent unreserved vacancy [available at the time of passing the order of dereservation or any unreserved vacancy which shall occur in future.]16

¹⁷, ¹⁸[Provided that the State Government may, if it is satisfied that the appointing authority by genuine mistake or on account of an error of judgment or owing to ignorance has filled up any reserved vacancy otherwise than by a candidate for whom the vacancy is reserved and that there has been no mala fide intention in this regard on the part of the appointing authority, by order in writing, regularise the appointment, if so applied for by the appointing authority, on the basis of the carry forward principle. In such case, reservation against the reserved vacancy already filled up otherwise than by a candidate belonging to Scheduled Caste or Scheduled Tribe for whom the vacancy was originally reserved, shall--

if such vacancy relates to an establishment other than the establishment in universities and colleges affiliated to the universities, primary and secondary schools and also other educational institutions which are owned or aided by

Certificate of identification

vacancy

¹² Vide West Bengal Act XIV of 2009.

¹³ Vide West Bengal Act XLII of 1994.

¹⁴ Vide West Bengal Act XV of 1996 w. e. f. 1-1-1996

¹⁵ Vide West Bengal Act XLII of 1994 w. e. f. 16-1-1995

¹⁶ Inserted vide West. Ben. Act V of 2007 w. e. f. the 10-5-2007

¹⁷ Vide West Bengal Act XXIV of 2000 with immediate effect

¹⁸ Substituted for the first vide West Ben. Act V of 2007 w. e. f. 10-5-2007

- the State Government, be carried forward to the nearest unreserved vacancy available at the time of consideration of any application; or
- (b) if such vacancy relates to an establishment in universities and college affiliated to the universities, primary and secondary schools and also other educational institutions which are owned or aided by the State government, be carried forward to the nearest unreserved vacancy available at the time of consideration of any application or to any unreserved vacancy which shall occur in future:]

Provided further that the State Government may, if it considers it necessary or expedient so to do, by notification in the *Official Gazette*, empower any other authority not below the rank of District Magistrate and District Commissioner for Reservation to exercise the power of the State Government to de-reserve a reserved vacancy under this sub-section."

- ¹⁹(2A) The appointing authority shall, for the purposes of sub-section (2), make an application to the State Government in such Form and in such manner, as may be prescribed by the State Government.
- Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, if, in the public interest, it is necessary or expedient to fill up any vacancy in any post in any primary, secondary or higher secondary school in any district owned or aided by the State Government, caused by deputation or leave of the incumbent of that post for a period not exceeding ten months and remaining unfilled on account of non-availability of a qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, the appointing authority may refer the vacancy to the District Commissioner for Reservation, referred to in sub-section (1), or sub-section (1A) as the case may be, of section 6B, for that district for de-reservation. Upon such reference, the District Commissioner for Reservation as aforesaid may, if he is satisfied that it is necessary or expedient so to do, by order, dereserve the vacancy, subject to the condition that the reservation against the vacancy so dereserved shall be carried forward against the subsequent unreserved vacancy in any such post caused by such deputation or leave for such period.
- The State Government may appoint any officer, not below the rank of Secy to the Government of West Bengal, to be the Commissioner for Reservation, West Bengal (hereinafter referred to as the Commissioner.)

 Explanation.—Secretary shall include a Special Secretary.
- (2). The Commissioner shall be responsible for ensuring reservation of vacancies in services and posts for the members of the Scheduled Castes and the Scheduled Tribes under this Act. by an appointing authority—

¹⁹ Vide West Bengal Act XV of 1996.

²⁰ Vide West Bengal Act XLII of 1994 w. e. f. 16-1-1995 (Vide WB Act XV of 1996).

²¹ Vide West Bengal Act XV of 1996, (Vide West Bengal Act XLII of 1994 w.e.f. 16.1.1995)

- (a) having territorial jurisdiction throughout West Bengal, or
- ²² (a1) having its offices and fixed territorial jurisdiction in Calcutta, or;
 - (b) having its offices in Calcutta without having any fixed territorial jurisdiction.
- (a). The State Government may appoint an officer, not below the rank of Joint Secretary to the Government of West Bengal, to be the Joint Commissioner for Reservation, West Bengal (hereinafter referred to as the Joint Commissioner), an officer, not below the rank of Deputy Secretary to the Government of West Bengal, to be the Deputy Commissioner for Reservation, West Bengal (hereinafter referred to as the Deputy Commissioner), and an officer, not below the rank of Assistant Secretary to the Government of West Bengal, to be the Assistant Commissioner for Reservation, West Bengal (hereinafter referred to as the Assistant Commissioner).
 - (b) The Joint Commissioner, the Deputy Commissioner, and the Assistant Commissioner shall have the powers of the Commissioner for the purposes of this Act, subject to superintendence and control of the Commissioner.";
 - Explanation.- "Calcutta" shall mean the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866.
 - (3). If any appointing authority referred to in sub-section (2) contravenes any provision of this Act and thereby commits an offence punishable under sec 7, the Commissioner, or any Officer, not below the rank of an Inspector B.C.W. Act IV of of Backward Classes Welfare Department, 24 authorised by him in 1866 this behalf, may file a complaint in any court having jurisdiction against such appointing authority, and thereupon such court shall, subject to the provision of section 8, take cognizance of such offence.
 - (4) Where a complaint is filed in any court having jurisdiction against an appointing authority under sub-section (3) for contravening any provision of this Act and thereby committing an offence punishable under section 7, the burden of proof that no contravention of any provision of this Act has been made by him, shall lie with him.
- 256B. (1) The State Government may appoint any District Magistrate of a district to be the District Commissioner for Reservation for that district (hereinafter referred to as the District Commissioner).

Explanation. - District Magistrate shall include an Additional District Magistrate.

District Commissioner ²⁶ (1A) Omitted

for Reservation (2). The District Commissioner shall be responsible for ensuring reservation of vacancies in services and posts for the members of the Scheduled Castes and the Scheduled Tribes under this Act by an appointing authority-

²² Vide West Bengal Act XXIV of 2000 with immediate effect (Vide West Bengal Act XV of 1996).

²³ The words "Inspector of Scheduled Castes and Tribes Welfare Department" substituted by the words "an Inspector of Backward Classes Welfare Department" vide West Ben. Act XXIV of 2000 w. e. f. 30-08-2000

²⁴ Vide West Bengal Act XV of 1996

²⁵ Vide West Bengal Act XXIV of 2000 with immediate effect

²⁶ Vide West Bengal Act XXIV of 2000 with immediate effect

- (a) having territorial jurisdiction in the whole, or any part, of the district or
- (b) having no fixed territorial jurisdiction in the district, but having his office in the district to which the jurisdiction of the District Commissioner extends.
- (3). If any appointing authority referred to in sub-section (2) contravenes any provision of this Act and thereby commits an offence punishable under section 7, the District Commissioner or any officer, not below the rank of an Inspector of Backward Classes Welfare Department, authorised by him in this behalf, may file a complaint in any court having jurisdiction against such appointing authority, and thereupon such court shall, subject to the provisions of section 8, take cognizance of such offence.
- Where a complaint is filed in any court having jurisdiction against an appointing authority under sub-section (3) for contravening any provision of this Act and thereby committing an offence punishable under section 7, the burden of proof that no contravention of any provision of this Act has been made by him, shall lie with him.

²⁸6C. For the purposes of section 6A and 6B—

- (a) Territorial jurisdiction shall, in relation to an appointing authority mean the area to which its administrative jurisdiction extends; and
- (b) an appointing authority, whose administrative jurisdiction does not extend to any fixed area, shall be deemed to be an appointing authority without having any fixed territorial jurisdiction.

Territorial jurisdiction

297. If an appointing authority makes an appointment in contravention of the provisions of section 4 or section 5, or fails to maintain records, or to furnish the annual return, referred to in sub-section (1) of section 12, he shall be punishable with imprisonment for a term of five years, or with fine of two thousand and five hundred rupees, or with both;

Provided that nothing contained in this section shall apply in relation to an appointment to any service or post of which the appointing authority is the Governor.

Penalty

- 8. No prosecution for an offence under Act shall be instituted except by, or with the sanction of the of State Government.
- No suit, prosecution or other legal proceeding shall lie against any person for anything, which is in good faith done or intended to be done under this Act.

²⁷ Vide West Bengal Act XLII of 1994 w. e. f.16-1-1995

²⁸ Substituted Vide West Bengal Act XXIV of 2000 with immediate effect

²⁹ Ins. vide West Bengal Act XXIV of 2000 with immediate effect

Cognizance of offences

10. If any difficulty arises in giving effect to the provision of this Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of this Act, as the State Government may consider necessary for removing the difficulty

Protection of action taken in good faith

12.

 The State Government may, by order published in the Official Gazette, add to, amend or alter any Schedule. 30

Removal of difficulties

(1) Every appointing authority shall maintain such records and documents³¹ as may be prescribed by rules made in this behalf and shall furnish to the State Government in the prescribed manner, an annual report on the appointments made by it, during the previous year reckoned according to the British calendar.³²

Power to amend any Schedule (2) Any officer authorised by the State Government in that behalf may inspect any records or documents, which are maintained in relation to appointments made by such appointing authority.

Submission of annual report, maintenance of other records and inspection

- (3) It shall be the duty of the appointing authority to produce such records or documents for inspection by the officer authorised under sub-section (2), and furnish such information or afford such assistance as may be necessary for him to carry out his functions under this Act.
- (4) Notwithstanding anything contained in the West Bengal Services (Duties, Rights and Obligations of the Government Employees) Rules, 1980,³³ any member of any Scheduled Castes or any Scheduled Tribes who is adversely affected on account of the noncompliance with the provisions of this Act or the rules made there under by any appointing authority, may bring the fact to the notice of the State Government and upon application made by him the State Government may call for such records or take such action thereon as it may think fit.
- (1) The State Government may make rules for carrying out the purposes of this Act.
 - (2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely,
 - (a) form in which every establishment shall submit annual report to the State Government regarding the number of persons recruited in such establishment;

Power to make rules

(b) any other matter which has to be or may be prescribed by rules made in this behalf.

^{30.} Substituted vide West Bengal Act XXIV of 2000 with immediate effect

^{31.} Inserted vide West Bengal Act XXIV of 2000 with immediate effect

^{32.} Words "financial year" subs. vide West Bengal Act XXIV of 2000 with immediate effect

^{33.} Subs. for "West Bengal Government Servants' Conduct Rules, 1959" vide West Bengal Act XXIV of 2000 with immediate

Schedule I

(See Section 4.).

The reservation for the members of the Scheduled Castes and the Scheduled Tribes in services or posts in an establishment shall be given effect to in the following manner, namely:—

** (i) A roster of one hundred vacancies¹ will be necessary to give effect to the reservation of vacancies for the Scheduled Castes and the Scheduled Tribes for direct recruitment.² The roster given below shall be adopted for the purpose by each establishment.

1st vacancy Scheduled Caste 2nd vacancy Unreserved 3rd vacancy Unreserved 4th vacancy Scheduled Tribe 5th vacancy Unreserved 6th vacancy Unreserved 7th vacancy Scheduled Caste 8th vacancy Unreserved 9th vacancy Unreserved 10th vacancy Unreserved 11th vacancy Scheduled Caste 12th vacancy Unreserved 13th vacancy Unreserved 14th vacancy Unreserved 15th vacancy Scheduled Caste 16th vacancy Unreserved 17th vacancy Unreserved 18th vacancy Scheduled Caste 19th vacancy Unreserved 20th vacancy Unreserved 21st vacancy Scheduled Caste 22nd vacancy Unreserved 23rd vacancy Unreserved 24th vacancy Scheduled Tribe 25th vacancy Unreserved 26th vacancy Unreserved 27th vacancy Unreserved 28th vacancy Scheduled Caste

Substituted Vide West Bengal Act XXIV of 2000 with immediate effect

^{**} Vide West Bengal Act XLII of 1994 w.e.f. 16-1-1995.

^{1.} Words "A roster of fifty vacancies" substituted vide West Bengal Act XXIV of 2000 with immediate effect.

^{2.} Ins. Vide West Bengal Act XXIV of 2000 with immediate effect.

29 th vacancy	Unreserved
30 th vacancy	Unreserved
31st vacancy	Unreserved
32 nd vacancy	Scheduled Caste
33 rd vacancy	Unreserved
34 th vacancy	Unreserved
35 th vacancy	Unreserved
36 th vacancy	Scheduled Caste
37 th vacancy	Unreserved
38 th vacancy	Unreserved
39 th vacancy	Unreserved
40 th vacancy	Scheduled Caste
41st vacancy	Unreserved
42 nd vacancy	Unreserved
43 rd vacancy	Scheduled Tribe
44th vacancy	Unreserved
45th vacancy	Unreserved
46th vacancy	Unreserved
47th vacancy	Scheduled Caste
48th vacancy	Unreserved
49th vacancy	Unreserved
*[50 th vacancy	Unreserved
51st vacancy	Scheduled Caste
52 nd vacancy	Unreserved
53 rd vacancy	Unreserved
54th vacancy	Scheduled Tribe
55 th vacancy	Unreserved
56th vacancy	Unreserved
57 th vacancy	Scheduled Caste
58th vacancy	Unreserved
59 th vacancy	Unreserved
60 th vacancy	Unreserved
61st vacancy	Scheduled Caste
62 nd vacancy	Unreserved
63 rd vacancy	
	Unreserved
	Scheduled Caste
66 th vacancy	Unreserved
67 th vacancy	Unreserved
68 th vacancy	Scheduled Caste
69 th vacancy	Unreserved

^{*} Substituted Vide West Bengal Act XXIV of 2000 with immediate effect

70th vacancy 71st vacancy 72nd vacancy 73rd vacancy 74th vacancy 75th vacancy 76th vacancy 77th vacancy 78th vacancy 79th vacancy 80th vacancy 81st vacancy 82nd vacancy 83rd vacancy 84th vacancy 85th vacancy 86th vacancy 87th vacancy 88th vacancy 89th vacancy 90th vacancy 91st vacancy 92nd vacancy 93rd vacancy 94th vacancy 95th vacancy 96th vacancy 97th vacancy 98th vacancy 99th vacancy 100th vacancy

Unreserved Scheduled Caste Unreserved Unreserved Scheduled Tribe Unreserved Unreserved Unreserved Scheduled Caste Unreserved Unreserved Scheduled Tribe Unreserved Unreserved Unreserved Scheduled Caste Unreserved Unreserved

Unreserved]

- (ii) A register shall be maintained for giving effect to the instructions contained in paragraph (i).
- (iii) Before making an appointment by direct recruitment, the appointing authority shall ascertain by consulting the register whether the vacancy is reserved or unreserved and if it is reserved, for whom it is so reserved. Immediately after an appointment is made the particulars thereof shall be entered in the register and signed by the appointing authority.
- (iv) The roster is a running account from year to year and shall be maintained accordingly.
 If recruitment in a particular year stops at a particular point of the cycle, say at the 5th

point, recruitment in the subsequent year shall begin at the next point, i.e., at the 6th point.

- (v) Omitted;
- ¹(vi) Omitted;
- (vii) The roster shall be maintained separately for permanent and temporary vacancies.
- (viii) A vacancy due to whatever cause, except termination of service during probation, shall be treated as a fresh vacancy.
- ²(ix) Omitted.

**Schedule II

(See Section 5)

The reservation for the members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up by promotion in an establishment shall be given effect to in the following manner, namely:—

(i A roster of fifty vacancies will be necessary to give effect to the reservation for the members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up. The roster given below shall be adopted for the purpose by each establishment.

Scheduled Caste
Unreserved
Unreserved
Scheduled Tribe
Unreserved
Unreserved
Scheduled Caste
Unreserved
Unreserved
Unreserved
Scheduled Caste
Unreserved
Unreserved
Unreserved
Scheduled Caste
Unreserved
Unreserved
Scheduled Caste
Unreserved

¹ Vide West Bengal Act XLII of 1994 w.e.f. 16-1-1995.

² Vide West Bengal Act XV of 1996.

^{**} Inserted Vide West Bengal Act XXIV of 2000 with immediate effect.

20 th vacancy	Unreserved
21st vacancy	Scheduled Caste
22 nd vacancy	Unreserved
23 rd vacancy	Unreserved
24 th vacancy	Scheduled Tribe
25 th vacancy	Unreserved
26 th vacancy	Unreserved
27 th vacancy	Unreserved
28 th vacancy	Scheduled Caste
29th vacancy	Unreserved
30 th vacancy	Unreserved
31st vacancy	Unreserved
32 nd vacancy	Scheduled Caste
33 rd vacancy	Unreserved
34th vacancy	Unreserved
35th vacancy	Unreserved
36th vacancy	Scheduled Caste
37th vacancy	Unreserved
38th vacancy	Unreserved
39 th vacancy	Unreserved
40 th vacancy	Scheduled Caste
41st vacancy	Unreserved
42 nd vacancy	Unreserved
43 rd vacancy	Scheduled Tribe
44 th vacancy	Unreserved
45 th vacancy	Unreserved
46 th vacancy	Unreserved
47 th vacancy	Scheduled Caste
48th vacancy	Unreserved
49th vacancy	Unreserved
50 th vacancy	Unreserved

- (ii) A register shall be maintained for giving effect to the instructions contained in paragraph (i).
- (iii) Before giving any promotion, the appointing authority shall ascertain by consulting the register whether the vacancy is reserved or unreserved and if it is reserved, for whom it is so reserved. Immediately after a promotion is given, the particulars thereof shall be entered in the register and signed by the appointing authority.
- (iv) The roster is a running account from year to year and shall be maintained accordingly. If promotion in a particular year stops at a particular point of the cycle, say, at the 5th point, promotion in the subsequent year shall begin at the next point, that is, at the 6th point.
- (v) The roster shall be maintained separately for permanent and temporary vacancies.

The West Bengal SC & ST (Reservation of Vacancies in Services & Posts) Amendment) Act, 1980

NOTIFICATION

No. 3662-L

Dated: 3rd October, 1980

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:-

West Bengal Act XLII of 1980

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1980.

[Passed by the West Bengal Legislature]
[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 3rd October, 1980.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:-

- West Ben. Act XXVII of 1976.
- This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1980.

Short title

Amendment of section 4 of West Ben. Act XXVII of 1976. 2. Section 4 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, following sub-section shall be inserted:-

"2) The number of any Scheduled Caste or Scheduled Tribe candidate qualifying on merit for appointment to any unreserved vacancy in a service or post in any establishment to be filled up by direct recruitment shall not be deducted from the quota reserved in such service or post for such candidate under sub-section (1)".

By order of the Governor,
S. N. Sanyal
Secy. to the Govt. of West Bengal.

The West Bengal SC & ST (Reservation of Vacancies in Services & Posts) (Amendment) Act, 1983

NOTIFICATION

No. 2702-L

Dated: 31st October, 1983

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:-

West Bengal Act XXXI of 1983

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1983.

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary of the 31st October, 1983.1

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose Act XXVII of 1976. and in the manner hereinafter appearing;

> It is hereby enacted in the Thirty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

- This Act may be called the West Bengal Scheduled Castes and Scheduled, Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1983.
- After the proviso to clause (a) of section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, the following proviso shall be inserted :-"Provided further that the number of any Scheduled Caste or Scheduled Tribe employee appointed on promotion to any unreserved vacancy in a service or post in any establishment to be filled up by promotion shall not be deducted from the quota reserved in such service or post for the members of the Scheduled Castes or the Scheduled Tribes under this section.".

Amendment of section 5 of West Ben. Act XXVII of 1976.

West Ben.

Short title

By order of the Governor, G. C. Chatterjee, Secy. to the Govt. of West Bengal.

The West Bengal SC & ST (Reservation of Vacancies in Services & Posts) (Amendment) Act, 1992

NOTIFICATION

No. 649-L

10th April, 1992

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:-

West Bengal Act VII of 1992

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1992.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 10th April, 1992.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Forty-third Year of the Republic of India, by the Legislature of West Bengal, as follows:-

 This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1992.

Short title and commencement

(2) It shall be deemed to have come into force on the 2nd day of March, 1992.

Amendment of Schedule to West Ben. Act XXVII of 1976.

- In the Schedule to the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act),
 - (1) for paragraph (V), the following paragraph shall be substituted :-

- "(V) There shall be no de-reservation of any reserved vacancy by any appointing authority. In the absence of a qualified Scheduled Caste or Scheduled Tribe Candidate to fill up any vacancy reserved for Scheduled Caste or Scheduled Tribe, as the case may be, the vacancy shall remain unfilled.";
- (2) for paragraph (VI), the following paragraph shall be substituted :-
- "(VI)Notwithstanding the provisions contained in paragraph (V), if, in the public interest, it is necessary to fill up any reserved vacancy remaining unfilled on account of non-availability of a qualified Scheduled Caste or Scheduled Tribe Candidate, as the case may be, the appointing authority shall refer the vacancy to the State Government for de- West Beng. reservation. Upon such reference, the State Government Ord. I of 1992 may, if it is satisfied that it is necessary or expedient so to do, by order de-reserve the vacancy, subject to the condition that the reservation against the vacancy so de-reserved shall be carried forward against the subsequent unreserved vacancy."

Repeal and saving

- 3. (1) The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Ordinance, 1992, is hereby repealed.
 - (2) Notwithstanding such repeal, anything done or any action taken under the 'principal Act' as amended by the said Ordinance shall be deemed to have been validly done or taken under the Principal Act as amended by this Act.

By order of the Governor, S. Maitra,

Special Officer & Ex-Officio

Jt. Secy. to the Govt. of West Bengal.

The West Bengal Scheduled Castes & Scheduled Tribes (Reservation of Vacancies in Services & Posts) (Amendment) Act, 1994

West Bengal Act XLII of 1994

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1994.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 2nd September, 1994.]

West Ben. Act XXVII of 1976. An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purposes and in the manner hereinafter appearing;

Short title and commence-

It is hereby enacted in the Forty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

1(1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1994.

Amend-ment of section 3 of West Ben. Act XXVII of 1976.

(2) It shall come into force on such date as the State.Government may, by notification in the Official Gazette, appoint.

Amendment of section 4

 In section 3 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the Principal Act), clause (c) shall be omitted.

Amend-ment of section 5

- 3. In section 4 of the principal Act, in clause (a) of sub-section (1),
 - (i) for the words "fifteen per cent", the words "twenty-two per cent." shall be substituted, and

- (i) for the words "five per cent", the words "six per cent" shall be substituted.
- 4. In section 5 of the principal Act,-
 - (a) in clause (a),-

Deservation of reserved vacancy

- (i) for the words "fifteen per cent", the words "twenty-two per cent" shall be substituted, and
- (ii) for the words "five percent", the words "six percent" shall be substituted;
- (b) For clause (c), the following clause shall be substituted:
- "(c) a separate fifty-point roster shall be maintained by every establishment in the manner set out in the Schedule."
- 5. For section 6 of the principal Act, the following section shall be substituted:
 "6. (1) There shall be no dereservation of a reserved vacancy by any appointing authority in any post in an establishment which is required to be filled up by direct recruitment. In the absence of qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, to fill up such vacancy, such vacancy shall remain unfilled.

Commissioner for Reservation

- (2) Notwithstanding anything contained in sub-section (1), if, in the public interest, it is necessary to fill up any vacancy as aforesaid remaining unfilled on account of non-availability of a qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, the appointing authority shall refer the vacancy to the State Government for dereservation. Upon such reference, the State Government may, if it is satisfied that it is necessary or expedient so to do, by order, dereserve the vacancy, subject to the condition that the reservation against the vacancy so dereserved shall be carried forward against the subsequent unreserved vacancy.
 - After section 6 of the Principal Act, the following sections shall be inserted:
- "6A. (1) The State Government may appoint any officer, not below the rank of Secretary to the Government of West Bengal, to be the Commissioner for Reservation, West Bengal (hereinafter referred to as the Commissioner).

Explanation.—Secretary shall include a Special Secretary.

District Commissioner for Reservation.

- (2) The Commissioner shall be responsible for ensuring reservation of vacancies in services and posts for the members of the Scheduled Castes and the Scheduled Tribes under this Act by an appointing authority—
- (a) having territorial jurisdiction throughout West Bengal, or

- (b) having its offices in Calcutta without having any fixed territorial jurisdiction. Explanation.—"Calcutta" shall mean the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866.
- (3) If any appointing authority referred to in sub-section (2) contravenes any provision of this Act and thereby commits an offence punishable under section 7, the Commissioner or any officer, not below the rank of Inspector of Scheduled Castes and Tribes Welfare Department, authorised by him in this behalf, may file a complaint in any court having jurisdiction against such appointing authority, and thereupon such court shall, subject to the provisions of section 8, take cognizance of such offence.
- 6B.(1) The State Government may appoint any District Magistrate of a district to be the District Commissioner for Reservation for that district (hereinafter referred to as the District Commissioner).

Explanation.—"District Magistrate" shall include an Additional District Magistrate.

- Territorial jurisdiction
- (2) The District Commissioner shall be responsible for ensuring reservation of vacancies in services and posts for the members of the Scheduled Castes and the Scheduled Tribes under this Act by an appointing authority—
 - (a) having territorial jurisdiction in the whole, or any part, of the district, or
 - (b) having no fixed territorial jurisdiction in the district, but having his office in the district to which the jurisdiction of the District Commissioner extends.
- (3) If any appointing authority referred to in sub-section (2) contravenes any provision of this Act and thereby commits an offence punishable under section 7, the District Commissioner or any officer, not below the rank of Inspector of Scheduled Castes and Tribes Welfare Department, authorised by him in this behalf, may file a complaint in any court having jurisdiction against such appointing authority, and thereupon such court shall, subject to the provisions of section 8, take cognizance of such offence.
- Amendment of Schedule
- 6 C. For the purposes of sections 6A and 6B.—
 - territorial jurisdiction shall, in relation to an appointing authority, mean the area to which its administrative jurisdiction extends; and
 - (b) an appointing authority, whose administrative jurisdiction does not extend to any fixed area, shall be deemed to be an appointing authority without having any fixed territorial jurisdiction.'
 - 7. In the Schedule to the principal Act,—
 - (1) for paragraph (i), the following paragraph shall be substituted:—

"(i) A roster of fifty vacancies will be necessary to give effect to the reservation of vacancies for the Scheduled Castes and the Scheduled Tribes. The roster given below shall be adopted for the purpose by each establishment:

> 1st vacancy Scheduled Caste . 2nd vacancy Unreserved 3rd vacancy Unreserved 4th vacancy Scheduled Tribe 5th vacancy Unreserved 6th vacancy Unreserved 7th vacancy Scheduled Caste 8th vacancy Unreserved Unreserved 9th vacancy 10th vacancy Unreserved 11th vacancy Scheduled Caste 12th vacancy Unreserved 13th vacancy Unreserved 14th vacancy Unreserved 15th vacancy Scheduled Caste 16th vacancy Unreserved 17th vacancy Unreserved 18th vacancy Scheduled Caste 19th vacancy Unreserved 20th vacancy Unreserved 21st vacancy Scheduled Caste 22nd vacancy Unreserved 23rd vacancy Unreserved 24th vacancy Scheduled Tribe 25th vacancy Unreserved 26th vacancy Unreserved 27th vacancy Unreserved 28th vacancy Scheduled Caste 29th vacancy Unreserved 30th vacancy Unreserved 31st vacancy Unreserved 32nd vacancy Scheduled Caste 33rd vacancy Unreserved 34th vacancy Unreserved 35th vacancy Unreserved 36th vacancy Scheduled Caste

37th vacancy	Unreserved
38th vacancy	Unreserved
39th vacancy	Unreserved
40th vacancy	Scheduled Caste
41st vacancy	Unreserved
42 nd vacancy	Unreserved
43rd vacancy	Scheduled Tribe
44th vacancy	Unreserved
45th vacancy	Unreserved
46th vacancy	Unreserved
47th vacancy	Scheduled Caste
48th vacancy	Unreserved
49th vacancy	Unreserved
50th vacancy	Unreserved."

- (2) paragraph (v) shall be omitted;
- (3) paragraph (vi) shall be omitted.

The West Bengal Schedule Castes & Scheduled Tribes (Reservation of Vacancies in Services & Posts) (Amendment) Act, 1996

Notification

No.1272-L.

12th July, 1996

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XV of 1996

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1996.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 12th July, 1996.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Forty-seventh Year of the Republic of India, by the Legislature of

West Bengal, as follows :-

West Ben. Act XXVII of 1976.

(1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1996.

Short title and commence-

- (2) It shall come into force at once.
- After section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act), the following section shall be inserted:-

Insertion of new section 5A in West Ben. XXVII of 1976.

"5A. A candidate who claims to be a member of the Scheduled Castes or the Scheduled Tribes shall support his candidature by a certificate. of identification in accordance with the provisions of the West

Bengal Scheduled Castes and Scheduled Tribes

West Ben. Act
XXXVIII of 1994

Certificate of identification

(Identification) Act, 1994.".

In section 6 of the principal Act, after sub-section (2), the following sub-section shall be inserted:-

Amendment of section 6

- "(3) Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, if, in the public interest, it is necessary or expedient to fill up any vacancy in any post in any primary, secondary or higher.secondary school in any district owned or aided by the State Government, caused by deputation or leave of the incumbent of that post for a period not exceeding ten months and remaining unfilled on account of non-availability of a qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, the appointing authority may refer the vacancy to the District Commissioner for Reservation, referred to in sub-section (1), or sub-section (1A), as the case may be, of section 6B, for that district for dereservation. Upon such reference, the District Commissioner for Reservation as aforesaid may, if he is satisfied that it is necessary or expedient so to do, by order, dereserve the vacancy, subject to the condition that the reservation against the vacancy so dereserved shall be carried forward against the subsequent unreserved vacancy in any such post caused by such deputation or leave for such period.".
- 4. In section 6A of the principal Act,-
 - (1) in sub-section (2), after clause (a), the following clause shall be inserted:-
 - "(a1) having its offices and fixed territorial jurisdiction in Calcutta, or";
 - (2) after sub-section (3), the following sub-section shall be inserted:-

Amend-ment of section 6A

- "(4) Where a complaint is filed in any court having jurisdiction against an appointing authority under sub-section (3) for contravening any provision of this Act and thereby committing an offence punishable under section 7, the burden of proof that no contravention of any provision of this Act has been made by him, shall lie with him.".
- 5. In section 6B of the principal Act,-
 - (1) after sub-section (1), the following sub-section shall be inserted:-
 - "(1A) For the purposes of this section, Calcutta as defined in the Explanation to sub-section (2) of section 6A, shall be deemed to be a district and the District Magistrate, South 24 Parganas, shall be the District Commissioner for that district."

Amend-ment of section 6B

- (2) after sub-section (3), the following sub-section shall be inserted:-
- "(4) Where a complaint is filed in any court having jurisdiction against an appointing authority under sub-section (3) for contravening any provision of this Act and thereby committing an offence punishable

Amendment of Section 7

Amendment of Schedule under section 7, the burden of proof that no contravention of any provision of this Act has been made by him, shall lie with him".

- 6. In section 7 of the principal Act, for the words "he shall be punishable with fine which may extend to two hundred and fifty rupees", the words, figures and brackets "or fails to maintain records, or to furnish the annual return, referred to in sub-section (1) of section 12, he shall be punishable with imprisonment for a term of five years, or with fine of two thousand and five hundred rupees, or with both" shall be substituted.
- 7. In the Schedule to the principal Act, paragraph (ix) shall be omitted.

Your order of the Governor,
S. Maitra,
Special Officer & ex-officio

Jt. Secy. to the Govt. of West Bengal.

The West Bengal Scheduled Castes & Scheduled Tribes (Reservation of Vacancies in Services & Posts) (Amendment) Act, 2000

Notification

No. 817-L

Dated: 11th April, 2000

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:-

West Bengal Act XI of 2000

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 2000.

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 11th April, 2000.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;

West Ben. Act XXVII of 1976. It is hereby enacted in the Fifty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:-

- (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 2000.
- Short title and commencement
- (1) It shall be deemed to have come into force on the 3rd day of January, 2000.
- Amendment of Section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act), for clause (b), the following

Repeal and saving

clause shall be substituted, and shall be deemed to have been substituted, with effect from the 1st day of January, 1996:-

- "(b) there shall be no reservation in any post in a scale of pay, the maximum of which exceeds Rs. 18,300;"
- 3.(1) The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Ordinance, 1999, is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

By order of the Governor,
S. Maitra,
Special Officer & ex-officio
Jt. Secy. to the Govt. of West Bengal.

The West Bengal Scheduled Castes & Scheduled Tribes (Reservation of Vacancies in Services & Posts) (Second Amendment) Act, 2000

Notification

No. 1736-L.

Dated: 30th August, 2000.

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:-

West Bengal Act XXIV of 2000

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, *Extraordinary*, of the 30th August, 2000.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purposes and in the manner hereinafter appearing;

West Ben. Act XXVII of 1976. It is hereby enacted in the Fifty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:-

- (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000.
 - (2) It shall come into force at once.

Short title and commence-

 In section 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act), in clause (e), for the words "the Schedule", the word "Schedule" shall be substituted.

Amend-ment of Section 2 of West Ben. Act XXVII of 1976.

- 3. In sub-section (1) of section 4 of the principal Act,-
 - (1) in clause (a), for the words "in the Schedule", the words and figure

Amendment of section 4

- "in Schedule I" shall be substituted;
- (2) in clause (b), for the words "shall be reduced to one-fourth", the words "shall not be charged" shall be substituted.
- 4. In clause (a) of section 5 of the principal Act, for the words "Scheduled Tribes", the words and figures "Scheduled Tribes in the manner set out in Schedule II" shall be substituted

Amendment of section 5

- 5. In section 6 of the principal Act,-
 - (1) to sub-section (2), the following provisos shall be added:

"Provided that the State Government may, if it is satisfied that the appointing authority by genuine mistake or on account of an error of judgment or owing to ignorance has filled up any reserved vacancy otherwise than by a candidate for whom the vacancy is reserved and that there has been no *mala fide* intention in this regard on the part of the appointing authority, by order in writing, regularise the appointment, if so applied for by the appointing authority, on the basis of the carry forward principle. In such case, reservation against the reserved vacancy already filled up otherwise than by a candidate belonging to Scheduled Caste or Scheduled Tribe for whom the vacancy was originally reserved, shall be carried forward to the nearest un-reserved vacancy available at the time of consideration of any application:

Provided further that the State Government may, if it considers it necessary or expedient so to do, by notification in the *Official Gazette*, empower any other authority not below the rank of District Magistrate and District Commissioner for Reservation to exercise the power of the State Government to de-reserve a reserved vacancy under this sub-section."

- (2) after sub-section (2), the following sub-section shall be inserted:-
- "(2A The appointing authority shall, for the purposes of sub-section (2), make an application to the State Government in such Form and in such manner, as may be prescribed by the State Government."
- 6. In section 6A of the principal Act,-

Amendment of section 6A

- (1) after sub-section (2), the following sub-section shall be inserted:-
- "(2A) (a) The State Government may appoint an officer, not below the rank of Joint Secretary to the Government of West Bengal, to be the Joint Commissioner for Reservation, West Bengal (hereinafter referred to as the Joint Commissioner), an officer, not below the rank of Deputy Secretary to the Government of West Bengal, to be the Deputy Commissioner for Reservation, West Bengal (hereinafter referred to as the Deputy

Amendment of section 6

Commissioner), and an officer, not below the rank of Assistant Secretary to the Government of West Bengal, to be the Assistant Commissioner for Reservation, West Bengal (hereinafter referred to as the Assistant Commissioner).

- (b The Joint Commissioner, the Deputy Commissioner, and the Assistant Commissioner shall have the powers of the Commissioner for the purposes of this Act, subject to superintendence and control of the Commissioner.";
- (2) in sub-section (3), for the words "Inspector of Scheduled Castes and Tribes Welfare Department," the words "an Inspector of Backward Classes Welfare Department." shall be substituted.

Amendment of section 6B

- 7. In section 6B of the principal Act,-
 - (1) sub-section (1A) shall be omitted;
 - (2) in sub-section (3), for the words "Inspector of Scheduled Castes and Tribes Welfare Department", the words "an Inspector of Backward Classes Welfare Department, shall be substituted.

Amendment of section 11

8. In section 11 of the principal Act, for the words "the Schedule", the words "any Schedule" shall be substituted.

Amendment of section 12

- 9. In section 12 of the principal Act,-
 - (1) in sub-section (1),-
 - (a) after the words "such records", the words "and documents" shall be inserted, and
 - (b) for the words "financial Year", the words "year reckoned according to the British calendar" shall be substituted;
 - (2) in sub-section (4), for the words and figures "the West Bengal Government Servants' Conduct Rules, 1959,", the words, figures and brackets "the West Bengal Services (Duties, Rights and Obligations of the Government Employees) Rules, 1980," shall be substituted.

Amendment of Schedule

- 10. In the Schedule to the principal Act,-
 - (1) for the words "the Scheduled Tribes", the words "for direct recruitment" shall be inserted, and
 - (c) for the figures, letters and words-"50th vacancy Unreserved.",

the following figures, letters and words shall be substituted:-

" 50th vacancy Unreserved

51st vacancy Scheduled Caste

52nd vacancy Unreserved 53rd vacancy Unreserved

54th vacancy Scheduled Tribe 55th vacancy Unreserved

56th vacancy Unreserved
57th vacancy Scheduled Caste

58th vacancy Unreserved
59th vacancy Unreserved
60th vacancy Unreserved

61st vacancy Scheduled Caste

62nd vacancy
Unreserved
63rd vacancy
Unreserved
64th vacancy
Unreserved

65th vacancy Scheduled Caste
66th vacancy Unreserved
67th vacancy Unreserved

68th vacancy Scheduled Caste

69th vacancy Unreserved 70th vacancy Unreserved

71st vacancy Scheduled Caste
Unreserved

72nd vacancy Unreserved
73rd vacancy Unreserved
74th vacancy Scheduled Tribe

75th vacancy
Toth vacancy

78th vacancy Scheduled Cast
79th vacancy Unreserved
80th vacancy Unreserved
81st vacancy Unreserved

82nd vacancy Scheduled Caste

83rd vacancy Unreserved
84th vacancy Unreserved
85th vacancy Unreserved
86th vacancy Scheduled Caste

86th vacancy
Scheduled Caste
Unreserved
88th vacancy
Unreserved
Unreserved
Unreserved

90th vacancy	Scheduled Caste
91st vacancy	Unreserved
92 nd vacancy	Unreserved
93 rd vacancy	Scheduled Tribe
94th vacancy	Unreserved
95th vacancy	Unreserved
96th vacancy	Unreserved
97th vacancy	Scheduled Caste
98th vacancy	Unreserved
99th vacancy	Unreserved
100th vacancy	Unreserved"

11. After Schedule I of the principal Act, the following Schedule shall be inserted :-

"Schedule II

(See Section 5)

The reservation for the members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up by promotion in an establishment shall be given effect to in the following manner, namely:—

(i) A roster of fifty vacancies will be necessary to give effect to the reservation for the members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up. The roster given below shall be adopted for the purpose by each establishment.

1st vacancy	Scheduled Caste
2 nd vacancy	Unreserved
3 rd vacancy	Unreserved
4 th vacancy	Scheduled Tribe
5 th vacancy	Unreserved
6 th vacancy	Unreserved
7 th vacancy	Scheduled Caste
8 th vacancy	Unreserved
9 th vacancy	Unreserved
10th vacancy	Unreserved
11th vacancy	Scheduled Caste
12 th vacancy	Unreserved
13th vacancy	Unreserved
14th vacancy	Unreserved

15th vacancy	Scheduled Caste
16th vacancy	Unreserved
17th vacancy	Unreserved
18th vacancy	Scheduled Caste
19th vacancy	Unreserved
20th vacancy	Unreserved
21st vacancy	Scheduled Caste
22 nd vacancy	Unreserved
23 rd vacancy	Unreserved
24th vacancy	Scheduled Tribe
25th vacancy	Unreserved
26th vacancy	Unreserved
27th vacancy	Unreserved
28th vacancy	Scheduled Caste
29th vacancy	Unreserved
30th vacancy	Unreserved
31st vacancy	Unreserved
32 nd vacancy	Scheduled Caste
33 rd vacancy	Unreserved
34th vacancy	Unreserved
35th vacancy	Unreserved
36th vacancy	Scheduled Caste
37th vacancy	Unreserved
38th vacancy	Unreserved
39th vacancy	Unreserved
40th vacancy	Scheduled Caste
41st vacancy	Unreserved
42 nd vacancy	Unreserved
43 rd vacancy	Scheduled Tribe
44th vacancy	Unreserved
45th vacancy	Unreserved
46th vacancy	Unreserved
47th vacancy	Scheduled Caste
48th vacancy	Unreserved
49th vacancy	Unreserved
50 th vacancy	Unreserved
	I for all the authority of the state of the

- (ii) A register shall be maintained for giving effect to the instructions contained in paragraph (i).
- (iii) Before giving any promotion, the appointing authority shall ascertain by consulting the register whether the vacancy is reserved or Unreserved and if it is reserved, for whom it

- is so reserved. Immediately after a promotion is given, the particulars thereof shall be entered in the register and signed by the appointing authority.
- (iv) The roster is a running account from year to year and shall be maintained accordingly. If promotion in a particular year stops at a particular point of the cycle, say, at the 5th point, promotion in the subsequent year shall begin at the next point, that is, at the 6th point.
- (v) The roster shall be maintained separately for permanent and temporary vacancies.
- (vi) A vacancy due to whatever cause, except termination of service during probation, shall be treated as a fresh vacancy."

By order of the Governor,

S. Maitra,

Special Officer & ex-officio

Jt. Secy. to the Govt. of West Bengal.

The West Bengal Scheduled Castes & Scheduled Tribes (Reservation of Vacancies in Services & Posts) (Amendment) Act, 2005

NOTICATION

No. 2113-L.

Dated: 31st August, 2005.

The follownig Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general infonnation:

West Bengal Act XXI of 2005

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 2005

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the Kolkala Gazette Extraordinary of the 31st August, 2005.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act: 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purposes and in the manner hereniafter appearing;

West Ben. Act XXVIII is hereby enacted in the Fifty-sixth Year of the Republic of India, by the Legislature of 1976.

of West Bengal, as follows:—

- Short title and commencement
- (1) This Act maybe called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancics in Services and Posts) (Amendment) Act, 2005.
 - (2) It shall come into force at once.
- Amendment of section 2 of West Ben. Act XXVII of 1976.
- In section of 2 of the West Bengal Scheduled Castes and Scheduled Tribes, (Reservation of Vacancies in Servies and Posts) Act, 1976 (hereinafter refered to as the principal Act),—
 - (1) after clause (a), the following clause shall be inserted:
 - '(aa) "cadre" means the strength of a service or a part of a service sanctioned as a separate unit;';

- (2) after clause (e), the following clause shall be inserted:—
- '(f) "single post cadre" means a cadre "which has the strength of one post only".

Amendment of section 3

- 3. In section 3 of the principal Act, after clause (e), the following clause shall be inserted:-
 - "(f) any employment in single post cadre.".

By order of the Governor,

Md. Hesamuddin,

Secy.-in-charge to the Govt. of West Bengal

Law-Department.

The West Bengal Scheduled Castes & Scheduled Tribes (Reservation of Vacancies in Services & Posts) (Amendment) Act, 2007

NOTIFICATION

No. 652-L.

Dated: I0th May, 2007

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general Information: -

West Bengal Act V of 2007

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 2007.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Kolkata Gazette, Extraordinary, of the l0th May, 2007.]

An Act to amend the Wesl Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

WHEREAS it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purposes and in the manner hereinafter appearing; West Ben. Act

XXVII of 1976.

It is hereby enacted in the Fifty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

- This Act may be called the West Bengal Scheduled Castes and 1 Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 2007.
 - It shall come into force on such date as the State Government may, (2) by notification. in the Official Gazette, appoint.
- In sub-section (2) of section 6 of the West Bengal Scheduled Castes and 2. Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976. -

after the words "carried forward against the subsequent unreserved vacancy", the words "available at the time of passing the order of

Short title and commencement

Amendment of section 6 of West Ben. Act XXVII of 1976.

dereservation or any unreserved vacancy which shall occur in future" shall be inserted;

(2) for the first proviso, the following proviso shall be substituted:—

"Provided that the State Government may, if it is satisfied that the appointing authority by genuine mistake or on account of an error of judgement or owing to ignorance has filled up any reserved vacancy otherwise than by a candidate for whom the vacancy is reserved and that there has been no *mala fide* intention in this regard on the part of the appointing authority, by order in writing, regularise the appointment if so applied for by the appointing authority, on the basis of the carry forward principle. In such case, reservation against the reserved vacancy already filled up otherwise than by a candidate belonging to Scheduled Caste or Scheduled Tribe for whom the vacancy was originally reserved, shall.—

- (a) If such vacancy relates to an establishment other than the establishment in universities and colleges affiliated to the universities, primary and secondary schools and also other educational institutions which are owned or aided by the State Government, be carried forward to the nearest unreserved vacancy available at the time of consideration of any application; or
- (b) if such vacancy relates to an establishment in universities and colleges affiliated to the universities, primary and secondary schools and also other educational institutions which are owned or aided by the State Government, be carried forward to the nearest unreserved vacany available at the time of consideration of any application or to any unreserved vacancy which shall occur in future;".

By order of the Governor,
S. K. Chakrabarti,
Pr. Secy. to the Govt, of West Bengal,
Law Department.

The West Bengal Scheduled Castes & Scheduled Tribes (Reservation of Vacancies in Services & Posts) (Amendment) Act, 2009

Notification

No. 82-L.

Dated: 22nd January, 2010.

The followingAct of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general infonnation:—

West Bengal Act XIV of 2009

The West Bengal Scheduled Castes and Scheduled Tribes
(Reservation of Vacancies in Services and Posts)

(Amendment) Act, 2009.

West Ben, Act XXVII of 1976

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Kolkata Gazette, Extraordinary of the 22nd January, 2010.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;

West Ben. Act XXVII of 1976. It is hereby enacted in the Sixtieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

- (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 2009.
 - (2) It shall be deemed to have come into force on the lst day of January, 2006.
- 2. In section 5 of the West Bengal Scheduled Castes and Scheduled Tribes

Short title and commencement (Reservation of Vacancies in Services and Posts) Act, 1976, for clause (b), the following clause shall be substituted:—

Amendment of section 5 of West Ben. Act XXVII of 1976.

"(b) there shall be no reservation in any post carrying the grade pay exceeding Rs. 8,700".

By order of the Governor,

Ashim Kumar Roy,

Secy.-in-charge to the Govt. of West Bengal

Law Department.

West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies and Services and Posts) Rules, 1976

NOTIFICATION

No. 374-TW/EC

Dated: 16th August, 1976

In exercise of the power conferred by Section 13 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (West Bengal Act XXVII of 1976), the Governor is pleased hereby to make the following rules, namely:—

RULES

CHAPTER I

Preliminary

 These Rules may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Rules, 1976.

Short title

- 2. In these rules, -
 - (a) "Act" means the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976;

Definition

- (b) "Department administering the Act" means the Department of Scheduled Castes and Scheduled Tribes Welfare of the Govt. of West Bengal;
- (c) "Section" means a Section of the Act.

CHAPTER II

Maintenance of register of appointments, submission of annual report and maintenance of liaison with administrative department.

Maintenance of register of appointments.

 Every appointing authority shall maintain the register as referred to in paragraph (ii) of the Schedule to the Act in the form indicated in Appendix I separately in respect of cases of direct recruitment and promotion. Subminion of annual report

- 4. For the purposes of sub-section (1) of section 12, the annual report on the appointments made by every appointing authority shall be furnished in the following manner and in the forms indicated hereunder, namely:
 - (a) As soon after the first of January of every year as possible and latest by the first day of March, each appointing authority shall send to the respective administrative department or head of office concerned,—
 - statement in the form given in Appendix II showing the total number of employees and the number of Scheduled Castes and Scheduled Tribes amongst them as on the 1st January of the year;
 - (ii) statements in the forms given in Appendix IIIA and Appendix IIIB showing the particulars of recruitments made during the calendar year and the numbers filled by the Scheduled Castes and Scheduled Tribes.
 - (b) The Administrative head of each establishment shall send to the department of Government administering the Act,—
 - a consolidated statement in the form given in Appendix II in respect of all offices under his control including his own, and
 - (ii) consolidated statements in forms given in Appendix IIIA and Appendix IIIB in respect of all offices under his control including his own.

Classification of services

5.

6.

For the purposes of submission of reports referred to in rule 4 classification of services in different establishments should be as laid down in rule 4 and rule 5 of the West Bengal Services (Classification, Control and. Appeal) Rules, 1971.

Appointment of Liaison Officer

- (a) In every department under the State Government, the Deputy Secretary in charge of administration and in other establishments, the senior officer-in-charge of establishment matters and appointments shall act as the Liaison Officer for the purpose of implementation of the provisions of the Act in all establishments and services under his administrative control.
- (b) Every head of the department or head of office shall intimate the name and designation of the Liaison Officer in respect of his establishment to the department administering the Act:

Provided that the head of the department or head of office shall intimate to the department administering the Act, any change in the name or designation of the Liaison Officer within a month of such change.

Function of Liaison Officer

- (c) The Liaison Officer shall be responsible for ensuring—
- due compliance by the subordinate appointing authorities, if any, of the provisions of the Act;

 submission of the annual report as required under the rules by each appointing authority;

Officers authorised to inspect records and documents

- scrutiny and consolidation of the annual statements in respect of all offices and services in and under the establishment and timely submission of the consolidated statement to the concerned authority;
- (iv) regular inspection of the roster and registers maintained in his own office as well as in offices under the control of the establishment;
- maintenance of proper liaison with the authority administering the Act in all matters concerning the implementation of the Act.

CHAPTER III

Inspection of Records and Documents

* 7. For the purposes of sub-section (2) of section 12, the following officers shall be the officers authorised by the State Government who may inspect any records or documents which are maintained in relation to appointments made by the appointing appointing authorities within the meaning of the Act in offices located in the areas areas mentioned against each, namely:

	Designation of Officer	Area
(i)	Joint Commissioner for Reservation, West Bengal	Whole of West Bengal
(ii)	Assistant Commissioner for Reservation, West Bengal	Whole of West Bengal
(iii)	Officer on Special Duty (Reservation Cell)	Whole of West Bengal
(iv)	Any Officer not below the rank of Assistant Secretary to Government Specially appointed by the State Government in this behalf	Whole of West Bengal
(v)	District Commissioner for Reservation	Within his territorial jurisdiction
(vi)	Project Officer-cum-District Welfare Officer, Scheduled Castes and Tribes Welfare	Within his territorial jurisdiction

^{*} Vide notification No. 1177-TW/EC/MR-70/92 dt. 1/12/1995

Designation of Officer

- (vii) Additional District Welfare Officer,Scheduled Castes and Tribes Welfare
- (viii) District Welfare Officer, Scheduled Castes and Tribes Welfare
- (ix) Inspector, Scheduled Castes & Tribes Welfare

Area

Within his territorial jurisdiction
Within his territorial jurisdiction

Within his territorial iurisdiction

Explanation.—"Territorial jurisdiction" shall have the same meaning as in section 6C.

Officeers competent to issue Scheduled Castes or Scheduled Tribes

Form for Certificate.

Certificates.

8. Omit.

9. Omit.

CHAPTER IV

Reservation for Scheduled Castes and Scheduled Tribes in vacancies to be filled by promotion

- 10. While filling up vacancies reserved for Scheduled Castes and Scheduled Tribes by promotion, the following procedure shall be followed, namely: —
- (a) Selection against vacancies reserved for Scheduled Castes and Scheduled Tribes shall be made from among those Scheduled Caste and Scheduled Tribe employees who fall within the normal zone of consideration.

Procedure for filling up of reserved vacancies by promotion. *" Explanation. —Normal zone of consideration in respect of promotion to any particular post or posts shall consist of such of the employees eligible for promotion to such post or posts according to the prevailing recruitment rules or procedure as occupy, when arranged in descending order of the seniority, five times the number of vacancy or vacancies actually available for filling up by

promotion at the time of consideration.";

(b) If candidates from Scheduled Castes and Scheduled Tribes obtain on the basis of merit with due regard to seniority, on the same basis as other candidates, less number of vacancies than that reserved for them, the difference shall be made up by selecting candidates irrespective of merit but who are considered fit for promotion:

**"Provided that for the purpose of fitness, all Scheduled Caste and Scheduled Tribe employees

Vide notification No. 48-TW/EC, dated. 10/03/1980

Vide notification No. 1253-TW/EC, dated. 21/12/1995

who are within the normal zone of consideration for promotion to higher posts shall be given one grading higher than the grading assigned to them on the basis of their record of service excepting in those cases where the highest grading has been assigned on the basis of record of service.".

- (c) In the absence of a qualified Scheduled Caste or Scheduled Tribe candidate against a particular reserved vacancy, the reserved vacancy shall be carried forward till the next reserved vacancy occurs in the fifty-point roster but not beyond.
 - (d) While vacancies reserved for Scheduled Castes and Scheduled Tribes will continue to be reserved for the respective community only, a Scheduled Caste employee may also be considered for appointment against a vacancy reserved for Scheduled Tribes, or vice-versa, where the appropriate reserved vacancy could not be filled by a Scheduled Tribe or a Scheduled Caste candidate, as the case may be.

* APPENDIX I Register of Appointment DIRECT RECRUITMENT/PROMOTION

Name of the Department: Group of Service: Scale of Pay: Name of office: Name of the Post: Total No. of Sanctioned Posts: Percentage of Reservation

(a) Scheduled Castes:

(b) Scheduled Tribes:

Date of occurrence of the vacancy	Point of roster	Whether reserved for Scheduled Castes or Scheduled Tribes.	Name of the candidate appointed indicating Scheduled Caste or Scheduled Tribe status	Date of appointment	If the candidate of the right community is not appointed to the reserved vacancy, reasons for not doing so	Remarks	Signature of the appointing authority.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

^{*} Vide notification No. 1177-TW/EC/MR-70/92 dt. 1/12/1995

*APPENDIX II

Annual Statement of the total number of employees and members of Scheduled Castes/ Scheduled Tribes amongst them as stood on the 1st January of the year 19....

Name of the Department: Name and address of the Office:

Group of Service	Name of Post	Total number of employees in the posts	Number of Scheduled Castes amongst them	Percentage of Scheduled Castes to the total employees in the post	Number of Scheduled Tribes amongst them	Percentage of Scheduled Tribes to the total employees in the post
86-218-						
		2				

* APPENDIX IIIA

Annual Return of Appointments made during the calendar year ending on 31st December, 19...

Name of the Department: Name and address of the Office:

DIRECT RECRUITMENT

Group of Service	Name of Post	Total number of vacancies occured General / SC / ST	No of vacancies reported to PSC/EE General / SC / ST	No of vacancies filled up by General / SC/ST	No. of reserved vacancies in relation to Column 4 SC. ST.	No. of vacancies caried forwarded on account of Dereservation SC. ST.	R E M A R K S
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
					*		_

^{*} Vide notification No. 1177-TW/EC/MR-70/92 dated. 1/12/1995

* APPENDIX IIIB

Annual Return of Appointments made during the calendar year ending on the 31st December, 19...

Name of the Department: Name and Address of the Office:

PROMOTION

Group of Service	Name of Post	Total nu vacancies	s occu	ired	Total No vacancie	s filled	up		umber of vacancies	Total Nu received laps	vacancies	R E M A
100		General	SC	ST	General	SC	ST	SC	ST		post	
							50		SC	ST	R K S	
(1)	(2)	(3	3)		(4)		(5	5)	(6	5)	(7)
		Tom:			1.00	h es		h mag p	6 4			
					5,			1.,71				
	aldere e de la											7

^{*} Vide notification No. 1177-TW/EC/MR-70/92 dated. 1/12/1995

The West Bengal Backward Classes (other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Act, 2012

NOTIFICATION

No. 533-L.

25th March, 2012.

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XXXIX of 2012

The West Bengal Backward Classes (other than Scheduled Castes and Scheduled Tribes)
(Reservation of Vacancies in Services and Posts) Act, 2012.

[Passed by the West Bengal Legislature.]
[Assent of the Governor was first published in the Kolkata Gazette, Extraordinary, of the 25th March, 2013.]

An Act to provide for the reservation of vacancies in services and posts for the Backward Classes of citizens other than the Scheduled Castes and Scheduled Tribes.

WHEREAS clause (4) of Article 15 of the Constitution enables the State to make any special provisions for the advancement of any socially and educationally Backward Classes of citizens;

AND WHEREAS clause (4) of Article 16 of the Constitution enables the State to make any provision for the reservation of appointments or posts in favour of any Backward Classes of citizens which in the opinion of the State is not adequately represented in the services under the State;

AND WHEREAS clause (1) of Article 38 of the Constitution states that, the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economie and political, shall inform all the institutions of the national life;

AND WHEREAS under clause (2) of Article 38 of the Constitution, the State shall, in particular,

strive to minimize the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations;

AND WHEREAS under clause (b) of Article 39 of the Constitution, the State shall in particular, direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

AND WHEREAS under clause (c) of Article 39 of the Constitution, the State shall in particular direct the policy towards securing that the operation of the economie system does not result in the concentration of wealth and means of production to the common detriment;

AND WHEREAS under Article 46 of the Constitution, the State shall promote, with special care the educational and economie interests of the weaker sections of the people, and shall protect them from social injustice and all forms of exploitation;

AND WHEREAS the members of the Backward Classes of citizens other than the Scheduled Castes and Scheduled Tribes who are socially and economically backward, are not adequately represented in the services and posts within the State of West Bengal;

AND WHEREAS it is expedient to provide for the reservation of vacancies in services and posts for them;

It is hereby enacted in the Sixty-third Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title, extent and commencement.

- (1) This Act may be called the West Bengal Backward Classes (Other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Act, 2012.
 - (2) It extends to the whole of West Bengal.
 - (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

- 2. In this Act, unless the context otherwise requires,-
 - (a) "appointing authority", in relation to a service or post in an establishment, means the authority empowered to make appointment to such service or post;
 - (b) "cadre" means the strength of a service or a part of a service sanctioned as a separate unit;
 - (c) "establishment" means any office of the State Government, a local authority or statutory authority constituted under any State Act for the time being in force, or a Corporation in which not less than fiftyone percent of the paid up share capital is held by the State Government, and includes universities and colleges affiliated to the universities, primary and secondary schools and also other

- educational institutions which are owned or aided by the State Government, and an establishment in public sector;
- (d) "establishment in private sector" means any industry, trade, business or occupation which is not an establishment in public sector;
- (e) "establishment in public sector" means any industry, trade, business or occupation owned, controlled or managed by—
- (i) the State Government or any Department of the State Government,
- (ii) a Government company as defined in section 617 of the Companies Act of 1956. or a corporation established by or under a Central Act or State Act, in which not less than fifty-one per cent, of the paid up share capital is held by the State Government,
- (iii) a local or statutory authority, constituted under any State Act for the time being in force;
- (f) "lists" means list prepared by the Government of West Bengal from time to time for purposes of making provision for the reservation of appointments or posts in favour of Backward Classes of citizens which, in the opinion of the Government, are not adequately represented in the services under the Government of West Bengal or any local or other authority within the territory of the State of West Bengal or under the control of the Government of West Bengal;
- (g) "notification" means a notification published in the Official Gazette;
- (h) "Other Backward Classes" shall mean such classes of citizens as specified in Schedule I, other than Scheduled Castes and Scheduled Tribes, and includes such classes as the State Government may, by notification in the Official Gazette, specify from time to time;
- (i) "Schedule" means the Schedule appended to this Act;
- "single post cadre" means a cadre which has the strength of one post only;
- (k) "State Government" means the Government of West Bengal.
- 3. This Act shall not apply in relation to,—
 - (a) any employment under the Central Government;
 - (b) any employment to the cadre of Higher Judicial Officers;
 - (c) any employment in private sector;
 - (d) any employment in domestic service;
 - (e) any employment in single post cadre.

Certain categories of persons to be exduded from reservation Persons or sections from Other Backward Classes specified in column 3 of Schedule II shall be excluded from the purview of this Act.

Act not to apply in relation to certain

employment

Act I of 1956

Reservation for Other Backward Classes in vacancies to be filled up by direct recruitment.

- After the commencement of this Act, all appointments to services and posts in establishments which are to be filled up by direct recruitment shall be regulated in the following manner, namely,—
 - (a) subject to the other provisions of this Act, ten per cent of the vacancies shall be reserved for candidates belonging to the Other Backward Classes denoted as "Other Backward Classes Category A" category and seven percent of the vacancies shall be reserved for candidates belonging to the "Other Backward Classes Category B" category of the Other Backward Classes in the manner set out in Schedule III.

Provided that the State Government may, from time to time, by notification in the *Official Gazette*, increase the percentage in the manner that the overall reservation for the Scheduled Castes, the Scheduled Tribes and Other Backward Classes shall not exceed fifty percent;

- (b) the members of the Other Backward Classes qualifying on merit in an open competition on the same Standard as of the unreserved candidates for appointment to any unreserved post in a service or post in an establishment to be filled up by direct recruitment shall not be adjusted against the quota reserved in such service or post for such candidate under sub-section (a).
 - Explanation.—For the purpose of this Act, Other Backward Classes Category A shall mean the "More Backward Classes" and the Other Backward Classes Category B shall mean the "Backward Classes"...

Certificate of Identification. 6. A candidate who claims to be a member of either Other Backward Classes Category A or Other Backward Classes Category B category shall support his candidature by such certificate of identification to be issued by such competent authority in such manner as may be prescribed.

De-reservation of reserved vacancy

- (1) There shall be no de-reservation of any reserved vacancy by any appointing authority to any post in an establishment which is required to be filled up by direct recruitment. In the absence of any qualified candidate from Other Backward Classes, the vacancy shall remain unfilled.
 - (2) Notwithstanding anything contained in sub-section (1), if in the public interest, it is necessary to fill up any vacancy as aforesaid, remaining unfilled on account of non-availability of a qualified candidate from "Other Backward Classes", the appointing authority shall refer the vacancy to the State Government for de-reservation. Upon such reference, the State Government may, if it is satisfied that it is necessary or expedient so to do, by order, de-reserve the vacancy,

subject to the condition that the reservation against the vacancy so de-reserved shall be carried forward against the subsequent unreserved vacancy available at the time of passing the order of dereservation or any unreserved vacancy which shall occur in future:

Provided that the State Government may, if it is satisfied that the appointing authority by genuine mistake or on account of an error of judgment or owing to ignorance has filled up any reserved vacancy otherwise than by a candidate for whom the vacancy is reserved and that there has been no *malafide* intention in this regard on the part of the appointing authority, by order in writing, regularize the appointment, if so applied for by the appointing authority, on the basis of the carry-forward principle. In such case, reservation against the reserved vacancy already filled up otherwise than by a candidate belonging to the Other Backward Classes for whom the vacancy was originally reserved, shall —

- (a) if such vacancy relates to an establishment other than the establishment in Universities and Colleges affiliated to the Universities, Primary and Secondary Schools and also other educational institutions which are owned or aided by the State Government, be carried forward to the nearest unreserved vacancy available at the time of consideration of any application; or
- (b) if such vacancy relates to an establishment in Universities and Colleges affiliated to the Universities, Primary and Secondary Schools and also other educational institutions which are owned or aided by the State Government, be carried forward to the nearest unreserved vacancy available at the time of consideration of any application or to any unreserved vacancy which shall occur in future: Provided further that the State Government may, if it considers necessary or expedient so to do, by notification in the Official Gazette, empower any other authority not below the rank of District Magistrale and District Commissioner for Reservation to exercise the power of the State Government to de-reserve a reserved vacancy under this sub-section.
- (3) The appointing authority shall, for the purposes of sub-section (2), make an application to the State Government in such Form and in such manner, as may be prescribed by the State Government.
- (4) Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, if, in the public interest, it is necessary or expedient to fill up any vacancy, in any post in any primary, secondary or higher secondary school, in any district owned or aided by the State Government, caused by deputation or leave of

the incumbent of that post for a period not exceeding ten months and remaining unfilled on account of non-availability of a qualified candidate from the Other Backward Classes, the appointing authority may refer the vacancy to the District Commissioner for Reservation, referred to in section 8, of the concerned district for de-reservation and upon such reference, the District Commissioner for Reservation may, if hè is satisfied that it is necessary or expedient so to do, by order, de-reserve the vacancy, subject to the condition that the reservation against the vacancy so de-reserved shall be carried forward against the subsequent unreserved vacancy in any such post caused by such deputation or leave for such period.

Explanation I.—For the purpose of this Act, for Kolkata, the references to District Commissioner for Reservation shall be construed as references to the Joint , Commissioner for Reservation.

Explanation II.—For the purpose of this Act "Kolkata" Ben. Act IV of shall mean the town of Kolkata as defined in section 3

of the Kolkata Police Act, 1866.

Commissioners to enforce reservation.

- (1) There shall be a Commissioner, a Joint Commissioner, a Deputy Commissioner and an Assistant Commissioner for reservation for the State and a District Commissioner West Ben. Act for reservation for each district, for the purpose of enforcing the provisions of this Act.
- (2) Save as otherwise expressly provided in this Act, every officer referred to under sub-section (1) shall be the same officer as provided for in the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.
- (3) If any appointing authority having territorial jurisdiction throughout West Bengal, or having its offices and fixed territorial jurisdiction in Kolkata or having its offices in Kolkata without having any fixed territorial jurisdiction, contravenes any provisions of this Act, and thereby commits an offence punishable under section 10, the Commissioner, or the Joint Commissioner, or the Deputy Commissioner, or the Assistant Commissioner or any officer not below the rank of Inspector of Backward Classes Welfare Department authorised by him in this behalf, may file a complaint in any court having jurisdiction against such appointing authority.
- (4) If any appointing authority having territorial jurisdiction in the whole, or in any part, of the discrict, or having no fixed territorial jurisdiction in the district, but having his office in the district to which the jurisdiction of the District Commissioner extends, contravenes any provisions of this Act, and thereby commits an offence punishable

under Section 10, the District Commissioner or any officer not below the rank of Inspector of Backward Classes Welfare Department authorised by him in this behalf, may file a complaint in any court having jurisdiction against such appointing authority.

Territorial jurisdiction. 9. For the purpose of section 8,-

is the Governor.

- territorial jurisdiction shall, in relation to an appointing authority, mean the area to which its administrative jurisdiction extends; and
- (b) an appointing authority, whose administrative jurisdiction does not extend to any fixed area, shall be deemed to be an appointing authority without having any fixed territorial jurisdiction.

Penalty for contravention of provisions by an appointing authority. 10. If an appointing authority contravenes any provision of this Act, he shall be punishable with imprisonment for a term which may extend to five years, or with fine of two thousand and five hundred rupees, or with both: Provided that nothing contained in this section shall apply in relation to an appointment to any service or post of which the appointing authority

Cognizance of offence. 11. No court shall take cognizance of an offence punishable under this Act save upon complaint made by the Commissioner or the District Commissioner, or an officer not below the rank of Inspector of Backward Classes Welfare Department duly authorised in this behalf.

Previous sanction of the State Government necessary for prosecution.

No prosecution for an offence under this Act shall be instituted except by, or with the sanction of, the State Government.

Burden of proof.

13. Where a complaint is filed in any court having jurisdiction against an appointing authority under sub-section (3) or sub-section (4) of section 8 for contravening any provision of this Act the burden of proof that no contravention of any provision of this Act has been made by him, shall lie with him.

Protection of action taken in faith.

 No suit, prosecution or other legal proceeding shall lie against any person for anything, which is in good faith done or intended to be done under this Act.

Removal of difficulties.

15. If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of this Act, as the State Government may consider necessary for removing the difficulty.

Power to amend any Schedule. 16. The State Government may, by order published in the Official Gazette, add to, amend or alter any Schedule.

Submission of annual report, maintenance of other records and inspection thereon.

- 17. (1) Every appointing authority shall maintain such records and documents as may be prescribed by rules made in this behalf and shall furnish to the State Government in the prescribed manner an annual report on the appointments made by it during the previous year reckoned according to the British calendar.
 - (2) Any officer authorised by the State Government in that behalf may inspect any record or documents which are maintained in relation to appointments made by such appointing authority.
 - (3) It shall be the duty of the appointing authority to produce such records or documents for inspection by the officer authorized under sub-section (2), and furnish such information or afford such assistance as may be necessary for him to carry out his functions under this Act.
 - (4) Notwithstanding anything contained in the West Bengal Services (Duties, Rights and Obligations of the Government Employees) Rules, 1980 any member of the Other Backward Classes who is adversely affected on account of the non-compliance with the provisions of this Act or the rules made thereunder by any appointing authority, may bring the fact to the notice of the State Government and upon application made by him the State Government may call for such records or take such action thereon as it may think fit.

Power to make rules.

- 18. (1) The State Government may make rules for carrying out the purposes of this Act.
 - (2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely,—
 - form in which every establishments shall submit annual report to the State Government regarding the number of persons recruited in such establishments;
 - (b) any other matter which has to be or may be prescribed by rules made in this behalf.

Saving.

 Actions taken in pursuance of any notifications, orders etc. issued for the purpose prior to coming to force of this Act shall be deemed to have been taken under the provisions of this Act.

SCHEDULE I

[See section 2(h)]*

SI.	More Backward (Category A)	SI.	Backward (Category B)
1	Abdal (Muslim) *	1	Baishya Kapali
2	Baidya Muslïm	2	Bansi Barman
3	Basni / Bosni (Muslim) *	3	Barujibi, Barui
4	Beldar Muslim	4	Betkar(Bentkar)
5	Bepari / Byapari Muslim	5	Bhar
6	Bhatia Muslim	6	Bharbhuja
7	Muslim Bhatiyara *	7	Bhujel
8	Chowduli (Muslim) *	8	Bungchheng
9	Muslim Chutor Mistri *	9	Chasatti (Chasa)
10	Muslim Dafadar*	10	Chitrakar
11	Dhukre (Muslim) *	11	Christians converted from ScheduledCastes
12	Dhunia	12	Devanga
13	Fakir /Sain	13	Dewan
14	Gayen (Muslim)*	14	Dhimal
15	Ghosi (Muslim)*	15	Gangot
16	Hajjam (Muslim)* Gope, Yadav Gope, Gope, Ahir and Yadav)*	16	Goala, Gope (Pallav Gope, Ballav
17	Hawari	17	Hele / Halia / Chasi-Kaibartta
18	Muslim Jamadar *	18	Kahar
19	Jolah (Ansari-Momin)	19	Kansari
20	Muslim Kalander *	20	Kapali
21	Kan (Muslim)*	21	Karani
22	Kasai	22	Karmakar
23	Khotta Muslim	23	Keori/Koiri
24	Muslim Laskar*	24	Khen
25	Mahaldar (Muslim)*	25	Kumbhakar, Kumar
26	Majhi/Patni Muslim	26	Kurmi
27	Mal Muslim	27	Malakar
28	Mallick	28	Mangar
29	Midde	29	Moira-Modak (Halwai)

^{*} Ammended vide order No. 2770-BCW/MR116/12 dt. 29th August, 2014.

SI.	More Backward (Category A)	SI.	Backward (Category B)
30	Muslim Molla*	30	Nagar
31	Muchi / Chamar Muslim	31	Napit
32	Muslim Barujibi / Barui	32	Nembang
33	Muslim Biswas	33	Newar
34	Muslim Haldar	34	Rai (including Chamling)
35	Muslim Mali	35	Raju
36	Muslim Mandal	36	Sampang
37	Muslim Piyada	37	Sarak
38	Muslim Sanpui/Sapui	38	Satchasi
39	Nashya-Sekh	39	Shankakar
40	Muslim Nehariya*	40	Sunuwar
41	Nikari (Muslim)*	41	Sutradhar
42	Patidar	42	Swarnakar
43	Muslim Penchi*	43	Tamboli/Tamali
44	Muslim Rajmistri*	44	Tanti, Tantubaya
45	Rayeen / Kunjra	45	Teli, Kolu
46	Muslim Sardar*	46	Thami
47	Shershabadia	47	Turha
48	Siuli (Muslim)	48	Yogi, Nath*
49	Tutia (Muslim)*	49	Muslim Darji / Ostagar/ Idrishi*
50	Dhanuk	50	Dhali (Muslim)
51	Jogi	51	Pahadia-Muslim
52	Khandait	52	Tal-Pakha Benia
53	Kosta / Kostha	53	Adaldar (Muslim)
54	Lakhera/Laahera	54	Aku nji/Akan/Akhan (Muslim)
55	Roniwar .	55	Bag (Muslim)
56	Sukli	56	Chaprashi (Muslim)
57	Bhangi (Muslim)	57	Churihar
58	Dhatri/Dai/Dhaity (Muslim)	58	Daptari (Muslim)
59	Gharami (Muslim)	59	Dewan (Muslim)
60	Ghorkhan	60	Dhabak (Muslim)
61	Goldar/Golder (Muslim)	61	Gazi (Muslim)
62	Halsana (Muslim)	62	Khan (Muslim)

^{*} Ammended vide order No. 2770-BCW/MR-116/12 dt. 29th August, 2014.

SI.	More Backward (Category A)	SI.	Backward (Category B)
63	Kayal (Muslim)	63	Sadhukhan (Muslim)*
64	Naiya (Muslim)	64	Majhi
65	Shikari/Sikari (Muslim)	65	Malita/Malitha/Malitya (Muslim)
66	Sekh/Seikh*	66	Mistri (Muslim)
67	Bayen (Muslim)*	67	Paik (Muslim)
68	Bhuiya/Bhunya (Muslim)*	68	Pailan (Muslim)
69	Borah/Bara (Muslim)*	69	Purkait (Muslim)
70	Gorey (Muslim) *	70	Sana (Muslim)
71	Hati (Muslim) *	71	Sareng (Muslim)
72	Jatuya (Muslim) *	72	Omitted
73	Khondekar/Khonkar (Muslim) *	73	Sarkar (Muslim)
74	Pahar (Muslim)*	74	Shah (Shah/Sahaji)*
75	Raptan (Muslim)*	75	Tarafdar (Muslim)
		76	Gavara
		77	Mouli (Muslim)
	- Acres - Acre	78	Sepai (Muslim)
		79	Baradi (Muslim)*
		80	Dalal (Muslim)*
	September 1 of the second seco	81	Hoseni Goyala (Muslim)*
	en e	82	Khalashi (Muslim)*
	The second of th	83	Kichni (Muslim)*
	Man as the second	84	Mukti/Mufti (Muslim) *
		85	Kalal/Iraqi

^{*} Amended vide order No. 2770-BCW/MR116/12 dt. 29th August, 2014.

SCHEDULE II (See section 4)

SI.	Description of category	To v	whom rule of exclusion will apply
1.	CONSTITUTIONAL POSTS	(a) (b) (c)	Son(s) and daughter(s) of — President of India; Vice-President of India; Chairman and Members of Union Public Service Commission and of the State Public Service Commission, Chief Election Commissioner, Comptroller and Auditor General of India; and Persons holding Constitutional positions of like nature.
	SERVICE CATEGORY A. GROUP A/CLASS-I officers of the All India Central and State Services (Direct Recruitment)	(a) (b) (c)	Son(s) and daughter(s) of — Parents, both of whom are Class I officers; Parents, either of whom is a Class I officer; Parents, either of whom is a Class I officer, but one of them dies or suffers permanent incapacitation; Parents, either of whom is a Class I officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organization like UN, IMF, World Bank, etc. for a period of not less than 5 years; and
		(e)	Parents, both of whom are Class I officers die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any Internationa Organization like UN, IMF, World Bank, etc. for a period of not less than 5 years: Provided that the rule of exclusion shall not apply in the following cases:—

SI.	Description of category	To	whom rule of exclusion will apply
	Long Con com, A g 1 to	(i) (ii)	Sons and daughters of parents either of whom or both of whom are Class I officers and such parent(s) dies/die or suffers/suffer permanent incapacitation; A lady belonging to Other Backward Class category has got married to a Class I officer, and may herself like to apply for a job.
В.	GROUP B/CLASS-II officers of the Central and State Services (Direct Recruitment)	(a) (b)	Son(s) and daughter(s) of — Parents both of whom are Class II officers; Parents of whom only the husband is a Class- II officer and hè gets into Class I at the age of 40 or earlier; Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation and either of them has had thebenefit of employment in any International Organization like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation;
		(d)	
		(e)	
	The second of th	(i) (ii)	Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation; Parents both of whom are Class II officers and both of them die or suffer permanent incapacitation, even though either of them had the benefit of employment in any International Organization like UN, IMF,
	The same of the sa		World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.

SI.	Description of category	To whom rule of exclusion will apply
	C . Employees in Public Sector Undertaking etc.	The Criteria enumerated in A and B above in this category will apply <i>mutatis mutandis</i> to officers holding equivalent or comparable posts in Public Sector Undertakings, Banks, Insurance Organizations, Universities, etc. and also to equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in those institutions, the criteria specified in Category VI below will apply to officers in those institutions.
III.	Armed Forces INCLUDING PARA MILITARY FORCES (persons holding civil posts are not included)	Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and in the Air Force and the Para Military Forces: Provided that:—
		(a) If the wife of an Armed Forces officer is herself in the Armed Forces (i.e. the category under the consideration) the rule of exclusion will apply when she herself has reached the rank of Colonel;
		(b) The service ranks, below Colonel, of husband and wife shall not be clubbed together;
		(c) If the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No. II in which case the criteria and conditions enumerated therein will apply to her independently.
В.	Plantations (i) Coffee, tea, rubber etc. (ii) Mango, citrus, apple plantations etc. (iv) Professional Class (v) Property owners	Criteria of income or wealth specified in Category VI below will apply. Deemed as agricultural holding and hence Criteria at A above, under this Catetgory will apply.
C.	Vacant land and /or building in urban areas or urban agglomerations.	Criteria specified in Category VI below will apply. Explanation.—Building may be used for residential, industrial or commercial purpose and the like two

ENGAGED IN TRADE DUSTRY. Ins engaged in profession as tor, lawyer, chartered ant, income-tax consultant, urgeon, engineer, architect, er specialists, film artists, er film professionals, author, ght, sports persons, sports onals, media professional, or er vocations of like status. Sons engaged in trade, and industry.	Criteria specified against Category VI will apply.
ant, income-tax consultant, urgeon, engineer, architect, er specialists, film artists, er film professionals, author, ght, sports persons, sports onals, media professional, or er vocations of like status.	
arta irradoci y.	Lever to the second of the Control o
RTY OWNERS ultural holdings.	Son(s) and Daughter(s) of persons belonging to a family (father, mother and minor children) which owns - (a) Only irrigated land which is equal to or more than 85% of the statutory ceiling area, or (b) Both irrigated and unirrigated land, as follows:- (i) The rule of exclusion will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) is 40% or more of the statutory ceiling limit for irrigated land, (this being calculated by excluding the unirrigated portion). If this pre-condition of not less than 40% exislts, then only the area of unirrigated land will be taken into acount, This will be done by converting the unirrigated land on the basis of the conversion formula exting, into the irrigate type. The irrigated area so computed from unirrigated land shall be added to the actual area to the irrigated land and if after such clubbing together the total area in tersm of irrigate land is 80% or more of the statutory ceiling limit for irrigated land, than the rule of exclusion will apply and disentitlement will occur. (ii) The rule of exclusion will not apply if the

SI.	Description of category	To whom rule of exclusion will apply
VI.	INCOME WEALTH TEST.	Son(s) and daughter(s) of (a) Persons having gross annual income of Rs. 6 lakh* or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three years.
		(b) Person(s) in Categories I, II, III and VA who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/ wealth criteria mentioned above.
Yes		Explanation.—Income from salaries and agricultural land shall not be clubbed.

Explanation.—Wherever the expression "permanent incapacitation" occurs in this Schedule, it will mean incapacitation which results in putting an officer out of service.

SCHEDULE III (See section 5)

The reservation for the members of the Other Backward Classes in services or posts in an establishment shall be given effect to in the following manner, namely:—

(i) A roster of one hundred vacancies will be necessary to give effect to the reservation of vacancies for the Other Backward Classes for direct recruitment. The roster given below shall be adopted for the purpose by each estabüshment:—

^{*} Ammended vide order No. 2709-BCW/MR109/13 dt. 7th August, 2013.

Ist Vacancy	Scheduled Caste
2nd Vacancy	Unreserved
3rd Vacancy	Unreserved
4th Vacancy	Scheduled Tribe
5th Vacancy	Unreserved
6th Vacancy	Other Backward Classes Category A
7th Vacancy	Scheduled Caste
8th Vacancy	Unreserved
9th Vacancy	Other Backward Classes Category B
l0th Vacancy	Unreserved
11 th Vacancy	Scheduled Caste
12th Vacancy	Unreserved
13th Vacancy	Other Backward Classes Category A
14th Vacancy	Unreserved
15th Vacancy	Scheduled Caste
16th Vacancy	Unreserved
17th Vacancy	Unreserved
. 18th Vacancy	Scheduled Caste
19th Vacancy	Other Backward Classes Category B
20th Vacancy	Unreserved
2Ist Vacancy	Scheduled Caste
22nd Vacancy	Unreserved
23rd Vacancy	Unreserved
24th Vacancy	Scheduled Tribe
25th Vacancy	Unreserved
26th Vacancy	Other Backward Classes Category A
27th Vacancy	Unreserved
28th Vacancy	Scheduled Caste
29th Vacancy	Other Backward Classes Category B
30th Vacancy	Unreserved
31st Vacancy	Unreserved
32nd Vacancy	Scheduled Caste
33rd Vacancy	Unreserved

34th Vacancy	Unreserved
· 35th Vacancy	Unreserved
36th Vacancy	Scheduled Caste
37th Vacancy	Unreserved
38th Vacancy	Other Backward Classes Category A
39th Vacancy	Unreserved
40th Vacancy	Scheduled Caste
4Ist Vacancy	Unreserved
42nd Vacancy	Unreserved
43rd Vacancy	Scheduled Tribe
44th Vacancy	Unreserved
45th Vacancy	Other Backward Classes Category A
46th Vacancy	Unreserved
47th Vacancy	Scheduled Caste
48th Vacancy	Unreserved
49th Vacancy	Other Backward Classes Category B
50th Vacancy	Unreserved
51st Vacancy	Scheduled Caste
52nd Vacancy	Other Backward Classes Category A
53rd Vacancy	Unreserved
54th Vacancy	Scheduled Tribe
55th Vacancy	Unreserved
56th Vacancy	Unreserved
57th Vacancy	Scheduled Caste
58th Vacancy	Unreserved
59th Vacancy	Other Backward Classes Category B
60th Vacancy	Unreserved
61st Vacancy	Scheduled Caste
62nd Vacancy	Unreserved
63rd Vacancy	Other Backward Classes Category A
64th Vacancy	Unreserved
65th Vacancy	Scheduled Caste
66th Vacancy	Unreserved

67th Vacancy	Unreserved
68th Vacancy	Scheduled Caste
69th Vacancy	Other Backward Classes Category B
70th Vacancy	Unreserved
71st Vacancy	Scheduled Caste
72nd Vacancy	Unreserved
73rd Vacancy	Unreserved
74th Vacancy	Scheduled Tribe
75th Vacancy	Unreserved
76th Vacancy	Other Backward Classes Category
77th Vacancy	Unreserved
78th Vacancy	Scheduled Caste
79th Vacancy	Unreserved
80th Vacancy	Unreserved
81st Vacancy	Unreserved
82nd Vacancy	Scheduled Caste
83rd Vacancy	Unreserved
84th Vacancy	
85th Vacancy	Other Backward Classes Category A Unreserved
86th Vacancy	Scheduled Caste
87th Vacancy	
88th Vacancy	Unreserved
89th Vacancy	Unreserved
90th Vacancy	Other Backward Classes Category B
91st Vacancy	Scheduled Caste
92nd Vacancy	Unreserved
93rd Vacancy	Scheduled Tribe
94th Vacancy	Unreserved
95th Vacancy	Unreserved
96th Vacancy	Unreserved
97th Vacancy	Scheduled Caste
98th Vacancy	Unreserved
99th Vacancy	Other Backward Classes Category A
100th Vacancy	Unreserved

(SCHEDULE III)

- (ii) Before making any appointment by direct recruitment, the appointing authority shall ascertain by consulting the register whether the vacancy is reserved or unreserved and if it is reserved, for whom it is reserved. Immediately after an appointment is made the particulars thereof shall be entered in the register and signed by the appointing authority.
- (iii) The roster is a running account from year to year and shall be maintained accordingly. If recruitment in a particular year stops at a particular point of a cycle, say at the 5th point, recruitment in the subsequent year shall begin at the next point, that is, at the 6th point.
- (iv) The roster shall be maintained separately for permanent and temporary vacancies.
- (v) A vacancy due to whatever cause, except termination of service during probation, shall be treated as a fresh vacancy.

By order of the Governor,

Malay Marut Banerjee

Secy. to the Govt. of West Bengal,

Law Department.

Amendment of Schedule - II

No. 2709-BCW/MR-109/13

Dated: the 7th August, 2013

ORDER

In exercise of the power conferred by section 16 of the West Bengal Backward Classes (Other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Act, 2012 (West Ben. Act XXXIX of 2012), the Governor is pleased hereby to amend the Schedule-II (hereinafter referred to as the said Schedule) appended to the said Act:-

AMENDMENT

In the said Schedule, for serial No. VI and the entries relating thereto, *substitute* the following serial No. and the entries relating thereto:-

"VI. INCOME / WEALTH TAX	son(s) and daughter(s) of-	
	a)	persons having gross annual income of Rs. 6 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three years,
	b)	persons in categories I, II, III and VA who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above. Explanation: Income from salaries and agricultural land shall not be clubbed."

By order of the Governor,
Sd / S. K. Thade
Secy. to the Govt. of West Bengal.

Amendment of Schedule - I 29th August, 2014

No. 2770-BCW/MR-U6/12

Dated the 29th August, 2014.

ORDER

Whereas it has been made to appear to the Governor that the West Bengal Commission for Backward Classes has recommended new 15 (fifteen) classes of people as Other Backward Classes and out of 15 (fifteen) classes, 9 (nine) communities have been identified as More Backward (Category A) and rest 6 (six) have been identified as Backward (Category B);

AND WHEREAS it has further been made to appear to the Governor that in both the Central List and the State List of Other Backward Classes, there are disparities between the two lists in respect of 24 (twenty-four) entries resulting in difficulty in providing benefit of reservation in jobs under the Central Government and the State Government to the prospective candidates;

Now, Therefor, in exercise of the power conferred by section 16 of the West Bengal Backward Classes (Other than Scheduled Castes and Scheduted Tribes) (Reservation of Vacancies in Services and Posts) Act, 2012 {West Ben. Act XXXIX of 2012} (hereinafter referred to as the said Act), the Governor is pleased hereby to make, with immediate effect, the following amendments in the Schedule I appended to the said Act:-

AMENDMENTS

- (1) In the said Act, in the Schedule I,
 - (1) in the column under the Heading "More Backward (Category A)",-
 - (a) in serial I, for the word "Abdal", substitute the words "Abdal (Muslim)";
 - (b) in serial 3, for the words "Basni/Bosni", substitute the words "Basni/Bosni (Muslim)";
 - (c) in serial 7, for the word "Bhatiyara", substitute the words "Muslim Bhatiyara";
 - (d) in serial 8, for the word "Chowduli", substitute the words "Chowduli (Muslim)";
 - (e) in serial 9, for the word "Chutor Mistri", substitute the words "Muslim Chutor Mistri";

- (f) in serial 10, for the word "Dafadar", substitute the words "Muslim Dafadar";
- (g) in serial 11, for the word "Dhukre", substitute the words "Dhukre (Muslim)";
- (h) in serial 14, for the word "Gayen", substitute the words "Gayen (Muslim)";
- (i) in serial 15, for the word "Ghosi", substitute the words "Ghosi (Muslim)";
- (j) in serial 16, for the word "Hajjam", substitute the words "Hajjam (MuslCim)";
- (k) in serial 18, for the word "Jamadar", substitute the words "Muslim Jamadar";
- (I) in serial 20, for the word "Kalander", substitute the words "Muslim Kalander";
- (m) in serial 21, for the word "Kan", substitute the words "Kan (Muslim)";
- (n) in serial 24, for the work "Laskar", substitute the words "Muslim Laskar";
- (o) in serial 25, for the word "Mahaldar", substitute the words "Mahaldar (Muslim)";
- (p) in serial 30, for the word "Molla", substitute the words "Muslim Molla";
- (q) in serial 40, for the word "Nehariya", substitute the words "Muslim Nehariya";
- (r) in serial 41, the word "Nikari", substitute the words "Nikari (Muslim)";
- (s) in serial 43, for the word "Penchi", substitute the words "Muslim Penchi";
- (t) in serial 44, for the word "Rajmistri", substitute the words "Muslim Rajmistri";
- (u) in serial 46, for the word "Sardar", substitute the words "Muslim Sardar";
- (v) in serial 49, for the word "Tutia", substitute the words "Tutia (Muslim)";
- (w) after serial 65, insert the following serials:
- "66. Sekh/Seikh
- 67. Bayen (Muslim)
- 68. Bhuiya/Bhunya (Muslim)
- 69. Borah/Bara (Muslim)
- 70. Gorey (Muslim)
- 71. Hati (Muslim)
- 72. Jatuya (Muslim)
- 73. Khondekar/Khonkar (Muslim)
- 74. Pahar (Muslim)
- 75. Raptan (Muslim)"
- (2) in the column under the Heading "Backward (Category B)",-
 - (a) in serial 16, for the words and brackets "Goala-Gope (Pallav Gope, Ballav Gope, Yadav Gope, Gope, Ahir and Yadav)", substitute the following words and brackets "Goala, Gope (Pallav Gope, Ballav Gope, Yadav Gope, Gope, Ahir and Yadav)";
 - (b) in serial 48, for the word "Yogi-Nath", substitute the words "Yogi, Nath";
 - (c) in serial 49, for the word "Darji/Ostagar/Idrishi", substitute the words "Muslim Darji Ostagar/Idrishi";
 - (d) in serial 63, for the words and brackets "Kolu Muslim (Shah, Sahaji, Sadhukhan, Mondal)", substitute the foliowing words and brackets:-

- 63. Sadhukhan (Muslim)";
 - (e) omit the entry in serial No.72;
 - (f) in serial 74, for the words and brackets "Shah (Fakir/Shah/Sha/Sahaji)", substitute the following words and brackets:-
- 74. Shah (Shah/Sahaji);
 - (g) after serial
- 78, insert the following serials:-
- 79. Baradi (Muslim)
- 80. Dalal (Muslim)
- 81. Hoseni Goyala (Muslim)
- 82. Khalashi (Muslim)
- 83. Kichni (Muslim)
- 84. Mukti/Mufti (Muslim).

By order of the Governor,

Sd/ S. K. Thade

Pr. Secy. to the Govt. of West Bengal.

Corrigendum Dated 09.12.2014

In Order No. 2770-BCW/MR-116/12, dated the 29th August, 2014, published in the Kolkata Gazette, Extraordinary, Part-I, dated the 3rd September, 2014 for Serial No. 80 and entries relating thereto under the Heading "Backward (Category B), read the following serial no. and the entries relating thereto:—

"80. Dalal (Muslim)".

By order of the Governor,

Sd/ S. K. Thade

Pr. Secy. to the Government of West Bengal.

Amendment of Schedule - I Dated : 1st June, 2015

ORDER

No. 2102-BCW/MR-209/11

Dated the 1st June, 2015

WHEREAS it has been made to appear to the Governor that the West Bengal Commission for Backward Classes has recommended 6 (six) new classes of people as Other Backward Classes, amongst them, three classes have been identified as Other Backward Classes under More Backward (Category A) and other three classes have been identified as Other Backward Classes (Category B), respectively;

Now, Therefore, in exercise of the power conferred by section 16 of the West Bengal Backward Classes (Other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Act, 2012 (West Ben. Act XXXIX of 2012) (hereinafter referred to as the said Act) and in continuation of order No. 183-BCW/MR-209/ 11, dt. 16-01-2015, the Governor is pleased hereby to make, with immediate effect, the following amendment in the Schedule I appended to the said Act:—

Amendments

In the said Act, in the Schedule I,-

- (1) in the column under the Heading "More Backward (Category A)", after serial 75, insert the following serials and the entries:—
 - "76. Kalwar
 - 77. Atta (Muslim)
 - 78. Khansama."
- (2) in the column under the Heading "Backward (Category)", after serial 85, insert the ollowing serial Nos. and the entries relating thereto :-
 - "86. Sarala/Sarwala (Muslim
 - 87. Bagani (Muslim)
 - 88. Bhandari (Muslim)."

By order of the Governor,

Sd/ S. K. Thade

Pr. Secy. to the Government of West Bengal

B. Orders and Circulars

A. On Scheduled Castes & Tribes Reservation Constitution of State and District Reservation Cells

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.

Administrative set-up at the State level:

- (a) There shall be a Cell styled as 'State Reservation Cell' in the Secretariate 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 exofficio 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/roster 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 Provisions 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/roster 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. Govt. of West Bengal

Date of effect of 22% SC and 5% ST reservation in both Recruitment and Promotion

No. 136-TW/EC

Calcutta, the 27th March, 1990

NOTIFICATION

In exercise of the powers conferred by the first proviso to clause (a) of section 4, and the proviso to clause (a) of section 5, 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 direct that with effect from the date of publication of this Notification in the "Official Gazette", in all appointments to services and posts in any establishment as defined in clause (b) of section 2 of the said Act, which are to be filled up by direct recruitment or by promotion, twenty-two per cent of the vacancies shall be reserved for candidates belonging to the Scheduled Castes and six per cent for candidates belonging to the Scheduled Tribes in the manner set out in the second paragraph of this Notification.

2. The Governor is further pleased to direct that for the purpose of implementation of the 22% reservation quota for the Scheduled Castes and 6% reservation quota for the Scheduled Tribes in both recruitment and promotion of the candidates belonging to the above communities, the existing 20-point roster in clause (i) of the Schedule to the said Act shall be deemed to have been substituted by a 50-point roster in which the 1st, the 7th, the 11th, the 15th, the 18th, the 21st, the 28th, the 32nd, the 36th, the 40th and the 47th vacancies shall be reserved for the Scheduled Caste candidates and the 4th, the 24th and the 43rd vacancies shall be reserved for the Scheduled Tribes for the purpose of both recruitment and promotion in any establishment as defined in clause (b) of section 2 of the said Act.

By order of the Governor,

P. Chaudhuri

Secy to the Govt. of West Bengal

Filling up vacancies reserved for SC/ST by promotion with retrospective effect-Determination of eligibility of SC/ST incumbents for the purpose of procedure

176-TW/EC

Calcutta, the 17th April, 1990.

MEMORANDUM

Subject: Filling up of vacancies reserved for SC/ST by promotion with retrospective effect—Determination of eligibility of SC/ST incumbents for the purpose of—procedure for.

It has been observed from references made to this Department by some appointing authorities that there is a confusion in determining eligibility of candidates in the matter of filling up of vacancies by promotion with retrospective effect vis-à-vis observance of the provision of reservation of vacancies for Scheduled Castes and Scheduled Tribes in such cases of promotion. In order to remove such confusion, it is hereby clarified that in deciding cases of promotion with retrospective effect, date of consideration shall be the factor and not the date of availability of vacancy. As for example, let it be supposed that it has been decided to fill up 8 (eight) vacancies in the post of U.D. Clerk by promotion from amongst eligible employees in the lower feeder posts with retrospective effect from 01.04.1981. Let it also be supposed that the said 8 (eight) vacancies occupy their respective positions among the 1st to the 8th points of the 20point roster prescribed under the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976. According to roster, 3rd vacancy is to be treated as reserved for Scheduled Castes and 8th vacancy is reserved for Scheduled Tribes and 5×8=40 employees in the lower feeder posts of L.D.C. occupying 1st to 40th position in the gradation list shall come within the normal zone of consideration for promotion. Let it be supposed that 'A' is a Scheduled Caste candidate and 'B' is a Scheduled Tribe candidate and placed at SI. No. 22 and SI. No. 40 respectively in the gradation list of lower feeder posts of L.D.C. Now let it be supposed that 'A' and 'B' were confirmed in the lower feeder posts of L.D.C. with effect from 04.06.1984 and 06.08.1985 respectively. In case the matter of filling up of those 8 (eight) vacancies was taken up for consideration by the appointing authority concerned on a date prior to 04.06.1984, both 'A' and 'B' were not eligible to be considered for promotion as they were not at all confirmed in the lower feeder post at that time and the vacancies could be filled up by general candidates. (But), in that case, the provision of carrying forward of reserved vacancies as contained in this Department's Notification No. 48-TW/EC, dated 10.03.1980 should be observed.

In case the proposal for promotion was taken up for consideration after 04.06.1984 but before

06.08.1985 when 'A' was already confirmed in the post of L.D. Clerk but 'B' was still not confirmed in the said post, the claim of 'A' for promotion against the vacancy reserved for Scheduled Caste should be entertained but 'B' need not be considered for such promotion against the vacancy reserved for Scheduled Tribe. In that event, the reserved vacancy (i.e. the 8th vacancy) should be filled up by a general candidate and principle of carry-forward should operate till the next reserved vacancy occurs in the roster. If, however, the proposal for promotion is taken up for consideration on or after 06.08.1985, when both 'A' and 'B' are already confirmed in the post of Lower Division Clerk, both of them deserve to be considered for promotion against the respective reserved vacancies. In such a situation 'A' and 'B', if found otherwise suitable for promotion, should, however, be allowed the benefit of promotion with effect from 04.06.1984 and 06.08.1985 respectively keeping the 3rd vacancy for the period from 01.04.1981 to 03.06.1984 and the 8th vacancy for the period from 01.04.1981 to 05.08.1985 unfilled.

- This clarification is furnished in consultation with the Finance Department of this Government vide that Department's U.O. No. Gr. P/1185, dated 19.03.1990.
- 3. Similar cases of promotion, if there be any, decided earlier in any manner different from what has been indicated in the 1st paragraph of this memorandum, should now be reviewed and settled in accordance with the clarification furnished hereinbefore and appropriate remedial action should also be taken, where necessary, to ensure due benefit to the members of Scheduled Castes and Scheduled Tribes.
- 4. All appointing authorities under that Department should be instructed accordingly.

Sd/- S. Das

Jt. Commissioner and ex-officio

Jt. Secretary.

Notification raising the percentages of reservation of vacancies in services and posts for the members belonging to Scheduled Castes and Scheduled Tribes

No. 180(60)

Calcutta, the 17th April, 1990.

Subject: Notification raising the percentages of reservation of vacancies in services and posts for the members belonging to Scheduled Castes and Scheduled Tribes.

The undersigned is directed to send herewith a copy of this Department's Notification No. 136-TW/EC, dated 27.03.1990 on the above subject, as published in the extraordinary issue of the Calcutta Gazette dated 27.03.1990 and to say that the percentages of reservation of vacancies in services and posts have been raised to 22% for the members belonging to Scheduled Castes and to 6% for the members belonging to Scheduled Tribes in respect of the vacancies to be filled up by direct recruitment as well as by promotion in all establishments as mentioned in clauses (b) and (c) of section 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976. The provisions as contained in the enclosed Notification would come into effect on and from 27th March, 1990.

A 50-point roster of vacancies has also been prescribed in the enclosed Notification and the 1st, 7th, 11th, 15th, 18th, 21st, 28th, 32nd, 36th, 40th and the 47th points of the said roster shall be reserved for the members belonging to Scheduled Castes and the 4th, 24th and the 43rd points of the roster shall be reserved for the members belonging to Scheduled Tribes. The 20-point roster as prescribed under the Schedule to the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 would cease to operate with effect from 27.03.1990 and instead thereof the 50-point roster as prescribed in the enclosed Notification No. 136-TW/EC, dated 27.03.1990 would operate with effect from that date, which is the date of publication of the enclosed Notification. Accordingly, all appointing authorities shall be required to start the roster in the Register of Appointments to be maintained in terms of Rule 3 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Rules, 1976 afresh with effect from 27.03.1990.

That Department is, therefore, requested to communicate the provisions of the enclosed Notification to all establishments/offices subordinate to that Department and also to the organisation/institutions which are under the administrative control of that Department so as to ensure due observance of the provision of reservation prescribed therein by all concerned appointing authorities.

Sd/- S. Das

Joint commissioner for Reservation & Ex-officio Joint Secretary.

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

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

Nomination of the Liaison Officers of the respective departments to act as members of the Selection Board/ Interview Board etc.

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,

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

District Magistrate appointed as District Commissioner for Reservation for the District

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

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

No. 98(91)—BCW/MRD—156/99 Calcutta, the 7th January, 2000

From: Joint Commissioner for Reservation / and ex-officio Joint Secretary / to the Government of West Bengal

To:

- 1) The Principal Secretary/ Secretary,
- 2) The District Magistrate,
- 3) Registrar,
- 4) D. P. I.,
- 5) Director of School Education

Sir,

You may be aware that in case of Direct Recruitment there is a provision for dereservation of vacancies meant for Scheduled Castes and Scheduled Tribes candidates, in cases where suitable candidates from right community are not available but it is necessary to fill up the vacancies urgently in the interest of public service, under sub-section (2) of section 6 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976. According to this provision of Law, we are receiving a large number of applications/proposals from various Appointing Authorities/Departments under this Government for de-reservation. Majority of these proposals are from the Educational Institutions. While examining these proposals/prayers, a number of inadequacies have been found, which have been responsible for delay in the disposal of these matters.

After careful consideration of all aspects, a consolidated set of guidelines for initiation of proposals for dereservation has been prepared to take care of the errors and omissions being committed by the concerned appointing authorities.

I am now directed to forward herewith a copy of the set of these guidelines along with copies of all the enclosures referred to therein and to request you to kindly circulate the same to all the appointing the authorities under your administrative control for strict adherence by them at the time of applying for dereservation of any vacancy meant for Scheduled Castes/ Scheduled Tribes or Other Backward Classes candidates.

Yours faithfully,
Sd/- A. K. Das

Joint Commissioner reservation
&
Ex-officio Joint Secretary

Guidelines For Submission of Proposal For De-reservation by the Appointing Authorities

(Annexure to Memo No. 98(91)-BCW/MRD—156/99 dt 7th January, 2000 of the Backward Classes Welfare Department)

- Applications for de-reservation of vacancies reserved for Scheduled Castes, Scheduled
 Tribes and Other Backward Classes categories of candidates due to non-availability of
 suitable candidates from the right community is to be made by the appointing authorities
 concerned in the format prescribed by this Department (Copy of latest revised format
 enclosed for ready reference—Annexure I) completed with all relevant information,
 properly signed and recommended by the appropriate authority, wherever necessary.
- 2. Separate application is to be made for each vacancy proposed to be de-reserved.
- 3. The application should be accompanied by the authenticated copies of following documents/information.
 - (a) Certificate of non-availability of candidates of right community from the authorities competent to sponsor candidates for appointment like WBPSC, WBCSC, WBSSC, Employment Exchange etc.
 - (b) Paper cutting of advertisements calling for applications from intending candidates for filling up the vacancies, in cases, where appointment is made otherwise than on the recommendation of any statutory authorities, or in cases, where such open market advertisement is necessitated, as per advice of the sponsoring authorities.
 - (c) A copy of the Register of Appointment in the format prescribed vide Appendix I to the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Rules, 1976 as required vide Rule 4 of the said Rules. A specimen copy of the said Appointment Register is enclosed for ready reference. (Annexure II)*
 - (d) In cases, where the appointing authorities have filled up in the past vacancies reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes by General candidates without proper de-reservation orders from the Government in the Backward Classes Welfare Department, the full facts of these cases with an explanation as to why and under what circumstances this was done, for regularisation of these cases now by issue of suitable Government order.
 - (e) While drawing up the Register of Appointment, it would be ensured that it starts

^{*} Available in West Bengal scheduled Caste and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Rules 1976. (App.-1)

with the vacancy, as prevailing in the establishment concerned on 27.03.1990, the cut-off date prescribed under erstwhile Scheduled Castes/ Scheduled Tribes Department's (now renamed Backward Classes Welfare Department) Notification Nos. 136-TW/EC dt. 27-03-1990, 180(60)-TW/EC dt. 17-04-1990 and 796-TW/EC dt 20-08-1990 and be continued thereafter in chronological order as they occur from time to time. The Register of Appointment in Appendix I shall be, as per 50-point roster from 27-03-1990 up to 05-04-1995 and shall get converted to accommodate 100-point roster from 06-04-1995 maintaining the seriality in roster position obtaining on 05-04-1995. There shall be separate Register of Appointment for each cadre of post in each establishment.

4. Where in an establishment there are cases of vacancies of reserved category filled-up earlier by general candidates without any authorisation from the Government, these are to be regularised first by issue of Government order determining specific points of roster, to which reservation against these unauthorisedly filled-up vacancies shall be carried forward.

The current prayer for de-reservation from such establishments can be taken up for consideration only after regularisation of past cases, which will identify the exact roster position of present vacancies and its status with regard to reservation norms.

ANNEXURE I

Application form For Dereservation

To
The Principal Secretary,
Backward Classes Welfare Department,
Government of West Bengal,
Writers' Buildings,
Calcutta-700001

Through: The District Magistrate and District Reservation Commissioner,

(in case of Establishments situated in the Districts)

Sir/Madam,

I hereby apply for dereservation of the vacancy, particulars of which are furnished below for your consideration and issue of necessary orders

Yours faithfully,

(Appointing Authority)

- 1. Name of the Office/Institution:
- 2. Name and designation of the Appointing authority:
- 3. Name of the post against which vacancy has occurred:
- 4. Scale of pay for the post:
- Date of occurrence of vacancy:
- Exact Roster points of the vacancy and the community for which it is reserved (SC/ST/OBC)

(Enclose authenticated copy of the Register of Appointment in Appendix I)

- 7. Manner of selection (i. e. whether through Service Commissions/ Employment Exchange/Open market etc.)
 - 8. In cases of appointment through Employment Exchange—
 - (i) Whether reserved vacancies notified to the Employment Exchange of the districts and Special Cell of Employment Exchange, Salt Lake:
 - (ii) Date of Notification to Employment Exchange:
 - (iii) No. of candidates forwarded by Employment Exchange:
 - In case of open market recruitment through advertisement in daily newspapers— (Enclose authenticated copies of paper cuttings)
 - (i) Names of newspapers to which advertisements have been released:
 - (ii) Dates on which the Advertisements have appeared in such newspapers:
 - (iii) Last date of receiving application:
 - (iv) No. of applications from SC/ST/OBC candidates received in response to the advertisement.

(category-wise, where more than one category is involved)

- 10. In cases of selection of candidates by appointing authorities through selection test and interview—
 - (i) No. of SC/ST/OBC candidates called for interview:
 - (ii) No. of SC/ST/OBC candidates attending the interview:
 - (iii) Name and designation of Officer representing this Department in the Board of Interview (in terms of this Department's Memo No. 225(55)-TW/EC Calcutta, 11th May 1994)
- 11. In cases of appointments on the recommendations of Service Commissions, whether reserved vacancies are notified to such Commissions: If so, date and particulars of notifying:
- 12. Particulars of non-availability certificate from Employment Exchange/PSC/CSC/MSC/RSC/SSC (Enclose authenticated copies)

- 13. Total number of existing employees in the same cadre (also, number of existing teachers in the same subject, in case of educational institutions):
- 14. Why dereservation is required:
- 15. Total No. of sanctioned strength in the cadre and percentage of SC/ST among the existing staff strength:
- 16. (i) Has any vacancy been dereserved previously?
 - (ii) If so, Order No. and roster point of such dereserved vacancy:
- 17. List of supporting documents furnished

I do hereby declare that particulars furnished hereinbefore are true to the best of my knowledge and belief.

Signature of Appointing Authority.

- 18.* (i) Remarks/Recommendation of Head of Administrative Department (in case of Calcutta):
 - (ii) Remarks/Recommendation of District Reservation Commissioner (in case of Districts):

immediately in the academic interest. As this is a vacancy reserved for (SC/ST/OBC)...... and such candidate is not available, it is recommended for dereservation."

Maintenance of Register of Appointment for Teaching and Non-teaching posts in case of Universities

No. 2174-BCW

Calcutta, the 12th May, 2000

ORDER

Whereas some of the Universities have represented that they are finding it extremely difficult to maintain a single Register of Appointment for the entire cadre of lecturers irrespective of the departments under the teaching faculties, as required under rule 3 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Rules, 1976:

And, Whereas such universities have proposed that they may be allowed to maintain register of appointment department wise under the common appointing authority, namely, the Registrar;

AND WHEREAS it is implied that difficulty arises in giving effect to the provisions of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (West Ben. Act XXVII of 1976) (hereinafter referred to as the said Act);

Now, Therefore, in exercise of the power conferred by section 10 of the said Act, the Governor is pleased hereby to direct as follows:—

- (a) in spite of the fact that the Registrar is the appointing authority in respect of all
 the posts of a university, but university shall have the option to maintain the
 register of appointment for teaching posts department wise or centrally, as may
 be convenient to it under proper intimation to the Backward Classes Welfare
 Department of the State Government;
 - (b) the register of appointment for the teaching posts having the same scale of pay but not associated with any particular department shall be maintained in a common pool;
 - (c) the register of appointment for the non-teaching post shall, however, be maintained centrally and category-wise as usual by the Registrar of a university.
- 2. Any university opting to maintain department wise register of appointment for teaching posts shall reconstruct such registers with effect from the 27th March, 1990, as the starting point and shall proceed thereafter chronologically in accordance with 50-point/100-point roster as may be applicable, and shall get the reserved vacancies arising in consequence thereof adjusted suitably by carry-forward principle with the approval of the State Government in each individual case.
- This order shall take immediate effect and the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Rules, 1976, shall be suitably amended in due course.

By order of the Governor,
Smt. K. Jhala
Principal Secretary to the
Government of West Bengal and
Secy., Backward Classes Welfare Department.

Empowerment of District Magistrates to de-reserve a reserved post in respect of Primary, Secondary and Higher Secondary Schools

No. 4136-BCW/MR-176/2000

Calcutta, the 16th October, 2000

NOTIFICATION

In exercise of the power conferred by the second proviso to sub-section (2) of section 6 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (West Ben. Act XXVII of 1976) (hereinafter referred to as the said Act), the Governor is pleased hereby to empower, with effect from the date of publication of this notification in the *Official Gazette*, the District Magistrate and District Commissioner for Reservation of each district to de-reserve a reserved vacancy, as provided in sub-section (2) of section 6 of the said Act, in respect of Primary, Secondary and Higher Secondary Schools falling within his territorial jurisdiction.

By order of the Governor,

K. Jhala

Principal Secy. to the Govt. Of West Bengal

Note on Dealing with Cases for Dereservation

District Magistrates and District Reservation Commissioners have been delegated powers of de-reservation in respect of Primary, Secondary and Higher Secondary Schools within their respective jurisdiction.

While dealing with de-reservation cases, it should be borne in mind by everyone concerned that de-reservation is an extra-ordinary step and should be resorted to only when it is unavoidable. It should be noted that no appointing authority has any power to fill-up a reserved vacancy by candidates other than those belonging to the prescribed communities. The question of de-reservation arises only when a suitable candidate from the right community is not available and in the public interest, it is necessary to fill up a vacancy urgently. The basic tests for considering a proposal for de-reservation is thus, (1) whether there is satisfactory evidence of non-availability of suitable candidate from the right community and (2) whether it is essential in the public interest to fill up the vacancy without delay. It should be noted that except where otherwise provided School Service Commission in respect of Secondary, Higher Secondary Schools and Madrasahs and concerned Employment Exchanges in case of Primary Schools are only authorised organisations to sponsor candidates and as such, they are the competent authorities for issue of non-availability certificates in respect of suitable reserved category candidates.

If, on the basis available records, the authority empowered to dereserve a vacancy is of the opinion that the above mentioned two tests have been satisfied, he may order dereservation of the vacancy. The manner of filing the prayer for de-reservation by the appointing authorities and the documents to be furnished therewith have been detailed in a booklet published by the Department, copies of which have been circulated separately. In the said format of application for de-reservation there is a column for noting the recommendation of the District Magistrate and District Reservation Commissioner. In cases where District Magistrate and District Reservation Commissioner shall be empowered to dereserve a vacancy, the said column may be filled up by the local officer of the concerned administrative Department. As per Law, whenever a reserved vacancy is dereserved, subsequent available unreserved vacancy is to be reserved in exchange for the particular community for which the original vacancy was reserved. It has, therefore, to be ensured that the exact vacancy to which reservation move forward consequent on dereservation of a reserved vacancy is identified while making the order of dereservation and the exact roster position of the vacancy becoming thus reserved on carry forward principle is specifically mentioned in the order of dereservation.

SPECIMEN ORDER FORM

Government of West Bengal Office of the District Magistrate

recording to the second se	DIS	trict		
No		Dated	, the	
	ORDER			
WHEREAS, there is a vacance in a vacance is a vacance in in in in it is a the in it is a vacance in it is a	(Addr	(Name ress) under th	of e administrative	School) control of
WHEREAS, the said vacancy is resapplicable) being theprescribed in Notification No. 134-B Welfare Department, Government of	vacancy in CW/RC dt. 25-03	the 100-poi	nt roster of va	cancies as
WHEREAS, all reasonable steps we by a candidate from the community			rities to fill up th	he vacancy
WHEREAS, no qualified candidate h				cy reserved
WHEREAS, the School authorities filling up by an available candidate;	have applied for	de-reservati	on of the said v	acancy for
WHEREAS,necessary and expedient to fill up the proposed for its being treated as un	e said vacancy in	the public ir	nterest and has a	
AND WHEREAS, I am satisfied that	there is need to	de-reserve	the vacancy in	the public

Now, Therefore, in terms of the provisions contained in sub-section (2) of Section 6 of the West

interest;

Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act, 1976 as amended by the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1994 and the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000 read with Backward Classes Welfare Department, Government of West Bengal Notification No. 4316-BCW, dated the 16th October, 2000 (published in the *Calcutta Gazette, Extraordinary*, dated the 16th October, 2000), I hereby de-reserve the vacancy in question for its being filled up as an unreserved vacancy subject to the condition that the reservation for the Scheduled(Caste/Tribe) against the vacancy so dereserved hereinbefore, shall be carried forward against the subsequent unreserved vacancy being thevacancy in the roster as aforesaid (mention exact roster position of the corresponding unreserved vacancy)

District	Magistrate 8	District	Reservation	Commissioner,
			District	

Director of Public Instructions, West Bengal shall act as authority for assessment of dereservation for Teaching Posts in Colleges

No. 794-BCW/MRD-156/99

Dated, the 16th February, 2001

MEMORANDUM

The undersigned is directed to refer to this Department's No. 98(91)-BCW dt. 07-01-2000 wherein a set of guidelines for initiation of proposals for de-reservation of reserved vacancies in the public interest and the format of application for dereservation of reserved vacancies in public interest and the format of application for dereservation were prescribed. According to the said guidelines, all proposals for dereservation in respect of establishments situated in the Districts were to be routed through the concerned District Magistrates.

2 The question of routing the de-reservation proposals through the concerned District Magistrate has since been reviewed in respect of teaching posts of the colleges. It has been represented to the Government from various quarters that the academic interest is being adversely affected because of a large number of reserved vacancies in different colleges remaining unfilled due to non-availability of suitable candidates from the prescribed communities. To expedite the process of de-reservation in the above context, it is considered necessary to declare Director of Public Instructions, West Bengal also as a recommending authority in respect of dereservation proposals for teaching posts in colleges.

3 After careful consideration of all these aspects, the Governor is now pleased to order in partial modification of memo no. 98(91)-BCW dt 07-01-2000 that henceforth the Director of Public Instructions, West Bengal, shall act as an authority for assessment of the necessity of dereservation of teaching posts in colleges all over the State in addition to the District Magistrates who have been so authorised earlier. Director of Public Instructions, West Bengal, shall accordingly record the recommendation on individual application for dereservation in respect of teaching posts in the colleges in the following format:—

4 This recommendation will be recorded against Column 18(i) of the prescribed application form for dereservation.

Sd/ A. K. Das

Joint Commissioner for reservation & ex-officio Joint Secretary to the Govt. of West Bengal

Roster position of the vacancy to be indicated

^{**} Subject of teaching to be mentioned

^{***} Scheduled Caste/Scheduled Tribe/Other Backward Classes as applicable to be mentioned.

Roster of vacancies in respect of each category of posts in the Schools shall be maintained separately

No. 1675-BCW/MR - 35/2002

Dated, Kolkata, the 10th April, 2002.

MEMORANDUM

The undersigned is directed to refer to this Department's Memo No. 40-TM/EC, dt. 22.01.1991 regarding procedure of maintenance of the 50-point roster of vacancies in the State-aided Secondary (including Junior High) and Higher Secondary Schools wherein it was stated, *inter alia* that all the posts in any school shall be divided under two distinct categories namely (1) Teaching category and (2) Non-Teaching category. The matter was, further, examined and it has been found that in view of the existing provisions of Law in general and in the context of ruling of Hon'ble Supreme Court in the matter of Post-Graduate Institute of Medical Association, Chandigarh-Vs-The Faculty Association and others in particular, it is not possible to group the categories of posts in the schools as Teaching and Non-Teaching in the manner as indicated.

The undersigned is, therefore, directed by order of the Governor to say that the Governor is pleased to withdraw paragraphs 2, 3 and 4 of Memo. No. 40-TW/EC, dt. 22.01.1991 referred to hereinbefore with retrospective effect and to direct that the Poster of vacancies in respect of each category of posts in the Schools shall be maintained separately as in the case of all other Establishments w.e.f. 27.03. 2990.

The provisions of the Memorandum referred to hereinbefore shall stand amended to the above extent.

Sd/- A. K. Das

Joint Commissioner for Reservation & Ex-officio Jt. Secretary to the Govt. of. W.B.

The roster points of the Headmaster/Headmistress and Assistant Headmaster/ Assistant Headmistress shall remain blank in the 100 point roster

No. 2040-BCW/MRD-97/2002

Dated, Kolkata, the 26th July, 2006.

MEMORANDUM

After the exclusion of the posts of Headmaster/Headmistress and Assistant Headmaster/ Assistant Headmistress of any School/Madrasha etc. from the purview of the reservation rules by the School Education Deptt. Secondary Branch vide their Memo. No. 1170. SE (S)/1'S'-27/99 dt. 14.09.1999, the Backward Classes Welfare Deptt. Vide their Memo No. 1675-BCW/MR-35/2002 dt. 10.04.02 had instructed to prepare separate roster of vacancies (Register of Appointment) in respect of each category of posts in the schools w.a.f. 27.03.90.

In implementing the aforesaid order the school authorities have faced problems at the time of preparation Register of Appointment for assistant 'teacher' category of posts previously known as 'teaching category'. They are compelled to recast the Register of Appointment, after exclusion of the posts of Head Master/ Head Mistress and Assistant Headmaster/Assistant Head Mistress and thus violate the rules of reservation for which they are not responsible. The matter has been referred to the Ld. L.R., W.B. and the Ld. L.R. opined the recast of Register of Appointment is not required.

The undersigned is directed by order of the Governor to say that the Governor is pleased to order that henceforth, the roster points of the Headmaster/Head Mistress and Assistant. Headmaster/Assistant Headmistress shall remain blank in the 100 point roster of teaching category posts of a School/Madrasha and no teacher shall be appointed to fill those roster points, i.e. no recasting of Register of Appointment is necessary to give effect to School Education Deptt's order No. 1170-SE(S)/1'S-27/99 dated 14.09.99.

The School authorities who have already recast the said Register of Appointment need not change it again. That Register of Appointment for the posts of Assistant Teacher/teaching category shall be treated as valid.

All such Register of Appointment shall be maintained w.e.f. 27.03.1990.

Joint Commissioner for Reservation And Ex-Officio Joint Secretary to The Government of West Bengal.

Amendment of Notification No 2004-BCW/ MRD-238/98 Dated: 27.7.1999

No. 2350-BCW/MR-92/2007

Kolkata, the 14th August, 2007.

NOTIFICATION

In continuation of this Department's Notification No. 2004-BCW/MRD-238/98, dt. 27.7.1999, the Governor is pleased to amend the Notification as follows:—

- After the words "Subsequent unreserved vacancy" in the last line of the said Notification, the words "available at the time of passing the order of dereservation or any nearest unreserved vacancy which shall occur in future" shall be inserted; and
- 2) After clause (ii) of the said Notification the clause (iii) shall be inserted as follows :
 - iii) The State Government may, if it is satisfied that the appointing authority by genuine mistake or on account of an error of judgement has filled up any reserved vacancy otherwise than by a candidate for whom the vacancy is reserved and that there has been no malafide intenion in this regard on the part of the appointing authority, by order in writing, regularise the appointment, if so applied for by the appointing authority, on the basis of the carry forward principle. In such case, reservation against the reserved vacancy already filled up otherwise than by a candidate belonging to Other Backward Classes (Other than Scheduled Castes and Scheduled Tribes) for whom the vacancy was originally reserved, shall:—
 - a) if such vacancy relates to an establishment other than the establishment in Universities and Colleges affiliated to the Universities, Primary and Sccondary Schools and also other educational institutions which are owned or aided by the State Government, be carried forward to the nearest unreserved vacancy available at the time of consideration of any application; or
 - b) if such vacancy relates an establishment in Universities and Colleges affiliated to Universities. Primary and Secondary Schools and also other educational institutions which are owned or aided by the State Government be carried forward to the nearest unreserved vacancy available at the time of consideration of any application or to any unreserved vacancy which shall occur in future.

By order of the Governor.

S. Singh

Secretary to the Govt. of West Bengal

Roster in cases of change of character of cadre from single cadre to multi-cadre

No. 1823-BCW/MR-63/2009.

Dated Kolkata the 3rd June, 2009

MEMORANDUM

It has been observed from references received by this Department that a lot of confusion is arising in setting up roster points in the preparation of Register of Appointments by the establishments, at the time when a single- post cadre is becoming a multi-post cadre by virtue of increase in the number of posts in the said cadre thereby bringing the cadre so long outside the purview of reservation norms subjected to the provisions of the West Bengal Scheduled Caste and Scheduled Tribe (Reservation of Vacancy in Services and Posts) Act, 1976.

After careful consideration of all aspects it has been decided that the vacancy sanctioned by the Finance Department which changes the character of the cadre from single post to multipost shall be deemed to be set up at the lst roster point in the concerned Register of Appointments even if the lst post of the cadre was sanctioned after 27-03-1990, in the matter of maintenance of Register of Appointments under the West Bengal Scheduled Caste and Scheduled Tribe (Reservation of Vacancy in Services and Posts) Act, 1976 amended subsequently and the rules framed there under.

This order shall take immediate effect and shall remain valid until further order

All establishments under sub-section (c) of Section 2 of the West Bengal Scheduled Caste and Scheduled Tribe (Reservation of Vacancy in Services and Posts) Act, 1976 shall act accordingly.

By order of the Governor, Joint Commissioner for Reservation & Ex-officio Joint Secretary to the Govt. of West Bengal

Examination and authentication of Register of Appointments of Schools

No. 4027-BCW7 MRD-09/2002 (1)

September 7, 2009

ORDER

It has been observed that a large number of schools located in different districts of West Bengal are facing difficulties as regards examination as well as authentication of the Register of Appointments of different categories of posts.

After careful consideration, it has been decided that the examination and authentication of the Register of Appointments of the schools located in Kolkata as defined in sec. 3 of the Kolkata Police Act, 1866, will be done by the State Reservation Cell Headquarters at Backward Classes Welfare Department, Writers' Buildings, Kolkata 700 001, whereas the examination and authentication of the Register of Appointments located in different districts other than Kolkata will be done by the respective District Magistrate and ex-officio District Commissioner for Reservation or any other officer authorised by him.

This order shall take immediate effect until further order.

Sd/- M. Pandit

Joint Commissioner for the Reservation

& ex-officio Joint Secretary to the

Government of West Bengal

Government of West Bengal Authentication of Register of Appointments in Educational institutions

No. 1736-BCW/MRD-09/02 (II)

Kolkata, the 15th June, 2011

MEMORANDUM

The undersigned is directed to refer to this Deptt.'s letter No. 125(18)-BCW dt, 8th January, 2003 and to say that a large number of appointing authorities in Schools, Colleges, Govt. Establishments and other Educational institutions situated in different districts are facing difficutties in authentication of Register of Appointments, It is also felt that it is not possible for this Deptt. alone to authenticate the Register of Appointments of different posts of Educational institutions and Govt. Estts in this State. The Govt. has been actively considering of the delegation of powers to some sub-ordinate authorities empowering them to authenticate the Register of Appointments of these establishments within their territorial jurisdiction,

- 2) After careful considerauon of all aspects, the Governor has also been pleased to direct that the District Magistrate and District Commissioner for Reservation shall be the authority for authentication of Register of Appointments in respect of all the Govt. Establishments including Schools, Colleges and other Educational Institutions situated within their territorial jurisdiction.
- 3) The Governor has further been pleased to direct that the Assistant Commissioner for Reservation & Ex-Officio Assistant Secretary or Officer-on-Special Duty in the Backward Classes Welfare Deptt. shall be the authority for authentication of Register of Appointments in respect of all the Govt. Establishments including Schools, Colleges and other Educational Institutions situated within the territorial jurisdiction of Kolkata as defined in the Calcutta Police Act 1866.
- 4) The undersigned is therefore directed to say that authentication of Register of Appointments in all such cases can only be done where the Register of Appointments are mentioned in terms of the W. B, S.C. & S.T. (RVSP) Act, 1976 and amendments made thereafter.

Sd/- M. PanditSpecial Secretry to the Govt. of West Bengal.

Preparation of Register of Appointments when multi-cadre posts are filled both by direct recruitment & promotion

No. 2078-BCW/MR-63/2009

MEMORANDUM

It has been observed by this Department that a lot of confusion is arising in preparation of Register of Appointment, at the time when multi-cadre posts are filed up both by way of direct recruitment and by promotion as per Recruitment Rules of those particular posts. This creates confusion among the Appointing Authorities regarding maintenance of reservations norms,

After careful consideration of all aspects it has been decided that in such case of a multipost cadre where posts are filled up both by direct recruitment and by promotion, two different Registers of Appointment under the W.B.S.C. & S.T. (RVSP) Act, 1976 as amended from time to time and Rules framed thereunder have to be maintained for those posts, one for direct recruitment and the other for promotional appointment mentioning the total number of sanctioned posts in both cases.

This Memorandum shall take immediate effect and remain valid until further order.

All establishments under Sub-Section (c) of Section 2 of the W.B.S.C. & S.T. (RVSP) Act, 1976 shall act accordingly.

By Order of the Governor

Sd/- M. Pandit

OSD & Ex-Officio Special Secretary
to the Govt. of West Bengal

Dated: 18th June, 2013

Scope of exercising willingness or otherwise by candidate for promotion

No. 3114-BCW/MR-63/09

Dated: 9th September, 2013

MEMORANDUM

It has been observed that references are frequently made by several Department as well as several appointing authorities seeking clarifications whether those eligible incumbents who are unwilling to accept promotion are to be considered for fixing normal zone of consideration,

After careful consideration of all aspects and with a view to remove such confusion it is clarified that the normal zone of consideration shall include all employees within the zone eligible for promotion irrespective of their willingness or other wise to accept promotion.

The memorandum shall take immediate effect and remain valid until further order.

All establishment under sub-Section (c) of Section 2 of the West Bengal Scheduled Castes & Scheduled Tribes (Reservation of vacancies in services & posts) Act, 1976 shall act accordingly,

By Order of the Governor Sd/-OSD & E.O. Special Secretary to the Govt. of West Bengal

Scopes of exercising options by successful candidates regarding posts & place of posting

MEMORANDUM

No. 3806-BCW/MR-63/09

It has been observed by this Department that in the recruitment for jobs conducted by various Government Recruitment Agencies like different Service Commissions, there are scopes of exercising options by successful candidates regarding their posts including places of posting. It has also been observed that there is confusion regarding exercise of such option by successful reserved category candidates who secure places both in the general merit list covering all successful candidates irrespective of categories and the merit list of his/her respective reserved category.

After careful consideration of all the aspects and with a view to remove confusion, it is clarified that during recruitment process, a general merit list of all successful candidates including candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes-A and Other Backward Classes-B exclusively based on merit shall be prepared. Similarly, separate merit lists for the Scheduled Castes, Scheduled Tribes, Other Backward Classes -A and Other Backward Classes -B, wherever there are vacancies in the respective categories, shall also be prepared including those reserved category candidates placed in the general merit list for unreserved posts.

The reserved category candidates also featuring in the general merit list shall be given the option to choose between the posts / places of posting as per their positions in the general merit list as well as in the reserved list of their specific categories. If a reserved category candidate opts for an unreserved post on the basis of his/ her position in the general merit list, he / she shall not be taken into account in the reserved category post. If, however, this reserved category candidate opts for a reserved category post as per his / her position in the respective reserved category post, he / she shall be considered as a candidate filling a reserved category post of that category and his / her candidature in the unreserved category will be lost and the unreserved post shall be filled up from the general merit list.

This Memorandum shall take immediate effect and remain valid until further order.

All recruitments for establishments under sub-section (b) and sub section (c) of Section 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act, 1976 shall be made accordingly.

Principal Secretary to the Govt. of West Bengal

Date: 13-11-2013

Suppression of Higher Qualification at the time of Appointment

AUDIT BRANCH

No: 4536F(P) Dated Kolkata, the Ist September, 2014

MEMORANDUM

References have often been received from different departments for according approval to record higher qualification which was suppressed during entry in Government Service. As per standard instruction of filling up Police Verification Roll, suppression of any material information is sufficient ground for not offering appointment. Thus, such suppression detected even on later

occasion is sufficient to take action against the erring employee,

Now after careful consideration of the interest of the employees, the Governor has been pleased to decide that in case of detection of such suppression, written explanation from the concerned erring employee would be obtained and if the reply is found satisfactory, authority rnay record such qualification in the service book and consider promotion on the basis of such higher qualification subject to fulfilment of other conditions.

The Governor has been further pleased to decide that this would not be applicable in cases where higher qualification is bar for appointment to a particular post and the concerned employee had suppressed the same for getting appointment.

Sd./- A. K. Das
O. S. D. & E. O. Joint Secretary to the
Government of West Bengal

Effective date for considering caste identification certificates of incumbents who has applied/entered a particular service in unreserved category and later on procured caste certificate

No. SBCW-906/14

Date: 05-09-2014

MEMORANDUM

Time and again the department has come across queries from different quarters as to the effective date for considering caste identification certificates of incumbents who has applied/ entered into a particular service in the unreserved category but on later date has procured the relevant certificate and has claimed the benefits of reservation in the same service.

Till date the department has responded to these references individually.

In order to sort out the point comprehensively following clarification is released after considering the pros and cons of the issue -

The caste status of an incumbent will be considered on and from the date on which he/ she officially produces the caste identification certificate before the appointing authority when it has been procured on any date after his/her filing of application for any service or joining in the service.

This clarification cannot be treated as a gateway to revisit the settled issues.

This clarification only relates to caste identification certificates issued as per Sec 3 & Sec 4 read with Sec 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act 1994 and is applicable for all establishments under Sec 2(b) and (c) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act, 1976.

The memorandum takes immediate effect

Principal Secretary to the Govt of West Bengal

Date: 08.06.2015

Order of conversion of departmentally maintained RoA to centrally maintained RoA.

No. 2176-BCW/MRD-151/92(II)

North Bengal University Authority was following the system of Maintenance of Register of Appointment in a segregated fashion for the Teaching Posts in regard to each Academic Department as is incorporated in the order no- 2174-BCW, Dated Calcutta, the 12th May, 2000.

ORDER

Whereas the Executive Council of the University in their meeting dated 29/5/2014 adopted a resolution expressing their desire to maintain the said Register of Appointment (RoA) in a Centralised fashion i.e. the RoA will be maintained centrally with all the Departments taken together and subsequently a cut-off date as 1/4/2015 for maintenance of the RoA in a centralized manner has been identified by the University authority.

AND WHEREAS the Vice- Chancellor of the University is the appointing authority for all the Teaching Posts, the relevant RoA can be maintained Centrally as per Rule 3 of WBSC&ST (Reservation in Services and Posts) Rule 1976 and other relevant orders in regard to maintenance of reservation in services and posts for the OBC candidates.

AND WHEREAS it is found that there are vacancies in their previously maintained Departmental RoAs emanating out of regularization of the violations made in the relevant RoAs in accordance with the Sec 6(2) of WBSC&ST (Reservation of Vacancies in Services & Posts) Act 1976 and Sec 7 (2) of WB BC (Other than SC&ST) (Reservation in Services and Posts) Act 2012 which are to be carried over to the Centralised RoA as Backlog vacancies (as provided in Annexure vis-a-vis the category of posts), it is ordered that the North Bengal University can maintain the RoA for Teaching Posts in a centralized fashion from the cut-off date as mentioned.

It is also ordered that the backlog vacancies of reserved categories as enumerated as Annexure to this order, must be filled up first, before taking up recruitment against any unreserved/reserved vacancies during the time of recruitment in the Teaching Posts.

The RoA thus constructed should be presented to this Department for authentication and the previous RoAs as maintained in a segregated fashion, Departmentally should be kept as record till the last appointee for each category retires and the vacancy so occurring is transported to the Centrally maintained RoA.

Annexure to memo no-2176 -BCW/MRP-151/92(II) Date: - 08.06.2015 Category and post-wise Tables indicating the Backlog Vacancies emerging out of alteration in the method of maintenance of Register of Appointments

Post: Assistant Professor

SI. No.	Vacant Reserved Roster Points (RP) after regularisation vide order No.391-BCW/Mr-151/92(I) Dated 30.01.2012.	Reservation category of thatRP	Present RP when transported to Centrally maintained RoA with effect from 01.04.2015 and considered as Backlog vacancy	Reservation category of that RP
1.	8 (Chemistry)	ST	2	ST
2.	8 (Botany)	SC	3	SC
3.	10 (Botany)	ST	5	ST
4.	10 (Computer Science & Application)	SC	8	SC
5.	14 (Computer Science & Application)	ST	10	ST
6.	2 (Library & Information Sc.)	SC	14	SC
7.	5 (Nepali)	ST	16	ST
8.	10 (History)	SC	17	SC
9.	14 (History)	ST	20	ST
10.	8 (Economics)	SC	22	SC
11.	5 (political Sc.)	SC	23	SC
12.	3 (Sociology)	SC	25	SC
13.	8 (Commerce)	ST	27	ST
14.	3 (Hindi)	SC	30	SC
15.	3 (Dept. of Lifelong Learning & Extension)	SC	31	SC
16.	10 (Zoology)	SC	34	SC
17.	14 (Zoology)	ST	35 J.	ST

Post: Assistant Professor

SI. No.	Vacant Reserved Roster Points (RP) after regularisation vide order No.391-BCW/Mr- 151/92(1) Dated 30.01.2012.	Reservation category of that RP	Present RP when transported to Centrally maintained ROA with effect from 01.04.2015 and considered as Backlog vacancy	Reservation category of that RP
1.	16 (Computer Science & Application	OBC-B	37	OBC-B

Post: Reader/Associate Professor

SI. No.	Vacant Reserved Roster Points (RP) after regularisation vide order No.391-BCW/Mr-	Reservation category of that RP	Present RP when transported to Centrally	Reservation category of that RP
	151/92(1) Dated 30.01.2012.		maintained RoA with effect from 01.04.2015 and	
			considered as Backlog vacancy	
1.	8 (Physics)	SC	2	SC
2.	5 (Chemistry)	SC	3	SC
3.	3 (Botany)	SC	5	SC
4.	5 (English)	SC	8	SC
5.	3 (History)	SC	10	SC
6.	5 (Commerce)	SC	14	SC
7.	2 (Himalayan Studies)	SC	16	SC
8.	3 (Comp. Sc. & Application)	SC	17	SC

Post: Professor

SI. No.	Vacant Reserved Roster Points (RP) after regularisation vide order No.391-BCW/Mr. 151/92(1) Dated 30.01.2012.	Reservation category of that RP	Present RP when transported to Centrally maintained RoA with effect from 01.04.2015 and considered as Backlog vacancy	Reservation category of that RP
1.	3 (Physics)	SC	2	SC
2.	3 (Chemistry)	SC	3	SC
3.	3 (Botany)	SC	5	SC
4.	2 (History)	SC	8	SC
5.	2 (political Sc.)	SC	10	SC
6.	2 (Mathematics)	SC	14	SC
7.	2 (Himalayan Studies)	SC	16	SC

B. Central Orders on OBC Reservation

Recommendations of Second Backward Classes Commission (Mandal Commission) Reservation for Socially and Educationally Backward Castes in services under Government of India

New Delhi, the 25th September, 1991

No. 36012/31/90-Estt. (SCT)

OFFICE MEMORANDUM

Subject: Recommendations of Second Backward Classes Commission (Mandal Report)—Reservation for Socially and Educationally Backward Classes in services under the Government of India

In a multiple undulating society like ours, early achievement of the objective of social justice as enshrined in the Constitution is a must. The Second Backward Classes Commission called the Mandal Commission was established by the then Government with this purpose in view, which submitted its report to Government of India on 31.12 1980.

- 2. Government have carefully considered the report and the recommendations of the Commission in the present context regarding the benefits to be extended to the socially and educationally backward classes as opined by the Commission and are of the clear view that at the outset certain weightage has to be provided to such classes in the services of the Union and their Public Undertakings. Accordingly orders are issued as follows:—
 - (i) 27% of the vacancies in civil posts and services under the Government of India shall be reserved for SEBC.
 - (ii) The aforesaid reservation shall apply to vacancies to be füled by direct recruitment. Detailed instructions relating to the procedure to be followed for enforcing reservation will be issued separately.
 - (iii) Candidates belonging to SEBC recruited on the basis of merit in an open competition on the same standards prescribed for the general candidates shall not be adjusted against the reservation quota of 27%.
 - (iv) The SEBC would comprise in the first phase the castes and communities which are common to both the list in the report of the Mandal Commission and the State Government's lists. A list of such castes/communities is being issued separately.
 - (v) The aforesaid reservation shall take effect from 7.8.1990. However, this will not apply to vacancies where the recruitment has already been initiated prior to the issue of these orders.
 - Similar instructions in respect of public sector undertakings and fmancial institutions including public sector banks will be issued by the Department of Public Enterprises and Ministry of Finance respectively.

Smt Krishna Singh
Joint Secretary to the Government of India

Recommendations of Second Backward Classes Commission (Mandal Commission)—Reservation for Socially and Educationally Backward Classes in services under Government of India

No. 36012/31/90-Estt. (SCT)

New Delhi, the 25th September, 1991

OFFICE MEMORANDUM

Subject:

Recommendations of Second Backward Classes Commission (Mandal Report)— Reservation for Socially and Educationally Backward Classes in services under the Government of India

The undersigned is directed to invite the attention to O. M. of even number dated the 13th August, 1990, on the above mentioned subject and to say that in order to enable the poorer sections of the SEBCs to receive the benefits of reservation on a preferential basis and to provide reservation for other economically backward sections of the people not covered by any of the existing schemes of reservation, Government have decided to amend the said Memorandum with immediate effect as follows:—

- (i) Within the 27% of the vacancies in civil posts and services under the Government
 of India reserved for SEBCs, preference shall be given to candidates belonging to
 the poorer sections of the SEBCs. In case sufficient number of such candidates are
 not available, unfilled vacancies shall be filled by the other SEBC candidates.
 - (ii) 10% of the vacancies in civil posts and services under the Government of India shall be reserved for other economically backward sections of the people who are not covered by any of the existing schemes of reservation.
 - (iii) The criteria for determining the poorer sections of the SEBCs or the other economically backward sections of the people who are not covered by any the existing schemes of reservation are being issued separately.
- 3. the O. M. of even number dated the 13th August, 1990, shall be deemed to have been amended to the extent specified above.

Sd/- A. K. Harit Deputy Secretary to the Government of India

Reservation for Other Backward Classes in Civil Posts and Services under the Government of India

No. 36012/22/93-Estt. (SCT)

New Delhi, the 8th September, 1993

OFFICE MEMORANDUM

Subject: Reservation for Other Backward Classes in Civil Posts and Services under the Govt. of India -Regarding

The undersigned is directed to refer to this Departments O. M. No. 36012/31/90-Estt(SCT), dated the 13th August,1990 and 25th September 1991 regarding reservation for Socially and Educationally Backward Classes in Civil Posts and Services under the Govt. of India and to say that following the Supreme Court judgment in the Indra Sawhney and others vs Union of India and others case [Writ Petition (Civil) No. 930 of 1990] the Govt. of India appointed an Expert Committee to recommend the criteria for exclusion of the socially advanced persons/sections from the benefits of reservation for Other Backward Classes in civil posts and services under the Govt. of India .

- Consequent to the consideration of the Expert Committee's recommendations this Department's Office Memorandum No. 36012/3 l/90-Estt(SCT), dated 13.8.90 referred to in para (1) above is hereby modified to provide as follows:
 - (a) 27% (twenty-seven per cent) of the vacancies in civil posts and services under the Government of India, to be filled through direct recruitment, shall be reserved for the Other Backward Classes. Detailed instructions relating to the procedure to be followed for enforcing reservation will be issued separately.
 - (b) Candidates belonging to OBCs recruited on the basis of merit in an open competition on the same standards prescribed for the general candidates shall not be adjusted against the reservation quota of 27%.
 - (c) (i) the aforesaid reservation shall not apply to persons/sections mentioned in column 3 of the Schedule to this office memorandum.
 - (ii) the rule of exclusion will not apply to persons working as artisans or engaged in hereditary occupations, callings. A list of such occupations, callings will be issued separately by the Ministry of Welfare.
 - (d) The OBCs for the purpose of the aforesaid reservation would comprise, in the first phase, the castes and communities which are common to both the lists in the report of the Mandal Commission and the State Governments' Lists. A list of such castes and communities is being issued separately by the Ministry of Welfare.
 - (e) The aforesaid reservation shall take immediate effect. However, this will not apply to vacancies where the recruitment process has already been initiated prior to the issue of this order.
- Similar instructions in respect of public sector undertakings and financial institutions including public sector banks will be issued by the Department of Public Enterprises and by the Ministry of Finance respectively effective from the date of this Office Memorandum.

Sd/- Smt Sarita Prasad

Joint Secretaty to the Govt. of India

SCHEDULE

SI. No.	Description of category	To whom rule of exclusion will apply		
1	2	3		
ı	CONSTITUTIONAL POSTS	Son(s) and daughters(s) of (a) President of India;		
r quisc i		(b) Vice President of India;		
		(c) Judges of the Supreme Court and or the High Court;		
effect to	entendo estre estado en entendo en	(d) Chairman & Members of UPSC and o the State Public Service Commission Chief Election Commissioner Comptroller & Auditor General o India;		
		(e) Persons holding Constitutiona positions of like nature;		
II.	SERVICE CATEGORY	United the new years of the control		
	A. Group A/Class I Officers	Son(s) and daughter(s) of		
	of the All India Central and State Services (Direct	(a) parents, both of whom are Class I officers;		
	Recruits).	(b) parents, either of whom is a Class officer;		
		(c) parents, both of whom are Class officers, but one of them dies o suffers permanent incapacitation.		
		(d) Parents, either of whom is a class officer and such parents dies or suffer		
		permanent incapacitation has had the benefit of employment for any International Organisation like UN IMF, World Bank, etc. for a period o not less than 5 years.		
		(e) Parents, both of whom are Class officers die or suffer permanen		
	Autorit delle v	incapacitation and before such death or such imcapacitation of the both		
		either of them has had the benefit o		
		employment in any internationa organisation like UN, IMF, World Bank etc. for a period of not less than 5 years.		
		Provided that the rule of exclusion shall not apply in the following case :		

SI. No. Description of category	To whom rule of exclusion will apply		
1 2	3		
	 (a) Sons and daughters of parents either of whom or both of whom are class Officers and such parents dies/die of suffer permanent incapacitation. (b) A lady belonging to OBC category has got married to a Class I officer, and may herself like to apply for a job. 		
B. Group B/Class II officers of the	Son(s) and daughter(s) of		
Central and State Services (Direct Recruitment)	(a) Parents both of whom are Class II officers.		
	(b) Parents of whom only the husband is a Class II officer and he gets into Class I at the age of 40 or earlier.		
	(c) Parents, both of whom are Class officers and one of them dies of suffers permanent incapacitation and		
	either one of them has had the benef of employment in any International Organisation like UN, IMF, World Bank		
	etc. for a period of not less than 5 years before such death of permanent incapacitation;		
	(d) parents of whom the husband is a Class officer (direct recruit or pre-fort promoted) and the wife is a Class officer and the wife dies; or suffer		
	permanent incapacitation; and		
	(e) parents, of whom the wife is a Class officer (Direct Recruit or pre-fort promoted) and the husband is a Class		
nes a la completa estra nes la estada se con Regiones transferancias en estadas en estada	Il officer and the husband dies of suffers permanent incapacitation.		
	Provided that the rule of exclusion sha not apply in the following cases:		
	Sons and daughters of		
	(a) Parents both of whom are Class officers and one of them dies or surfer permanent incapacitation.		

SI. No	Description of category	To whom rule of exclusion will apply
1	2	3
		(b) Parents, both of whom are Class II officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.
	C. Employees in Public Sector Undertakings etc.	The criteria enumerated in A & B above in this Category will apply mutatis mutandi to officersholding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc and also to equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to the officers in these institutions
III.	ARMED FORCES INCLUDING PARA-MILITARY FORCES (persons holding civil posts are not included)	Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts and above in the Navy and the Air Force and the Para Military Forces;
		Provided that:—
		 (a) if the wife of an Armed Forces officer is herself in the Armed Forces (i.e. the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel;
2.0	Control of the second	(b) the service ranks below Colonel of husband and wife shall not be clubbed together:

To whom rule of exclusion will apply		
3		
(c) If the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No. If in which case the criteria and conditions enumerated therein will apply to her independently,		
Criteria specified against Category VI will apply		
Criteria specified against Category VI will apply:		
Explanation:		
(i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband's income.		
(ii) If the wife is in any profession and the husband is in employment in a Class II o lower rank post, then the income/wealth criterion will apply only on the basis of the wife's Income and the husband's income will not be clubbed with it,		

SI. No	o. Description of category	To whom rule of exclusion will apply		
1	2	3		
V.	PROPERTY OWNERS A. Agricultural holding	Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children which owns (a) only irrigated land which is equal to a more than 85% of the statutory ceilin area, or (b) both irrigated and unirrigated land, a follows: (i) The rule of exclusion will not apply if h land holding of a family is exclusivel unirrigated.		
ų lacis	B. <i>Plantations</i> (i) Coffee, tea, rubber etc. (ii) Mango, citrus, apple plantations	Criteria of income/wealth specified inCategory VI below will apply. Deemed as agricuftural holding and hence etc. criteria at A above under this category will apply.		
C.	Vacant land and/or building in urban areas or urban agglomerations	Criteria specified in Category VI below will apply. Explanation: Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.		
	INCOME/WEALTH TEST	Son(s) and daughter(s) of (a) Persons having gross annual income of Rupees one lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years. (b) Persons in Categories I, II, III and VA who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above. Explanation: (1) Income from salaries or agricultural land shall not be clubbed; (2) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.		

Explanation. Wherever the expression "permanent incapacitation" occurs in this Schedule, it will mean incapacitation which results in putting an officer out of service.

Reservation for Other Backward Classes—exclusion of Creamy Layer-Certificates to be produced by candidates

36012/22/93-Estt. (STC)

Dated: the 15th November 1993

To

The Chief Secretaries of All the State Governments/Union Territories

Subject: Reservation for Other Backward Classes - exclusion of Creamy Layer for the purpose of appointment in services and posts under the Govt, of India - Certificates to be produced by the candidates.

Sir,

I am directed to say that the Govt. of India has issued instructions on 8.9.93 providing for reservation to Other Backward Classes in the services and posts under the Govt. of India (A copy of this O. M. is enclosed). The Other Backward Classes for the purpose of the above said

reservation would comprise, in the first phase, the castes and communities which are common to both the lists in the report of the Mandal Commission and the State Government's list. A list of such castes and communities was notified in Resolution No. 12011/68/93-BCC (C) dated 10th September, 1993 published in the Gazette of India, Extraordinary, Part-I Section-I dated

13.9.93. For the purpose of verification of the castes and communities the Govt. of India has prescribed a certificate from the following authorities as in the case of SC/ST vide this deptt's O. M. No. 36012/22/93-Estt. (SCT), dated 22.10.93(copy enclosed):—

- (a) District Magistrates/Additional District Magistrates/Collector/Deputy Commissioner/ Additional Deputy Commissioner/Deputy Collector/1st Class Stipendiary Magistrate/Sub-divisional Magistrate/ Taluka Magistrate/ Executive Magistrate/Extra Assistant Commissioner (not below the rank of 1st Class Stipendiary Magistrate).
- (b) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/ Presidency Magistrate.
- (c) Revenue officer not below the rank of Tahsildar; and
- (d) Sub-divisional Officer of the area where the candidate and / or his family normally resides.
- In the light of the Supreme Court's Judgement in the Indra Sawhney case, this
 Department has specified the persons/section ("Creamy Layer") to whom the benefit
 of reservation shall not apply vide Col. 3 of the Schedule to the Department of
 Personnel and Training O. M. No. 36012/22/93-Estt. (SCT) dated 8.9.93. It has been

considered that the same authorities who are notified as competent to certify OBC status should also be authorised to certify that a candidate does not belong to the "Creamy Layer". It is, therefore, requested that instructions may be issued to the District Authorities under your control to verify and issue the necessary certificate to the candidates regarding his OBC status as well as exclusion from the "Creamy layer". To enable the District Authorities to examine the claims of the candidates a model format has been devised as in Annexure B*. This may be suitably revised if considered necessary. The format of the Certificate that may be given by the concerned district authorities may be as in Annexure A*

- 3. It is also requested that wide publicity may be given to the Ministry of Welfare Resolution No. 12011/68/93-BCC(C), dated 10.9.93 published in the Gazette of India / Extraordinary Part I Section I, dated 13.9.93 containing the list of Backward Castes as well as to DOPT O. M. No. 36012/22/93-Estt (SCT) dated 8.9.93 which specifies the criteria which will determine the persons who belong to the creamy layer and to whom the reservation shall not apply. This will facilitate the candidates to ascertain their eligibility for reservation. It would also be advisable to appropriately brief the certifying Authorities and to provide them with sufficient number of copies of the above mentioned Gazette Notification and the Deptt. OM dated 8.9.93 in order to ensure prompt and correct certification.
- 4. A copy of the orders issued by your Government in this regard may also be endorsed to this Department for information. (Hindi version will follow)

Yours faithfully,

Sd/ Smt. Sarita Prasad

Joint Secretcoy to the Govt. of India

^{*} Similar to the format which may be seen under "State Government's Orders"

^{*} May be seen in the revised format prescribed under "State Government's Orders"

C. State Orders on OBC Reservation

Reservation in services and posts under the Government of West Bengal, the local authorities

No. 347-TW/EC

Calcutta, the 13th July, 1994.

ORDER*

Whereas by this department notification No. 346-TW/EC dated the 13th July, 1994, backward classes as defined in clause (a) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Ben. Act I of 1993) (hereinafter referred to as the said Act), have been specified in the list as defined in clause (c) of section 2 of the said Act;

AND WHEREAS, in the opinion of the Governor, the said backward classes of citizens are not adequately represented in the services under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to Universities, Primary, Secondary and Higher Secondary Schools and also in other educational institutions which are owned or aided by the State Government and establishments in public sector:

Now, THEREFORE, in pursuance of the provisions of clause (c) of section 2 of the said Act, the Governor is pleased hereby to make provision for the reservation in services and posts under the Government of West Bengal, the local and statutory authorities constituted under any state Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the Universities, Primary, Secondary and Higher Secondary Schools, other educational institutions which are owned or aided by the State Government and public sector in favour of the said backward classes of citizens as follows:

- (a) 5% of the vacancies in services and posts under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the Universities, Primary, Secondary and Higher Secondary Schools, other educational institutions which are owned or aided by the State Government and public sector to be filled up by direct recruitment shall be reserved for the backward classes of citizens;.
- (b) the reservation under clause (a) shall not apply to the persons referred to in column 3, in respect of the categories referred to in column 2, of the Schedule below.

Published in the Calcutta Gazette, Extraordinary, No. WB(Part-I)/94/SAR-I 78 dated the 13th July, 1994

SCHEDULE

SI.	SI. Description of category		To whom rule of exclusion will apply			
I.	CONSTITUTIONAL POSTS			Son(s) and daughter(s) of —		
			(a)	President of India;		
			(b)	Vice-President of India;		
			(c)	Judges of the Supreme Court and of the High Court		
1183			(d)	Chairman and Members of Union Public Service Commission and of the State Public Service Commission, Chief Election Commissioner, Comptroller and Auditor General of India; and		
	discontinue on an broad		(e)	Persons holding Constitutional positions of like nature.		
II.	SERVICE CATEGORY			Son(s) and daughter(s) of —		
l-syr	A. GROUP A/CLASS-I		(a)	Parents, both of whom are Class I officers; officers of the All India		
			(b)	The second of th		
¹ gana				Central and State		
		10	(c)	Parents, either of whom is a Class I Officer, Services (Direct but one of them dies or suffers permanent Recruitment) incapacitation;		
15000			(d)	Parents, either of whom is a Class I Officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organization like UN, IMF, World Bank, etc for a period of not less than 5 years; and		
			(e)	Parents, both of whom are Class I Officers die		
				or suffer permanent incapacitation and		
		inge i		before such death or such incapacitation of the both, either of them has had the benefit		
				of employment in any International		
ed j		119.5		Organization like UN, IMF, World Bank, etc.		
		1 7		for a period of not less than 5 years: Provided		
i Sa Faci		100 100		that the rule of exclusion shall not apply in		
		uc. a		the following cases:		
		e da	(i)	Sons and daughters of parents either of whom or both of whom are Class I Officers and such		

Description of category	Persons to whom reservation shall not apply		
manufic a A a Estamana i am fili en production muture filis violation en pagnera a melavium antendis indi- en in Fisher flector sindents nes Sans	parent(s) dies/die or suffers/suffer permanent incapacitation; (ii) A lady belonging to Other Backward Class category has got married to a Class I Officer, and may herself like to apply for a job.		
B. GROUP B/CLASS-II	Son(s) and daughter(s) of —		
officers of the Central and State Services (Direct Recruitment)	 (a) Parents both of whom are Class II officers; (b) Parents of whom only the husband is a Class II Officer and he gets into Class I at the age of 40 or earlier; (c) Parents both of whom are Class II Officers and one of them dies or suffers permanent incapacitation and either one of them has had thebenefit of employment in any International Organization like UN, IMF, World Bank, etc.for a period of not less than 5 years before such death or permanent incapacitation; (d) parents of whom the husband is a Class I Officer (direct recruitment or pre-forty promoted) and the wife is a Class II officer and the wife dies or suffers permanent incapacitation; and 		
The solution in give of examples and the solution of the solut	(e) parents of whom the wife is a Class I Officer (direct recruitment or pre-forty promoted) and the husband is a Class II Officer and the husband dies or suffers permanent incapacitation: Provided that the rule of exclusion shall are table in the following cases:		
e end permit after the refer the ending ending ending end the second ending end the second ending end the second ending end ending end ending end ending end ending end ending end ending endin	Sons and daughters of—		
TOTAL SECTION OF SET STATES OF SET			
of agastilia elementudes per diservitario del segmentudo del segme	(ii) Parents both of whom are Class II Officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organization like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.		

Description of category	Persons to whom reservation shall not apply
C . Public Sector Undertaking etc.	The Criteria enumerated in A & B above in this category will apply mutatis mutandis to officers holding equivalent or comparable posts in Public Sector Undertakings, Banks, Insurance Organizations, Universities, etc. and also to equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to officers in these institutions.
III. Armed Forces INCLUDING PARA-MILITARY FORCES (persons holding civil posts are not included)	Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and in the Air Force and the Para Military Forces: Provided that:— (i) If the wife of an Armed Forces Officer is herself in the Armed Forces (i.e. the category under the consideration) the rule of exclusion will apply when she herself has reached the rank of Colonel;
	(ii) The service ranks, below Colonel, of husband and wife shall not be clubbed together;
	(iii) If the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under Item No. II in which case the criteria and conditions enumerated therein will apply to her independently.
IV PROFESSIONAL CLASS AND THOSE ENGAGED IN TRADE AND INDUSTRY (a) Persons engaged in profession as a doctor, lawyer, Chartered Accountant, Income Tax Consultant, Financial or	Criteria specified against Category VI will apply:

Description of category	Persons to whom reservation shall not apply
Management Consultant, dental surgeon, engineer, architect, computer specialist, film artists, and other film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like stastus.	
(b) Persons engaged in trade, business and industry	Criteria specified against Category VI will apply:
	Explanation: (i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband's income. (ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income/wealth criterion will apply only on the basis of the wife's income and the husband's income will not be clubbed with it.
V. PROPERTY OWNERS	Son(s) and daughters) of persons belonging to a family(father, mother and minor children) which owns
A. Agricultural holdings	(a) only irrigated land which is equal to or more than 85% of the statutory ceiling area, or
	(b) both irrigated and unirrigated land, as follows:
and command the state of the st	(i) The rule of exclusion will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated by excluding the unirrigated portion). If this pre-condition of not less than 40% exists, then only the area of unirrigated land

Description of category	Persons to whom reservation shall not apply
	will be taken into account. This will be done by converting the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 80% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur,
noet abde emma in the tower andersoon the control of the state of the	(ii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.
B. Plantations	Criteria of income or wealth specified in Category
(i) Coffee, tea, rubber etc.	VI below will apply.
(ii) Mango, citrus, apple plantations etc.at A	Deemed as agricultural holding and hence Criteria above, under this Catetgory will apply. Criteria specified in Category VI below will apply
C. Vacant land and/or building in urban areas or urban agglomerations.	Explanation. —Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.
VI. INCOME / WEALTH TEST	Son(s) and daughter(s) of
	(a) Persons having gross annual income of Rs. 2.5 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act 1957 (act xxvii of 1957) for a period of three consecutive years.
	(4, 42010)

Description of category	Persons to whom reservation shall not apply	
or grignaled sessitioner	Explanation.— (1) Income from salaries and agricultural land shall not be clubbed.	
	(2) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.	

Notes:

Wherever the expression "permanent incapacitation" occurs in this Schedule, it will mean incapacitation which results in putting an officer out of service.

- Vide Memo No. 36033/3/2004-Estt. (Res) dated 9th March, 2004, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training.
- 2. This order shall come into force at once

Provided that nothing in this order shall apply to any vacancy for the filling up of which the process of recruitment has already started before the coming into force of this order.

By order of the Governor,

U. K. Ray

Secy to the Govt. of West Bengal

Relaxation of age limit of the candidates belonging to Backward Classes for recruitment

AUDIT BRANCH

No. 378-F

Calcutta, the 10th January, 1997

MEMORANDUM

The question of granting relaxation of upper age limit to, the candidates belonging to Backward Classes for recruitment to all post and services under the Government or in Semi Government Organisations has been under consideration of the Government for some time past.

- 2. After careful consideration of the matter in all its aspects, the Governor is pleased to decide that the candidates belonging to the Backward Classes as specified for the purpose of the West Bengal Commission for Backward Classes Act, 1993 by issuing notification in that behalf shall be entitled to relaxation of three years over the prescribed upper age-limit for direct recruitment to any service or post under the Government of West Bengal, the Local and Statutory Authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the Universities, Primary, Secondary and Higher Secondary Schools and other educational institutions which are owned or aided by the State Government and in the establishments in Public Sector.
- 3. This order will take immediate effect.

Sd/- Asok Gupta,
Principal Secretary to the Government of West Bengal.

Amendment in Notification No 346-TW/EC 166 Dtd. 13.7.1994

No. 1056-BCW/EC/MR-302/97

Calcutta, the 6th November, 1997

ORDER*

WHEREAS by this department Order No. 347-TW/EC/M-6/82(I), dated the 13th July, 1994, published in Part I of the *Calcutta Gazette, Extraordinary*, dated the 13th July, 1994 (hereinafter referred to as the said order), provision was made for the reservation in services and posts under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the Universities, Primary, Secondary and Higher Secondary Schools, other educational institutions which are owned or aided by the State Government, and public sector in favour of the Backward Classes of Citizens, as specified in the list in this department Notification No. 346-TW/EC, dated the 13th July, 1994, in the manner appearing in the said notification;

Now, THEREFORE, in pursuance of the provision of clause (c) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Bengal Act I of 1993), the Governor is pleased hereby to make the following amendment in the said notification:

AMENDMENT

In the said notification, in the enabling paragraph, in clause (a), for the figure "5%", substitute the figure "7%"

By order of the Governor,

K. Jhala

Secy. to the Govt. of West Bengal

^{*} Published in Calcutta Gazette, Extraordinary, No. WB(Part-I)/98/SAR-70 dated the 6th November, 1997.

The number of Backward Classes candidate qualifying on merit for appointment to unreserved vacancy shall not be deducted from the reserved quota

No. 2489-BCW/MR-3 89/99

Dated, Kolkata, the 21st June, 2001

ORDER*

WHEREAS for adequate representation in the services under the Government of West Bengal and any local or other authority within the territory of West Bengal, 5% reservation in the vacancies and posts for candidates belonging to Backward Classes as defined in clause (a) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Ben. Act I of 1993) (hereinafter referred to as the said Act), was introduced under this Department order No. 347-TW/AC, dated the July, 1994;

AND WHEREAS the said percentage of representation was raised to 7% under this department order No. 1056-BCW/EC, dated the 6th November, 1997;

Now, THEREFORE, in pursuance of the provisions of clause (c) of section 2 of the said Act, the Governor is pleased hereby to direct that while computing the total number of vacancies to be available as reserved to the persons belonging to the said Backward Classes and for satisfying the requisite conditions of direct recruitment, the number of the candidates belonging to the said Backward Classes qualifying on merit for appointment to unreserved vacancy in a service or post in any establishment to be filled up by direct recruitment, shall not be deducted from the reserved quota in such service or post for such candidates.

By order of the Governor,
S. Barma,
Principal Secretary to the
Government of West Bengal

Published in Kolkata Gazette, Extraordinary No. WB(Part-I)/2001/SAR-I 94, dated 2nd July, 2001.

Categorizing OBC into Category A and Category B

No. 6309-BCW/MR-84/10

Kolkata, the 24th September, 2010.

NOTIFICATION

Whereas "backward classes" have been defined in clause (a) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Ben. Act I of 1993) (hereinafter referred to as the said Act), for the purposes of the said Act, to mean such backward classes of citizens other than the Scheduled Castes and the Scheduled Tribes as may be specified by the State Government in the lists;

AND WHEREAS "lists" have been defined in clause (c) of section 2 of the said Act to mean lists prepared by the Government of West Bengal from time to time for purposes of making provision for the reservation of appointments or posts in favour of backward classes of citizens which, in the opinion of that Government are not adequately represented in the services under the Government of West Bengal, local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the Universities, Primary, Secondary and Higher Secondary Schools and also other educational institutions which are owned or aided by the State Government and also establishment in public sector;

AND WHEREAS the Government of West Bengal has decided to categorise the backward classes included in the lists into two categories depending on their relative backwardness and make separate provisions for reservation in services and posts in favour of the two categories;

AND WHEREAS the Government of West Bengal has conducted a sample survey to ascertain the relative backwardness of the classes included in the lists of backward classes and the reports of the said survey has duly been received;

Now, Therefore in consideration of the report of the survey the Governor is pleased hereby to categorise the lists of the backward classes notified for the purpose of the said Act into two categorics as 'Category-A' and 'Category-B', where in the Category-A would mean the 'More Backward' and the Category-B would mean "Backward" within the 'backward classes' and to bring the backward classes so far enlisted into the two categories in the following manner:—

SI.	More Backward (Category-A)	SI.	Backward (Category-B)	
1.	Abdal	1.	Baishya Kapali	
2.	Baidya Musim	2.	Bansi-Barman	
3.	Basni / Bosni	3.	Barujibi, Barui	
4.	Beldar Muslim	4.	Betkar (Bentkar)	
5.	Bepari / Byapari Muslim	5.	Bhar	
6.	Bhatia Muslim	6.	Bharbhuja	
7.	Bhatiyara	7.	Bhojel	
8.	Chowduli	8.	Bungchheng	
9.	Chutor Mistri	9.	Chasatti (Chasa)	
10.	Dafadar	10.	Chitrakar	
11.	Dhukre	11.	Christians converted from Scheduled	
			Castes	
12.	Dhunia	12.	Devanga	
13.	Fakir / Sain	13.	Dewan	
14.	Gayen	14.	Dhimal	
15.	Ghosi	15.	Gangot	
16.	Hajjam	16.	Goala-Gope (Pallav Gope, Ballav Gope,	
			Yadav Gope, Gope, Ahir and Yadav)	
17.	Hawari	17.	Hele / Halia / Chasi-Kaibartta	
18.	Jamadar	18.	Kahar	
19.	Jolah (Ansari-Momin)	19.	Kansari	
20,	Kalander	20.	Kapali	
21.	Kan	21.	Karani	
22.	Kasai	22.	Karmakar	
23.	Khotta Muslim	23.	Keori / Koiri	
24.	Laskar	24.	Khen	
25.	Mahaldar	25.	Kumbhakar, Kumar	
26.	Majhi /Patni Muslim	26.	Kurmi	
27.	Mal Muslim	27.	Malakar	
28.	Mallick	28.	Mangar	
29.	Midde	29.	Moira-Modak (Halwai)	
30,	Molla	30.	Nagar	
31.	Muchi / Chamar Muslim	31.	Napit	

SI.	More Backward (Category-A)	SI.	Backward (Category-B)
32.	Muslim Barujibi / Barui	32.	Nembang
33.	Muslim Biswas	33.	Newar
34.	Muslim Haldar	34.	Rai (including Chamling)
35.	Muslim Mali	35.	Raju
36.	Muslim Mandal	36.	Sampang
37	Muslim Piyada	37.	Sarak
38.	Muslim Sanpui/Sapui	38.	Satchasi
39.	Nashya-Sekh	39.	Shankakar
40.	Nehariya	40.	Sonuwar
41.	Nikari	41.	Sutradhar
42.	Patidar	42.	Swarnakar
43.	Penchi	43.	Tamboli / Tamali
44.	Rajmistri	44.	Tanti, Tantubaya
45.	Rayeen / Kunjra	45.	Teli, Kolu
46,	Sardar	46.	Thami
47.	Shershabadia	47.	Turha
48.	Siuli (Muslim)	48.	Yogi-Nath
49.	Tutia	49.	Darji / Ostagar / Idrishi
50.	Dhanuk	50.	Dhali (Muslim)
SI.	Jogi	51.	Pahadia-Muslim
52.	Khandait	52.	Tal-Pakha Benia
53.	Kosta / Kostha	1.3 4.3 2/3	
54.	Lakhera/Laahera		
55.	Roniwar		
56.	Sukli	1	

The Governor is further pleased to decide that henceforth any class included in the lists of Other Backward Classes in the State of West Bengal shall be added either to the Category-A or to the Category-B depending on its degree of backwardness.

By order of the Governor

Sk. Nurul Haque

Principal Secretary to the Government of West Bengal

Amendment in Notification No. 346-TW/EC/M-6/82(I) Dtd. 13.7.1994

No. 6312-BCW/MR-84/10

Kolkata, the 24th September, 2010.

ORDER

Whereas by this department order No. 1056-BCW/EC/MR-302/97 Calcutta, the 6th November, 1997, the Order No. 347-TW/EC/M-6/82(I), dated the 13th July, 1994, published in Part 1 of the Calctta Gazette, Extraordinary, dated the 13th July, 1994 (hereinafter referred to as the said order), providing for reservation of 5% vacancies in services and posts under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the Universities, Primary, Secondary and Higher Secondary Schools, other educational institutions owned or aided by the State Government, and public sector in favour of the Backward Classes of Citizens, as specified in the list in this department Notification No. 346-TW/EC, dated the I3th July, 1994, was subsequently antended to increase the reservation of vacancies in services and posts to 7% in the manner appearing in the said notification;

AND WHEREAS, by this department's Notification No. 6309 - BCW/MR-84/10, dated the 24th September, 2010, the Governor has been pleased to categorise the Other Backward Classes notified for the purpose of the West Bengal Commission for Backward Classes Act, 1993 (West Bengal Act I of 1993) into two groups, namely, Category-A and Category-B and has brought 56 classes under Category-A and 52 Classes under Category-B;

AND WHEREAS, consequent upon addition of a good number of classes in the lists of Other Backward Classes, the Governor has been pleased to decide that the percentage of such reservation would be increased by another 10%, thereby increasing the percentage of such reservation of vacancies in services and posts to 17% and also that separate quota of reservation shall be provided for the Category-A and the Category-B of the other backward classes;

Now, Therefore, in pursuance of the provision of clause (c) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Bengal Act I of 1993), the Governor is pleased hereby to make the following amendment in the said notification:—

AMENDMENT

In the said Order, for clause (a), the following clause shall be subsituated.

"(a) 10% and 7% of the vacancies in services and posts under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the Universities, Primary, Secondary and Higher Secondary Schools, other educational institutions which are owned or aided by the State Government and public sector to be filled up by direct recruitment shall be reserved for the backward classes of citizens belonging to Category-A and Category-B respectively;".

By order of the Governor,

Sk. Nurul Haque
Principal Secretary to the Government of West Bengal

the commencement of this Act shall be allowed, and the extent of reservation for the Other Backward Classes as provided in clause (c) and clause (d) of sub-section (l) of section 3 shall be limited for that academic session in such manner that the number of available seats to the Other Backward Classes for each academic session are commensurate with overall increase in the number of seats.



In respect of those Higher Educational Institutions where expansion of capacity is not feasible for unavailable infrastructure-related or other reasons, the State Government may, upon being satisfied, re-distribute its quota of stream-wise reserved seats to other institutions in such a manner and to such extent as may be practicable keeping in mind the total seats available for all Higher Educational Institutions in the State taken together for a particular academic session.

- 6. (1) Every Higher Educational Institutions shall, with funding support from the State Government, take all necessary steps required for giving effect to the provisions of sections 3,4 and 5 of this Act, for the purposes of reservation of seats in admissions to its academic sessions commencing on and from the academic year, 2014-15,
 - (2) It shall be the duty of Higher Educational Institution of the State to prepare an action plan for achieving the targets laid down under this Act and shall submit a Detailed Project Report in a prescribed manner to the State Government.

Commissioner of Reservation for Higher Educational Institutions.

- The State Government shall appoint a Commissioner of Reservation for Higher Educational Institutions in the State for the purpose of monitoring the implementation of the objectives laid down in this Act.
 - (2) The powers and functions of the Commissioner including the qualification for appointment and conditions of service of the Commissioner shall be such as may be prescribed.
 - (3) Notwithstanding anything contained in the preceding section, the Commissioner shall have power to de-reserve the seats available for admission for any academic session in such manner as may be prescribed.

Power to make rules.

- 8. (1) The State Government may by notification make rules for carrying out the purposes of this Act.
 - (2) Every rule made under this Act shall be laid as soon as may be after is made, before the State Legislature, while it is in session.

Power to give directions.

9. Notwithstanding anything contained in any other law for the time being in force, the State Government shall have power to give directions to every

Removal of difficulties.

- State-aided University or State-aided Colleges or institutions in achieving the objectives of this Act and also to entrust them with such duties and functions as it may deem necessary.
- 10. If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, by order, take such steps as deemed necessary for the purpose of removing the difficulty in giving effect to the provisions of this Act.

By order of the Governor,

Malay Marut Banerjee,

Secy. to the Govt. of West Bengal, Law Department.

The West Bengal State Higher Educational Institutions (Reservation in Admission) Rules, 2013

NOTIFICATION

No. 07-Edn (U)/IU-89/13.

Dated: 2nd January, 2014

In exercise of the power conferred by sub-section (1) of section 8 of the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013, (West Ben. Act X of 2013), the Governor is hereby pleased to make the following rules, namely:

Rules

Short title.
application &
commencement

- (1) These rules may be called the West Bengal State Higher Educational Institutions (Reservation in Admission) Rules, 2013.
 - (2) They shall come into force on the date of their publication in the Official Gazette.

Definitions

- 2. (1) In these rules, unless the context otherwise requires,—
 - (a) "Act" means the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013;
 - (b) "Commissioner of Reservation" means the Commissioner for Reservation appointed under section 6A of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976;
 - (c) "District Commissioner for Reservation" means the District Commissioner for Reservation as appointed under Section 6B of the West Bengal Scheduled Caste and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act, 1976;
 - (d) "District Magistrate" means the District Magistrate of the district and includes Additional District Magistrate for the purpose of these rules;
 - (e) "de-reservation" means the de-reservation of seats reserved for Scheduled Castes/Scheduled Tribes/Other Backward Classes, Category -A and Other Backward Classes, Category -B candidates;
 - (f) "Joint Commissioner for Reservation and ex-officio Joint Secretary"

means the Joint Commissioner for Reservation and ex-officio Joint Secretary as appointed under Section 6A of the West Bengal Scheduled Caste and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976;

- (g) "self-financing course" means the course conducted by a college out of its own fund;
- (h) "schedule" means the schedule appended to these rules;
- (i) "section" means the section of the Act:
- (j) "University" means a University established and incorporated by an Act of State Legislature and aided fully or partly out of the State's fund;
- (2) Any words or expressions used but not otherwise defined in these rules shall have the same meaning as defined or used under the Act.

Application of the reservation norms.

- The reservation norms shall apply on and from the Academic Session 2014-15, to:—
 - (a) all Universities, established and incorporated by an Act of the State's Legislature and aided fully or partly out of the State's fund; and
 - (b) all Government colleges established or administered by the State Government whether directly or indirectly, and affiliated to a University; and
 - (c) all colleges receiving aid from the State Government in any form or in any manner, whether fully or partly; and
 - (d) all other institutions imparting education or training or research or other academic activities beyond 10+2 level and receiving aid from the State Government in any form or in any manner, whether fully or partly.

Preparation of Detailed Project Report and maintenance of register of students and other formalities 4. (1) In order to implement the total percentage of reservation in respect of the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes Category "A" and the Other Backward Classes Category "B" (as mandated by the Act) every Higher Educational Institution selecting candidates for all streams and courses run by that Institution shall, with the approval of the appropriate authority, wherever required, fix up the total number of seats to be increased in each course in such a manner that the number of unreserved-seats is not less than the seats available immediately preceding the date of the Act coming into force.

Explanation 1:- for example, in a Higher Educational Institution there were thirty (30) seats in Physics (Honours) course on the date of commencement of the Act. Out of 30 seats, 7 seats were reserved for SC

(22% of 30), 2 seats were reserved for ST (6% of 30) and 21 seats were for unreserved category. For the purpose of implementing the provisions of the Act and these rules, these 21 seats of unreserved category shall not be reduced in any manner.

Explanation 2:- to give effect to the provisions of the Act, the Higher Educational Institution referred to under explanation I will be required to increase its seats by at least eight (8) seats in Physics Honours for that particular academic year. Hence, the reservation of seats would be as follows:

- (a) Eight (8) seats shall be reserved for SC (22% of 38),
- (b) Two (2) seats shall be reserved for ST (6% of 38),
- (c) Four (4) seats shall be reserved for OBC-A (10% of 38),
- (d) Three (3) seats shall be reserved for OBC-B (7% of 38),
- (e) And Twenty One (21) seats shall remain unreserved for Unreserved Categories.
- (2) Keeping in view that the total number of increase of seats to be done in terms of the sub-rule (1), each Higher Educational Institution shall fix up year wise target of increase of seats in such a manner that the total mandatory increase of seats is achieved within a maximum period of six years beginning with the academic session 2014-15 and then shall continue in the same manner.
- (3) Once the target of increase of seats is fixed, every Higher Educational Institution shall, submit to the State Government, the Detailed Project Report (DPR) in the format as may be specified.
- (4) The detailed project report shall contain, interalia. the following:—
 - (a) details of the existing number of students including students belonging to the Scheduled Castes and Scheduled Tribes,
 - (b) details of the Governing Body of the College,
 - (c) details of courses offered and annual intake in each course including Honours and Post Graduate courses, if any,
 - (d) details of specialized courses or programmes,
 - (e) details of existing teaching and non-teaching posts substantiated with appropriate roaster and non-teaching staff-pattern,
 - (f) details of existing infrastructures including the land, building and other equipments,
 - (g) details of proposed increase in the infrastructure and equipments including Laboratory, Library etc.,



- (h) details of proposed increase in the teaching and Non-teaching posts,
- (i) details of the requirement of funds for catering to the creation of additional seats as per staff pattern as may be specified by the State Government from time to time.
- (5) The proposal regarding increase in the infrastructure including Classroom, Laboratory, Library, and the increase of teaching and non-teaching post shall be commensurate with the actual increase of seats in various courses.

Manner of re-distribution of seats

- In case of a Higher Educational Institution where infrastructure expansion is not possible for unavoidable reasons or otherwise, the Higher Educational Institution may apply to the State Government with reasons, to re-distribute its additional quota of reserved seats to other Higher Educational Institutions.
- (2) The State Government, taking into consideration the facts of the case, may at its discretion pass an order allowing re-distribution of such additional seats to other Higher Educational Institution.

Procedure for preparation of list of candidates for admission

- For filling up of the seats for admission in a particular academic session as fixed in terms of sub rule (2) of rule 4 the following procedure shall be followed:—
- (a) a general merit list based exclusively on merit as reflected in the results of the relevant examination or selection test irrespective of castes, tribes or classes shall be prepared separately tor each course, stream or subject in each Higher Educational Institution to fill up the unreserved seats. Separate merit lists of the Scheduled Castes, Scheduled Tribes, Other Backward Class, Category 'A' and the Other Backward Class, Category 'B' candidates shall be prepared for each course/stream/subject in each higher educational institution to fill up the seats reserved for these respective categories. The Scheduled Castes, the Scheduled Tribes, the Other Backward Class, Category-A and the Other Backward Class, Category -B candidates who have been placed in the general merit list to fill up unreserved seats shall not be taken into account in the reserved list for the Scheduled Castes, the Scheduled Tribes, the Other Backward Class, Category-A and the Other Backward Class, Category-B candidates, as the case may be;
- (b) simultaneously, the SC/ST/OBC candidates who have found place in the general merit list on the basis of their merit shall also be placed in the list of reserved seats for SC/ST/OBC as per their interse merit, and be asked to exercise their option on whether they would like to be placed in the general merit list or the separate merit list for reserved candidates of SC/ST/OBC. Admission would be rnade as per the option exercised by the candidates. The option once exercised shall not be altered under any circumstances;

- (c) for admission to different courses, a SC or ST candidate getting admission should have obtained in the previous examination; qualifying marks not lower by more than 25% of the marks obtained by the last candidate of the general category. In case of OBC-A and OBC-B the candidates getting admission should have obtained in the previous examination, qualifying marks not lower by more than 10% from the marks obtained by the last candidate of the general category. In any case, if a candidate obtains marks lower than the minimum qualifying marks prescribed by the University / Appropriate Authority for admission to the relevant course, he will not be eligible for admission;
 - seats reserved for the Scheduled Caste candidates and remaining unfilled even after following the instructions laid down in the previous clauses of the rules may be filled up by the Scheduled Tribe candidates and vice versa. Likewise, seats reserved for the Other Backward Classes, Category-A and remaining unfilled even after following the instructions laid down in the previous clauses of the rules may be filled up by the Other Backward Class, Category-B candidates and vice versa. If after this exercise, reserved seats still remain unfilled due to non availability of reserved category candidates, such seats shall be taken up for dereservation in such manner as prescribed under rules 8 of these rules;
 - (e) in case the number of seats reserved for the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B in Post-graduate and Doctoral courses including Medicine, Dental Science and Nursing is less than 0.5 in each stream, a 100 point roster for admission as specified in the Schedule appended to these rules shall be followed for filling up the seats,
 - (2) In every case of admission to general degree courses and medical, technical, professional and post graduate level courses, the caste / tribe / class identification certificate issued by the Competent Authority shall be verified by the concerned Higher Educational Institution at the time of admission along with Domicile Certificate issued by the Competent Authority:

Provided that no Domicile Certificate is required in case the candidate submitting caste identification Certificate issued by the Competent Authority of the State Government.

- (3) During verification of the OBC Certificate, relevant guidelines regarding determination of 'Creamy layer' shall be taken into consideration by the concerned Institution.
- (4) In every case, reservation to SC/ST/OBC 'A' OBC 'B's candidates shall not be refused on the basis of medium of instruction in any Higher Educational Institution.

Maintenance of Course

Procedure for dereservation

- Every Higher Educational Institution shall maintain course-wise registers of reserved seats meant for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B.
- 8. Where reservation of seats for one or many courses or streams in a particular academic session becomes unavoidable, the following procedure of dereservation shall be followed:
 - (a) If, after duly entertaining all applications to fill up reserved seats, it is found that some seats reserved for the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B remain unfilled during the academic session for want of suitable number of candidates from the respective categories, those seats may be de-reserved and filled up by general candidates where it is specified that due process for filling up of the seats by the candidates of the specific categories have been followed by the institutions concerned and no suitable candidate of the reserved categories is available to fill up those seats. No vacant reserved seat shall be carried forward to the next academic year, under any circumstances;
 - (b) the District Magistrates or the District Commissioners for Reservation shall be the authority to grant de-reservation in Higher Educational Institutions situated in their respective territorial jurisdiction and Joint Commissioner for Reservation and ex-officio Joint Secretary Backward Class Welfare Department shall be such authority in respect of Higher Educational Institutions situated in Kolkata as defined in the Kolkata Municipal Corporation Act, 1980;
 - (c) the process of de-reservation shall be completed by the authority concerned within 15 days provided that the authority of the concerned educational institution has submitted application in this regard along with all relevant and necessary papers;
 - (d) the Higher Educational Institutions seeking de-reservation shall submit to the authority concerned, a statement giving the following particulars:-
 - (i) number of candidates who have applied for admission giving break up of Unreserved, Scheduled Castes and Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B applicants separately for respective Courses /Streams/ Subjects;
 - (ii) number of seats reserved for Scheduled Castes and Scheduled Tribes, Other Backward Classes, Category -A and Other Backward

- Classes, Category -B separately for such category of Course/Stream/ Subject;
- (iii) number of candidates qualifying for admission and admitted, as such, from each of reserved categories against respective Courses/ Streams/ Subjects;
- (iv) number of reserved seats remaining vacant in respect of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B candidates against respective Course/ Stream/ Subject as the case may be, with reasons there for;
- (v) the Higher Educational Institutions shall also furnish copies of their admission Notice(s) to show whether, for issue of Forms to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B candidates, the minimum prescribed marks of the Board, Council or University had been indicated, as the qualifying marks for getting admission Forms against the reserved seats.
- (e) While allowing the reserved seats to be filled up by General candidates, the District Magistrate and District Reservation Commissioner or the other authorities concerned shall be satisfied, on the basis of the information supplied by the Institutions that all reasonable steps were taken to fill up the seats by respective reserved categories of candidates, and further that the unreserved category candidates qualifying on their own merit in competition with general candidates have not been admitted against the reserved seats, and further, that the conditions laid down in rule 5 have duly been observed for the particular courses mentioned therein.

Filling of Annual Return [9. Every Higher Educational Institution situated within the district of Kolkata shall file their annual return on admission of students into various course showing all seats reserved for SC, ST, OBC-A and OBC-B before the Joint Commissioner for Reservation and in cases of Higher Educational Institution situated outside the district of Kolkata, to the District Commissioner for Reservation of the respective district by 31st December every year.

SCHEDULE (See sub-rule (1) (e) of rule 6)

1st Seat	Scheduled Caste	27th Seat	Unreserved
2nd Seat	Unreserved	28th Seat	Scheduled Caste
3rd Seat	Unreserved	29th Seat	OBC-B
4th Seat	Scheduled Tribe	30th Seat	Unreserved
5th Seat	Unreserved	31st Seat	Unreserved
6th Seat	OBC-A	32nd Seat	Scheduled Caste
7th Seat	Scheduled Caste	33rd Seat	Unreserved
8th Seat	Unreserved	34th Seat	Unreserved
9th Seat	OBC-B	35th Seat	Unreserved
10th Seat	Unreserved	36th Seat	Scheduled Caste
11th Seat	Scheduled Caste	37th Seat	Unreserved
12th Seat	Unreserved	38th Seat	OBC-A
13th Seat	OBC-A	39th Seat	Unreserved
14th Seat	Unreserved	40th Seat	Scheduled Caste
15th Seat	Scheduled Caste	41st Seat	Unreserved
16th Seat	Unreserved	42nd Seat	Unreserved
17th Seat	Unreserved	43rd Seat	Scheduled Tribe
18th Seat	Scheduled Caste	44th Seat	Unreserved
19th Seat	OBC-B	45th Seat	OBC-A
20th Seat	Unreserved	46th Seat	Unreserved
21st Seat	Scheduled Caste	47th Seat	Scheduled Caste
22nd Seat	Unreserved	48th Seat	Unreserved
23rd Seat	Unreserved	49th Seat	OBC-B
24th Seat	Scheduled Tribe	50th Seat	Unreserved
25th Seat	Unreserved	51st Seat	Scheduled Caste
26th Seat	OBC-A	52nd Seat	OBC-A

53rd Seat	Unreserved	77th Seat	Unreserved
54th Seat	Unreserved /s/	78th Seat	Scheduled Caste
55th Seat	Unreserved	79th Seat	Unreserved
56th Seat	Unreserved	80th Seat	Unreserved
57th Seat	Scheduled caste	8 Ist Seat	Unreserved
58th Seat	Unreserved	82nd Seat	Scheduled Caste
59th Seat	OBC-B	83rd Seat	Unreserved
60th Seat	Unreserved	84th Seat	OBC-A
61st Seat	Scheduled caste	85th Seat	Unreserved
62nd Seat	Unreserved	86th Seat	Scheduled Caste
63rd Seat	OBC-A	87th Seat	Unreserved
64th Seat	Unreserved	88th Seat	Unreserved
65th Seat	Scheduled caste	89th Seat	OBC-B
66th Seat	Unreserved	90th Seat	Scheduled Caste
67th Seat	Unreserved	91st Seat	Unreserved
68th Seat	Scheduled Caste	92nd Seat	Unreserved
69th Seat	OBC-B	93rd Seat	Scheduled Tribe
70th Seat	Unreserved	94th Seat	Unreserved
7 Ist Seat	Scheduled Caste	95th Seat	Unreserved
72nd Seat	Unreserved	96th Seat	Unreserved
73rd Seat	Unreserved	97th Seat	Scheduled Caste
74th Seat	ScheduJed Tribe	98th Seat	Unreserved
75th Seat	Unreserved	99th Seat	OBC-A
76th Seat	OBC-A	100th Seat	Unreserved

By order of the Governor,

Vivek Kumar

Secretary to the Government of West Bengal.

B. Notifications, Orders, Memoranda

22% and 6% reservation for SC and ST respectively in admission to educational institutions

No. 905-TW/EC/SC/O/MR-1/95(1)

Calcutta, the 12th September, 1995

NOTIFICATION*

I am directed by order of the Governor to say that after careful consideration of the report of the Committee constituted by the Government for making a study on the problems of admission of candidates belonging to the Scheduled Caste and the Scheduled Tribe communities in educational institutions, the Governor is pleased to order as follows:-

- (a) 22% and 6% of the seats shall be kept reserved for the Scheduled Caste and the Scheduled Tribe candidates respectively in all educational institutions including the following:-
 - all Primary Schools run by District Primary School Councils, Corporations or Municipalities and similar bodies aided by Government of West Bengal,
 - (ii) all Government, Government sponsored and recognised non-government aided Secondary Schools,
 - (iii) all Government, Government sponsored and recognised non-Government aided Higher Secondary Schools,
 - (iv) all Government, Government sponsored and recognised non-Government aided Polytechnics, Industrial Training Institutes/Centres, Junior Technical Schools etc.,
 - (v) all Government, Government sponsored and recognised non-government aided Colleges including Medical and Dental Colleges, Engineering and Technological Colleges, Homoeopathic, Ayurvedic and Nursing Colleges,
 - (vi) all Universities and Deemed Universities.
 - (b) The reservation for the Scheduled Caste and the Scheduled Tribe candidate shall be maintained separately for each Course/Stream/Subject in each educational tostitution.
 - (c) While calculating the number of reserved seats for the Scheduled Caste and the Scheduled Tribe candidates, a fraction of 0.5 and above shall be treated as one seat.
- 2. (a) A general merit list based exclusively on merit as reflected in the results of the relevant

Published in the Calcutta Gazette, Extraordinary, dated the 12th September, 1995

- (b) For admission to the courses, B. A. (Hons.), B. Sc. (Hons.), B. Com. (Hons.), M. A., M. Sc., M. Com, B. Tech., M. Tech., M. Sc. (Tech), B. Ed., M. Ed., LL. B., LL. M., B. Lib. Sc., M. Lib, Sc., Master's Degree courses in Engineering and Architecture, Master of Business Management/Master of Business Administration, M. Phil., and the like in different subjects, an SC or ST candidate getting admission should have in the previous examination qualifying marks which are not lower by more than 25% from the marks obtained by the last candidate of the general category; however, in any case, such a candidate obtaining marks lower than the marks as prescribed by the regulations of the University for admission to the relevant course will not be eligible for admission. The candidates included in the general merit list will not be counted towards these reserved quota.
- (c) For admission to Undergraduate Medical and Dental Courses, there shall be no cutoff marks for the Scheduled Caste and the Scheduled Tribe candidates in the Joint Entrance Examination to fill up the reserved seats.
- (d) For filling up the reserved seats in all other courses/Streams/Subjects, the Scheduled Caste and the Scheduled Tribe candidates who have secured the minimum marks as per relevant regulations for admission to any Course/Stream/Subject as may be prescribed by the West Bengal Higher Secondary Council, Universities etc., shall be given admission forms by the educational institution for any such Courses/Streams/ Subjects.
- (e) For the purpose of allotment of Courses/Streams/Subjects/Colleges, the Scheduled Caste and the Scheduled Tribe candidates in the unreserved general merit list shall be placed respectively on the top of the reserved lists for the Scheduled Caste and the Scheduled Tribe candidates. Thereafter allotment of Courses/Streams/Subjects/ Colleges to the Scheduled Caste and the Scheduled Tribe candidates, placed in the general merit list and those placed in the reserved lists shall be made on the basis of their inter se merit and their options against the reserved seats plus those unreserved seats earmarked for the Scheduled Caste and the Scheduled Tribe candidates included in the general merit list.
- Seats reserved for the Scheduled Caste candidates and remaining unfilled even after following the instructions laid down in the previous paragraphs may be filled up by the Scheduled Tribe candidates and vice versa.

4. The Head of each educational institution shall submit an Annual Return on Admission of students into various courses in that institution to the respective District Magistrates and ex-officio District Commissioners for Reservation in case of institutions located outside the district of Calcutta and to the Joint Commissioner for Reservation in case of institutions located in the district of Calcutta by 31st December each year in such form as may be prescribed by the Government.

This order issues in supersession of all previous orders issued in this matter.

By order of the Governor,

Sd/- N. Krishnamurti,

Chief Secy. to the Govt. of West Bengal.

Modification in Notification No 905-TW

No. 271-TW/EC/MR-1/95(I)

Calcutta, the 22nd May, 1996.

NOTIFICATION

In continuation of Notification No. 905-TW/EC/SC/O/MR-I/95(1) dated 12.09.1995, I am directed by Order of the Governor to say that the Governor is pleased to order as follows:-

- (1) The words "and the like in different subjects" in clause 2(b) of the said notification shall be replaced by the words "Post-graduate and Doctoral courses in Medicine, Dental Science and Nursing".
- (2) Sub-clause I (b) shall be inserted in the said notification after sub-clause I (c) as follows: "In case the number of seat reserved for Scheduled Castes and Scheduled Tribes in Post-graduate and Doctoral courses in Medicine, Dental Science and Nursing is less than 0.5 in each stream, 50 point roster adopted vide Notification No. 1601-L, dated 02.09.1994 shall be followed for filling up of seats".

By order of the Governor,

Sd/- U. K. Ray,

Secy. to the Govt. of West Bengal.

Corrigendum in Notification No. 271-TW/EC

No. 426-TW/EC/ MR-1/95(I)

Calcutta, the 14th August, 1996.

NOTIFICATION

Corrigendum

In this Department Notification No. 271-TW/EC/ MR-1/95(I), Dated the 22nd May, 1996, published in the Calcutta Gazette, Extraordinary, Part I, dated the 22nd May, 1996, in clause (2), for the word, figure, letter and brackets "sub-clause I (b)", read the word, figure, letter and brackets "Sub-clause I (d)".

By order of the Governor, Sd/- U. K. Ray, Secy. to the Govt. of West Bengal.

Procedure for implementation of reservation in admission and also de-reservation of seats in case of non-availability

No. 1032(73)-BCW/MR-100/99

Dated, the 7th May, 1999.

MEMORANDUM

The undersigned is directed to say that it has been represented to the Government that in various Schools, Colleges and other Educational Institutions, a good number of seats reserved for Scheduled Castes and Scheduled Tribes candidates remain unfilled during an Academic Session for want of suitable number of candidates from reserved category. Some of the institutions which approached the Government in earlier years were allowed to fill up those seats by general candidates, where it was satisfied that due observance of all requirements for filling up of these posts by the candidates of specified categories were duly followed by the institutions concerned. In view of the fact, that there are a large number of institutions involved throughout the State and that it is not possible for this Department alone to dispose of these matters, particularly within the very short span of time available before closure of admissions, the Government has been actively considering the question of Delegation of Powers to some subordinate authorities for allowing the institutions to fill up unfilled vacancies for reserved categories by general category candidates.

- 2) After careful consideration of all aspects, the Governor has now been pleased to direct that the District Magistrate and the District Reservation Commissioner shall be the authority in respect of Educational Institutions within their territorial jurisdiction for allowing filling up of the reserved seats by general candidates, subject to fulfillment of conditions as stated hereinafter.
- The Governor is, further, pleased to direct that in respect of Institutions situated within the territorial limits of Calcutta as defined in Calcutta Police Act, 1866, the Commissioner for Reservation and ex-officio Special Secretary in the Backward Classes Welfare Department and the Joint Commissioner for Reservation and ex-officio Joint Secretary of Backward Classes Welfare Department shall be the authorities for granting such permission for filling up the vacant reserved seats for Scheduled Castes and Scheduled Tribes by general candidates.
- 4) The undersigned is also directed to say that grant of permission in all such cases shall be regulated by the following conditions: -
 - (i) The authorities concerned shall see that all conditions as set out in this Department's Notification No. 905-TW/EC, dated 12.09.1995 have duly been complied with by the concerned institutions.

- (ii) The Institutions shall submit to the authority concerned, a statement giving the following particulars-
- (a) Number of candidates who have applied for admission giving break up of general, Scheduled Caste & Scheduled Tribe categories of applicants separately for respective Courses/Streams/Subjects.
- (b) Number of seats reserved for Scheduled Caste and Scheduled Tribe separately for such category of Course/Stream/subject.
- (c) Number of candidates qualifying for admission and admitted, as such, from each of reserved categories against respective Courses/Streams/Subjects.
- (d) Number of reserved seats remaining vacant in respect of Scheduled Caste and Scheduled Tribe category against respective Course/Stream/Subject as the case may be with reasons there for.
- (e) The Institutions shall also furnish copies of their admission Notice(s) wherein it would be specifically indicated, whether, for issue of Forms to Scheduled Caste and Scheduled Tribe candidates, the minimum prescribed marks of the Board, Council or University has been indicated, as the qualifying marks for getting the Forms for admission.
- (f) While allowing the reserved seats to be filled up by General candidates, the District Magistrate and District Reservation Commissioner or the other authorities concerned shall be satisfied on the basis of the information supplied by the Institutions that all reasonable steps were taken to fill up the seats by respective reserved categories of candidates and that the candidates qualifying on merit in competition with general candidates has not been included within the reserved seats and further that the conditions laid down at paragraph-2(b) in this Department's Notification No. 905-TW/EC, dated 12.09.1995 has duly been observed for the particular courses mentioned therein.
- (g) The order allowing the reserved seats to be filled up by general candidates shall specifically provide that such filling up shall be made only from those left out candidates in the original panel of admission prepared by the Institution and that no new candidate, outside the panel, shall be considered for such admission.

Sd/- K. Jhala,
Principal Secretary to the
Government of West Bengal.

Amendment in Notification No 905-TW

No. 1677-BC W/MR-80/11

Kolkata, the 8th June, 2011.

NOTIFICATION

In continuation of this Department notification No. 905-TW/EC/SC/O/MR-1/95(1) dated the 12th September, 1995, I am directed by Order of the Governor to say that the Governor is pleased to order as follows: -

- The words, letters and brackets, "For admission to the courses, B.A. (Hons.)" in clause 2(b) of the said notification, shall be substituted by the following words, letters and brackets "For admissions to the courses, H.S., B.A. (Hons.)";
- 2. The following Note shall be inserted after clause (b) of paragraph 2: —

"Note.- Where a qualifying mark is prescribed for obtaining application before admission to the courses mentioned in clause (b) above, a Scheduled Caste or Scheduled Tribe candidate shall get a relaxation of 25% qualifying marks as prescribed for obtaining application in any of the above mentioned courses."

By order of the Governor,

Sk. Nurul Haque,

Principal Secretary to the Government of West Bengal

Certificate issuing authorities in respect to admission to different educational institutions

3058-BCW/MR-94/11

Kolkata, the 16th September, 2014

MEMORANDUM

Notwithstanding anything 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 the 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.

No.	Name of the Course	Name of the Authorities				
	(1)		(2)			
1.	For admission to Schools upto Class - VIII	A(i)	A member of a Gram Panchayat, A Pradhan of Gram Panchayat, A Member of Panchayat Samity, A Sabhapati of Panchayat Samiti, A Member of Zilla Parishad, A Commissioner of Municipality, A Councillor of Municipal Corporation, A Chairman of Municipal Corporation, A Mayor of Municipal Corporation, A Member of State Legislature, A Member of Parliament, and Any Group "A" Officer of the State Government;			
		A(ii)	Deputy Director, Backward Classes Welfare, West Bengal and Commissioner, Backward Classes Welfare, West Bengal in case of candidates claiming to be Scheduled Caste or Scheduled Tribe residing in any part of West Bengal;			
		A(iii)	Deputy Collector of Land Revenue, Kolkata Collector of Stamp Revenue, Kolkata, Metropolitan Magistrate, Kolkata, Addl. Chief Metropolitan Magistrate, Kolkata, Chief Metropolitan Magistrate, Kolkata, Ist Class Stipendiary Magistrate, Executive Magistrate, Sub-			

No.	Name of the Course		Name of the Authorities		
	(1)		(2)		
			Divisional Magistrate, Sub-Divisional Officer, Deputy Collector, Addl. District Magistrate, Collector and District Magistrate within their respective jurisdictions in case of candidate claiming to be Scheduled Caste or Scheduled Tribe and ordinarily residing within such jurisdictions;		
		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.		
	For admission to all other	В.	(i) Sub-Divisional Officers for all districts except Kolkata,		
	Courses above Class-VIII	NET .	(ii) District Welfare Officer, Kolkata & Ex-Officio Joint Director, B.C.W. in case of Kolkata Municipal Area (as defined in clause (9) of Section 2 of the K.M.C Act, 1980.		
	March and Colors	1-1	And State of the s		

This will supersede this Department's previous Memo No. 1813-BCW dt. 20.06.2011.

Sd/-Principal Secretary to the Government of West Bengal

Notification regarding 7% reservation for OBC in admission to Primary, Secondary and Higher Secondary Courses

No. 544-BCW/ MR-302/97

Kolkata, the 13th February, 2003

NOTIFICATION

I am directed by order of the Governor to say that the manner relating to reservation of seats for admission to educational institution for candidates belonging to Other Backward Classes was under active consideration of this Government for sometime past. After careful consideration of all aspects in this regard, the Governor is pleased to order as follows:—

- (a) 7% of the seats shall be reserved for the candidates belonging to Other Backward Classes (other than Scheduled Castes and Scheduled Tribes) (hereinafter referred to as 'OBC candidates') in all schools up to Higher Secondary level including the following:—
 - all Primary Schools run by District Primary School Council, Corporation or Municipalities and similar other bodies aided by the Government of West Bengal;
 - (ii) all Government, Government sporsored and recognised non-Government aided Secondary and Higher Secondary Schools.
 - (b) The reservation for 'OBC candidates' as provided in para (a) above shall be maintained separately for each stream. wherever such stream exisis.
 - (c) While calculating the number of reserved seats for 'OBC candidates', a fraction of 0.5 and above shall be treated as one seat.
- The reservation provided in para 1 shall not apply to schools which are recognised as minority insututions.
- 3. A General merit list based exclusively on merit as reflected in the results of the relevant examination/selection test shall be prepared separately for each class/stream in each educational institution to fill up the unreserved seats. Separate merit list for 'OBC' candidates' shall be prepared for each class/stream in each educational institution to fill up the seats reserved for the 'OBC candidates'. The 'OBC Candidates' who have been placed in the general merit list to fill up unreserved seats shall not be taken into account in the reserved list for 'OBC Candidates'.
- 4. For filling up reserved seats in any stream at Higher Secondary level, candidates belonging to Other Backward Classes, who have secured minimum marks as per relevant regulation for admission to any such stream as may be prescribed by the West Bengal Council of Higher Secondary Education shall be given admission forms by the educational institution for any such stream.

- 5. For the purpose of allotment of stream at the Higher Secondary level when there is dearth of adequate number of seats in relation to number of 'OBC Candidates' opting for the stream, the 'OBC Candidates'/ in the unreserved merit list shall be placed respectively at the top of the reserved list for 'OBC candidates'. Thereafter, allotment of stream to 'OBC candidates' placed in the general merit list and those placed in reserved lists shall be made on the basis of their interse merit and their options against the reserved seats plus those unreserved seats earmarked for 'OBC candidates' included in the general merit list.
- 6. Seats reserved for 'OBC candidates' and remaining unfilled even after following the instructions laid down in the previous paragraphs may be filled up by general candidates after obtaining necessary clearance from the District Magistrate/Commissioner/Joint Commissioner for reservation. Backward Classes Welfare Department in the manner laid down in this department's memorandum No. 1032(73)-BCW dt. the 7th May, 1999.
- 7. The head of each educational institution shall submit an Annual Return on admission of students into various classes in that institution to the respective District Magistrates and ex-officio District Commissioners for Reservation in each of the institutions located outside the district of Kolkata and to the Joint Commissioner for Reservation and ex officio Joint Secretary to the Government of West Bengal, Backward Classes Welfare Department, in case of institutions located in the district of Kolkata by 31st December each year in such form as may be prescribed by the Government.

This order shall come into force at once.

By order

S. Barma

Principal Secy to the Govt. of West Bengal.

Implementation of reservation rules in admission to UG/PG Courses in Government-aided Colleges for the Academic Session 2015-16

No. 752 - Edn (CS)/10M-95/2014

Date: 10.08.2015

CIRCULAR

Subject: Implementation of reservation rules in admission to UG/PG courses in Government aided colleges for the Academic Session 2015-16.

It has been reported that in various Government-aided Colleges, some seats including seats reserved for SC/ST/OBC candidates remain vacant even after completion of first round of online admission/ counseling process. Representations from different colleges have been received in this Department seeking advice/clarifications on the issues as to whether the vacant seats can be filled up through off-line mode and the vacant reserved seats can be de-reserved or not. The representations have been examined in this Department and the undersigned has been directed to issue the following circular/ advisory to be strictly followed by the College authorities:

- All colleges having vacant seats even after completion of first phase of on-line admission process shall re-advertise the vacant seats through their college's website and College's Notice Board, for further admission through, online mode identifying clearly the seats reserved for SC/ST and OBC.
- The merit list generated through the online system cannot be departed/deviated from and shall form the basis for admissions. Also, each deposit shall continue to be made through bank.
- 3. At least 10 days' time to be given to the concerned candidates for making online application against those vacant seats.
- 4. Second phase of admission shall be conducted on the basis of such applications thereafter.
- While admitting students in the reserved seats, the College authority shall, at the first instance, follow the procedure prescribed under clause (d) of sub-rule (1) of rule 6 of the West Bengal State Higher Educational Institutions (Reservation in Admission) Rules, 2013 and its amendments thereto.
- If there are reserved seats vacant even after completion of second round of online admission process, and even after following the provisions of rule 6 (1) (d) of the Rules mentioned hereinabove, the College authority may apply for de-reservation of such

reserved seats before the concerned District Magistrate (being District Commissioner for Reservation) or the Joint Commissioner for Reservation, as the case may be, in the manner prescribed under rule 8 of the said Rules.

- After de-reservation of seats, if any, the College authority shall undertake the third round of admission process for those de-reserved seats in the manner provided hereinabove.
- 8. The College authority shall submit a detailed report on admissions in the college within 15 days from completion of the whole process of admission.

Sd/-Additional Secretary

CHAPTER 4

Reservation for Exempted Categories A. Act

The West Bengal Regulation of Recruitment in State Government
Establishments and Establishments of Public Undertakings, Statutory
Bodies, Government Companies and
Local Authorities Act, 1999

NOTIFICATION

No. 2536-L.

Dated: 3rd November. 1999.

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :

WEST BENGAL ACT XIV OF 1999

The West Bengal regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act. 1999.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary of the 3rd November. 1999.]

An Act to provide for the regulation of recruitment in State Government establishments and establishments of public undertakings, statutory bodies. Government companies and local authorities in West Bengal.

Whereas it is expedient to provide for the regulation of recruitment in State Government establishments and establishments of public undertakings, statutory bodies, Government companies and local authorities in West Bengal with a view to providing equal opportunity to all citizens in matters relating to employment or appointment to any post in any such establishment;

It is hereby enacted in the Fiftieth Year of the Republic of India, by the legislature of West Bengal, as follows:—

(Sections 1, 2)

1. (1) This Act may be called the West Bengal Regulation of Recruitment in State Government

Short title extent commencement and application

Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999.

- (2) It extends to the whole of West Bengal.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.
- (4) It shall apply to all posts in State Government establishments and establishments on public undertakings,

statutory bodies, Government companies and local authorities, other than the posts which are required to be filled up either on the recommendations of—

- (a) the Public Service Commission, West Bengal, or
- (b) the West Bengal College Service Commission constituted under the West Bengal College Service Commission Act, 1978, or

West Bengal Act LXII of 1978

(c) the West Bengal Regional School Service Commission constituted under the West Bengal School Service Commission Act, 1997 in respect of any of the regions referred to in sub-section (2) of section 3 of the said Act., or

West Ben. Act IV

- (d) any Municipal Service Commission constituted under any law for the time being in force, or
- (e) the Co-operative Service Commission constituted under the West Bengal Co-operative Societies Act, 1983,

West Ben. Act XLV of 1983

or by promotion, or by absorption of persons declared surplus by the State Government or by absorption of such categories of casual workers and other workers as the State Government may by notification specify from time to time or by persons included in the exempted category,

2. In this Act, unless the context otherwise requires,—

Definitions

- (1) "appointing authority", in relation to any post in a State Government establishment or establishment of a public undertaking or statutory body or Government company or local authority, means the authority empowered to make appointment to such post;
- (2) "Director of Employment" means the Director of Employment Government of West Bengal:
- (3) "employment exchange" means any office or place established and maintained by the State Government for the collection and furnishing of information, either by the keeping of registers or otherwise, in respect of—
 - (a) persons who seek to engage employees,
 - (b) persons who seek employment, and
 - (c) vacancies to which persons seeking employment may be appointed;

- (4) "establishment" means-
 - (a) any office, or
 - (b) any place where any industry, trade, business or occupation is carried on:
- (5) "exempted category" means the category of persons seeking any job, declared by the State Government to be exempted category under section 3;
- (6) "Government company" has the same meaning as in clause(18) of section 2 of the Companies Act, 1956;

1 of 1956

(7) "local authority" has the same meaning as in clause (23) of section 3 of the Bengal General Clauses Act, 1899;

Bengal Act 1 of 1899

- (8) "notification" means a notification published in the *Official Gazette*;
- (9) "public undertaking" means any industry, trade, business or occupation owned, controlled or managed by—
 - (a) the State Government or any department of the State Government:

or

- (b) a Government company; or
- (c) a corporation established by or under a Central or State Act which is owned, controlled or managed by the State Government and in which not less than fifty-one percent of the paid up share capital is held by the State Government;
- (10) "registrants" means the person who, seeking any employment. has registered his name in the employment exchange and whose name exists in such register of the employment exchange as is in force for the time being;
- (11) "statutory body" means any board, corporation, or society, not being a local authority, set up under any law for the time being in force and the affairs of which are controlled by the State Government.
- 3. The State Government may, from time to time, by notitication.—
 - (a) declare any class or category of persons to be exempted category for the purposes of this Act,
 - (b) reserve a percentage of vacancies in the posts in any Government establishment or establishment of any public undertaking, statutory body, Government company, or local

Exempted category

authority, to be filled up by the persons from the exempted category,

- (c) prescribe the procedure for filling up the vacancies as aforesaid, and
- (d) provide for the relaxation of age-limit for the persons included in the exempted category,

Vacancies to be filled up by persons sponsored by employment exchange After the commencement of this Act, all vacancies in the posts in any Government establishment or establishment of any public undertaking, statutory body. Government company or local aurhority shall be filled up by such persons as may be sponsored by an employment exchange,

Notification of vacancies to employment exchanges 5. Every appointing authority in any Government establishment or establishment of any public undertaking. statutory body, Government company or local authority shall notify to the employment exchange concerned, in the form of a requisition, every vacancy in any post in such establishment in accordance with the 'provisions of the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, and the rules made thereunder, and shall state the qualifications, age, experience or any other requirement for filling up of such vacancy.

31 of 1959

Employment exchange to submit list of registrants to opportunity authority 6. The employment exchange shall, on receipt of the requisition under section 5, submit to the appointing authority a list of registrants, other than the registrants who belong to the exempted category, in order of seniority determined on the basis of the length of the period of registration in that employment exchange and in accordance with such principle of rotation as the Director of Employment may prescribe from time to time, and also in conformity with the qualification, age, experience or other requirement, if any, as stated in the requisition.

Recruitment of Scheduled Castes and Scheduled Tribes registrants 7. In order to enable the appointing authority to fulfil the requirements of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act. 1976, the employment exchange concerned shall forward to the appointing authority a list of registrants belonging to the Scheduled Castes and the Scheduled Tribes and having qualifications, age, experience and other requirements in conformity with the rules of recruitment to

West Ben. Act XXVII of 1976 the concerned posts, in order of seniority, that is to-say, in order of the length of the period of registration amongst the registrants belonging to the Scheduled Caste and the Scheduled Tribe respectively and in accordance with such principle of rotation as the Director of Employment may prescribe from time to time, It shall be the responsibility of the appointing authority to indicate clearly in the requisition the number of posts which are to be filled up by the candidates belonging to the Scheduled Caste and the Scheduled Tribe and the relaxations in the educational qualification and the age-limits for them,

Backward Classes registrants In order to enable the appointing authority to fulfil the requirements of the West Bengal Commission for Backward Classes Act, 1993, the employment exchange concerned shall forward to the appointing authority a list of registrants belonging to the backward classes and having qualifications, age, experience and other requirements in conformity with the rules of recruitment to the concerned posts in order of seniority, that is to say, in order of the length of the period of registration amongst the registrants belonging to the backward classes, and in accordance with such principle of rotation as the Director of Employment may prescribe from time to time. It shall be the responsibility of the appointing authority to mention in the requisition the number of posts which are to be filled up by the candidates belonging to the backward classes

and the relaxations in the educational qualification and the

age-limits for them.

West Ben. Act 1 of 1993

3

Registrants being persons with disability 9. In order to enable the appointing authority to fulfil the requirements of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to in this section as the said Act), the employment exchange concerned shall forward to the appointing authority a list of registrants being persons with disability for each post reserved for them in terms of the provisions of Chapter VI of the said Act and the rules made thereunder. It shall be the responsibility of the appointing authority to mention in the requisition the number of posts reserved for such candidates to enable the employment exchange to sponsor names from such category.

1 of 1996

10. The number of candidates submitted to the appointing

Ratio of candidates for a vacancy in a post authority shall be in such ratio as the appointing authority may prescribe:

Provided that the ratio shall not be less than 20 candidates for each vacancy,

Power to prescribe age limit educational qaualification and physical standard 11. The State Government may, by notification, prescribe the minimum age-limits, educational qualifications, and physical standards for filling up of such categories of vacancies in the posts in any Government establishment or establishment of any public undertaking, statutory body, Government company or local authority as may be specified in the notification.

Power to exempt

12. The State Government may, from time to time, by notification exempt from all or any of the provisions of this Act such appointing authority, in respect of such category of post, and subject to such conditions, as may be specified in the notification.

Power to revise percentage of reservation

13. Subject to the provisions of any other law for the time being in force, the State Government may, from time to time, by notification, revise the percentage of reservation for any category of registrants.

Model roster for recruitment

14. The State Government may, by notification, prescribe model rosters for recruitment to posts in Government establishments or establishments of public undertakings, statutory bodies, Government companies or local authorities in order to ensure that vacancies in such posts are filled up in accordance with the provisions of this Act and any other law for the time being in force providing for reservations for any class or category or persons specified therein.

Penalty

15. If any appointing authority fails to comply with, or contravenes, any provision of this Act, such appointing authority shall be liable to such disciplinary action, and to such major punishment, as may be determined by the disciplinary authority under such rules as are applicable to such appointing authority.

Saving and validation 16. Notwithstanding anything contained in this Act, no appointment made in any post in any State Government establishment or establishment of any public undertaking or statutory body or Government company or local authority after the coming into force of this Act shall be invalid if the process

of filling up of such post has been initiated, and the names of candidates for filling up of such post have been collected, in accordance with the rules of recruitment to, or the procedure for filling up of, such post in force on the day immediately before the day on which this Act comes into force, and every such appointment shall be deemed to have been validly made as if this Act had not been passed.

By order of the Governor,
S. Maitra,
Special Officer & ex officio

Jt. Secy. to the Govt. of West Bengal.

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B. Notifications, Orders, Memoranda

Model 100-Point Roster of Vacancies

No. 50-Emp/1M-25/98

Dated, Kolkata, the 1st March. 2011

NOTIFICATION

In exercise of the powers conferred by Section 14, read with Sub-section (b) of Section 3 and Section 13 of the West Beragal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authortties Act, 1999' (West Bengal Act XIV of 1999) and with due regard to the 100-Point Roster introduced by the Backward Classes Welfare Department, Vide Notification No. 6320-BCW/MR-84/10 dated 24-09-2010 in compliance with the provision of the "West Bengal Scheduled Caste and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976' (West Bengal Act XXVII of 1976) and West Bengal Commisston for Backward Classes Act, 1993' (West Bengal Act I of 1993), the Governor is pleased to prescribe following Model 100 Point Roster showing therein the points reserved for the Scheduled Castes, Scheduled Tribes, Other Backward Classes— Category-A and Category-B, Persons With Disabilities, Ex-servicemen and the Exempted Categories for the guidance of the appointing authorities:-

MODEL 100-Point Roster of Vacancies

- Scheduled Caste
- Unreserved
- Unreserved (E.C.)
- Unreserved (E.C.)
- Unreserved (E.C.)
- Scheduled Tribe
- Unreserved (Ex-Serviceman in Group-D Post).
- OBC Category-A
- Scheduled Caste (E.C.)

8th Vacancy - Unreserved

9th Vacancy - OBC Category-B

— 10th Vacancy · - Unreserved (E. C.) ♀

11th Vacancy - Scheduled Caste (Ex-Serviceman in Group-C Post) →

12th Vacancy - Unreserved (Persons With Disabilies)

13th Vacancy - OBC Category-A (E.C.) 🏃

14th Vacancy - Unreserved 15th Vacancy - Scheduled Caste 20RECE EC.

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16th Vacancy
                     Unreserved (E.C.) 3
                     Unreserved (Ex-Serviceman in Group-D Post) 3
 17th Vacancy
                     Scheduted Caste
 18th Vacancy
                     OBC Category-B(E.C.) 2
 19th Vacancy
                     Unreserved (E.C.) 4
_20th Vacancy
                     Scheduled Caste (Ex-Serviceman in Group-D Post) 4
 21st Vacancy
                     Unreserved (Ex-Serviceman in Group-C Post) 5
 22nd Vacancy
                     Unreserved
 23rd Vacancy
                     Scheduled Tribe
                                                               7 UR EC.
2 SC EC.
1 ST EC
1 OBLA EC
1 OBLA EC
 24th Vacancy
 25th Vacancy
                     Unreserved
                     OBC Category-A
 26th Vacancy
                     Unreserved (E.C.) 5
 27th Vacancy
                     Scheduled Caste (E.C.) 1
 28th Vacancy
 29th Vacancy
                     OBC Category-B
                     Unreserved
 30th Vacancy
                     Unreserved (Ex-Serviceman in Group-D Post) &
 31st Vacancy
                     Scheduted Caste
 32nd Vacancy
 33rd Vacancy
                     Unreserved (Meritorious Sportsperson)
                     Unreserved (E.C.)
34th Vacancy
                     Unreserved
 35th Vacancy
                     Scheduted Caste
 36th Vacancy
 37th Vacancy
                     Unreserved ,
 38th Vacancy
                     OBC Category-A
                     Unreserved (E. C.) 7
39th Vacancy
 40th Vacancy
                     Scheduted Caste
                     Unreserved
 41st Vacancy
                     Unreserved (Persons With Disabilities)
 42nd Vacancy
                     Scheduted Tribe (E.C.) 12-
 43rd Vacancy
 44th Vacancy
                  - Unreserved -
                     OBC Category-A (E.C.) 13
 45th Vacancy
                     Unreserved 4
 46th Vacancy
                     Scheduted Caste (E.C.) 6
 47th Vacancy
 48th Vacancy
                     Unreserved .
                     OBC Category-B (Ex-Serviceman in Group-D Post) 7
 49th Vacancy
                     Unreserved (E, C.) 8
 50th Vacancy
                     Scheduted Caste
 51st Vacancy
 52nd Vacancy
                     OBC Category-A
53rd Vacancy
                     Unreserved (E.C.)
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Scheduted Tribe (Ex-Serviceman in Group-D Post) 2

54th Vacancy

55th Vacancy	- Unreserved	
56th Vacancy	- Unreserved	
57th Vacancy	- Scheduted Caste (E.C.)	
58th Vacancy	- Unreserved (Ex-Serviceman in Group-C Post)	
59th Vacancy	- OBC Category-B	
60th Vacancy	- Unreserved (E.C.) N	
61st Vacancy	- Scheduted Caste	
62nd Vacancy	- Unreserved	
63rd Vacancy	- OBC Category-A (Ex-Serviceman in Group-D Post)	0
64th Vacancy	- Unreserved (E.C.) \9	
65th Vacancy	- Scheduted Caste	
66th Vacancy	- Unreserved (Meritorious Sportsperson)	
67th Vacancy	- Unreserved (E.C.)	
68th Vacancy	- Scheduted Caste	
69th Vacancy	- OBC Category-B (E.C.) 2	
70th Vacancy	- Unreserved	
71stVacancy	- Scheduted Caste (Ex-Serviceman in Group-D Post)	11
72nd Vacancy	- Unreserved (Persons With Disabilities)	
73rd Vacancy	- Unreserved (E,C:) 13	
74th Vacancy	Scheduted Tribe	
75th Vacancy	- Unreserved (Ex-Serviceman in Group-C Post) 12	
76th Vacancy	- OBC Category-A(E.C.) 2 ^{C3}	
77th Vacancy	- Unreserved	
78th Vacancy	- Scheduted Caste (E.C.)	
79th Vacancy	- Unreserved	
80th Vacancy	- Unreserved	
81st Vacancy	- Unreserved (Ex-Serviceman in Group-C Post)	
82nd Vacancy	- Scheduled Caste	
83rd Vacancy	- Unreserved (Ex-Serviceman in Group-D Post)	
84th Vacancy	- OBC Category-A	
 85th Vacancy 	- Unreserved (E.C,) \	
86th Vacancy	- Scheduted Caste (E.C.)	
_87th Vacancy	- Unreserved (E.C.)	
88thVacancy	- Unreserved .	
89th Vacancy	- OBC Category-B	
90th Vacancy	- Scheduted Caste	
91st Vacancy	- Unreserved -	
92nd Vacancy	- Unreserved	
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93rd Vacancy - Scheduted Tribe (E.C.)

Source of Special Spec

COMPENDIUM OF GOVERNMENT ORDERS & CIRCULARS: VOLUME I @ 245

ESM-

94th Vacancy 95th Vacancy - Unreserved (Ex-Serviceman in Group-D Post) \5

95th Vacaney 96th Vaeancy - Unreserved

97th Vacancy

-Scheduled Caste (E.C.)

98th Vacancy

Unreserved

99th Vacancy

- OBC Category-A

100th Vacancy

- Unreserved (E.C.)

(E.C. means Exempted Categories)

SCER 1

- The Governor is also pleased to direct that the reservation for Persons With Disabilities, as provided under the "Persons With Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995 shall be implemented as follows:-
 - Each of the 3(three) Points (12th, 42nd and 72nd) of the 100-Points Roster, reserved for the Persons With Disability shall be filled up by persons suffering from (i) Blindness or Low vision, (ii) Hearing impairment and (iii) Loco-motor disability or Cerebral Palsy respectively in order to ensure 1% (one percent) reservation for each of the three categories of Persons With Disabilities.
- 3. The Governor is further pleased to direct that (a) vacancies in Group 'C' Post at 11th, 22nd, 58th, 75th and 81st points and (b) vacancies in Group-D Post at 5th, 17th. 21st. 31st, 49th, 54th, 63rd, 71st, 83rd and 94th points of the above 100-Point Roster in State Services and Posts, Group-C and Group-D including those filled up through the P.S.C., West Bengal shall be filled up by ex-serviceman subject to the provisions of Rule-4 of the "Ex-Servicemen (Reservation of vacancies in State Services and Posts, Group-C and Group-D) Rules, 1982 as published vide Finance Department Noiticafion No. 6249-F dated 15-06-1982.
- The Governor is further pleased to direct that the vacancies in Group 'B'. 'C' and 'D'
 posts, at 33rd and 66th points of the above 100 point Roster shall be filled up from the
 meritorious sportspersons according to the provisions of this Department Notification
 Number 49-EMP/1M-25/98 dated 1st March, 2011,
- In terms of the B.C.W., Department's Notification No.6309-BCW/MR-84/10 dated 24-09-2010, the Backward Classes, for the purpose of the West Bengal Commission for Backward Classes Act, 1993' (West Bengal Act 1 of 1993) stand divided into two categories, viz. Category-A (consisting of 56 communities) and Category-B (consisting of 52 communities).
- 6. All appointing authorities should obtain names from Exempted Category Cell under the Directorate of Employment West Bengal, to fill up the vacancies meant for Exempted Category Candidates in the above roster except the cases of Employment on compassionate ground, viz. death-in-harness and premature retirement due to permanent incapacitation.

- 7. The relevant Notifications issued by the Finance Department relaxing upper age limits for SC, ST, Other Backward Classes Category-A and Category-B, Persons With Disabilities, Ex-Servicemen and Exempted Category Candidates may be kept in view while taking steps for filling up vacancies meant for the respective categories.
- 8. As no curtailment of existing percentage of reservation for SC, ST and OBC-Category-A and Category-B can be made, the reserved points for SC(E.C.), ST(E-C.), OBC Category-A (E.C.) and OBC Category-B (E.C.) shall be filled up by the Exempted Category Candidates belonging to SC, ST and OBC Category-A/ Category-B only. In case of non-availability of a suitable Exempted Category Candidate betonging to SC, ST or OBC Category-A and Category-B for any of such reserved point, the said vacancy shall be filled up by a non-Exempted Category Candidate belonging to SC, ST or OBC Category-A and Category-B as the case may be.
- 9. a) This order issues in partial modification of this Department Notification No.240-Emp dated 02-08-2001 to the extent it is considered necessary for implementation of the 10% and 7% reservation quota for Backward Classes under Category-A and Category-B as laid down in BCW Department Order No. 6320-BCW/MR-84/10 dated 24-09-2010 and also for streamlining the process of 5% and 10% reservation of vacancies in Group-C and Group-D Post respectively in State Services and Posts, Group-C and Group-D as laid down in the "Ex-Servicemen (Reservation of vacancies in the State Services and Posts, Group-C and Group-D) Rules 1982'.
- b) All appropriate authorities of the Government, including Home Department, B.C.W, Department, Finance Department, Department of Sports and P.S.C., West Bengal have been consulted on respective issues concerning them.

By Order of the Governor,

Samar Ghosh,

Chief Secretary to the Government of West Bengal.

Exempted Categories and procedure for their recruitment

No. 30I-EMP/IM-10/2000.

Dated: 21st August 2002

NOTIFICATION

In exercise of the powers conferred by sub-section (a) of section 3 of the West Bengal Regulation of Recruitment in State Government Establishment and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999 (West Bengal Act XIV of 1999), the Governor is pleased to declare following categories of persons as exempted categorics for the purpose of the aforesaid Act:—

 Dependants of employees dying in harness: A solely dependant wife/son/daughter/ near relation of an employee who dies in harness leaving his family in immediate need of assistance.

A near relation of the deceased employee may be considered for employment on compassionate ground only when the son/daughter/wife of the deceased employee cannot be considered for employment owing to minor age or other disabililies. In such a case the employment of a near relation of the deceased employee may be considered only for providing assistance immediately needed by the family left behind by the deceased.

 Dependants of employees retiring incapacitated: A solely dependant son/daughter/ near relation of an employee who is disabled permanently or otherwise incapacitated rendering him unfit to continue in service and whose family is in need of immediate assistance.

A near relation of an employee, retiring incapacitated, may be considered for employment on compassionate ground when the son/daughter/wife of that employee cannot be considered for employment owing to minor age or other disabilities. In such a case the employment of a near relation of that employee may be considered only for providing assistance immediately needed by the family of that employee.

3. Persons belonging to the families of land losers: Candidates hailing from families who might have been uprooted from their places of residence due to acquisition of homestead land by the Government or whose main source of income is substantially affected due to loss of agricultural land as a result of the land in question being acquired by the Government for public purpose shall also be covered in this category.

Only one member from an uprooted/affected family shall be eligible for consideration against vacancies reserved for the exempted categories. This beneficiary should be either

an awardee of compensation for acquisition of land or a member of the family of the awardee.

This shall be applicable only in respect of cases where the land in question has been acquired by the State Government on or after I7th October 1977.

4. Ex-Census Employees:

- (a) Ex-Census employees who worked in connection with 1981 Census Operation and who had put in at least six months' continuous service under the Director of Census Operations, West Bengal.
- (b) Ex-Census Enumerators/Supervisors of 1981 Census Operations and 1991 Census Operations holding authentic 'Experience Certificate' issued by the Directorate of Census Operations, West Bengal or any other competent authority duly authrorised by the said Directorate.
- (c) Persons holding "Discharge Certificate" only shall not be considered for inclusion in the "Exempted Categories" since certificates granted by certain officials in some cases do not conform to the census frame-work communicated by the Directorate of Census Operations, West Bengal.
- Election job workers/Enumerators: Election job workers and Enumerators as were engaged in the job during the revision/preparation of electoral rolls by the Home (C&E) Department between 1979 and 1st June, 2000 and who had put in a total of at least 240 days' (two hundred forty days) work during the said period.
 This supersedes all earlier Circulars and Executive Orders issued from time to time, by the Government of West Bengal in the Labour Department relating to employment of persons betong to the Exempted Categories.

By order of the Governor,

A. M. Chakrabarti,

Principal Secy. to the Govt. of West Bengal.

30% Reservation for Exempted Category

No. 302-EMP/1M-10/2000.

Dated: 21st August 2002.

NOTIFICATION

In exercise of the powers conferred by sub-section (b) of section 3 of the West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999 (West Bengal Act XIV of 1999), the Governor is pleased to order that of the total vacancies arising in a year under any appointing authority, other than the vacancies which are required to be filled up either on the recommendations of—

(a) the Public Service Commission, West Bengal

or

(b) the West Bengal College Service Commission

or

(c) the West Bengal School Service Commission

or

(d) the Municipal Service Commission

or

(c) the Co-operative Service Commission,

or by promotion, or by absorption of persons declared surplus by the State Government or by absorption of such categories of casual workers and other workers as the State Government may by notification specify from time to time, 30% shall be treated us reserved to be filled up by persons falling within the exempted Categories notified under sub-section (a) of section 3 of the aforesaid Act.

By order of the Governor,

A. M. Chakrabarti,

Principal Secy. to the Govt. of West Bengal.

Criteria of Exempted Category

No. 303-EMP/IM-10/2000

HOUSE AND THE

Dated: 21st August 2002.

In exercise of the powers conferred by sub-section (c) of section 3 of the West Bengal Regulation of Recruitment in state Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999 (West Bengal Act XIV of 1999), the Governor is pleased to prescribe the following procedures for filling up the vacancies reserved for the Exempted Categories as specified under sub-section (a) of section 3 of the aforesaid Act—

NOTIFICATION

A. GENERAL PROCEDURE TO BE FOLLOWED IN RESPECT OF DIFFERENT EXEMPTED CATEGORIES

1. Dependants of persons who died in harness: None except wife/son/daughter/near relation of the deceased employee and solely dependent on the earnings of the deceased employee, shall be eligible for consideration for such employment. The benefit will be admissible if the family, left behind by the deceased employee, is in immediate need of assistance and such employment on compassionate ground is absolutely essential to support the family of the deceased. A person belonging to a completely separate family shall not be treated as solely dependent on the deceased employee for the purpose of such employment on compassionate ground.

The wife/son/daughter/near relation of an employee who died in harness, may apply to the appointing authority through the Head of the Office of the employee in a prescribed form as per Part I & II of Annexure "A." along with a copy of death certificate praying for employment to support the family of the deceased employee. On receipt of such application the appoining authority shall form an enquiry committee of senior officials not less than three in number. The committee so formed shall make an enquiry about the genuineness of the prayer as well as the financial condition of the family of the deceased employee and submit a report as per Annexure: 'A' to the appointing authority. The appointing authority will forward the case together with his views, recorded in Annexure 'A', to the Administrative Department concerned for consideration. If it is decided by the administrative department to be a fit case for offering employment on compassionate ground, a suitable vacancy may be identified under the appointing authority concerned for providing employment subject to the condition that the candidate satisfies the qualification and other requirements prescribed for recuitment to the post. If a suitable vacancy is not available under the appointing authority concerned the

administrative department may identify suitable vacancy under some other appointing authority under its administrative control for providing employment. The administrative department will forward the case with suitable directions, to the appointing authority, in whose establishment the vacancy has been identified. In the event of non-availability of berth for accommodating such a case the administrative department concerned will have to move other departments for suitable berth. When a suitable vacancy is available in some other department to accommodate the case the Administrative Department will forward the case along with relevant papers to that department for further action. The Department having vacancy in the Exempted Category of posts will provide employment to the wife/son/daughter/near relation of the employee, who died in harness, subject to observance of relevant conditions and formalities.

- 2. Dependants of employees who retired being incapacitated: (1) The benefit of the offer of employment on compassionate ground to a dependent wife/son/daughter/ near relation of an employee retiring prematurely owing to being disabled permanently or otherwise incapacitated rendering him/her unfit to continue in service will be available, if and only if such employee fulfils all the following conditions:
 - On premature retirement he/she would not be entitled to the full pensionary benefits to which he/she would have been entitled if he/she had retired at his/her normal age of superannuation;
 - (ii) He/she has fully-exhausted all kinds of leave with pay including commuted leave on medical ground;
 - (iii) He/she had two years of service or more left to reach the age of superannuation;and
 - (iv) The financial condition of the family is so acute as to make the appointment essential consequent upon the fall in income due to such retirement.
- (2) None except a son/daughter/near relation who is/was solely dependent on the earnings of the incapacitated employee, will be eligible for such appointment on compassionate ground. A person belonging to a completely separate family shall not be treated as solely dependent on the employee for the purpose of such employment on compassionate ground.
- (3) The employee or his son/daughter/near relation shall apply to the controlling authority of the employee in the prescribed form as Part-I and Part-II of Annexure "B" along with' a medical certificate. On receipt of the said application the controlling officer should form an enquiry committee consisting of senior officials being not less than three in number. The committee so formed will make an enquiry about the facts and merit of the prayer as well as the financial condition of the family of the employee and submit a report to the controlling officer. The controlling officer will forward the report of enquiry along with his comments to the appointing authority/pension sanctioning authority through proper channel. The appointing authority will then arrange for examination of the employee concerned by the Director of Health Services or by any Medical Board or a Medical Officer authorised by the Director of Health Services for the purpose. The

- application, the enquiry report and the certificate of the Director of Health Services or the Medical Board of the Medical Officer authorised by the Director of Health Services will then be submitted to the administrative department concerned of the State Government for a final decision.
- (4) If an employee retires on the ground of permanent disablement or incapacitation he/ she will not be entitled to re-appointment /re-employment Rule 78 of the West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 will not be applicable to such cases.
- (5) If it is decided by the Administrative Department to be a fit case for offering employment on compassionate ground, a suitable vacancy is to be identified under the appointing authority concerned for providing employment subject to the condition that the candidate satisfies the qualification and other requirements prescribed for recruitment to the post.
- (6) Special cases, where relaxation of any or all the aforesaid conditions is considered imperative, should be referred by the administrative department concerned to the Labour Department for examination.
- 3. Persons belonging to the families of Land Loser: (1) For the purpose of enlistment of eligible persons of this category the Government may constitute a screening committee for a District/Sub-Division. The Screening Committee will prepare a combined list in order of priority for families affected by acquisition of land and forward the same to the District Magistrate concerned. Till such Committee is formed the District Magistrate concerned will prepare the list of eligible persons of this category.
- (2) Only one member of a family of land loser will be eligible for consideration for enlistment in the exempted category. The beneficiary should be either an awardee of compensation for acquisition of land or a member of his family as may be nominated by the awardee.
- (3) The order of priority in the list will be determined by the date of acquisition in chronological order.
- (4) The priority list should contain the name of the persons seeking employment, the nature and quantum of land acquired and quantum of land owned by the family, the employment status and earnings of the members of the family. The date of birth, educational standard of the enlisted person should be indicated in the list. If any such person belongs to the Scheduled Castes, Scheduled Tribes or Backward Classes that should be indicated against his name. In case of persons with disabilities the nature of disabtlities may also be indicated.
- (5) In case of any doubt regarding the eligibility of a person and/or other connected issue reference may be made to the Labour Department for clarification and/or decision.
- (6) The District Magistrate concerned will forward the list of eligible persons to the Director of Employment, West Bengal, and advise the enlisted persons to enroll their names in the Exempted Category Cell of the Directorate of Employment, West Bengal, at 67, Bentinck Street, Kolkata-700069, by producing supporting papers. List of eligible persons of the category of land losers already prepared and maintained by the District Magistrates in terms of the earlier circulars issued by the Labour Department shall also be forwarded

to the Director of Employment, West Bengal. The District Magistrate, concerned, shall advise such enlisted persons to get their names enrolled in the Exempted Category Cell of the Directorate of Employment by producing supporting papers.

- (7) The Director of Employment, West Bengal, will maintain the list of eligible persons belonging to the exempted category of land losers as enrolled in the Exempted Category Cell along with the lists of eligible persons included in other exempted categories.
- Ex-Census Employees: The Director of Employment, West Bengal, will maintain the list
 of eligible persons of this category on the basis of enrolment in the Exempted Category
 Cell of the Directorate of Employment.
- 5. Election Job Workers and Enumerators: The Home (C & E) Department will forward the names of eligible Election Job Workers and Enumerators, who have put at least 240 days' (Two hundred forty days) work upto 1st June, 2000, to the Director of Employment, West Bengal for enrolment in the Exempted Category under the Directorate of Employment. The Director of Employment, West Bengal, will maintain a list of eligible persons of this category as enrolled in the Exempted Category Cell of the Directorate of Employment.

B. REPORTING VACANCIES RESERVED FOR E. C. & SPONSORING OF NAMES:

For the purpose of filling up the vacancies reserved for the exempted category other than those falling under the categories mentioned at para I & 2 of "A", the appointing authority concerned shall write to the Director of Employment, West Bengal for names of candidates indicating necessary particulars of the vacancies. The Director of Employment will send names of the candidates out of the list maintained by him for different exempted categories. Names of candidates to be considered for vacancies reserved for the exempted categories should be sponsored in order of seniority, based on the length of period of enlistment, and the principle of rotation and also with due regard to the statutory provisions for reservation for the Scheduled Castes, the Scheduled Tribes, the Backward Classes and the persons with Disabilities. It should be ensured further that the candidates satisfy the qualification and other requirements prescribed for recruitment to the post/posts.

C. ROSTER OF VACANCIES AND STATUTORY PROVISION FOR RESERVATION:

Roster points showing reservation for the exempted categories notified in terms of subsection (b) of section 3 of the aforesaid Act and indicated in the 100 point roster notified under section 14 of the aforesaid Act should be strictly followed and the statutory reservation prescribed for the SC/ST/Backward Classes and Persons with Disabilities should also be observed while filling up the vacancies by exempted categories.

D. OVERRIDING PRIORITIES IN RESPECT OF CERTAIN EXEMPTED-CATEGORIES :

Persons belonging to the following exempted categories, where a job is to be offered on compassionate ground, will have overriding priority and precedence over others in the matter of placement, whether a particular vacancy occuring at that time under any appointing authority is reserved for the exempted categories or not, namely:—

- (a) Exempted Category —Dependents of a person, who died in harness;
- (b) Exempted Category—Dependents of a person, who retired incapacitated.
 Amongst these two exempted categories (a) will get precedence over (b).

 \upbeta In case the vacancy, filled up as above, is not within 30% reserved for the exempted categories necessary adjustment should be made on availability of next vacancy in the exempted category. \upbeta

E. VERIFICATION OF ANTECEDENTS AND MEDICAL FITNESS:

In filling up the vacancies by persons of exempted categories the appointing authority shall observe the formalities like verification of antecedents, medical examination etc.

This supersedes all earlier circulars and Executive orders issued from time to time, by the Government of West Bengal in the Labour Department relating to employment of persons belonging to Exempted Categories.

By order of the Governor,

A. M. Chakrabarti,

Principal Sccy. to the Govt. of West Bengal.

PROFORMA REGARDING EMPLOYMENT OF DEPENDANTS OF GOVERNMENT EMPLOYEES DYING WHILE IN SERVICE

Part I

(To be filled in by the Applicant)

1.	(a)	Name of the deceased employee		
	(b)	Designation of the ex-employee	:	
	(c)	Name of the office with address	: 4	
	(d)	Date of birth of the deceased	1.0	
	(c)	Date of death of the deceased		
		(Attested copy of death certificate to be enclosed)		
	(f)	Date of joining the Govt. service		
	(g)	Total length of service rendered	:	
	(h)	Whether belonging to SC/ST/BC	I well	
		(Attested copy of certificate to be enclosed)		
	(i)	Monthly salary drawn by the deceased in, the last	:	Basic Pay Total :
		month —Total emoluments (Pay & other		
		allowances)		
2.	(a)	Name of the candidate praying for appointment on		
	(/	compassionate ground.		
	(b)	His/Her relationship with the ex-employee	bolio .	
	(c)	Date of birth of the applicant		
	(d)	Educational Qualifications		
	(e)	Whether fully dependent on the ex-employee	:	
	(f)	Whether any other dependent has been appointed	:	
		on compassionate ground		
	(g)	Particulars of Employment Exchange Card	Section 1	
	167	(if registered)		
	/l=\	Whether received any financial assistance under		
	(h)	any Self Employment Scheme such as SESRU,	:	
		SEP, etc.		
	(i)	Two passport size photographs of the candidate		
	(.)	duly authenticated by the competent authority,		of the state of
		(one of which to be affixed on the space marked).		

Part II (To be filled in by the Applicant)

1.			s of total assets le			And the	
	(ow		eceived/entitled t	0)			
	(a)	Fami	ily Pension :	Basi	c:	Total :	as on
	(b)	(i)	Death gratuity			:	
		(ii)	G. P. F. Balance				
		(iii)	Group Insurance	e		: stolpress in	
		(iv)	Encashment of	Leave		: some division	n-vertices
		(v)	L. I. Policies			:	
			(including P. L. I	.)			
		(vi)	Movable and in	nmovable pro	operties and	: have also at the	
			annual income		the family		
		(vii)	Any other asset			:	and the second of the second
2.			culars of Liabilitie	es, if any (Doc	umentary	:	
			o be enclosed)				
3.	12071	iculars	of all dependant			: Attalements	also of trape (
	SI No.		Name	Age	Educationa1	Relationship with	Living seperately or
	(1)		(2)	(3)	Qualifications (4)	the deceased (5)	with the family (6)
-							
	1. 2.						
6	3.						
	4.					in Authoritessipes	L'Arisca Esmosi III
		Marit	al Status		of occupation/emp		ross Salary
			(7)	(11	falready employed) (8)	(if	employed) (9)
4	Sign	ature/	I T I of the othe	er denendant	10/	the "No Objection" in fa	107
•			ment on compas			the No Objection in it	ivour of this application
	(i)						
	(ii)						
	(iii)						
					DECLARATION		
	I do h	ereby	declare that part	ticulars given	by me above are co	rrect. If any of the partic	ulars herein mentioned
are	found	d to be	incorrect or fals	e at the futur	e date, my service n	nay be terminated.	
Dat	e:						alko segme
Add	dress	of the	Candidate :			Signature of the	Candidate
Shr	i/Smt				is	known to me and the pa	rticulars mentioned are
	rect.						17.74.5
Dat						A CONTRACTOR OF THE PARTY OF TH	
		dress	:			ture of a permanent Go same office	vt. employee of the
		5					
					DE	signation :	

Part III (To be filled in by the Office)

1.		ort of Enquiry Committe regarding particulars ne applicant in Part I & Part II of the Proforma		186			
2.	Com	ments of Controlling Officer		:			
		P	Part IV				
1.	(a)	Name of the deceased		:			
	(b)	Designation		:			
	(c)	Total emoluments last drawn (Pay & Allowances)		:		as on	
2.	(a)	Name of the Candidate		i Liftyo			
	(b)	His/Her relation with the deceased					
3.	(a)	Family Pension: Basic		:	Total :	as on.	
	(b)	Amounts received/entitled to receive from 0 death benefits including others (in total)	Govt. as	:			
	(c)	Amounts received/entitled to receive from a such as L. I. Policies/P.L.I / Personal Savings,					
	(d)	Movable and immovable properties and annearned there from by the family.	nual income	:			
4.	(a)	Educational Qualification of the candidate		:			
	(b)	Date of birth		:			
	(c)	Whether S.C./S.T./B.C.		: 3 194			
	(d)	Post for which employment is proposed					
	(e)	Is the vacancy reserved for E.C. ?		1			
	(f)	Whether the post reserved for S.C./S.T./B.C.		T 18 TBC			
	(g)	Is the post supposed to be filled up by promor by direct recruitment through the P.S.C. ?		:			
	(h)	Whether the candidate fulfils the requirement Recruitment Rules for the post	ents of the				
	(i)	Is any relaxation of rule etc. required ?		:			
	(j)	Have the particulars mentioned in Part I, Pa Part III and above been verified by the office indicate the reports	rt II and				
	(k)	Decision of the appointing authority		i ng q			
			_	Cian atura	of the Ann	ainting Authority	

Seal:

ANNEXURE - B

APPLICATION FOR PREMATURE RETIREMENT DUE TO PERMANENT INCAPACITATION AND APPOINTMENT FOR SON/DAUGHTER/WIFE/NEAR RELATION ON COMPASSIONATE GROUND

Part I

(IN CAPITAL LETTER)

(Signature / LTI of the employeee)

1.	Name of employee	:	
2.	Name of office where employed at present	:	
3.	Designation	1 5	
4.	Date of birth of the employee	1	
5.	Date of joining the Government service	:	
6.	Total length of service	:	
7.	Date of normal retirement	:	
8.	Whether belongs to SC/ST/BC	:	
9.	Total emoluments (Pay & Other allowances)	:	
10.	The reasons for being permanently incapacitated	:	
11.	Name of the Medical Practioner, whose certificate is enclosed		
12.	Registration No. and address of the registered medical practitioner whose certificate is enclosed	:	
13.	Is son/daughter/wife/husband/near relation seeking. Government job on compassionate grounds?	:	
NOTE	: If answer to Sl. No. 13 is 'No', Part II need not be filled up.		

Part II

 Details about financial condition of family members (son/daughter/wife/husband/near relation):

7.

Date of Birth

Sl. No.	Name	Age	Educational qualification	Relationsh the emp		Living separately or with the employee
			*	erigi — ali		erein krop sod ochenski krop s
SI. No	o. Maritalstatus	Particulars of occupation/employment			Particulars of income from immovable property	
				Smar nia Augustos		
red	rticulars of total assets of ceived/entitled to) as on t cluding the amount of			:		
(a)	Pension			:		
(b)) Gratuity			:		
(c)	GPF Balance			:		
(d)) Group Insurance.			:		
(e)) LIC policies			: Territoria		
(f)	Leave encashment ber	nefit		:		
(g)) Movable & Immovable	Properties	and income from it	:		
(h)) Others			:		
3. (a)) Name of the Candidate	e seeking em	ployment	:		
(b)) Relationship with the	Government	employee	1		
4. W	hether fully dependent or	n the employ	yee	:		
5. Pa	articulars of Employment		121-1-1-1-1	1		
(a) Exchange Card (if regis	stered)		1		ero consistent de la cons
(b	One Passport-size pho authenticated by the o on the space marked.			: d _		
6. Ec	ducational qualification ar	nd experienc	e of the candidate	:		

	Part III	
	Name & Designation	
2)	Signature	
(1)	Signature Name & Designation	Name & Address
	(Two permanent employees of the same office).	Signature of Candidate
	Witnesses:	
	(Name of incapacitated employee)	
	Shri/Smt	and his/her family.
	I further declare that after my employment on compassiona	ate ground I shall maintain
	DECLARATION BY THE CAND	DIDATE
	(Signature of the employee)	(Signature of the candidate)
artic	rration: I/We do hereby declare that the particulars given by culars are found incorrect or false at a future date, I/We shall I nation of service.	
	(Documentary evidence to be enclosed).	
2.	Particulars of liabilities (if any)	
	OBJECTION in favour of the candidate (Attested copies to be enclosed).	
11.	Have other members of the family given NO	
10.	Enclose two copies of photograph of the candidate duly countersigned.	# # T
9.	Has any dependant been appointment on compassionate ground?	The settle see State Control of the settle see that the settle see
8.	Has the candidate been financed under any employment scheme like SESRU/SEPUP, etc.	:

Part IV

Comments of the Controlling Officer.

Part V

Report of medical examination arranged by DHS or conducted by Medical Officer/Board authorised by him. (Report to be enclosed)

2. Date of retirement due to permanent incapacitation....... (Attested copy of the order issued by the Deptt./Office to be enclosed).

er)

		(To be filled by the Offic
	Part VI	
1.	Is any leave due to the employer	
2.	If, so, details thereof	
3.	Details of retirement benefits	
	As on the date of application	As on the normal date of retirement
	(a) Pension :	
	(b) Gratuity:	
	(c) Others :	
4.	Post for employment is proposed	: The sale of the control of the control
5.	Is the post supposed to be filled up by promotion or by direct recruitment on	
	recommendation of the Public Service Commission.	
6.	Is the vacancy reserved for SC/ST/BC ?	dagan sa serenjan takong nganti. Sa kangan pinasaran ngahi kanganggan
7.	Does a vacancy under exempted category exist ?	No access on the specific Manes
8.	Name of the candidate	* - 0 Se 12 - 0 F 25 mili 10 F
9.	Does the candidate fulfil requirements of the recruitment rules for the post ?	Encourage of the individual special control of the
10.	Is any relaxation of rule etc. required ?	dansk folker i er en kalastere)
11.	Have the facts mentioned in parts I, II and above been verified by the office ? If so, indicate the reports	
12.	Personal recommendation of the appointing authority	recover the committee of

(Signature of the appointing authority) Designation

CHAPTER - 5

A. Acts and Rules A few words on issuance of Caste Certificates

- SC /ST / OBC certificates (caste certificates) are issued by SDOs in all Sub- Divisions. In Kolkata, such certificates are issued by the DWO, Kolkata and ex-officio Joint Director, BCW. Caste certificates for SC & ST are issued in terms of The Scheduled Castes and Scheduled Tribes (Identification) Act, 1994. OBC certificates are issued in terms of Section of the WB Backward Classes (Other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Act. There is no age bar in respect of issue of SC/ST/OBC certificates
- There is no age bar in respect of issue of SC/ST certificates. For OBC, certificates are
 issued to persons in the age group of 04 to 40 years. Certificate above the age of 40
 years may also be issued under special circumstances.
- SC/ST certificates are issued in the format prescribed in the Rule. The format used for Central Govt. purpose is slightly different. On request, SDOs are to issue caste certificate also in the Central Govt. format in addition to the normal State Govt. format to enable the candidates to apply for Central Govt. jobs.
- 4. Normally, caste certificate should be obtained by a person from his State of origin. But the SDO where the incumbent is residing now, can issue Caste certificate if the father of the applicant obtains caste certificate from the competent authority of his State of origin and this is verified by the SDO concerned.
- Benefit of reservation can be claimed by any person from his State of origin only, and not from the State to which he may migrate.
- Applications for issue of caste certificates are made through a prescribed format which
 is supplied free of cost on demand. Applications are generally received at Block Offices
 for Block areas and at SDO Office for Municipal areas.
- 7. To be eligible to get a caste certificate, the following proofs in respect of an applicant is needed:
 - Proof of identity and residence at the present notified location,
 - ii) Proof of permanent residence in West Bengal,
 - iii) Proof of citizenship, and
 - iv) Proof as to belonging to a particular caste / community

- 8. In case the applicant fails to produce any documentary evidence, it is the duty of the Certificate Issuing Authority to determine eligibility of the applicant to get a caste certificate.
- 9. After receipt of an application, preliminary scrutiny is done to verify the documents furnished by an applicant. If the applicant furnishes a caste certificate obtained by any person having blood relation with him, that certificate is verified from the issuing authority, and applicanfs relation with the certificate holder is confirmed. If these are found OK, caste certificate is generally issued after verifying residence and citizenship.
- 10. If there is no documentary proof as to caste status, the matter is enquired. If necessary, public hearing is also taken.
- 11. Certificate is issued only after being satisfied as to eligibility.
- In case of OBC certificates, additional proof as to not belonging to creamy layer is needed 12. for determining eligibility, There are detailed guidelines for determining the non-creamy layer status of an applicant. Normally, if one of the parents of an applicant holds a constitutional post, the applicant will fall under creamy layer. Agriculturat income is not to be considered at all. Then, service status of father and mother to be considered first. If one of the parents belong to Gr-A or Class-I service before 40, the applicant will fall under creamy layer. If both of the parents belong to Gr-B or Class-II service before 40, then also, the applicant will fall under creamy layer. Same conditions are applicable in respect of public or private services which can be compared to Govt. Services. When service status is considered, amount of income will not be considered. Those not falling under creamy layer on service status can fall under creamy layer only if their income from other sources alone exceeds Rs.6.00 lakh. Salary income of those service holders can be considered only if their service status cannot be compared to that of a Govt. employee's Creamy layer status remains even if parent(s) retires or dies after retirement. While determining creamy layer on the basis of income, income from salaries are not to be clubbed with income from other sources, agricultural income not being considered at all.
- Normally, applications for certificates are to be disposed of within four weeks from the date of receipt of completed application. The matter has been brought under the purview of the Public Services Act.
- 14. The entire matter of issuance of caste certificates has been brought under e-governance. A computerised application has been developed through NIC. The internet address of this on-line project is www.castcertificatwb.gov.in. Presently Office of DWO, Kolkata and 61 sub-divisions out of 66 have been brought under this project. Under this project, an applicant can log in the website and apply on-line for a caste certificate. On filing, an acknowledge page is generated with details of application number and instructions as to how the applicant should proceed. The applicant will also get a filled in application. He is to download the filled in application and submit the physical copy of the filled in application duly signed with documents and photograph to the concerned Block / SDO office by appearing in person when the concerned official will verify the documents presented and receive papers. The application will be processed by concerned officials

- on-line. The applicant can at any point of time can visit the website and know the latest status of his application. Once the process is completed, caste certificate is issued online and physical copy is printed, signed and distributed to the successful candidate.
- 15. There are two kinds of caste certificates allegedly being fraudulently obtained by some persons. First, there are evidences of fake or forged caste certificates, Secondly, there are cases where a certificate has been obtained by an ineligible person through misrepresentation of facts and other fraudulent methods. In the first case, this has to be dealt with in terms of Criminal Laws. For the other case, SDO is the competent authority to initiate proceedings for cancellation of the certificate as per provision of the Act and the Rule. The State Govt. has also set up a Scrutiny Committee at the State Level and Vigilance Cells in all Districts to deal with both the types of cases as mentioned above.
- 16. Till now 60 communities / castes as SC and 40 communities / tribes as ST and 165 communities as OBC have been identified in West Bengal. OBCs in the State list have further been divided into two categories, OBC Category A and OBC Category B depending on their degree of relative backwardness. For OBCs, there is another list. Central list of OBCs for West Bengal. In order to obtain benefit of reservation in Central Govt. Jobs by persons of a particular community, the name of that community is to be induded in the Central list of OBC. Communities featuring in the State List of OBC (either OBC Category A or OBC Category B) are eligible to the benefits of reservation in jobs in the State Govt. sector.
- 17. Provision has been made for issue of duplicate caste certificate. This can also be done on-line in respect of certificates issued on-line or of those certificates whose data has been digitized and uploaded in the database of the application.

The West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994

No. 1352-L

3rd August 1994

NOTIFICATION

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:

West Bengal Act XXXVIII of 1994

The West Bengal Scheduled Castes And Schdeuled Tribes (Identification)
Act, 1994.

[Passed by the West Bengal Legislature]
[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary,
of the 3rd August, 1994.]

An Act to provide for the identification of the Scheduled Castes and the Scheduled Tribes in West Bengal and for matters connected therewith or incidental thereto

Whereas it is expedient to provide for the identification of the Scheduled Castes and the Scheduled Tribes in West Bengal and for matters connected therewith or incidental thereto;

It is hereby enacted in the Forty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows: -

1. (1) This Act may be called the West Bengal Scheduled Castes and Schedule Tribes (Identification) Act, 1994.

Short title, extent and commence-ment

- (2) It extends to the whole of West Bengal.
- (3) It shall come into force on such date¹ as the State Government may, by notification, appoint.
 - 2. In this Act, unless the context otherwise requires, --
 - ²(a) "Committee" means the state scrutiny Committee constituted under section 8A for verification of social status of a person in whose favour a certificate is issued under section 5.
 - ³(aa) "Constitution" means the Constitution of India;
 - (b) "notification" means a notification published in the Official Gazette;
 - (c) "prescribed" means prescribed by rules made under this Act;
 - (d) "Scheduled Castes" shall have the same meaning as in clause (24) of article 366 of the Constitution;
 - (e) "Scheduled Tribes" shall have the same meaning as in clause (25) of article 366 of the Constitution;

- (f) "the Constitution (Scheduled Castes) Order" means the Constitution (Scheduled Castes) Order, 1950, made by the President in exercise of the powers conferred by clause (1) of article 341 of the Constitution;
- (g) "the Constitution (Scheduled Tribes) Order" means the Constitution (Scheduled Tribes) Order, 1950, made by the President in exercise of the powers conferred by clause (1) of article 342 of the Constitution.

Identification of members of Scheduled Castes Any person belonging to any of the castes, races or tribes or parts of or groups within castes, races or tribes, specified in Part XIII of the Schedule to the Constitution (Scheduled Castes) Order, and resident in the locality specified in relation to him in that Part of such Schedule, may be identified, by a certificate, to be a member of the Scheduled Castes.

Identification of members of Scheduled Castes

- 4. Any person belonging to any of the tribes or tribal communities or parts of or groups within tribes or tribal communities, specified in Part XII of the Schedule to the Constitution (Scheduled Tribes) Order, and resident in the locality specified in relation to him in that Part of such Schedule, may be identified, by a certificate, to be a member of the Scheduled Tribe.
- A certificate under section 3 or section 4 may be issued,—

Issue of certificate of identification

- (a) in the district, by the Sub-divisional Officer of the sub-division concerned, and
- (b) ²in Kolkata, by such officer as the State Government ¹⁹⁸⁰ may, by notification authorize.

Explanation I. -4 "Kolkata" means Kolkata as defined in clause (9) of Section 2 of Kolkata Municipal Corporation Act 1980.

Explanation II. — 4 For the removal of doubt, it is hereby declared that for the purposes of this Act, an officer authorised] under clause (b) of this section, shall have jurisdiction over Kolkata.

- Procedure of issue of certificate
- A certificate under this Act may be issued on application by the person requiring the certificate under this Act in such form and manner, and upon production of such evidence, as may be prescribed.
- 7. If the Sub-divisional Officer or ⁴[an officer authorised] under clause (b) of section 5, as the case may be (hereinafter referred to as the certificate issuing authority), is not satisfied with the evidence produced by any person under section 6 and the rules made thereunder for the issue of a certificate under section 5, he may refuse, in writing, to issue such certificate after giving such person a reasonable opportunity of being heard.
- Issue of duplicate or fresh certificate
- ⁷7A. (1) In the event of loss or damage of the certificate issued under this Act, the holder of the certificate may, upon an application made in such manner as prescribed, be granted or the Additi (a) a duplicate certificate in lieu of lost certificate, or (b) a fresh certificate in lieu of damaged certificate.

- (2) On receipt of the application under sub-section (1), the certificate issuing authority, shall verify whether or not the record of the certificate, which has been lost or damaged, is available with it and,
 - (a) if such record is available with the authority, it shall verify the application with such record, and if the statement relating to the certificate made in the application are true and correct, or
 - (b) If such record is not available with the authority, it shall cause a fresh inquiry to be conducted in the same manner as may be prescribed for issuance of a certificate under section 5, and if findings of the inquiry is satisfactory,

It shall issue a duplicate certificate in lieu of lost certificate or a fresh certificate in lieu of the damaged certificate, as the case may be, in such form as may be prescribed:

Provided that the certificate issuing authority may for the purpose of issuing the certificate under this section, give a personal hearing to the person requiring such certificate.

- (3) If, during the course of verification of the application with the record under sub-section (2), it appears to the certificate issuing authority that the certificate, which has been lost or damaged was issued by mistake, or by any misrepresentation of facts, or on the basis of an incomplete evidence, it may cause a fresh inquiry and ask the person requiring the certificate under this section to produce such evidence, as it may consider necessary, to determine his eligibility;
- (4) If the certificate issuing authority is not satisfied with the evidence produced by the person requiring the certificate under this section, he may refuse, in writing, to issue such certificate after giving such person a reasonable opportunity of being heard.
 - (1) An appeal against any refusal under section 7 ⁵[or sub-section (4) of section 7A] to issue any certificate shall lie—
 - (a) to the District Magistrate, or the Additional District Magistrate authorized by the District Magistrate in this behalf, where the certificate is refused by the Sub-Divisional Officer, and
 - (b) to the Commissioner, Presidency Division, where the certificate is refused by an ⁴officer authorized under clause (b) of section 5, as the case may be:

Provided that every such appeal shall be made in such manner and within such time as may be prescribed:

Provided further that every such appeal shall be disposed of within three months from the date on which the appeal is made:

Appeal against refusal to issue certificate Provided also that no such appeal shall be disposed of without giving the appellant a reasonable opportunity of being heard.

- (2) The decision of the District Magistrate or the Additional District Magistrate or the Commissioner, Presidency Division, as the case may be, on any appeal under sub-section (1) shall be final.
- Constitute of State Scrutiny Committee and its members
- A. (1) The State Government may by order, constitute a Committee to be called the state Scrutiny Committee to be called the State Scrutiny Committee for verification of social status of a person in whose favour a certificate is issued under section 5.
- (2) The Committee shall consist of the following Members:-
- the Secretary, Backward Classes Welfare Department, Government of West Bengal. Chairperson;
 Explanation—Secretary shall include a Special Secretary.
- (b) The Commissioner, Directorate of Backward Classes Welfare, West Bengal or any Officer not below the rank of Deputy Director, duly authorized by him, —Convenor;
- (c) the Director, Cultural Research Institute, Backward Classes Welfare Department or any officer not below rank of Deputy Director, duly authorised by him. —Expert Member.
- (3) Subject to any general or special order of the State Government, provisions of this Act and rules made thereunder, the Committee shall have powers-
- to verify the social status of a person in whose favour a certificate is issued under section 5;
- (b) to issue direction to the Vigilance Cell constituted under section 8B;
- (c) to make an inquiry in connection with the contravention of any provision of this Act;
- to issue notice to any person or authority in such manner as may be prescribed;
- (e) to call for information from any person or authority for the purpose of satisfying itself whether there has been any contravention of any provision of this Act or any rule or order made or direction issued thereunder;
- to require any person or authority to produce or deliver any document or thing useful or relevant to the inquiry;
- to examine any person acquainted with the facts and circumstances of the case;

- to issue direction under sub-section (2) of section 9 to the certificate issuing authority;
- to do such other things and perform such other acts not inconsistent with the provisions of this Act as may appear to be necessary or expedient for the proper conduct of its function, or which may be prescribed.
- (4) The Committee shall meet as such place and time, and the meeting shall be conducted in such manner, as may be prescribed.
- (5) All order or direction of the Committee shall be authenticated by the Chairperson or by such officer of the Committee as may be authorised by the Chairperson on this behalf.
- B. (1) The State Government may, by order, constitute a Vigilance Cell for each district of the West Bengal.
 - ⁷(2) The Vigilance Cell shall consist of the following members:
 - (a) the Additional District Magistrate in charge of the affairs of the Backward Classes Welfare Department —Chairperson;
 - (b) Officer-in-charge not below the rank of Deputy Superintendent of Police, and —Convenor;
 - c) Investigating officers not exceeding three from amongst the Police
 Officers in the rank of Inspector, —Member
 - (3) Subject to any general or special order of the State Government or the provisions of this Act and rules made thereunder, the Vigilance Cell shall have powers.
 - a) to inquire the cases relating to social status claims of a person in whose favour a certificate is issued under section 5;
 - b) to make an inquiry in connection with the contravention of any provision of this Act;
 - to issue notice to any person or authority in such manner as may be prescribed;
 - to call for information from any person or authority for the purpose of satisfying himself whether there has been any contravention of any provisions of this Act or any rule or order made or direction issued thereunder;
 - e) to require any person or authority to produce or deliver any document or thing useful or relevant to the enquiry;
 - to examine any person or authority acquainted with the facts and circumstances of the case;
 - g) to do such other things and perform such other acts not

Constitution of Vigilance Cell and its power Power to cancel, impound or revoke certificate inconsistent with the provisions of this Act as may appear to be necessary or expedient for the proper conduct of its function, or which may be prescribed.

Amendment of section 9

(1) If the certificate issuing authority is satisfied that a certificate under this 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 in such manner as may be prescribed.

Offences and penalties 6(2) Notwithstanding anything contained in sub-section (1), if the Committee is satisfied that a certificate under this 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 is an act of forgery, it may issue a direction to the certificate issuing authority, in such manner as may be prescribed, 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.

10. Whoever-

- (a) knowingly furnishes any false information, or
- (b) knowingly misrepresents 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 a certificate under this Act, ⁹[shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both].

- Validation of certificate
- 11. Notwithstanding anything contained in this Act, any certificate identifying any person to be a member of the Scheduled Castes or the Scheduled Tribes, issued by any authority, competent under any law for the time being in force to issue such certificate, prior to the commencement of this Act, shall be valid and shall be deemed to have been issued under this Act unless such certificate is proved to have been obtained 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, and in every such case, the certificate issuing authority shall have the power to cancel, impound or revoke such certificate in accordance with the provisions of this Act and the rules made thereunder.

Verification of certificate

1011. A. (1) If the appointing authority or the head of an establishment from which a person in whose favour a certificate is issued under section 5 is going to derive benefit as a holder of the certificate, has any doubt that XXVIII of 2007 such certificate has been obtained by furnishing 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 shall send an application along with the certificate to the committee for verification.

Explanation:—The expressions "appointing authority" and "establishment" shall have the meaning respectively as assigned to them in clauses (a) and (b) of section 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act. 1976.

- (2) The Committee shall dispose of the application referred to in subsection (1) in such manner as may be prescribed.

 Power to make rules
- 12. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.
 - (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which, under any provision of this Act, are required to be prescribed or to be provided for by rules.

By order of the Governor,

S. Maitra

Special Officer & ex-officio

Jt. Secy. to the Govt. of West Bengal

 ¹st day of October, 1994 appointed as date of effect vide Notification No. 534-TW/EC dated 21st September, 1994.

^{2.} Inserted by West Ben. Act IV of 2007 w. e. f. 10-5-2007.

^{3.} Section 2(a) renumbered as section 2(aa) by West Ben. Act IV of 2007 w. e. f. 10-5-2007.

⁴ Amended vide WBSC & ST (Identification) (Amendment) Act 2012 (West Ben Act XXXV of 2012) w.ef.14.01.2013

⁵ Inserted by W.B. act XXIV of 2008 with effect from 30.09.2008.

⁶ Inserted by W. B. Act IV of 2007 w. e. f. 10-5-2007.

⁷ Inserted by W. B. Act XXIV of 2008 with effect from 30-09-08

⁸ Section 9 re-numbered Sec 9(i) Vide W. B. Act iV of 2007 w. e. f. 10.05.1007.

Subs for the words shall be punishable with imprisonment for a term which may extend to six months or with five which may extend to Rs. 2000/- "by W. B. Act IV of 2007, w. e. f. (10-5-2007).

^{10.} Inserted by W. B. Act IV of 2007 w. e. f. 10.5.2007.

The West Bengal Scheduled Castes and Scheduled Tribes (Identification) (Amendment) Act, 2007

NOTIFICATION

No. 651-L.

Dated: 10th May, 2007.

The following Act of the West Bengal Legislature, having been assented to by the Governor is hereby published for general information:—

West Bengal Act IV of 2007

THE WEST BENGAL SCHEDULED CASTES AND SCHEDULED TRIBES (IDENTIFICATION) (AMENDMENT) ACT, 2007.

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the Kolkata Gazette, Extraordinary of the 10th May, 2007.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act. 1994.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act. 1994. for the purposes and in the manner hereinafter appearing;

West Bengal Scheduled Castes and Scheduled Tribes

West Bengal Scheduled Castes and Scheduled Tribes

It is hereby enacted in the Fifty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

- (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Identification) (Amendment) Act, 2007.
 - (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
 - In section 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 (hereinafter referred to as the principal Act), clause (a) shall be renumbered as clause (aa) of that section and, before clause (aa) so renumbered, the following clause shall be inserted:—
 - (a) "Committee" means the State Scrutiny Committee constituted under section 8 A for verification of social status of a person in whose favour a certificate is issued under section 5

Short title and commencement

Amendment of section 2 of West Ben. Act XXVIII of 1994 Insertion of new section 8A and 8B

- 3. After section 8 of the principal Act, the following sections shall be inserted:—
- 8A. (1) The State Government may, by order, constitute a Committee to be called the State Scrutiny Committee for verification of social status of a person in whose favour a certificate is issued under section 5.

Constitution of State scrutiny committee and its power

- (2) The Committee shall consist of the following Members:-
- (a) the Secretary, Backward Classes Welfare Department, Chairperson; Government of West Bengal.

Explanation. — Secretary shall include a Special Secretary.

- (b) the Commissioner, Directorate of Backward; Classes Welfare, West Bengal or any officer not below the rank of Deputy Director. duly authorised by him.
- (c) the Director, Cultural Research Institute, Backward Classes Welfare Department or any officer not below the rank of Deputy Director, duly authorised by him.

(3) Subject to any general or special order of the State Government, provisions of this Act and rules made thereunder, the Committee shall have powers—

- (a) to verify the social status of a person in whose favour a certificate is issued under section 5:
- (b) to issue directions to the Vigilance Cell constituted under section 8B:
- (c) to make an inquiry in connection with the contravention of any provision of this Act;
- (d) to issue notice to any person or authority in such manner as may be prescribed:
- (e) to call for information from any person or authority for the purpose of satisfying itself whether there has been any contravention of any provision of this Act or any rule or order made or direction issued thereunder;
- (f) to require any person or authority to produce or deliver any document or thing useful or relevant to the inquiry;
- (g) to examine any person acquainted with the facts and circumstances of the case;
- (h) to issue direction under sub-section (2) of section 9 to the certificate issuing authority;

- to do such other things and perform such other acts not inconsistent with the provisions of this Act as may appear to be necessary or expedient for the proper conduct of its function, or which may be prescribed.
- (4) The Committee shall meet at such place and time, and the meeting shall be conducted in such manner, as may be prescribed.
- (5) All orders or directions of the Committee shall be authenticated by the Chairperson or by such officer of the Committee as may be authorised by the Chairperson on this behalf.
- 8B. (1) The State Government may, by order, constitute a Vigilance Cell for each district of the West Bengal.

(2) The Vigilance Cell shall consist of-

- (a) an Officer-in-charge not below the rank of Deputy Superintendent of Police, and—
- (b) such number of investigating officers not exceeding three from amongst the police officers in the rank of Inspector.
- (3) Subject to any general or special order of the State Government or the provisions of this Act and rules made thereunder, the Vigilance Cell shall have powers—
- (a) to inquire the cases relating to social status claims of a person in whose favour a certificate is issued under section 5;
- (b) to make an inquiry in connection with the contravention of any provision of this Act;
- (c) to issue notice to any person or authority in such manner as may be prescribed;
- (d) to call for information from any person or authority for the purpose of satisfying himself whether there has been any contravention of any provisions of this Act or any rule or order made or direction issued thereunder;
- (e) to require any person or authority to produce or deliver any document or thing useful or relevant to the enquiry;
- (f) to examine any person or authority acquainted with the facts and circumstances of the case;
- (g) to do such other things and perform such other acts not inconsistent with the provisions of this Act as may appear to be necessary or expedient for the proper conduct of its function, or which may be prescribed.".

Constitution of Vigilance Cell and its powers.

Amendment 4. of section 9

- Section 9 of the principal Act shall be renumbered as sub-section (1) of that section and, after sub-section (1) so renumbered, the following sub-section shall be inserted:-
- "(2) Notwithstanding anything contained in sub-section (1), if the Committee is satisfied that a certificate under this 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 issue a direction to the certificate issuing authority, in such manner as may be prescribed, 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."

Amendment of section 10

In section 10 of the principal Act, for the words "shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees," the words "shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees" shall be substituted.

Insertion of new section, 11A

After section 11 of the principal Act. the following section shall be inserted :-

Verification of certificate

11A. (1) If the appointing authority or the head of an establishment, from which a person in whose favour a certificate is issued under section 5 is going to derive benefit as a holder of the certificate has any doubt that such certificate has been obtained by furnishing false information or by misrepresenting any fact or by suppressing any material information or by producing any documnent which is an act of forgery, it shall send an application alongwith the certificate to the Committee for verification.

Expianation. — The expressions "appointing authority" and West Beng. "establishment" shall have the meaning respectively as assigned to them in clauses (a) and (b) of section 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act. 1976.

(2) The Committee shall dispose of the application referred to in subsection (I) in such manner as may be prescribed."

> By order of the Governor. S. K. Chakrabarti Pr. Secy. to the Govt. of West Bengal, Law Department

The West Bengal Scheduled Castes and Scheduled Tribes (Identification) (Amendment) Act. 2008

NOTIFICATION

No. 1533-L

30th September, 2008

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :-

West Bengal Act XXIV of 2008

The West Bengal Scheduled Castes And Scheduled Tribes (Identification) (Amendment) Act, 2008.

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the Kolkata Gazette, Extraordinary, of the 30th September, 2008.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994.

WHEAREAS it is expedient to amend the West Bengal Scheduled Castes and West Beng. Scheduled Tribes (Identification) Act, 1994. for the purposes and in the act. XXXVIII of manner here inafter appearing;

It is hereby enacted in the Fifty-ninth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

commencement

- Short title and 1. (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Amendment Act, 2008.
 - (2) It shall come into force at once.

Insertion of new section 7A in West Ben. Act. XXXVIII of 1994

- After section 7 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 (hereinafter referred to as the principal Act), the following section shall be inserted: —
- "7A.(I) In the event of loss or damage of the certificate issued under this Act, the holder of the certificate may, upon an application made in such manner as may be prescribed, be granted —

Issue of duplicate or fresh certificate

- (a) a duplicate certificate in lieu of lost certificate, or
- (b) a fresh certificate in lieu of damaged certificate.
- (2) On receipt of the application under sub-section (I), the certificate issuing authority, shall verify whether or not the record of the certificate, which has been lost or damaged, is available with it and, -

- (a) if such record is available with the authority. it shall verify the application with such record, and if the statements relating to the certificate made in the application are true and correct. or
- (b) if such record is not available with the authority, it shall cause a fresh inquiry to be conducted in the same manner as may be prescribed for issuance of a certificate under section 5, and if findings of the inquiry are satisfactory.

it shall issue a duplicate certificate in lieu of lost certificate or a fresh certificate in lieu of damaged certificate, as the case may be, in such form as may be prescribed:

Provided that the certificate issuing authority may, for the purpose of issuing the certificate under this section, give a personal hearing to the person requiring such certificate.

- (3) If, during the course of verification of the application with the record under sub-section (2), it appears to the certificate issuing authority that the certificate, which has been lost or damaged was issued by mistake, or by any misrepresentation of facts, or on the basis of an incomplete evidence, it may cause a fresh inquiry and ask the person requiring the certificate under this section to produce such evidence, as it may considers necessary, to determine his eligibility.
- (4) If the certificate issuing authority is not satisfied with the evidence produced by the person requiring the certificate under this section, he may refuse, in writing, to issue such certificate after giving such person a reasonable opportunity of being heard."

Amendment 3. of section 8

 In sub-section (I) of section 8 of the principal Act, after the words and figure "any refusal under section 7" the words, figure, letter and brackets "or sub-section (4) of section 7A" shall be inserted.

Amendment 4. of section 8B

- For sub-section (2) of section 8B of the principal Act, the following sub-section shall be substituted: —
 - "(2) The Vigilance Cell shall consist of the following Members:—
 - (a) the Additional District Magistrate in charge of the affairs of the Chairperson; Backward Classes Welfare Department in the district,
 - (b) Officer-in-charge not below the rank of Deputy Superintendent Convenor; of Police,
 - (c) Investigating officers not exceeding three from amongst the police Members. officers in the rank of Inspector.

By order of the Governor,
Anindya Bhattacharyya,
Secy.-in-charge to the Govt. of West Bengal.
Law Department.

The West Bengal Scheduled Castes and Scheduled Tribes (Identification) (Amendment) Act, 2012

NOTIFICATION

No. 90-L.

14th January, 2013.

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:-

> West Bengal Act XXXV of 2012 The West Bengal Scheduled Castes and Scheduled Tribes (Identification) (Amendment) Act, 2012. [Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Kolkata Gazette, Extraordinary, of the 14th January, 2013.1

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994.

WHEREAS it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994, for the purposes and in the manner hereinafter appearing;

> It is hereby enacted in the Sixty-third Year of the Republic of India, by the West Beng. Legislature of West Bengal, as follows:-

Act XXXVIII of 1994

- commencement
- (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Identification) (Amendment) Act. 2012.
 - (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
- Amendment 2. of section 5 of West Beng. Act XXXVIII of 1994
- In section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994, (hereinafter referred to as the principal Act),-
 - (1) for clause (b) the following clause shall be substituted :-
 - "(b) in Kolkata, by such officer as the State Government may, by notification, authorise.";
 - (2) for Explanation 1, the following Explanation shall be substituted:—

- 'Explanation I.—"Kolkata" means Kolkata as defined in clause (9) of section 2 of the Kolkata Municipal Corporation Act. 1980;
- (3) for Explanation II, the following Explanation shall be substituted:— 'Explanation II.—For the removal of doubt, it is nereby declared that for the purposes of this Act, an officer authorised under clause (b) of this section, shall have juridiction over Kolkata.'

West Ben. Act. LIX of 1980

Amendment of section 7 In section 7 of the principal Act, for the words and figures "the District Magistrate, South 24-Parganas, or the Additional District Magistrate, South 24-Parganas authorised by the District Magistrate. South 24-Parganas,", the words "an officer authorised" shall be substituted.

Amenedment of section 8

4. In clause (b) of section 8 of the principal Act, for the words and figures "the District Magistrate, South 24-Parganas, or the Additional District Magistrate, South 24-Parganas authorised by the District Magistrate. South 24-Parganas,", the words "an officer authorised" shall be substituted.

By order of the Governor,

Malay Marut Banerjee

Secy. to the Govt. of West Bengal,

Law Department.

The West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995

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:

- Short title: These rules may be called the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995.
- 2. Idefinitions. -In these rules,
 - (a) "the Act" means the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 (West Ben. XXXVIII of 1994);
 - *[(a1) "application", unless otherwise specified, means an application for a Scheduled Caste or Scheduled Tribe certificate;
 - (a2) "authorized official" means an official authorized by the recommending authority to receive application at his office;
 - (a3) "certificate", unless otherwise specified, means a Scheduled Caste or Scheduled Tribe certificate;]
 - (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;
 - *[(b1) "Form" means the Form appended to these rules;
 - (b2) "paternal blood relation" includes-
 - (i) father, father's father, or father's sister, or
 - (ii) father's father, father's father's brother, or father's sister, or
 - (iii) son or daughter, or
 - (iv) son's son or son's daughter, or

Inserted vide Notification No. 2117-BCW, dated 03.08.1999.

- (v) brother or sister, or
- (vi) cousin from father's side;
- (b3) "recommending authority" means the recommending authority referred to in rule 7A;
- (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 moto 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 primafacie 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 misrepresenting any fact etc.—The certificate issuing authority shall file a complaint against any person who—
 - (a) knowingly furnishes any false information, or
 - (b) knowingly misrepresents 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.
- *[7A. Recommending authority and authorised official—(1) in respect of rural areas, the Block Development Officer within whose territorial jurisdiction the applicant ordinarily resides shall be the recommending authority. In urban areas excluding Calcutta, such authority shall be an officer, not below the rank of Deputy Magistrate, as may be authorised in writing by the Sub-divisional Officer concerned. In Calcutta, each of the District Welfare Officers, Salt Lake shall act as recommending authority.
 - (2) Every recommending authority shall by order in writing authorise one or more officials of his office for the purpose of receiving completed applications. A copy of such order shall be prominently displayed in the office notice board of the recommending authority.

7B. Forms of application and certificate-

- (1) An application for certificate shall be made in Form I.
- (2) The certificate shall be issued in Form II.
- (3) In rural areas, forms of application shall be available with the concerned Block Development Officer. For the residents of urban areas except Calcutta, Forms shall

Inserted Vide Notification No. 2117-BCW Dt. 3rd August 1999

be available with such authority as may be decided and notified by the concerned District Magistrate. In Calcutta, Forms shall be available at the respective Borough Offices of the Calcutta Municipal Corporation. The concerned District Welfare Officer/District Welfare Officer-cum-Project Officer, as the case may be, shall make sufficient numbers of these Forms available with respective distribution authorities.

(4) Any one who requires to make an application shall be supplied with the Form on demand, free of cost. No prima facie proof of Caste/Tribe identity shall be required for obtaining the form.

Explanation: For the purposes of sub-rule (1), a typed or photocopy of the Form shall be accepted.

"7BB. Application for certificates by electronic means.-

- (1) A person desiring to apply for certificate may, at his option, make an application on-line in Form IA in accordance with the instructions set out in the website www.castcertificatewb.gov.in, of the Backward Classes Welfare Department, which shall automatically be registered with the appropriate Block Development Officers in rural areas, the concerned Sub-divisional Officers in urban areas other than Kolkata, and the Additional District Magistrate, 24 Parganas (South) in Kolkata.
- (2) Upon the successful completion and submission of an on-line application, the system shall automatically generate an application number, an acknowledgement slip in Form IAA along with the filled in application.
- (3) An applicant, who has made application on-line, is required to take printout of acknowledgement slip alongwith the filled in application and paste photographs, and sign in the space earmarked for the purpose and submit it alongwith copies of all documents in support of his claim before the concemed Block Development Officers, Sub-divisional Officers, or the Additional District Magistrate, as the case may be, on 2nd or 4th Wednesday of any month within next sixty days from the date of online submission of the application between 12.00 noon and 3.00 p.m. and attend the hearing alongwith all original documents in support of his claim.
- (4) An applicant, who has made application on-line, shall be able to know the status of his application by log-in in his computer generated application number in the website mentioned in sub-rule (1).
- (5) Subject to the provisions of sub-rules (1) to (4), the procedure as laid down in rule (2) of rule 7B, rule 7C, rule 7D, rule 7E and rule 7F shall apply mutatis-mutandis, for disposing of the on-line applications made under this rule:
 - Provided that the process of disposal of the application shall also be recorded online by the concerned functionaries, and shall have evidential value before the Court of Law.";
- (6) in sub-rule (2) of rule 7C, for the words "three passport size black and white photographs", substitute the following words "two colour passport size photographs, one attested and one unattested,";
- (7) after Form I, inserl the following forms:—

Inserted vide Notification No. 823, BCW dated 8.3.1010.

Date:

FORM - IA

[See Rule 7BB(1)]

FORM OF ONLINE APPLICATION FOR SCHEDULED CASTE / SCHEDULED TRIBE CERTIFICATE

To The Sub-Divisional Officer /	Additional D	istrict Magistra	ate					
Sir,								Attach applicant's recent our passport
I do hereby apply for SC/S particulars are given below my knowledge and belief a	. I hereby und	ertake that the	e informa	ation is co	rrect to th		h siz	e photoraph uly attested
		1	ours fait	thfully,				
Date:		/Simmature o	familiann	/ avadian in	ofi-			
		(Signature o	ј аррисанс	. / guraian in	case of mine	or)		
a) Applying for		SC/ST / OBC (E) Name	of caste /	tribe /	:		
 Full Name of Applicant Father's Name 	t :							
4. (a) Date of Birth								
(b) Place of Birth								
Village/Ward	. 457 777 1 1 1 1 1 1 1	Police S	tation		Dist	rict	Sta	te
							diane.	
Address since birth	:		W = 2 = 1		A Eller		at stale of	生
(a) Present address	100 J. I							
Para / House No. / Roa	d / Village	Ward.No./0	5.P.	Post Offic	ce Di	strict	State	PIN
(b) Other address(s)					and the same of	Corporation of	73.75.777	
Para / House No. / Roa	d / Village	Ward No. /	G.P.	Post Offic	ce Di	strict	State	PIN
				71.360	16911-98	401-33	. B %	
6. Nationality :		7. Religion	:		8.	Sex :	Clean Comme	
Whether any of the blo If answer to point no. 9		of the applicar	nt posses	ses Caste (Certificate	?		
Name of cert. holder	Relation w	ith applicant	Certific	cate No.	Date of	Issue	Issuing	authority
10. Details of two (2) refer	ees:							
Name of 1st referee	Address	of 1st referee	Na	me of 2nd	referee	Add	ress of 2n	d referee
11 \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\		1 15	1				- 117	
Whether the applicant If point no. 11 is 'Yes':		migrated from on Certificate N		A CONTRACTOR OF THE PARTY OF TH	ntry? ate of Issu	ie:		
Village / Ward	Police Sta		District		ate	Counti	ry	Year
	1				337			

(Signature of applicant / guardian in case of minor)

FORM IAA

[See rule 7bb(2)]

Form of Acknowledgement Slip



GOVERNMENT OF WEST BENGAL BACKWARD CLASSES WELFARE DEPARTMENT

Application for SC/ST/OBC Certificate

सत्यमेव जयते	ACKN	owledgement Slip	
Application No.	in in		Date :
Name	- 1		
Father's Name			
Address	to protect.		
Applied for	Bloom bae Galer		Sub Caste :
			Seal
	Application No. for furt ralid if it is signed and		& Signature

(4) for Form II, substitute the following form :-

FORM II

[See rule 7(2)] Form of Caste/Tribe Certificate



GOVERNMENT OF WEST BENGAL

OFFICE OF THE SUB-DIVISIONAL OFFICER

SUB-DIVISION

	DIST	H 1 2 3 V 1 V	
	CASTE/TRIBE C	CERTIFICATE	
Certificate No. :		,	Pate:
This is to certify that			son/daughter of
		of village	
			gs to the
Order 1950 and the Con Castes and Scheduled T Scheduled Tribes Order	stitution (Scheduled Tribe ribes Lists (Modification) (Amendment) Act, 1976.	es) Order 1950 as a order 1956, and t	stitution (Scheduled Caste) mended by the Scheduled the Scheduled Castes and rily reside(s) in the village
			district of
the state of			- I I I I I I I I I I I I I I I I I I I
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)".

7C. Receipt of completed applications-

- (1) Completed applications shall be received by the Block Development Officers in rural areas, the concerned Sub-divisional Officers in urban areas other than Calcutta, and District Welfare Officer in Calcutta.
- (2) Applications, duly filled in, along with documentary evidences, if any, three passport size black and white photographs, and certificates from the local authority, such as the Pradhan of a Gram Panchayat or the Chairman of a Municipality, wherever necessary, shall be submitted to the authorised official in respective offices who shall immediately enter them in a register to be maintained in Form III. Such authorised Official shall, then, issue an acknowledgement of the application received indicating, inter alia, serial No. against which the application is entered in the register and the date of receipt under official seal and his signature.

7D. Procedure for disposal of applications-

- (1) The recommending authority shall give a hearing to the applications received, in batches, once a fortnight. For this purpose, a public notice giving particulars of applications to be heard, and date, time and place of hearing shall be issued in advance calling upon the members of the public to file objections, if any, with supporting evidence on the date of hearing. Such notice shall be published in the office of the recommending authority, the office of the concerned Gram Panchayat in respect of rural areas and the concerned ward/Borough Office in respect of urban areas, and such other office or offices as the recommending authority may consider necessary.
- (2) During such hearing, anyone who wants to raise objection to an application and/ or a paternal blood relation certificate shall be allowed to do so and shall be given the opportunity of furnishing evidence in support of such objection.
- (3) If the recommending authority is satisfied on the basis of the evidence produced at the time of hearing that an objection against an application has been substantiated, he shall, for reasons to be recorded in writing, recommend the application for rejection. If he considers that an enquiry into the matter is necessary, he shall refer the same for enquiry and shall finalise his recommendation on receipt of report of such enquiry:
 - Provided that in the case of any objection with prima facie evidence against a paternal blood relation certificate submitted by an applicant, the recommending authority shall refer the matter along with the certificate in original to the certificate issuing authority for disposal in accordance with the provisions of these rules.
- (4) Where there is no objection against an application or the objection is not substantiated, it shall be disposed of in the following manner: --
 - (a) When an applicant has produced a certificate of his paternal blood relation in original and document(s) to establish his relationship with such certificate holder, he shall be deemed to belong to the same Caste/Tribe as that of such

relation whose certificate is produced unless there is reason to believe that the certificate so produced is a product of fraud, forgery or misrepresentation in which case the recommending authority shall refer the matter along with the certificate in original to the certificate issuing authority for taking action in accordance with the provisions of rules 3 to 7 and the provisions of the Act. The cases which have not been challenged and where there is no reasonable doubt about the genuineness of the paternal blood relation certificate, shall straightway be recommended to the certificate issuing authority for issue of certificate.

- (b) In the cases where the applicant fails to produce and/or substantiate any certificate of his paternal blood relation, the recommending authority hearing the application shall cause the application to be enquired into.
- (c) In case of personal satisfaction, the recommending authorities, may however, recommend any case for issuance of certificate.
- (5) An enquiry into an application, wherever necessary, shall be made by an Inspector of Backward Classes Welfare Department or such other field level state Government Official of equivalent rank as may be authorised by the recommending authority in this behalf. Such official shall have the powers to take such oral or written depositions as may be necessary for the purpose of arriving at a finding of the enquiry.

[Provided that where an adequate number of Inspectors of Backward Classes Welfare Department or other field level State Government Officials of equivalent rank is not available the recommending authority shall have the power to appoint Gram Sevaks or other Block level officials of equivalent rank to enquire into an application as aforesaid.]

- (6) Such enquiry shall be held at the concerned Gram Panchayat office, Municipal Office or Corporation Borough Office as the case may be, with prior notice giving particulars of cases to be enquired into and date, time and place of enquiry. Adequate publicity of such enquiry shall also be given locally.
- (7) (a) After completion of enquiry, the enquiring officer shall submit a report in Form IV to the recommending authority within two weeks from the date on which the enquiry is entrusted to him. For this purpose, the recommending authority shall put a rubber stamp on the body of the application indicating the date of submission of the report as follows.

"Report to be submitted by.....(Date)"

- (b) If, for unavoidable reasons, it is not possible for the enquiring officer, to complete the enquiry within the specified date, he shall obtain an extension of time from the recommending authority, in writing, on the body of the application itself.
- (8) An applicant may not be required to submit documentary evidences of his caste/

tribe identity and his permanent residence in support of his application for certificate, in the case or cases where, from the nature of the case(s), there is reason to believe that such evidences are not likely to be available. In such case or cases, the certificate issued by the Pradhan of his Gram Panchayat or the Chairman of the concerned Municipality/notified area authority or the concerned Councillor of the Municipal Corporation, as the case may be, and also the findings of the enquiry on the basis of evidences of the local people shall be considered to be sufficient. No application shall be rejected merely on the ground that documentary evidences either in support of Caste/Tribe identity or of permanent residence of the applicant, are not available.

- (9) The Certificate issued by the Pradhan of a Gram Panchayat, or the Chairman of a Municipality/notified area authority or the Councillor of a Municipal Corporation referred to in sub-rule (8), shall be deemed to be authentic unless challenged or proved to be otherwise.
- *[(10)(a) If a person or, in the case of a minor, either of the parents of the minor is enrolled as a Voter in the Electoral Roll of Parliamentary/Assembly Elections such person or minor, as the case may be, shall be deemed to be a citizen of India

Provided that for such purpose, such persons or minor as the case may be, may be required to submit a certified copy of an extract of the part of the Electoral Roll in which the name of such person or the name of either of the parents of such minor, as the case may be, appears along with a relationship certificate, wherever necessary.

- (b) In the case of a minor, neither of whose parents is enrolled as a Voter in the Electoral Roll of Parliamentary/Assembly Elections, an opportunity shall be given to such minor for proving his citizenship with the help of such documents as may be considered sufficient for the purpose of the enquiry.
- (c) No application shall be rejected merely on the ground that the applicant does not possess a formal citizenship certificate.]
- (11) The certificate issuing authority shall, on considering the recommendation of the recommending authority and such further report or reports as may be required, either reject the application or admit the same and issue the certificate:

Provided that in the case of rejection, the certificate issuing authority shall give a hearing to the applicant before passing the final order.

Provided further that the certificate issuing authority may, in the case of personal satisfaction, issue certificate even without the recommendation of the recommending authority.

(12) An application for certificate shall ordinarily be disposed of within a period of four

^{*} Substituted Vide Notification No. 2883-BCW Dt. 7th July, 2000

- weeks from the date of receipt of the application. In the case of delay beyond the said period, the reasons for such delay shall be recorded in each individual case.
- (13) In any particular case or cases, if it is considered expedient to refer the matter to an outside agency for any expert opinion or clarification or police enquiry, such reference shall be made by the certificate issuing authority only and by none else. In such event, the period spent for getting such opinion, clarification or report of enquiry shall be deducted from the period for disposal specified in sub-rule (12).
- (14) During the continuation of the proceedings for disposal of an application from the stage of hearing to the date of final order on rejection or issuance of a certificate, the applicant shall at every stage be informed of the next date of business in the same manner as is done in quasi-judicial proceeding.
- **7E. Issue of certified copy**—In the case of rejection of an application or objection against an application, a certified copy of the order of the certificate issuing authority shall be issued on application for such copy and on payment of requisite fees.

7F. Appeal against the order of certificate issuing authority-

- (1) Every appeal under the Act shall be filed in the form of a memorandum which shall be signed and verified by the appellant in the manner provided in sub-rules (2) and (3) of rule 15 of Order VI of the First Schedule of the Code of Civil Procedure, 1908, (5 of 1908) and shall be accompanied by an authenticated copy of the order appealed against.
 - (2) Court fees payable on the memorandum of appeal shall be such as is provided in Schedule I of the West Bengal Court fees Act, 1970 (West Ben. Act X of 1970) and shall be collected in the manner laid down in that Act.
 - (3) A process fees of rupees three and paise fifty for each Party to whom notice is to be served shall be paid by the appellant.
 - (4) The period of limitation for an appeal under section 8 of the Act shall commence on and from the date of the order appealed against and shall be as follows:-
 - (a) When the appeal lies to the District Magistrate or the Additional District Magistrate—30 days:
 - (b) When the appeal lies to the Commissioner, Presidency Division—sixty days.
- *7G Appeal against the cancellation of certificate by the issuing authority.— (1) An appeal against any cancellation, impounding or revocation of certificate by the certifying authority shall lie to,—
 - the District Magistrate or the Additional District Magistrate authorised by the District Magistrate in this behalf, where the Ccrtificate is cancelled by the Sub-divisional Officer;

Substituated Vide Notification as 2807-BCW MR56/11 Dtd. 01.07.2011

- (b) the Commissioner, Presidency Division, where the certificate is cancelled by the District Magistrate, South 24-Parganas, or the Additional District Magistrate, South 24-Parganas, authorised by the District Magistrate, South 24-Parganas, as the case may be.
- (2) Every appeal under this rule shall be filed in the form of memorandum which shall be signed and verified by the appellant in the manner provided in sub-rules (2) and (3) of rule 15 of Order VI of the First Schedule of the Code of Civil Procedure. 1908 (5 of 1908) and shall be accompanied by an authenticated copy of the order appealed against.
- (3) The period of limitation for an appeal under this rule shall be 60 days and commence on and from the date of the order appealed against.
- (4) An appeal shall be disposed of within two months from the date on which the appeal is made: Provided that no such appeal shall be disposed of without giving the appellant a reasonable opportunity of being heard.
- (5) The decision of the District Magistrate or the Additional District Magistrate or the Commissioner, Presidency Division, as the case may be, on any appeal under this rule shall be final".
- **8. Interpretation**. —For the purposes of these rules, "Calcutta" shall have the same meaning as in *Explanation* 1 to section 5.

FORM I

[See Rule 7B (1)]

FORM OF APPLICATION FOR SCHEDULED CASTE/SCHEDULED TRIBE CERTIFICATE.

To	Applicant's
The Sub-divisional Officer/Additional Dis	strict Magistrate, recent photograph
na vyeb ga en kan a	onley' to penalesses and
Sir,	the second secon
I am to state that I am a person belon apply for a Scheduled Caste/Scheduled Trib	nging to Scheduled Caste/Scheduled Tribe. I hereb be identification certificate.
I submit herewith necessary particular and Annexure II) duly signed by me.	ars and declaration in prescribed formats (Annexur
I request you to issue the certificate	in my favour as early as possible.
Date	Yours faithfully,
Full	Signature/Left Thumb Impression of the Applicant
	Office use
	s disposal
	Receipt
Received an application for Scheduled Cast person—	te/Scheduled Tribe certificate from the following
	Full address: Village
House No. and	name of Road, if any
	District
	date and time of hearing
Place of hear	ing
Dated :	Seal and Signature of receiving official.

ANNEXURE I

Mary II I S

	(b)	Name of particular Caste/ Tribe to which		
		father belongs	:	
	(c)	Present address of father-	:	
		Name of the road/lane and house No, if any	:	
		Municipal Corporation/Municipality/Block	:	
		Borough No./ Ward No. / Gram Panchayat	:	
		Post Office Police Station	:	
		Sub-divisionDistrict	:	
	(d)	Duration of father's living at the present		
	, ,	address		
	(e)	Permanent address of the applicant's father	r .	
	(-)	Name of the road/lane and house No. if any		
		Municipal Corporation/Municipality / Block		
		Borough No. / Ward No. / Gram Panchayat		
		Post Office		
		Sub-division District		
	(f)	Father's religion		
2			٠	
3.		he applicant or his family has migrated to		
		st Bengal from any other State/Country, then		
		cify the name of that State/Country.	:	
		nplete address there, and the date andmanne	er:	
	ot n	nigration.	:	
	_			
4.		ticulars of two referees (preferably from		
		ongst paternal blood relations whose		
		larations are to be furnished in Annexure II		
		hese forms)-		
	(a)	First referee:	:	
		Full name (in Block letters)	:	
		Profession	:	
		Caste/Tribe to which he/she belongs	:	
		Place of birth	:	
		Full address	:	
		Relationship with the applicant (if any)	:	
	(b)	Second referee:		
		Full name (in Bengali or in Block letters		
		in English)	:	
		Profession	:	
		Caste/Tribe to which belongs		
		Place of birth	:	
		Complete address	:	
		Relationship with the applicant (if any)		
		approach (ii diiy)	•	
		Declaration by th	e ar	policant

I do solemnly declare that I am a citizen of India and that the particulars furnished in this application are true to the best of my knowledge and belief. I shall be liable to such penal action as provided for in law if any of these particulars is proved to be false.

.....

ANNEXURE II

Declaration by 1st Referee

То	
The Sub-divisional Officer/Additional District N	Magistrate,
Sub: Scheduled Caste/So	cheduled Tribe Certificate.
Sir,	
of	son/daughter/wife
is personally known to me.	
Shri/Shrimati	cheduled Caste/Scheduled Tribe for the State of
The applicant is my	(relationship).
I have Scheduled Caste/Scheduled Tribe herewith/I do not have any Scheduled Caste/S	e Certificate, an attested copy of which I submit Scheduled Tribe Certificate in my favour.
I accept the full legal responsibility in giving th	nis declaration.
	A STATE OF S
Date :	Yours faithfully,
	Full Signature of the declarant.

Declaration by 2nd Referee

То	
The Sub-Divisional Officer / Additional District	: Magistrate,
Sub: Scheduled Caste/So	cheduled Tribe Certificate.
Sir,	
I hereby declare that Shri/Shrimati	
son/daughter/wife of	of (address)
	is personally known to me.
Shri/Shrimati	belongs to
Caste/Scheduled Tribe for the State of West B	of Caste/Tribe) which is recognized as Scheduled engal.
The applicant is my	(relationship).
I have Scheduled Caste/Scheduled Tribe certificated on the control of the control	ate, an attested copy of which, I submit herewith/ Tribe certificate in my favour.
I accept the full legal responsibility in giving th	nis declaration.
Date:	Yours faithfully,
	Full Signature of the declarant.

INSTRUCTIONS TO THE APPLICANT

- In the case of a minor, the declarant shall be the father or if father is not alive, the mother and if neither of the parents are alive the legal guardian of such minor.
- Three copies of recent passport size black and white photographs are to be submitted with application. One copy of these photographs shall be pasted on the application form and the other two copies separately attached.
- An attested copy of Scheduled Caste/Scheduled Tribe certificate of paternal blood relation, if any, along with a certificate of relationship of the applicant with such paternal blood relation, where necessary, shall be submitted with the application.
- 4. Certificate of caste/tribe and permanent residence status of the applicant from the Pradhan of the concerned Gram Panchayat, Chairman of the Municipality/notified area authority and Councillor of the Municipal Corporation, as the case may be, are to be submitted with the application.

FORM II [See rule 7(2)]

Form of Caste Certificate

This is to certify that Shri / Shrimati / I	Kumari*
	son/daughter* of
of village/town*	in district/division*
of the State	belongs to the
	neduled Caste/Scheduled Tribe* under the Constitution Constitution (Scheduled Tribe) Order, 1950, as amended Tribes Lists (Modification) Order, 1956.
2. Shri/Shrimati/Kumari*	
	village/town*ofof
Place :	Signature
Date :	Designation (with seal of office)
Photograph	State

Delete the words, which are not applicable.

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).

FORM III

[See rule 7C(2)]

Form of Register of application for Scheduled Caste/Scheduled Tribe Certificate

Sl. No.	Date of Receipt	Name of the applicant Father's / Husband's Name	Address	Gram Panchayat Ward/Borough to which belongs	Documents/ Certificate of representatives of local authority submitted with application	Date of disposal	Whether allowed/ rejected	Remarks
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FORM IV

[See Rule 7D(7) (a)] Form of Report of Enquiry

(To be addressed to the recommending authority)

То		duressed to the recommending	ig authority)
Sub:	Enquiry into the ag	oplication of Sri	
		son /daughter/s	wife of
			(village)
			office(viiiage)
			station
			for Scheduled Caste/Scheduled
			or scheduled Caste/scheduled
	inbe/Other Backwa	ard Class Certificate.	
Sir,			
		enquired into the above applica- e documents listed hereunder.	ation. During enquiry, I have examined
	s examined—	documents listed heredilder.	
SI. No.	Name	Father's/Husband's n	ame Address
			Tailor Mes
(2) Docum	ents examined—		
SI. No.	Partic	culars of document	Points ascertained
			(1-
(3) There	was * no objection	to the application/*objections	s raised by following persons: —
	Par	rticulars of persons raising ob	jection
Sl. No.	Name	Father's/Husband's na	ame Address
Beer and the	sur Market 1	in the second and particular and	
Objection(s) w	as *hold valid/*rois	ested for the following reasons	s. (For cases where there is objection).
	and the second s		
*On completio	n of enquiry, I find ti	nat the applicant belongs to	
			cheduled Caste/Scheduled Tribe/ other
	Certificate as pray	ed for.	
Or,			and Alba aurasahai iliya iliya
			belong to Scheduled Caste/Scheduled
			ble to have caste certificate as prayed
Place:			Signature and designation of
			Enquiring Officer

Date:

^{*} Strike out whichever is not applicable.

The West Bengal Scheduled Castes and Scheduled Tribes (Identification) (Amendment) Rules, 1999

Amendments to West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995.

Amendment-1999

NOTIFICATION*

No. 2117-BCW.

In exercise of the power conferred by section 12 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 (West Bengal Act XXXVIII of 1994), the Governor is pleased hereby to make, with immediate effect, the following amendments in the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995, published under this

Dated: 3rd August 1999

Department notification No. 532-TW/EC/MR-177/96, dated the 14th October, 1996, in Part I of the Calcutta Gazette, Extraordinary, dated the 14th October, 1996 (hereinafter referred to as said rules):-

2 2 2 2 2 2

AMENDMENTS

(1) In rule 2,-

(A)

- (a) After clause (a), insert the following clauses :-
- (a1) "application", unless otherwise specified, means an application for a Scheduled Caste or Scheduled Tribe certificate;
- (a2) "authorised official" means an official authorised by the recommending authority to receive application at his office;
- (a3) "certificate", unless otherwise specified, means a Scheduled Caste or Scheduled Tribe Certificate:

(B)

- (b) after clause (b), insert the following clauses :-
- (b1) "Form" means the Form appended to these rules;
- (b2) "paternal blood relation" includes-
 - (i) father, father's father, or father's sister, or
 - (ii) father's father, father's father's brother, or father's sister, or
 - (iii) son or daughter, or
 - (iv) son's son or son's daughter, or
 - (v) brother or sister, or

^{*} Published in Calcutta Gazette, Extraordinary on 18th August, 1999.

- (vi) cousin from father's side;
- (b3) "recommending authority" means the recommending authority referred to in rule 7A:
- (2) after rule 7, insert the following rules:-
- 7A. Recommending Authority and Authorised Official—(1) in respect of rural areas, the Block Development Officer within whose territorial jurisdiction the applicant ordinarily resides shall be the recommending authority. In urban areas excluding Calcutta, such authority shall be an officer, not below the rank of Deputy Magistrate, as may be authorised in writing by the Sub-divisional Officer concerned. In Calcutta, each of the District Welfare Officers Salt Lake shall act as recommending authority.
 - (2) Every recommending authority shall by order in writing authorise one or more officials of his office for the purpose of receiving completed applications. A copy of such order shall be prominently displayed in the office notice board of the recommending authority.
- **7B.** Forms of application and certificate—(1) An application for certificate shall be made in Form I.
 - (2) The certificate shall be issued in Form II.
 - (3) In rural areas, forms of application shall be available with the concerned Block Development Officer. For the residents of urban areas except Calcutta, Forms shall be available with such authority as may be decided and notified by the concerned District Magistrate. In Calcutta, Forms shall be available at the respective Borough Offices of the Calcutta Municipal Corporation. The concerned District Welfare Officer/District Welfare Officer-cum-Project Officer, as the case may be, shall make sufficient numbers of these Forms available with respective distribution authorities.
 - (4) Any one who requires to make an application shall be supplied with the Form on demand, free of cost. No prima facie proof of Caste/Tribe identity shall be required for obtaining the form.
 - Explanation: For the purposes of sub-rule (1), a typed or photocopy of the Form shall be accepted.
- 7C. Receipt of completed applications-(1) Completed applications shall be received by the Block Development Officers in rural areas, the concerned Sub-divisional Officers in urban areas other than Calcutta, and District Welfare Officers Salt Lake in Calcutta.
 - (2) Applications, duly filled in, along with documentary evidences, if any, three passport size black and white photographs, and certificates from the local authority, such as the Pradhan of a Gram Panchayat or the Chairman of a Municipality, wherever necessary, shall be submitted to the authorised official in respective offices who shall immediately enter them in a register to be maintained in Form III. Such authorised Official shall, then, issue an acknowledgement of the

application received indicating, inter alia, serial No. against which the application is entered in the register and the date of receipt under official seal and his signature.

- 7D. Procedure for disposal of applications-(1) The recommending authority shall give a hearing to the applications received, in batches, once a fortnight. For this purpose, a public notice giving particulars of applications to be heard, and date, time and place of hearing shall be issued in advance calling upon the members of the public to file objections, if any, with supporting evidence on the date of hearing. Such notice shall be published in the office of the recommending authority, the office of the concerned Gram Panchayat in respect of rural areas and the concerned ward/Borough Office in respect of urban areas, and such other office or offices as the recommending authority may consider necessary.
 - (2) During such hearing, anyone who wants to raise objection to an application and/ or a paternal blood relation certificate shall be allowed to do so and shall be given the opportunity of furnishing evidence in support of such objection.
 - (3) If the recommending authority is satisfied on the basis of the evidence produced at the time of hearing that an objection against an application has been substantiated, he shall, for reasons to be recorded in writing, recommend the application for rejection. If he considers that an enquiry into the matter is necessary, he shall refer the same for enquiry and shall finalise his recommendation on receipt of report of such enquiry:
 - Provided that in the case of any objection with prima facie evidence against a paternal blood relation certificate submitted by an applicant, the recommending authority shall refer the matter along with the certificate in original to the certificate issuing authority for disposal in accordance with the provisions of these rules.
 - (4) Where there is no objection against an application or the objection is not substantiated, it shall be disposed of in the following manner: --
 - (a) When an applicant has produced a certificate of his paternal blood relation in original and document(s) to establish his relationship with such certificate holder, he shall be deemed to belong to the same Caste/Tribe as that of such relation whose certificate is produced unless there is reason to believe that the certificate so produced is a product of fraud, forgery or misrepresentation in which case the recommending authority shall refer the matter along with the certificate in original to the certificate issuing authority for taking action in accordance with the provisions of rules 3 to 7 and the provisions of the Act. The cases which have not been challenged and where there is no reasonable doubt about the genuineness of the paternal blood relation certificate, shall straightway be recommended to the certificate issuing authority for issue of certificate.

- (b) In the cases where the applicant fails to produce and/or substantiate any certificate of his paternal blood relation, the recommending authority hearing the application shall cause the application to be enquired into.
- (c) In case of personal satisfaction, the recommending authorities, may however, recommend any case for issuance of certificate.
- (5) An enquiry into an application, wherever necessary, shall be made by an Inspector of Backward Classes Welfare Department or such other field level state Government Official of equivalent rank as may be authorised by the recommending authority in this behalf. Such official shall have the powers to take such oral or written depositions as may be necessary for the purpose of arriving at a finding of the enquiry.
- (6) Such enquiry shall be held at the concerned Gram Panchayat Office, Municipal Office or Corporation Borough Office as the case may be, with prior notice giving particulars of cases to be enquired into and date, time and place of enquiry. Adequate publicity of such enquiry shall also be given locally.
- (7) (a) After completion of enquiry, the enquiring officer shall submit a report in Form IV to the recommending authority within two weeks from the date on which the enquiry is entrusted to him. For this purpose, the recommending authority shall put a rubber stamp on the body of the application indicating the date of submission of the report as follows—"Report to be submitted by(Date)"
 - (b) If, for unavoidable reasons, it is not possible for the enquiring officer, to complete the enquiry within the specified date, he shall obtain an extension of time from the recommending authority, in writing, on the body of the application itself.
- (8) An applicant may not be required to submit documentary evidences of his caste/ tribe identity and his permanent residence in support of his application for certificate, in the case or cases where, from the nature of the case(s), there is reason to believe that such evidences are not likely to be available. In such case or cases, the certificate issued by the Pradhan of his Gram Panchayat or the Chairman of the concerned Municipality/notified area authority or the concerned Councillor of the Municipal Corporation, as the case may be, and also the findings of the enquiry on the basis of evidences of the local people shall be considered to be sufficient. No application shall be rejected merely on the ground that documentary evidences either in support of Caste/Tribe identity or of permanent residence of the applicant, are not available.
- (9) The Certificate issued by the Pradhan of a Gram Panchayat, or the Chairman of a Municipality/notified area authority or the Councillor of a Municipal Corporation referred to in sub-rule (8), shall be deemed to be authentic unless challenged or proved to be otherwise.

- (10) Any person who himself or any of his paternal blood relations is enrolled as as a Voter in the electoral roll for the Parliamentary/Assembly Elections shall be deemed to be a citizen of India and shall, as such, be eligible for the certificate, provided he is otherwise eligible for such certificate. For such purpose, an applicant may be required to submit a certified copy of an extract of the part of the electoral roll in which his name or the name of his paternal blood relation, as the case may be, appears alongwith a relationship certificate, wherever necessary. No application shall be rejected merely on the ground that the applicant doen not posses a formal citizenship certificate.
 - (11) The certificate issuing authority shall, on considering the recommendation of the recommending authority and such further report or reports as may be required, either reject the application or admit the same and issue the certificate:
 - Provided that in the case of rejection, the certificate issuing authority shall give a hearing to the applicant before passing the final order.
 - Provided further that the certificate issuing authority may, in the case of personal satisfaction, issue certificate even without the recommendation of the recommending authority.
 - (12) An application for certificate shall ordinarily be disposed of within a period of eight weeks from the date of receipt of the application. In the case of delay beyond the said period, the reasons for such delay shall be recorded in each individual case.
 - (13) In any particular case or cases, if it is considered expedient to refer the matter to an outside agency for any expert opinion or clarification or police enquiry, such reference shall be made by the certificate issuing authority only and by none else. In such event, the period spent for getting such opinion, clarification or report of enquiry shall be deducted from the period for disposal specified in subrule (12).
 - (14) During the continuation of the proceedings for disposal of an application from the stage of hearing to the date of final order on rejection or issuance of a certificate, the applicant shall at every stage be informed of the next date of business in the same manner as is done in quasi-judicial proceeding.
- 7E. Issue of certified copy-In the case of rejection of an application or objection against an application, a certified copy of the order of the certificate issuing authority shall be issued on application for such copy and on payment of requisite fees.
- 7F. Appeal against the order of certificate issuing authority: (1) Every appeal under the Act shall be filed in the form of a memorandum which shall be signed and verified by the appellant in the manner provided in sub-rules (2) and (3) of rule 15 of Order VI of the First Schedule of the Code of Civil Procedure, 1908, (5 of 1908) and shall be accompanied by an authenticated copy of the order appealed against.

- (2) Court fees payable on the memorandum of appeal shall be such as is provided in Schedule I of the West Bengal Court fees Act, 1970 (West Ben. Act X of 1970) and shall be collected in the manner laid down in that Act.
- (3) A process fees of rupees three and paise fifty for each Party to whom notice is to be served shall be paid by the appellant.
- (4) The period of limitation for an appeal under section 8 of the Act shall commence on and from the date of the order appealed against and shall be as follows:-
 - (a) When the appeal lies to the District Magistrate or the Additional District Magistrate—30 days:
 - (b) When the appeal lies to the Commissioner, Presidency Division-sixty days.

FORM I

[See Rule 7B (1)]

FORM OF APPLICATION FOR SCHEDULED CASTE/SCHEDULED TRIBE CERTIFICATE.

То		17
The Sub-Divisional Officer/Addition	nal District Magistrate,	Applicant's Photograph
- welder a second		
Sir,		
I am to state that I am a person be apply for a Scheduled Caste/Schedule	elonging to Scheduled Caste/Scheduled T d Tribe identification Certificate.	ribe. I hereby
I submit herewith necessary partic and Annexure II) duly signed by me.	culars and declaration in prescribed format	s (Annexure
I request you to issue the certificat	e in my favour as early as possible.	
Date	Yours faithfully,	
	Full Signature/Left Thumb Impression of	the Applicant
	For Office use	
Sl. No. of the application		
Date of receipt		
Next date and time of hearing		
Place of hearing		
Brief particulars of subsequent action to	owards disposal	
	Receipt	
Received an application for Schedule person:	d Caste/Scheduled Tribe Certificate from	the following
Shri/Shrimati	Full address: Village	
House	No. and name of Road, if any	
	District	
Serial No. of the application	date and time of hearing	
Place of h	nearing	
Dated :	Seal and Signature of receiving offi	cial.

ANNEXURE I

1.	Reg	arding the applicant		
	(a)	Full name of the applicant	:	
		(in Bengali or in Block letters in English)		
	(b)	Present address:	:	
		Name of road/lane and house No., if any	:	
		Corporation/Municipality/Block	:	
		Ward No./Borough No./Gram Panchayat	:	
		Post OfficePolice Station	:	
		Sub-divisionDistrict		State
	(c)	How long have you been		
		residing at this address	:	1 87.8
	(d)	Permanent address of the applicant	:	
		Name of the road/lane and house No., if an	У	para de la companya d
		Corporation/Municipality/Block	:	
		Borough No./Ward No./Gram Panchayat	:	
		Post OfficePolice Station	:	
		Sub-division District	:	
	(e)	To which community amongst Scheduled Ca	aste	Scheduled Tribe does the
		applicant belong	:	
	(f)	Religion	:	
	(g)	Date of birth (as per British calendar)	:	
		Full address of place of birth	:	
		Name of State	:	
	(h)	Does any of the applicant's paternal blood	relat	tions has Scheduled Caste/
		Scheduled Tribe Certificate	:	
	(i)	If answer to (h) is "yes",—		
	((i) the name of the particular Caste/Tribe		
		to which such relation belongs		
	(ii) exact relationship between such paterna	ıl	
		blood relations and the applicant		
	(1	 Whether attested copy of the certificate such paternal blood relations along with a certificate of relationship between the 	1	
		applicant and his paternal blood relation	1	
No.		submitted	:	
2.		rticulars of father	:	
	(a)	Name of applicant's father (in Bengali or in Block letter in English)	:	The second second second second
	(b)	Name of particular Caste/Tribe to which father belongs	:	

	(c)	Present address of father	:,	
		Name of the road/lane and house No,if a	ny:	
		Municipal Corporation/Municipality/Bloc	k :	
		Borough No./Ward No./Gram Panchayat	:	735 S1912 - 7 1 S
		Post OfficePolice Station	1 :	
		Sub-divisionDistric	t:	
	(d)	Duration of father's living at the		
		present address	:	
	(e)	Permanent address of the applicant's fath	er:	
		Name of the road/lane and house No. if a	ny:	
		Municipal Corporation/Municipality/Block	: :	
		Borough No./Ward No./Gram Panchayat	:	
		Post OfficePolice Station	:	
		Sub-division Distric	t :	
	(f)	Father's religion	:	
3.		ne applicant or his family has migrated to		
	Wes	st Bengal from any other State/Country, the	en	
		cify the name of that State/Country'.	:	
	con	nplete address there, and the date and mar	ner	I TO THE ME LOVA OF THE PARTY
	of n	nigration.	:	
4.	Part	ticulars of two referees (preferably from am	ongs	paternal blood relations whose declarations
	are	to be furnished in Annexure II to these forn	ns)-	
	(a)	First referee:	:	
		Full name (in Block letters)	:	
		ProfessionCaste/Tribe to		
		which belongs	:	
		Place of birth	:	
		Full address		
		Relationship with the applicant (if any)	:	
	(b)	Second referee:		
		Full name (in Bengali or in Block letters		
		in English)		
		ProfessionCaste	/Tribe	e to which belongs
		Place of birth	:	
		Complete address	:	
		Relationship with the applicant (if any)	:	
		Declaration by t	he A	pplicant
			Land	Anna commence of the state of t

I do solemnly declare that I am a citizen of India and that the particulars furnished in this application are true to the best of my knowledge and belief. I shall be liable to such penal action as provided for in law if any of these particulars is proved to be false.

ANNEXURE II Declaration by 1st Referee

То
The Sub-divisional Officer/Additional District Magistrate,
Sub: Scheduled Caste/Scheduled Tribe Certificate.
Sir,
I hereby declare that Shri/Shrimati son/daughter/wife of,
of (address)is personally known to me.
Shri/Shrimatibelongs tobelongs to
(Name of Caste/Tribe) which is recognized as Scheduled Caste/Scheduled Tribe for the State of West Bengal.
The applicant is my(relationship).
I have Scheduled Caste/Scheduled Tribe Certificate, an attested copy of which I submit herewith/I do not have any Scheduled Caste/Scheduled Tribe Certificate in my favour.
I accept the full legal responsibility in giving this declaration.
Date :

Full Signature of the declarant.

Declaration by 2nd Referee

/ Additional District Magistrate,
Scheduled Caste/Scheduled Tribe Certificate.
t Shri/Shrimati
of (address)
is personally known to me.
belongs to
(Name of Caste/Tribe) which is recognized as Scheduled the State of West Bengal.
(relationship).
eduled Tribe Certificate, an attested copy of which, I submit herewith/ed Caste/Scheduled Tribe Certificate in my favour.
onsibility in giving this declaration.
Yours faithfully,

Full Signature of the declarant.

INSTRUCTIONS TO THE APPLICANT

- In the case of a minor, the declarant shall be the father or if father is not alive, the mother
 and if neither of the parents are alive the legal guardian of such minor.
- Three copies of recent passport size black and white photographs are to be submitted with application. One copy of these photographs shall be pasted on the application form and the other two copies separately attached.
- An attested copy of Scheduled Caste/Scheduled Tribe certificate of paternal blood relation,
 if any, along with a certificate of relationship of the applicant with such paternal blood
 relation, where necessary, shall be submitted with the application.
- 4. Certificate of caste/tribe and permanent residence status of the applicant from the Pradhan of the concerned Gram Panchayat, Chairman of the Municipality/notified area authority and Councillor of the Municipal Corporation, as the case may be, are to be submitted with the application.

FORM II

[See rule 7(2)]

Form of Caste Certificate

This is to certify that Shri/S	hrimati/Kumari*
	son/daughter* of
of village/town*	in district/division*
of the State	belongs to the
(Scheduled Castes) Order, 1950	ed as a Scheduled Caste/Scheduled Tribe* under the Constitution O and the Constitution (Scheduled Tribe) Order, 1950, as amended Scheduled Tribes Lists (Modification) Order, 1956.
2. Shri/Shrimati/Kumari*.	
and his/her* family ordinarily r	reside(s) in village/town*
	of
district/division* of the State	
Place :	Signature
Date :	Designation
	(with seal of office)
Photograph	State

^{*} Delete the words, which are not applicable.

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).

FORM III

[See rule 7C(2)]

Form of Register of application for Scheduled Caste/Scheduled Tribe Certificate

SI. No.	Date of Receipt	Name of the applicant Father's / Husband's Name	Address	Gram Panchayat Ward/Borough to which belongs	Documents/ Cerficate of representatives of local authority submitted with application	Date of disposal	Whether allowed/ rejected	REMARKS
1	2	3	4	5	6	7	8	9
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		k high and the						
		7 - 2 5						
	are and the							

FORM IV

[See Rule 7D(7) (a)] Form of Report of Enquiry

То		(To be addres	sed to the recommending auth	ority)
		G SATE		
. C. (7)		Table 1997		
Sub:	Enquiry in	to the applica	tion of Sri	
			son /daughter/wife of.	
			of	(village)
		***************************************	Post office	
BELL DUCTING				n
				.for Scheduled Caste/Scheduled
O SPINET HE DE	Tribe/Other	Backward Cla	ass Certificate.	
Sir,		an efficient		Carry registral actions and
				During enquiry, I have examined
	ns examined		ments listed hereunder.	
(1) 1 61301	iis examined			
SI. No.	N	lame	Father's/Husband's name	Address
e etc 217				
(2) Docum	nents exami	ned—	haus rand one other state of	
Sl. No.	ne l'en les	Particulars of document		Points ascertained
			Spread of settlet with spring	
(3) There	was * no ob	instian to the	application/*objections raised	hu following possess
(5) There	was 110 or	njection to the	application/ objections raised	by following persons: —
		Particula	rs of persons raising objection	
			and or persons raising onjection	
Sl. No.	Name	11 -12 -13	Father's/Husband's name	Address
B 25 metros i ve	Market St.			
	Autorio no			
Objection(s) w	as *held vai	id/*rejected f	for the following reasons. (For c	ases where there is objection).
			e applicant belongs to	
			· 유리	ed Caste/Scheduled Tribe/ other
Backward Clas	s Certificate	as prayed for		
Or,	100000	o electricity	THE GOVERNMENT OF THE PARTY OF	The artists of the second
				to Scheduled Caste/Scheduled
		The second secon	and, as such, is not eligible to i	have caste certificate as prayed
oi. The enqui	iry was comp	neteu on		i i i remonicati
Place:			Sign	nature and designation of
			Sigi	Enquiring Officer
Date:				Enquiring Officer
Juic.				

^{*} Strike out whichever is not applicable.

The West Bengal Scheduled Castes and Scheduled Tribes (Identification) (Amendment) Rules, 2000

No. 2883-B.C.W.

Calcutta, the 7th July, 2000.

NOTIFICATION

In exercise of the power conferred by section 12 of the West Bengal Scheduled Castes & Scheduled Tribes (Identification) Act, 1994 (West Ben. Act XXXVIII of 1994), the Governor is pleased hereby to make, with immediate effect, the following amendment in the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995 published under this Department Notification No. 532-TW/EC/MR-177/96, dated the 14th October, 1996 in Part-I of the Calcutta Gazette, Extraordinary, dated the 14th October, 1996 as subsequently amended hereinafter referred to as the said rules:-

Amendments

In rule 7D of the said rules:

- 1. to sub-rule (5), add the following proviso:
 - "Provided that where an adequate number of Inspectors of Backward Classes Welfare Department or other field level State Government Officials of equivalent rank is not available the recommending authority shall have the power to appoint Gram Sevaks or other Block level officials of equivalent rank to enquire into an application as aforesaid."
- (2) for sub-rule (10), substitute the following sub-rule:-
- "[(10) (a) If a person or, in the case of a minor, either of the parents of the minor is enrolled as a Voter in the Electoral Roll of Parliamentary/Assembly Elections such person or minor, as the case may be, shall be deemed to be a citizen of India.

 Provided that for such purpose, such persons or minor as the case may be, may
 - Provided that for such purpose, such persons or minor as the case may be, may be required to submit a certified copy of an extract of the part of the Electoral Roll in which the name of such person or the name of either of the parents of such minor, as the case may be, appears along with a relationship certificate, wherever necessary.
 - (b In the case of a minor, neither of whose parents is enrolled as a Voter in the Electoral Roll of Parliamentary/Assembly Elections, an opportunity shall be given to such minor for proving his citizenship with the help of such documents as may be considered sufficient for the purpose of the enquiry.
 - (c) No application shall be rejected merely on the ground that the applicant does not possess a formal citizenship certificate.

By order of the Governor,
Sd/- K. Jhala,
Principal Secretary to the Govt. of West Bengal
Backward Classes Welfare Department.

The West Bengal Scheduled Castes and Scheduled Tribes (Identification) (Amendment) Rules, 2010

NOTIFICATION

No. 823-BCW. Dated: 08-03-2010

In exercise of the power conferred by section 12 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 (West Bengal Act XXXVIII of 1994), the Governor is pleased hereby to make, with immediate effect, the following amendments in the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995, published under this Department notification No. 532-TW/EC/MR-177/96, dated the 14th October, 1996 in Part-I of the Kalkata Gazette, Extraordinary, dated the 14th October, 1996, as subsequently amended (hereinafter referred to as the said rules):—

AMENDMENTS

In the said rule,-

- (1) after rale 7B, insert the following rule:
 - "7BB. Application for certiticates by electronic means.—(1) A person desiring to apply for certificate may, at his option, make an application on-line in Form IA in accordance with the instructions set out in the website www.castecertificatewb.gov.in, of the Backward Classes Welfare Department, which shall automatically be registered with the appropriate Block Development Officers in rural areas, the concerned Sub-divisional Officers in urban areas other than Kolkata, and the Additional District Magistrate, 24 Parganas (South) in Kolkata.
- (2) Upon the successful completion and submission of an on-line application, the system shall automatically generate an application number, an acknowledgement slip in Form IAA along with the filled in application.
- (3) An applicant, who has made application on-line, is required to take printout of acknowledgement slip alongwith the filled in application and paste photographs, and sign in the space earmarked for the purpose and submit it alongwith copies of all documents in support of his claim before the concerned Block Development Officers, Sub-divisional Officers, or the Additional District Magistrate, as the case may be, on 2nd or 4th Wednesday of any month within next sixty days from the date of on line submission of the applicant between 12.00 noon and 3.00 p.m. and attend the hearing alongwith all original documents in support of his claim.
- (4) An applicant, who has made application on-line, shall be able to know the status of his application by log-in in his computer generated application number in this website mentioned in sub-rule (1).
- (5) Subject to the provisions of sub-rules (1) to (4), the procedure as laid down in rule (2)' of rule 7B, rule 7C, rule 7D, rule 7E and rule 7F shall apply mutatis-mutandis, for disposing of the on-line applications made under this rule:
 - Provided that the process of disposal of the application shall also be recorded on-line by the concerned functionaries, and shall have evidential value before the Court of Law.";
- (2) in sub-rule (2) of rule 7C, for the words "three passport size black and white photographs", substitute the following words "two colour passport size photographs, one attested and one unattested,"
- (3) after Form I, inserl the following forms :-

Date:

FORM - IA

[See rule 7BB(1)]

FORM OF ONLINE APPLICATION FOR SCHEDULED CASTE / SCHEDULED TRIBE CERTIFICATE

The Sub-Divisional Officer , , Sir, I do hereby apply for SC/2 particulars are given below my knowledge and belief a	ST Certificate	in the follow	ing prescribe	is correct	to the be		Attach applicant recent colour pass size photog duly attest	
		Υ	ours faithfull	у,				
Date:		(Signature of	f applicant / gua	rdian in case	e of minor)	ULHUSISE.		
 a) Applying for Full Name of Applican Father's Name (a) Date of Birth (b) Place of Birth 		SC/ST / OBC (b) Name of ca	este / tribe	e /	:		
Village/Ward		Police St	tation	2017	District	e nav	State	
5. Address since birth (a) Present address Para / House No. / Roa	: : ad / Village	Ward.No./G	G.P. Post	t Office	Distric	ct Sta	te PIN	
(b) Other address(s)	- Au-sala		I de	10 LANE 10	ik ya m	on Albert		
Para / House No. / Roa	ad / Village	Ward No. /	G.P. Post	Post Office Dis		ct Sta	te PIN	
6. Nationality: 9. Whether any of the bl		7. Religion of the applicar		aste Certi	8. Sex ficate?	ing We enggra	# (F)	
Name of cert. holder	Relation w	ith applicant	Certificate	Certificate No. Date		ue Issui	uing authority	
10. Details of two (2) refer	rees:	644 ato		57797		Hamile Market		
Name of 1st referee	Address of 1st refere		Name of 2nd referee		eree	Address of 2nd referee		
11. Whether the applican	t or his family	the state of the s		the party of the party of the	? of Issue :			
If point no. 11 is 'Yes':	Migratio	on Certificate N	NO. :	Date	of issue :			

(Signature of applicant / guardian in case of minor)

FORM IAA

[See rule 7bb(2)]

Form of Acknowledgement Slip



GOVERNMENT OF WEST BENGAL BACKWARD CLASSES WELFARE DEPARTMENT

Application for SC/ST/OBC Certificate

सब्यमेव जयने	Acknowledgement	Slip
Application No.	:	Date :
Name	1	
Father's Name	gi spoeta in on dispersion del Referenciare tendencia di li li della ceste della	
Address	inema an 1951 raimú craol i ballatán B'eil iaih goir craolaí, icipac locc	
Applied for		Sub Caste :
N.B	Application No. for further reference	Seal & Signature
	Application No. for further reference. valid if it is signed and sealed.	to make things for

(4) for Form II, substitute the following form :-



FORM II

[See rule 7(2)]
Form of Caste/Tribe Certificate

GOVERNMENT OF WEST BENGAL OFFICE OF THE SUB-DIVISIONAL OFFICER

.....SUB-DIVISION

CASTE/TRIBE CERTIFICATE

Certificate No. :		Date :
This is to certify that		son/daughter of
		of village
		belongs to the
Castes and Scheduled Tribe Scheduled Tribes Order (Am	s Lists (Modification) Or endment) Act, 1976. and	Order 1950 as amended by the Scheduled rder 1956, and the Scheduled Castes and this family ordinarily reside(s) in the village in the control of the control
the state of		
Place :		
Date :		
Applicant's recent colour passport size photograph	Office Seal	Sub-Divisional Officer

Note: The expression 'oridinarily resident' used here shall have the same meaning as in section 20 of the Representation of the People Act, 1950 (43 of 1950)".

By order of the Governor,

Bhagwati Prasad Gopalika

Secy. to the Government of West Bengal.

Dated: 19th July, 2011

The West Bengal Scheduled Castes and Scheduled Tribes (Identification) (Amendment) Rules, July, 2011

NOTIFICATION

No. 2170-BCW/MR-95/11

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, with immediate effect, the following amendment in the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995, published under this Department notification No. 532-TW/EC/MR-177/ 96, dated the 14th October, 1996, as subsequently amended (hereinafter referred to as the said rules):—

AMENDMENT

In sub-rule 12 of rule 7D of the said rules, for the words "shall ordinarily be disposed of within a period of eight weeks", substitutes the words "shall ordinarily be disposed of within a period of four weeks".

By order of the Governor,

S. K. Thade

Secretary to the Government of West Bengal

The West Bengal Scheduled Castes and Scheduled Tribes (Identification) (Amendment) Rules, September, 2011

NOTIFICATION

No. 2807-BCW/MR-56/11,

Kolkata, the I st September, 2011.

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), (hereinafter referred to as the said Act), the Governor is pleased hereby to make, with immediate effect, the following amendments in the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995, as subsequently amended (hereinafter referred to as the said rules):—

AMENDMENTS

After rule 7F of the said rules, insert the following rules:-

"7G. Appeal against the cancellation of certificate by the issuing authority.— (1) An appeal against any cancellation, impounding or revocation of certificate by the certifying authority shall lie to, —

- the District Magistrate or the Additional District Magistrate authorized by the District Magistrate in this behalf, where the Certificate is cancelled by the Subdivisional Officer;
- (b) the Commissioner, Presidency Division, where the certificate is cancelled by the District Magistrate, South 24-Parganas, or the Additional District Magistrate, South 24-Parganas, authorized by the District Magistrate, South 24-Parganas, as the case may be.
- (2) Every appeal under this rule shall be filed in the form of memorandum which shall be signed and verified by the appellant in the manner provided in sub-rules (2) and (3) of rule 15 of Order VI of the First Schedule of the Code of Civil Procedure, 1908 (5 of 1908) and shall be accompanied by an authenticated copy of the order appealed against.
- (3) The period of limitation for an appeal under this rule shall be 60 days and commence on and from the date of the order appealed against.

- (4) An appeal shall be disposed of within two months from the date on which the appeal is made :
 - Provided that no such appeal shall be disposed of without giving the appellant a reasonable opportunity of being heard.
- (5) The decision of the District Magistrate or the Additional District Magistrate or the Commissioner, Presidency Division, as the case may be, on any appeal under this rule shall be final".

By order of the Governor,
S. K. Thade
Secretary to the Government of West Bengal,

B. Central Government Orders on SC/ST

List of Scheduled Caste

	1.	BAGDI, DULEY	30.	KARENGA, KORANGA
	2.	BAHELIA	31.	KAUR
	3.	BAITI	32.	KEOT, KEYOT
	4.	BANTAR	33.	KHAIRA
	5.	BAURI	34.	KHATIK
	6.	BELDAR	35.	KOCH
	7.	BHOGTA	36.	KONAI
	8.	BHUIMALI	37.	KONWAR
	9.	BHUIYA	38.	KOTAL
	10.	BIND	39.	KURARIAR
	11.	CHAMAR, CHARMAKAR, MOCHI,	40.	LALBEGI
	MUC	HI, RABIDS, RUIDAS, RISHI	41.	LOHAR
	12.	CHAUPAL	42.	MAHAR
	13.	DABGAR	43.	MAL
	14.	DAMAI (NEPALI)	44.	MALLAH
	15.	DHOBA, DHOBI	45.	MUSAHAR
	16.	DOAI	46.	NAMASUDRA
	17.	DOM, DHANGAD	47.	NAT
	18.	DOSADH, DUSADH, DHARI,	48.	NUNIYA
DHARBI		49.	PAILYA	
	19.	GHASI	50.	PAN, SAWASI
	20.	GONRHI	50.	PASI
	21.	HALALKHOR	52.	PATNI
	22.	HARI, MEHTAR, METHOR,	53.	POD, POUNDRA
		BHANGI, BALMIKI	54.	RAJBANSHI
	23.	JALIA KAIBARTTA	55.	RAJWAR
	24.	JHALA MALO, MALO	56.	SARKI (NEPALI)
	25.	KADAR	57.	SUNRI (Excluding SAHA)
	26.	KAMI (NEPALI)	58.	TIYAR
	27.	KANDRA	59.	TURI

28.

29.

KANJAR

KAORA

60.

CHAIN (in Malda, Murshidabad, Nadia

and Dakshin Dinajpur Districts)

List of Scheduled Tribes

- ASUR
- BAIGA
- 3. BEDIA, BEDIYA
- 4. BHUMIJ
- BHUTIA, SHERPA, TOTO, DUKPA, KAGATAY, TIBETAN, YOLMO
- 6. BIRHOR
- 7. BIRJIA
- CHAKMA
- 9. CHERO
- CHIK BARAIK
- 11. GARO
- 12. GOND
- GORAIT
- 14. HAJANG
- 15. HO
- 16. KARMALI
- 17. KHARWAR
- 18. KHOND
- 19. KISAN
- 20. KORA

- 21. KORWA
- 22. LEPCHA
- 23. LODHA, KHERIA, KHARIA
- 24. LOHARA, LOHRA
- 25. MAGH
- 26. MAHALI
- 27. MAHLI
- 28. MAL PARHAIYA
- 29. MECH
- 30. MRU
- 31. MUNDA
- 32. NAGESIA
- 33. ORAON
- 34. PAHARIYA
- 35. RABHA
- 36. SANTAL
- 37. SAURIA PAHARIA
- 38. SAVAR
- 39. LIMBU
- 40. TAMANG

B. Central Government Orders on SC/ST Issuance of SC/ST Certificate—points to be observed

Issuing Authority: O. K. MOORTHY,

Director-General, BCW Ministry of Home Affairs

No. 35/1/72-R.U. (SCT.V)

Addressee: Chief Secretaries

of all State Govts, and

Union Territory

Administration

Dt. New Delhi, the 2nd May 1975

Subject: Issue of Scheduled Castes and Scheduled Tribes Certificate

Sir,

I am directed to state that complaints are often received that Scheduled Caste and Scheduled Tribe certificates are given to persons who do not in fact belong to a Scheduled Caste or Scheduled Tribe. It is necessary, therefore, that the Certificate issuing authorities should make a proper verification before they actually issue such a certificate.

2. In this connection a set of points which should be taken into account are enclosed for the guidance of those empowered to issue Scheduled Caste and Scheduled Tribe certificates. It is requested that these instructions may be circulated amongst them.

Yours faithfully, (O. K. MOORTHY)

Issue of Scheduled Caste and Tribe Certificate-Points to be observed.

1. General: (Applicable in all cases)

Where a person claims to belong to a Scheduled Caste or a Scheduled Tribe by birth it should be verified: --

- (i) that the person and his parents actually belong to the community claimed;
- (ii) that this community is included in the Presidential Orders specifying the Scheduled Castes and Scheduled Tribes in relation to the concerned State
- (iii) that the person belongs to that State and to the area within that State in respect of which the community has been scheduled;
- (iv) if the person claims to be a Scheduled Castes, he should profess either the Hindu or the Sikh religion;
- (v) if the person claims to be a Scheduled Tribe, he may profess any religion.

2. Cases of migration;

- (i) Where a person migrates from the portion of the State in respect of which his community is scheduled to another part of the same State in respect of which his community is not scheduled, he will continue to be deemed to be a member of the Scheduled Caste or the Scheduled Tribe, as the case may be, in relation to that State;
- (ii) Where a person migrates from one State to another, he can claim to belong to a Scheduled Caste or a Scheduled Tribe only in relation to the State to which he originally belonged and not in respect of the State to which he has migrated.

3. Claims through marriage:

The guiding principle is that no person who was not a Scheduled Caste or a Scheduled Tribe by birth will be deemed to be a member of a Scheduled Caste or a Scheduled Tribe merely because he or she had married a person belonging to a Scheduled Caste or a Scheduled Tribe.

Similarly a person who is a member of a Scheduled Caste or a Scheduled Tribe would continue to be a member of that Scheduled Caste or Scheduled Tribe as the case may be, even after his or her marriage with a person who does not belong to a Scheduled Caste or a Scheduled Tribe.

4. Cases of conversion and re-conversion :

- (i) Where a Scheduled Caste person gets converted to a religion other than Hinduism or Sikhism and then reconverts himself back to Hinduism or Sikhism, he will be deemed to have reverted to his original Scheduled Caste, if he is accepted by the members of that particular caste as one among them.
- (ii) In the case of a descendent of a Scheduled Caste convert, the mere fact of conversion to Hinduism or Sikhism will not be sufficient to entitle him to be regarded as a member of the Scheduled Caste to which his forefathers belonged. It will have to be established that such a convert has been accepted by members of the caste claimed as one among themselves and has thus become a member of that caste.

5. Cases of adoption:

Great care has to be exercised in dealing with cases where a person claims to be a Scheduled Caste on the ground that he has been adopted by a Scheduled Caste person. The validity of the adoption has to be clearly established before any caste certificate can be given. It is for the party to prove his claim by cogent and reliable evidence.

(i) The requirements of valid adoption are given in section 6 to 11 of the Hindu Adoption and Maintenance Act, 1956 (relevant extracts of which are attached). The actual giving and taking of the child in adoption is a mandatory requirement and thereafter the adopted child is deemed to be the child of his adoptive father or mother for all purposes and the child severs all ties with the family of his or her

- birth. Ordinarily, no child who has attained the age of 15 years or who is married can be given in adoption unless there is a custom or usage applicable to the parties.
- (ii) In deciding whether an adoption is valid, the certificate issuing authority should satisfy himself that all the requirements of Law have been complied with. He should also take into account the behaviour of the child after adoption whether he physically lives with and is supported by his adoptive parents and receives no financial help from his original parents. In case these conditions are not satisfied, the certificate should be refused.
- (iii) Where the case relates to an adoption of a married person or of a person of the age of 15 years and above, the certificate shall be required to be given by the District Magistrate who shall, after making due enquiries as to the validity of the adoption and as to whether such adoption is permitted by a custom or usage applicable to the parties, make an endorsement to that effect on the certificate. Such custom or usage should have been continuously and uniformally observed for a long time and obtained the force of law among the Hindus of that particular area, or that community, group or family provided that the custom or usage is certain and not unreasonable or apposed to public policy and in the case of custom or usage in respect of a particular family, that the custom or usage has not been discontinued. In addition it should be verified that all other conditions for a valid adoption, including the physical transfer of the adopted, person to the family of the adoptive parents and that he has severed all ties with the original parents are fulfilled.

EXTRACTS FROM 'THE HINDU ADOPTIONS AND MAINTENANCE ACT, 1956' (78 of 1956)

CHAPTER II Adoption

Requisites of a valid adoption

- 6. No adoption shall be valid unless-
 - (i) The person adopting has the capacity, and also the right, to take in adoption;
 - (ii) The person giving in adoption has the capacity to do so;
 - (iii) The person adopted is capable of being taken in adoption; and
 - (iv) The adoption is made in compliance with the other conditions mentioned in this chapter.

Capacity of a male Hindu to take in adoption

Any male Hindu who is of sound mind and is not a minor has the capacity to take a son or a daughter in adoption.

Provided that, if he has a wife living, he shall not adopt except with the consent of his wife unless the wife has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind.

EXPLANATION: If a person has more than one wife living at the time of adoption, the consent of all the wives is necessary unless the consent of any one of them is unnecessary for any of the reasons specified in the preceding proviso.

Capacity of a female Hindu to take in adoption

- 8. Any female Hindu
 - (a) who is of sound mind,
 - (b) who is not a minor, and
 - (c) who is not married or if married, whose marriage has been dissolved or whose husband is dead or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind, has the capacity to take a son or daughter in adoption.

Persons capable of giving in adoption

- 9. (1) No person except the father or mother or the guardian of a child shall have the capacity to give the child in adoption.
 - (2) Subject to the provisions of sub-section (3) and sub-section (4), the father, if alive, shall alone have the right to give in adoption, but such right shall not be exercised save with the consent of the mother unless the mother has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind.
 - (3) The mother may give the child in adoption if the father is dead or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of a competent jurisdiction to be of unsound mind.
 - (4) Where both the father and mother are dead or have completely and finally renounced the world or have abandoned the child or have been declared by a court of competent jurisdiction to be of unsound mind or where the parentage of the child is not known, the guardian of the child may give the child in adoption with the previous permission of the court to any person including the guardian himself.
 - (5) Before granting permission to a guardian under sub-section (4), the court shall be satisfied that the adoption will be for the welfare of the child, due consideration being for this purpose given to the wishes of the child having regard to the age and understanding of the child and that the applicant for permission has not received or agreed to receive and that no person had made or given or agreed to make or give to the applicant any payment or reward in consideration of the adoption except such as the court may sanction.

Explanation-For the purposes of this section-

(i) the expression "father" and "mother" do not include an adoptive father and an adoptive mother.

- (ii) "guardian" means a person having the care of the person of a child or both his person and property and includes-
 - (a) a guardian appointed by the will of the child's father or mother, and
 - (b) a guardian appointed or declared by a court;
- (ii) "court" means the city civil court or a district court within the local limits of whose jurisdiction the child to be adopted ordinarily resides.

Persons who may be adopted.

- No person shall be capable of being taken in adoption unless the following conditions are fulfilled, namely: --
 - (i) he or she is a Hindu;
 - (ii) he or she has not already been adopted;
 - (iii) he or she has not been married, unless there is a custom or usage applicable to the parties which permits persons who are married being taken in adoption;
 - (iv) he or she has not completed the age of fifteen years, unless there is a custom or usage applicable to the parties which permits persons who have completed the age of fifteen years being taken in adoption.

Other complied Conditions for a valid adoption

- 11. In every adoption, the following conditions must be complied with: --
 - if the adoption is of a son, the adoptive father or mother by whom the adoption is made must not have a Hindu son, son's son or son's son's son (whether by legitimate blood relationship or by adoption) living at the time of adoption;
 - (ii) if the adoption is of a daughter, the adoptive father or mother by whom the adoption is made must not have a Hindu daughter or son's daughter (whether by legitimate blood relationship or by adoption) living at the time of adoption:
 - (iii) if the adoption is by a male and the person to be adopted is a female, the adoptive father is at least twenty-one years older than the person to be adopted;
 - (iv) if the adoption is by a female and the person to be adopted is a male, the adoptive mother is at least twenty-one years older than the person to be adopted.
 - (v) The same child may not be adopted simultaneously by two or more persons;
 - (vi) The child to be adopted must be actually given and taken in adoption by the parents or guardian concerned or under their authority with intent to transfer the child from the family of its birth or in the case of an abandoned child or a child whose parentage is not known, from the place or family where it has been brought up to the family of its adoption:

Provided that the performance of datta homam shall not be essential to the validity of an adoption.

Form of Caste Certificate

Issuing Authority: J. S. Ahluwalia

Under Secretary to the Govt. of India.
Cabinet Secretariat

Deptt. of Personnel and Administrative Reforms New Delhi-110 001.

Letter No. 13/2/74-Est. (SCT)

Addressee: Chief Secretaries of all State Governments and Union Territory Administrations

New Delhi -110 001, the 5th August, 1975

Subject: - Verification of claims of candidates belonging to Scheduled Castes and Scheduled Tribes—Form of caste certificate—amendments to.

Sir.

I am directed to say that candidates belonging to Scheduled Castes and Scheduled Tribes seeking employment to posts/services under the Central Government are required to produce a certificate in the prescribed form from one of the prescribed authorities in support of their claim. A list of the prescribed authorities in this regard is enclosed for information. The form of caste certificate has now been slightly revised. The revised form of caste certificate is enclosed. I am to request that the revised form of caste certificate may please be brought to the notice of the authorities under the State Government who are owered to issue such certificates.

No. 13/2/74-Est. (SCT) New Delhi-110 001, 5th August 1975

Copy forwarded to U.P.S.C. for information with ref. to their letter No. 26/43/74-EI (B), dated 28-1-1975.

List of authorities empowered to issue certificates of verification.

- I. District Magistrate/ Additional District Magistrate/ Collector/ Deputy Commissioner Additional Deputy Commission/Deputy Collector/1st Class Stipendary Magistrate City Magistrate/*Sub-Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner. (*not below the rank of Ist Class Stipendary Magistrate)
- Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
- 3. Revenue Officers not below the rank of Tehsildar.
- Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

 Administrator/Secretary to Administrators/Development Officer (Lakshadweep Islands)

Form of certificate to be produced by a candidate belonging to a Scheduled Caste or Scheduled Tribe in support of his claim.

Form of Caste Certificate

	This is to certify that Shri/Shrimati*/Kumari*son/daughter*				
of					
Divisi	on*belonging				
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;				
	[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]				
	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.				
2.	Shri/Shrimati/Kumari*and his/her* family ordinarily				
	reside(s) in village/town of District/				
	Division* of the State/Union Territory* of				
	Signature				
	Designation				
	(With Seal of Office)				
Place	State/Union Territory*				
Date.					
	7-2				

^{*} 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.

Caste status of offsprings of inter-caste Married Couples

No. 39/37/73-SCT. I

Issuing Authority: O.R. Srinivasan

Under Secretary to the Government of India Ministry of Home Affairs. Addressee: The Chief Secretaries of all

State Governments & Union Territory Administrations.

New Delhi-110001, the 21 May, 1977/31 Baisak, 1899

Subject: —Caste status of the offspring of inter-caste married couples.

Sir,

I am directed to say that enquiries about the caste status of the offsprings of the intercaste married couples, have been sought from this Ministry by various State Governments/ Union Territory Administrations from time to time. Accordingly, this question has been receiving the attention of this Ministry for quite some time. A set of legal views on the caste status of such offsprings was already brought out vide this Ministry's letter of even number dated the 4th March 1975. The matter has, however, been further examined and the comprehensive legal position about the status of the offsprings born to couples where one or both of the spouses is/are member(s) of Scheduled Castes and or Scheduled Tribes, is given in the enclosed Annexures (A to D).

2. It is requested that these instructions may be circulated among all the authorities empowered to issue Scheduled Caste and Scheduled Tribes certificates.

Yours faithfully (O. R. Srinivasan)

ANNEXURE-A

Legal views on the status of the offspring of a couple where one of the spouses is a member of a Scheduled Caste.

The general position of Law as to that effect of marriage between parties who are Hindus and one of whom belongs to the Scheduled Castes in that under the ancient Hindu law, generally, inter-caste marriage was looked down upon by the propounders and commentators. Some of the authorities, however, reluctantly permitted marriage between a male caste Hindu with a Shudra female and included it in the list of Anuloma marriages although it was stated that in the wedding with a Shudra wife, the ceremony should be performed without Mantras. The children born out of such marriage by a caste Hindu with a woman of an inferior caste had

neither the caste of the father nor the status of his Savarn Aurasas-meaning the son born of a caste Hindu wife. They were termed as Anulomaja and belonged to an intermediate caste higher than that of their mother and lower than that of their father. Yajnavalkya omits the son of Brahmin by a Shudra wife from the list of sons mentioned by Manu. Pratiloma marriages, i. e. marriages between woman of a superior caste with a man of an inferior caste, were altogether forbidden and no rites were prescribed for them in Grihya Sutra and persons entering into such marriages were degraded from the caste.

2. After the passing of various statutory enactments relating to Hindu law, such as, the Hindu Marriages Act, 1955, the Hindu Succession Act, 1956 and the Hindu Minority and Guardianship Act, 1956 customary ban on inter caste marriages in either way, has been lifted by the statutory enactments. Under the Hindu Marriage Act, any two Hindus of different sex, irrespective of their caste may enter into a valid marriage unless such marriage is prohibited by the Statute itself. According to the above three Statutes, all children either legitimate, or illegitimate, one of whose parents is a Hindu, a Buddist, a Jain or a Sikh by religion and who are brought up as members of the tribe, community, group or family to which their parents belong or belonged, are to be treated as Hindus. In view of the above, the off-springs of marriage between the caste Hindu and a member of the Scheduled Caste community, are Hindus and like the off-spring of marriage in the same caste, are entitled to succeed to the properties of their parents. But the status of his or her parent belonging to the higher caste or a question arises as to whether such a child will acquire the property that of the parent belonging to the Scheduled Caste. On this point we have not come across any direct case law. But we feel that the ratio of the decision in Wilson Readvs C. S. Booth reported in AIR 1958 Assam 128 would apply to such cases. It is stated at p. 182,—

"The test which will determine the membership of the individual will not be the purity of blood, but his own conduct in following the customs and the way of life of the tribe; the way in which he was treated by the community and the practice amongst the tribal people in the matter of dealing with the tribal people in the matter of dealing with the persons whose mother was a Khasi and father was a European."

Similarly, in the case of *Muthusamy Mudaliar v Masilamam Mudaliar*, reported in ILR 33, Madras, 342, the Court held—

"It is not uncommon process for a class or tribe outside the pale of caste to another pale and if other communities recognised their claim, they are treated as of that class or castes. The process of adoption into the Hindu hierarchy through caste is common both in the North and in the South India. As we have already pointed out, in the past there have been cases where people who judge from the purity of blood could not be Khasis, were taken into their fold or the orthodoxy did not stand in the way of their assimilation into the Khasi community."

- 3. The Supreme Court in V. V. Giri v D. S. Dora reported in AIR 1959 SC 1318 (I 327) held, —
- "... The caste-status of a person in the context would necessarily have to be determined in the light of the recognition received by him from the members of the caste into which he seeks an entry. There is no evidence on this point at all. Besides the evidence produced by the appellant merely shows some acts by respondent I which no doubt were intended to assert a higher

status; but unilateral acts of this character cannot be easily taken to prove that the claim for the higher status which the said acts purport to make is established. That is the view which the High Court has taken and in our opinion the High Court is absolutely right."

In view of the above observations by superior Courts, it can safely be concluded that the crucial test to determine is to whether a child born out of such a wedlock has been accepted by the Scheduled Caste community as a member of their community and has been brought up in that surrounding and in that community or not. The nexus between the child and the community or class or caste is a real test irrespective of the fact whether the accommodating class or caste or community is Scheduled Caste community or a caste Hindu community. Even if the mother of the child is a member of the Scheduled Caste community, it is possible that the child is accepted by the community of his father and brought up in the surroundings of his father's relations. In that case, such a child cannot be treated as a member of the Scheduled Caste community and cannot get any benefit as such. Similarly, when the mother belongs to a higher caste and the father is a Scheduled Caste, the father may remain away from the Scheduled Caste Community and the child may be brought up in a different surrounding under the influence of his mother's relations and her community members. In such cases also, the child cannot be said to be a member of the Scheduled Caste community. In the alternative, where the child irrespective of the fact whether the father or the mother is a member of Scheduled Caste community, is brought up on the Scheduled Caste community as a member of such community, then he has to be treated as a member of the Scheduled Caste community and would be entitled to receive benefits as such.

- 4. As regards the marriages not registered and marriages not legally valid, it may be pointed out that registration is not mandatory for marriages under the Hindu law. Even under the Hindu Marriage Act, 1955, registration under Section 8 is optional and sub-section (5) provides that the validity of any Hindu marriage shall, in no way, be affected by the omission to make entry in the Marriages Register maintained under this Section. Section 7 provides that Hindu marriages may be solemnised in accordance with the customary rites and the ceremonies of either party thereto and, if such ceremony includes the Saptapadi, the marriage becomes complete and binding when the seventh step is taken. In view thereof, all those marriages though not registered by which have been solemnised in accordance with the procedure mentioned in this Section, are to be treated as valid marriages and our opinion mentioned in para 3 above will apply to the children born out of such valid but undersigned marriages.
- 5. As regards marriages which are not legally valid, it is clear that such children are illegitimate unless invalidity of marriages is due to grant of a decree of nullity by a Court in which case, provisions of Section 16 of the Hindu Marriage Act, 1955, will apply. Under Section 6(b) of the Hindu Minority and Guardianship Act, 1956 the natural guardian of a Hindu minor has been stated to be—in case of an illegitimate boy or an illegitimate girl—the mother and after her the father".
- 6. It can be derived from this that the illegitimate children are generally brought up by the mother and in her own surroundings. Therefore, if the mother belongs to the Scheduled Caste and brings up the child within a Scheduled Caste community, the child can be taken as a member of the Scheduled Caste community. But in this case also the major factor for consideration is

whether the child has been accepted by the Scheduled Caste community as a member of their community and he has been brought up as such.

7. The above are the general observations, however, each case has to be examined in the light of the circumstances prevalent in that case and final decisions has to be taken thereof.

ANNEXURE—B

Legal views on the status of the off-springs of a couple where one of the spouses is a member of a Scheduled Tribe

The question has arisen whether the Off-spring born out of wedlock between a couple one of whom is a member of Scheduled Tribe and other is not, should be treated as a Scheduled Tribe or not.

- 2. It may be stated at the outset that unlike members of Scheduled Castes the members of Scheduled Tribes continue as such even after their conversion to other religion. This is because while Constitution (Scheduled Castes) Order, 1950 provides in clause 3 that only a member of Hindu or Sikh religion shall be deemed to be a member of Scheduled Caste, the Constitution (Scheduled Tribes) Order, 1950 does not provide any such condition. This view has been upheld by the Supreme Court in the case reported in AIR 1964 S.C. at p. 201.
- 3. It may be stated that unlike members of Scheduled Castes, members of Scheduled Tribes remain in homogenous groups and quite distinct from any other group of Scheduled Tribes. Each Tribe live in a compact group under the care and supervision of the elders of the Society whose words are obeyed in all social matters. A member committing breach of any prescribed conduct is liable to be ex-communicated. The social custom has a greater binding force in their day-to-day life.
- 4. In the case of marriage between a tribal with a non-tribal, the main factor or consideration is whether the couple were accepted by the tribal society to which the tribal spouse belongs. If he or she, as the case may be, is accepted by the Society then their children shall be deemed to be Scheduled Tribes. But this situation can normally happen when the husband is a member of the Scheduled Tribe. However, a circumstances may be there when a Scheduled Tribe woman may have children from marriage with a non-Scheduled Tribe man. In that event the children may be treated as Scheduled Tribes only if the members of the Scheduled Tribe Community accept them and treat them as members of their own community. This view has been held by the Assam High Court in Wilsom Read v. c.s. Booth reported in AIR 1958 Assam at p. 128, where it has been held—

"The test which will determine the membership of the individual will not be the purity of blood, but his own conduct in following the customs and the way of life of the tribe; the way in which he has been treated by the Community and the practice amongst the tribal people in the matter of dealing with persons whose mother was a Khasi and father was a European".

Similarly, in the case of Muthusamy Mudaliar v. Masilamam Mudaliar, reported in ILR 33, Madras, 342, the Court held—

"It is not uncommon process for a class or tribe outside the pale of caste to another pale and if other communities recognised their claim they are treated as of that class or caste".

Similarly, in V. V. Giri v. D. S. Dora, reported in AIR, 1959 S. C. 1318 (1327) the Court held—

"The Caste-status of a person in the context would necessarily have to be determined in the light of the recognition received by him from the members of the caste into which he seeks an entry".

- 5. As mentioned above, it is the recognition and acceptance by the Society of the children borne out of a marriage between a member of Scheduled Tribe with an outsider, which is the main determining factor irrespective of whether the Tribe is matriarchal or patriarchal. The final result will always depend on whether the child was accepted as a member of the Scheduled Tribe or not.
- 6. The general position of law has been stated above. However, each individual case will have to be examined in the light of existing facts and circumstances in such cases.

ANNEXURE-C

Legal views on the status of the off-springs of a couple where both the spouses are members of Scheduled Caste/Scheduled Tribes but each belongs to a different sub-caste/sub-tribe.

- 1. Under the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950, what is material is the residence of the member of the caste, race or tribe in the localities specified in the respective Schedule. In the case of a minor child the question arises whether his residence will go along with that of his father. Under the principles of prevailing International Law, the domicile of a minor child follows that of his father, and in certain cases of his mother and the minor child is incapable of changing his domicile by any voluntary act. The rule by no means is absolute. Suppose, for instance, a father deserts his son or he is divorced and the custody of his son is given to his wife. In such a case, the court may consider that the minor's domicile will be that of the mother.
- 2. Under Section 3 of the Hindu Minority and Guardianship Act, 1956 the natural guardian in the case of a minor boy or an unmarried girl is father and after him his mother. In the case of an illegitimate boy or an illegitimate unmarried girl, the natural guardian will be the mother and after her, the father.
- 3. In the above background it has to be seen as to which sub-caste or sub-tribe the offspring would belong in case the parents belonging to two distinct communities within the same Scheduled Castes or Scheduled Tribes as the case may be. *Prima facie* it would appear

that in such cases the children born of such parents could be treated as members of the Scheduled Castes or Scheduled Tribes, as the case may be. The *prima facie* presumption is also in favour of the child possessing the sub-caste or sub-tribe of the father in the large majority of cases, having regard to the concept of domicile mentioned above. Apart from this, it has to be seen whether the child has also been accepted and assimilated in the sub-caste or sub-tribe in that community. Each case has to be examined in the light of the circumstances pertaining to it.

ANNEXURE-D

Legal Views on the status of the off-springs of a couple where one of the spouses is a member of a Scheduled Caste and the other that of a Scheduled Tribe.

As regards the status of the off-spring whose father is a member of Scheduled Caste and mother of a Scheduled Tribe, the prima-facie presumption is in favour of the child possessing the caste of the father in the large majority of cases, having regard to the concept of domicile explained in para 1 of Annexure C. Apart from this, it may also be a relevant criterion to see whether the child has been accepted and assimilated in the Scheduled Caste community to which the father belongs.

- 2. The principle mentioned above would also apply to the case of an offspring whose mother is a member of a Scheduled Caste and father of a Scheduled Tribe.
- 3. This is the general position oflaw. Each case, however, has to be examined in the light of the attendant facts and circumstances.

Punishment for Officials for issuing Caste Certificates without proper verification

No. BC. 12025/1/82 SC & BCD IV

Issuing Authority: B. N. Srivastava,

Director,
Ministry of Home Affairs
Govt. of India
New Delhi- 110 001

Addressee: The Chief

Secretaries of all State Governments/ Union Territory Administrations.

New Delhi dated 29th June 1982.

Subject: — Issue of Scheduled Caste/Tribe Certificates-Providing for punishments for officials issuing such certificates without proper verification.

Sir,

I am directed to say that it was mentioned in the meeting of the Consultative Committee for the Ministry of Home Affairs held in Feb. 1982 that Scheduled CastelTribe certificates have been issued to ineligible persons, carelessly or deliberately without proper verification by the officials empowered to issue such certificates. This have resulted in some persons availing of the benefits meant for the Scheduled Castes and Scheduled Tribes on false pretext. The Consultative Committee has desired that suitable steps should be taken to prevent such wrong issue of certificates.

- 2. Attention is invited to this Ministry's letter No. BC 12025/3178-SCT-I dated 29th March 1976 addressed to the Chief Secretaries of all the State Governments/U .T. Administrations requesting them to take deterrent action against officials who issued certificates carelessly or deliberately without proper verification. The State Governments/U.T. Administrations were requested to issue necessary instructions to all the officials under their control who are empowered to issue certificates to take proper care before issuing them. These officials were also to be informed that action would be taken against them under the relevant provisions of the Indian Penal Code (Section 420 etc.) if any of them is found to have issued certificates carelessly and without proper verification in addition to the action to which they are liable under the appropriate disciplinary rules applicable to them.
- It is requested that the action taken in the matter by the State Governments/U.T.AdministratioJs may kindly be intimated to this Ministry urgently with regard to the following

points:-

- (i) Number of bogus certificates detected during the last 2 years (1980 and 1981).
- (ii) Action taken against the erring officials.
 - (a) Under the relevant provision of the I.P.C.
 - (b) Under the appropriate disciplinary rules applicable to them.
- (iii) Action taken against persons who obtained such bogus Certificates under I.P.C. etc.
- (iv) Details of the steps taken to curb such malpractices in future.
- 4. The State Governments and U.T. Administrations are also requested to take strict measures to detect such cases of non-Scheduled Caste and non-Scheduled Tribe persons holding false S.C./S.T. Certificates, deprive them of benefits that they are not entitled to, and impose appropriate penalties and take legal action against them and against those who were responsible for the issue of such certificates, strictly and expeditiously. Further, it was suggested in the Consultative Committee meeting that the State Governments/U.T. Administrations may set up special courts for expeditiously trying the cases relating to the issue of bogus certificates with deterrent rapidity and give wide publicity to the names of persons who are convicted of this offence by the courts.

Yours faithfully,

(B. N. Srivastava)

Director.

Verification of clamis of candidates belonging to SC and ST and migrants from other States/Union Territories—Amended form of caste certificate. Extracts from Representation of the People Act, 1950 on definition of ordinary resident

No. BC-16014/1/82-SC & BCD-I

Tribes and migrants from other States Union Territories-Form of Certificate-Amendment to.

Issuing Authority: B. K. Sarkar,

Joint Secretary, Ministry of Home Affairs, Govt. of India. Addressee: The Chief Secretaries of All State Govts. and

U. T. Administrations.

Affairs, Govt. of India. New Delhi, the 6th August, 1984. **Subject:** — Verification of claim of candidates belonging to Scheduled Castes and Scheduled

Sir,

I am directed to refer to this Ministry's letter of even number dated the 18.11.1982 and the Department of Personnel and-Administrative Reforms letter No. 36012/6/76/Est. (SCT), dated the 29/10/1977 on the above subject and to say that the form of Scheduled Caste/Scheduled Tribe certificate enclosed with the aforesaid letters has been further revised consequent upon coming into force of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 and keeping in view the difficulty being experienced by the persons belonging to the Scheduled Castes and Scheduled Tribes in obtaining community certificates on migration from their States of origin to another for the purpose of employment, education etc. The revised caste/tribe form of certificate is enclosed herewith. It is requested that a copy of the revised form of certificate may please be brought to the notice of all the competent authorities who have been empowered to issue such certificates. The list of competent authorities who have been empowered to issue the Scheduled Caste/Scheduled Tribe certificates circulated by the Department of Personnel and Administrative Reforms in their letter No. 13/2/74-Est. (SCT), dated, the 05/08/1975 has also been incorporated in the enclosed revised form.

2. The instructions issued in this Ministry's letter of even number dated the 18.11.1982 will continue. It is, however, clarified that the Scheduled Caste/Scheduled Tribe person on migration from the State of his origin to another State will not lose his status as Scheduled Caste/Scheduled Tribes but he will be entitled to the concessions/benefits admissible to the Scheduled Castes/Scheduled Tribes from the State of his origin and not from the State where he has migrated. All competent authorities may be advised under intimation to this Ministry to issue the Scheduled Caste/Scheduled Tribe certificates on the revised form of certificate henceforth after satisfying themselves of correctness of the certificate after proper verification based on the revenue records/through reliable enquiries. The list of the competent authorities empowered and incorporated in the form may please be followed strictly. No other authority may be authorized to issue the Scheduled Caste/Scheduled Tribe certificates.

Yours faithfully, Sd/- B. K. Sarkar Jt. Secy to Govt. of India

Form of certificate to be produced by a candidate belonging to a Scheduled Caste or Scheduled Tribe in support of his claim

FORM OF CASTE CERTIFICATE

This is to certify that Shri/Shrims	* /Kumari*
son/daug	ter* of
of village* /to	n*i
	of the State/Unio
Territory*	belongs to the
Cas	ribe * which is recognised as a Scheduled Cast
	Scheduled Tribe *

Under:

- @ The Constitution (Scheduled Castes) Order, 1950.
- @ The Constitution (Scheduled Tribes) Order, 1950.
- @ The Constitution (Scheduled Caste) (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, the North Eastern Areas (Reorganisation) Act, 1971 and the Scheduled Castes and Scheduled Tribes Orders (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 & Diu) Scheduled Castes Order, 1968.
- @ The Constitution (Goa, Daman & 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. Application in the case of Scheduled Castes/Scheduled Tribes persons who have migrated from one State/Union Territory Administration:

^{*} Please delete the words which are not applicable

[@] Please quote specific Presidential Order

[%] Delete the paragraph which is not applicable.

Issue of Scheduled Caste/Scheduled Tribe Certificate to migrants from other States/Union Territories

No. BC-16014 / 1/82-SC & BCD-I

Issuing Authority: B.

B. K. Sarkar

Addressee: The Chief Secretaries to

Joint Secretary,

all State Governments/

Ministry of Home

Union Territory

Affairs, Govt. of India.

Administrations.

New Delhi, dated the 18th November, 1982.

Subject: Issue of Scheduled Caste/Scheduled Tribe Certificate to migrants from other States/ Union Territories.

Sir,

I am directed to say that it has been represented to this Ministry that persons belonging to Scheduled Castes/Scheduled Tribes, who have migrated from one State to another for the purpose of employment, education, etc. experience great difficulty in obtaining caste/tribe certificate from the State from which—they have migrated. In order to remove this difficulty, it has been decided in modification of the instructions issued in letter No. BC-1202S/2176-SCT -1, dated 22.03.1977 and letter No. BC-1202SII1179-SC & BCD-VIV, dated 29.03.1982 that the prescribed authority of a State Government/Union Territory Administration may issue the Scheduled Caste/Tribe certificate to a person who has migrated from another State, on the production of the genuine certificate issued to his father/mother

the prescribed authority of the State of the father's/mother's origin except where the prescribed authority feels that detailed enquiry is necessary through the State of origin before issue of the certificate. The certificate will be issued irrespective of whether the Caste/Tribe in question is scheduled or not in relation to the State/Union Territory to which the person has migrated. This facility does not alter the Scheduled Caste/Scheduled Tribes status of the person in relation to the one or the other State. The revised form of the Scheduled Caste/Tribe certificate is enclosed.

Yours faithfully,

Form of certificate to be produced by a candidate belonging to a Scheduled Castes or Scheduled Tribes in support of his claim.

Form of Caste Certificate

This is to certify that Shri/Shrima	ti/KumariSon/ Daughter
of	of village/town
	in District/Division/Division
	of the State/Union Territory
as Scheduled Caste under:	3
Scheduled Tribe	
The Constitution (Scheduled Cas	stes) Order, 1950.
The Constitution (Scheduled Tril	
	stes)(Union Territories) Order, 1951.
	bes) (Union Territories) Order, 1951.
	Castes and Scheduled Tribes lists (Modification) Order, 1956,
	D, the Punjab Reorganisation Act, 1966, the State of Himachal
	astern Areas (Reorganisation) Act, 1971 and the Scheduled
Castes and Scheduled Tribes Order (A	
	ashmir) Scheduled Castes Order, 1956:
	Nicobar Islands) Scheduled Tribes Order, 1959:
	gar Haveli) Scheduled Castes Order, 1962:
	gar Haveli) Scheduled Tribes Order, 1962:
The Constitution (Pondicherry) S	
	pes) (Uttar Pradesh) Order, 1967:
	nd Diu) Scheduled Caste Order, 1968:
	nd Diu) Scheduled Tribes Order, 1968:
The Constitution (Nagaland) Sch	
The Constitution (Sikkim) Schedu	
The Constitution (Sikkim) Schedu	
certificate issued to Shri/Shrimati	on the basis of the Scheduled Caste/Scheduled Tribefather/mother of Shri/Shrimati/Kumari.
of village/town in District	ct/Division of the State/ Union Territory, who belongs to
the	caste/tribe which is recognised as a <u>Scheduled Caste</u>
in the State/Union Territory	Scheduled Tribe issued by
the	(name of prescribed authority) <i>vide</i> their
No	dated
in the second section is the second	
	Designation
	(with seal of Office)
Place	<u>State</u>
	Union Territory
Date	
The state of the s	

^{*} Please quote specific Presidential order.

	in
District/Division	of the State / Union
	who belongs to the
C	aste/Tribe* which is recognised as a Scheduled Caste
	Scheduled Tribe
in the State/Union Territory	issued by the
	(name of prescribed authority)
	dated
%3. Shri*/Shrimati*/Kumari*	and/or his /her*
· 전 : 경기 1년, 전쟁 2년 - 김 가장 10년 시간 10년 1일	
	District/Division of the State/Union Territory of
	Signature
	**Designation
	(With Seal of Office)
Place	
Date	

Note: The term "Ordinarily resides(s)" used here will have the same meaning as in Section 20 of the Representation of the People Act, 1950.

^{*} Please delete the words which are not applicable

[%] Delete the paragraph which is not applicable.

^{**} List of authorities empowered to issue Scheduled Caste / Scheduled Tribe Certificates.

District Magistrate/ Additional District Magistrate/Collector/Deputy Commissioner/ Additional Deputy commissioner/ Deputy Collector / 1st Class Stipendiary Magistrate / City Magistrate / Sub-Divisional Magistrate/ Taluk Magistrate / Executive Magistrate / Extra Assistant Commissioner ... (not below the rank of 1st Class Stipendiary Magistrate)

Chief Presidency Magistrate / Additional Chief Presidency Magistrate / Presidency Magistrate.

^{3.} Revenue Officers not below the rank of Tehsildar.

Sub-Divisional Officer of the area where the candidate and /or his family normally resides.

^{5.} Administrator / Secretary to Administrator/Devlopment Officer (Lakshadweep Islands).

Extracts from Representation of the People Act, 1950 on definition of ordinary resident

(PART 11- Acts of Parliament)

- 20. Meaning of "ordinarily resident".- ¹[(1) A person shall not be deemed to be ordinarily resident in a constituency on the ground only that he owns, or is in possession of a dwelling house therein.
- (IA) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.
- (1B) A member of Parliament or of the Legislature of a State shall not during the term of his office cease to be ordinarily resident in the constituency in the electoral roll of which he is registered as an elector at the time of his election as such member, by reason of his absence from that constituency in connection with his duties as such member.]
 - (2) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.
 - ²[(3) Any person having a service qualification shall be deemed to be ordinarily resident on any date in the constituency in which, but for his having such service qualification, he would have been ordinarily resident on that date.
 - (4) Any person holding any office in India declared³ by the President in consultation with the Election Commission to be an office to which the provisions of this subsection apply, ¹shall be deemed to be ordinarily resident ²on any date in the constituency in which, but for the holding of any such office³ he would have been

Subs. by Act 47 of 1966, s. 8, for sub-section (3) (w. e. f. 14-12-1966)

- The President of India
- (2) The Vice-President of India
- (3) Governors of States
- (4) Cabinet Ministers of the Union or of any State
- (5) The Deputy Chairman and Members of the Planning Commission
- (6) The Ministers of State of the Union or of any State
- (7) Deputy Ministers of the Union or of any State
- (8) The Speaker of the House of the People or of any State Legislative Assembly
- (9) The Chairman of any State Legislative Council
- (10) Lieutenant Governors of Union territories
- (11) The Deputy Speaker of the House of the People or of any State Legislative Assembly
- (12) The Deputy Chairman of the Council of States or of any State Legislative Council
- (13) Parliamentary Secretaries of the Union or of any State.

Subs. by Act 58 of 1958, s. 8 for sub-section (1)

The following offices have been declared by the President by Notification No. S. O. 959, dated the 18th April, 1960:-

ordinarily resident 4on that date.

- (5) The statement of any such person as is referred to in sub-section (3) or sub-section (4) made in the prescribed form and verified in the prescribed manner, that ⁵[but for his having the service qualification] or but for his holding any such office ⁶as is referred to in sub-section (4) he would have been ordinarily resident in a specified place ⁷on any date, shall, in the absence of evidence to the contrary, be ⁸[accepted as correct].
- (6) The wife of any such person as is referred to in sub-section (3) or sub-section (4) shall if she be ordinarily residing with such person ⁹be deemed to be ordinarily resident on ¹⁰in the constituency specified by such person under sub-section (5).
- ¹¹[(7) If in any case a question arises as to where a person is ordinarily resident at any relevant time, the question shall be determined with reference to all the facts of the case and to such rules as may be made in this behalf by the Central Government in consultation with the Election Commission.
- (8) In sub-sections (3) and (5) "service qualification" means-
 - (a) being a member of the armed forces of the Union; or
 - (b) being a member of a force to which the provisions of the Army Act, 1950 (46 of 1950), have been made applicable whether with or without modifications; or
 - (c) being a member of an armed police force of a State, who is serving outside that State; or
 - (d) being a person who is employed under the government ofIndia, in a post outside India.

Certain words omitted by Act 47 of 1966, s. 8 (w.e.f. 14-12-1966

The words "during any period or" omitted by Act 2 of 1956, s. 14.

The words "or employment" omitted by Act 47 of 1966, s. 8 (w.e.f. 14-12-1966)

The words "during that period or" omitted by Act 2 of 1956, s. 14.

Subs. by Act 47 of 1966, s. 8, for certain words (w.e.f. 14-12-1966)

Certain words omitted by s. 8, ibid. (w.e.f. 14-12-1966)

The words "during any period or" omitted by Act 2 of 1956, s. 14 Subs. by Act 47 of 1966, s. 8, for certain words w. e. f. 14-12-1966

Clarification regarding issuance of Caste Certificate in case of migrants from Bangladesh

D.O. No. 12017/11/89-SCD(R. CELL)

Dated 8th January, 1990

Issuing Authority:

T. Munivenkatappa Joint Secy. to Govt. of India. Ministry of Welfare Addressee:

Parthasarathi Chaudhuri Secretary, Scheduled Castes and ScheduledTribes Welfare Department Govt. of West Bengal

Kindly refer to Chief Minister's D. O. letter No. 257-CM dated so" September, 1989, regarding the difficulties being experienced by the State Government in the issue of Scheduled Caste/Scheduled Tribe certificates.

- 2. A large number of persons after migration from Bangladesh (formerly East Pakistan) belonging to Namasudra, Poundra, etc. communities have settled in the States of West Bengal, Orissa, Bihar, Madhya Pradesh, Maharastra and Andhra Pradesh. All these persons were required to get registration certificates from the Transit Camp set up by the Ministry of Rehabilitation after their entering in India. For example, if a person belonging to Namasudra community had obtained registration certificate to that effect after remaining in the Transit Camp set up by the Ministry of Rehabilitation in the State of West Bengal, he will be treated as a Scheduled Caste in relation to the State of West Bengal and for all purposes he will be treated as permanent resident of that State even after his migration to another State. It was obligatory on the part of the refugees from Bangladesh to get themselves first registered in the transit camp set up by the Ministry of Rehabilitation otherwise such entries would not be regularised. In addition to this, they are required to produce citizenship certificates for obtaining caste certificates. The Government of India insist on the above certificates since these persons were not citizens in India when the first Presidential Order i. e. Constitution (Scheduled Caste) Order, 1950 came into force.
- 3. Regarding the problem being faced by Scheduled Caste/Scheduled Tribe migrants, it may be stated that according to the guidelines issued by this Ministry from time to time, the Scheduled Caste and Scheduled Tribe persons on migration from the State of their origin to another State will not loose their status as Scheduled Castes/ Scheduled Tribes, but they will be entitled to the concessions/benefits admissible to the Scheduled Castes and Scheduled Tribes from the States of their origin and not from the States to which they had migrated. The cases of all the Scheduled Caste/Scheduled Tribe persons migrated to the State of West Bengal from other States after the issue of first Presidential Order, therefore, can be decided accordingly.

- Further, according to Article 341 (2) and 342(2) of the Constitution, the Scheduled 4. Castes/Scheduled Tribes are specified in relation to a particular State. The residence contemplated under the various Presidential Orders issued so far, is interpreted as the permanent residence of that locality. Since permanent residence is one of the conditions to confer the benefit of the order and a person cannot claim to be a permanent residence of more than one State. In view of this, determination of ordinary place of residence of a Scheduled Caste/ Scheduled Tribe person for the purpose of issuing a Scheduled Caste/ Scheduled Tribe certificate to him is absolutely essential. In view of this a person who has migrated from his State of origin to another State after the issue of the Presidential Order cannot be treated an ordinary resident of the later State merely on the ground that he has permanently settled in the later State. However, he can obtain a Scheduled Caste/ Scheduled tribe certificate from the State of Migration on the production of a genuine certificate issued to his father by the State of his father's origin. If he does not have any such certificate issued to his parent, a certificate can only be issued by the State/Union Territory from where the person had migrated after enquiry in the normal course.
- 5. In view of the position explained above, it may be appreciated, if the stipulations of a Registration Certificate, an Indian Citizenship certificate and ordinary place of residence are not followed in the case of persons who had migrated from Bangladesh (Earlier East Pakistan) and from other States of India, there is every possibility that the non-Scheduled Caste/Scheduled Tribe persons will have undue scope to have bogus certificates and corner the benefits meant for genuine Scheduled Castes/Scheduled Tribes.

Treatment of backlog vacancies reserved for SCs & STs; as a distinct group and non-50 applicability of per cent celling thereon

No. 36012/5/97-Estt. (Res.) Vol. 11

OFFICE MEMORANDUM

North Block, New Delhi-110 001 Dated the 20th July, 2000

Subject: Treatment of backlog vacancies reserved for SCs & STs as a distinct group and non-applicability of 50 per cent ceiling thereon.

The undersigned is directed to invite a reference to Department of Personnel & Training's O.M. No. 36012/5/97 Estt. (Res.), dated 29th August, 1997 wherein it was laid down that 50 per cent limit on reservation shall apply to current as well as backlog vacancies and that backlog of reserved vacancies shall not be treated as distinct group for the purpose of 50 per cent limit on reservation and to say that the matter has been reviewed. Consequently, article 16(4B) has been incorporated in the Constitution by the Constitution (Eighty-First Amendment) Act, 2000, which provides as under:-

"Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year."

2. In pursuance of the provisions of Article 16(4B) of the Constitution, it has been decided that in partial modification of the instructions issued vide this Department's O.M. No. 36012/5/97-Estt.(Res.), dated the 29th August, 1997, the reserved vacancies for Scheduled Castes and Scheduled Tribes in all cases of direct recruitment and promotion, wherever applicable, which have remained unfilled in the earlier year(s) i.e. backlog and/or carried forward vacancies would be treated as a separate and distinct group and will not be considered together with the reserved vacancies of the year in which they are being filled up for determining the ceiling of 50 per cent reservation on total number of vacancies of that year. In other words, the ceiling of 50 per cent on filling up of reserved vacancies would apply only on the reserved vacancies which arise in the current year and the backlog/carried forward reserved vacancies for SCs/STs of earlier years would be treated as a separate and distinct group and would not be subject to any ceiling. However, backlog and/or carried forward reservation will automatically lapse in a cadre as soon as combined

representation of a reserved category in direct recruitment as well as promotion is either equal to or more than the prescribed number of reserved posts in the relevant post-based rosters.

- As the Ministries are aware, reservation with effect from 02.07.1997 is linked to post based rosters. The backlog of vacancies would, be determined with reference to the post based rosters keeping in view the instructions issued vide this Department's O.M. No. 36012/2/96-Estt.(Res.), dated the 2nd July, 1997.
- 4. The Ministries/Departments etc. are requested to carry out a review for early assessment of the backlog vacancies in respect of SCs & STs both by way of direct recruitment and promotion and make concerted efforts to fill up backlog vacancies.
- 5. This order takes effect from the date of issue.
- All Ministries/Departments are requested to bring these instructions also to the notice of their Attached/Subordinate Offices and Autonomous Bodies/Public Sector Undertakings under their control for compliance.
- 7. Hindi version will follow.

Sd/ J. Kumar

Deputy Secretary to the Government of India

Reservation in Promotion-Prescription of lower qualifying marks / lesser standard of evaluation

No. 36012/23/96-Estt.(Res.)-Vol. II

North Block, New Delhi

Dated: The 3rd October, 2000.

OFFICE MEMORANDUM

Subject : Reservation in promotion — Prescription of lower qualifying marks/lesser standard of evaluation.

The undersigned is directed to refer to Department of Personnel & Training's O.M. No. 36012/23/96-Estt.(Res.), dated 22nd July, 1997 vide which various instructions of the Government providing for lower qualifying marks/lesser standards of evaluation in matters of promotion for candidates belonging to the Scheduled Castes and Scheduled Tribes had been withdrawn, on the basis of the Supreme Court's judgment in the case of S. Vinod Kumar Vs. Union of India.

- The undersigned is further directed to say that the matter has been reviewed, consequent to which the following proviso to Article 335 has been incorporated in the Constitution by the Constitution (Eighty-Second Amendment) Act, 2000:-
 - "Provided that nothing in this Article shall prevent in making of any provision in favour of the members of the Scheduled Castes and Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs ofthe Union or of a State."
- 3. In pursuance of the enabling proviso of Article 335 of the Constitution, it has now been decided to restore, with immediate effect, the relaxations/concessions in matters of promotion for candidates belonging to SCs/STs by way of lower qualifying marks, lesser standards of evaluation that existed prior to 22.07.1997 and as contained in the instructions issued by the Department of Personnel and Training from time to time including O.M. No. 8/12/69-Estt. (SCT), dated 23.12.1970, No. 36021/10/76-Estt.(SCT), dated 21.01.1977 and para 6.3.2 of the DPC guidelines contained in Department of Personnel and Training's O.M. No. 22011/5/86-Estt. (D), dated 10. 4.1089. In other words, the effect of these instructions would be that the Department of Personnel and Training's O.M. No. 36012/23/96-Estt.(Res.), dated 22nd July, 1997 becomes inoperative from the date of issue of this O.M..
- These orders shall take effect in respect of selections to be made on orafter the date of issue of this O.M., and selections finalised earlier shall not be disturbed.
- All Ministries/Departments are requested to bring these instructions also to the notice of their Attached/Subordinate Offices and Autonomous Bodies/Public Sector Undertakings under their control for compliance.

Sd/ J. Kumar

Acceptance of Castes Certificates produced by Candidate

No.36011/3/2009-Estt. (Res.)

North Block New Delhi-110 001, Dated the 2nd September, 2009

OFFICE MEMORANDUM

Subject: Acceptance of caste certificates produced by candidates.

The undersigned is directed to say that this Department's O.M. No.36012/6/88-Estt. (SCT) dated 24.4.1990 and O.M. No. 36012/22/93- Estt. (Res.) dated 15.11.1993 provide that the Caste/Tribe/Community Certificates in the proforma prescribed and issued by any of the authorities stated in the said OMs will only be accepted by the appointing authorities as sufficient proof in support of a candidate's claim to belong to Scheduled Caste/ Scheduled Tribe/ Other Backward Class. It has been brought to the notice of this Department that some Organisations do not accept the certificates in the proforma so prescribed and ask the candidates to submit certificates in some other format. It is emphasised that instructions referred to above should be followed scrupulously.

2. All the Ministries/ Departments etc. are requested to bring the contents of this OM to the notice of all concerned.

(G. S. Pundir)
Under Secretary to the Government of India

C. State Government Orders on SC/ST On Sunri (excluding Saha)

No. 498-TW

Calcutta, the 28th February, 1983

MEMORANDUM

According to the practice obtaining in West Bengal persons belonging to 'Sunri' community are being issued Scheduled Caste Certificates by the competent authority irrespective of the fact whether they use their surname as 'Saha' or not. Such certificates are not, however, being accepted by the Government of India on the ground that the persons belonging to Sunri (excluding Saha) are eligible to benefits as admissible to Scheduled Castes in West Bengal State. Consequently the members of Sunri community who are already in possession of Scheduled Castes Certificates are not getting the benefits as admissible to Scheduled Castes in West Bengal State.

The point mentioned above was taken up with the Government of India in the Ministry of Home Affairs and they have since furnished the following clarification:

"According to the Constitution (Scheduled Castes) Order, 1950 amended up-to-date only 'Sunri (excluding Saha)' has been specified as Scheduled Caste in relation to West Bengal State. In view of this if a person is certified by a competent authority to the effect that he belongs to 'Sunri (excluding Saha)' community he is to be recognised as a Scheduled Caste. He may be using any surname including 'Saha' and the Government of India is not concerned with that."

Having regard to the aforesaid clarification of the Government of India all authorities competent to issue Scheduled Caste Certificates are hereby requested to mention 'Sunri(excluding Saha)' in the appropriate place of the form for such certificates while issuing new Caste Certificates to avoid any anomaly in future. They are also requested hereby to issue fresh Caste Certificates to the members of 'Sunri'community mentioning 'Sunri (excluding Saha)' on the basis of applications made for the purpose duly supported by the Caste Certificates already issued in favour of them mentioning their caste as 'Sunri'

Sd/- M. K. Bose, Secretary

Substitution of SC Certificates of "Sunri" by "Sunri (Excluding Saha)"

No.350-TW/EC

Calcutta, the 15th June, 1992

MEMORANDUM

Subject:

Substitution of Scheduled Caste Certificates having Caste as 'Sunri' by fresh

Scheduled Caste Certificates having Caste as 'Sunri (Excluding Saha)'

In West Bengal there was a longstanding practice to issue Scheduled Caste Certificate mentioning 'Sunri' as the Caste. The Government of India however, by their clarification observed that in place of 'Sunri' the words 'Sunri (excluding Saha)' should be written for its acceptance to them. A direction was given accordingly under this Department's Memo No. 498-TW, dated 28th February, 1983 (copy enclosed).

- 2. It appears, there has been a lot of confusion amongst the Certificate Issuing Authorities in this matter. When an application is submitted to the Certificate Issuing Authority for replacement of the certificate by a fresh one mentioning 'Sunri (excluding Saha)' as the Caste, a fresh enquiry is generally made with a lot of suspicion in mind. Consequent upon that there has been an undue delay in issuance of Caste Certificate and in some cases certificates have not at all been issued for years together causing hardship to such persons. The matter has again been under consideration of the Government for quite some time. After careful consideration it has been decided that all caste certificates with 'Sunri' as the caste be replaced straight-way by a fresh certificate mentioning 'Sunri (excluding Saha)' as the caste without any enquiry whatsoever.
- If however, the certificate issuing authority has any doubt in mind as to genuineness of the certificate, a separate enquiry can be made subsequently as is done in case of such doubt arising in other caste/tribe certificate or in case of complaints etc., and action may be taken accordingly as it deserves.

Sd/- K. K. Naskar Secretary

Disposal of complaints against a person to whom Caste Certificate is issued

No. 4097 (67)—BCW / MR—172 / 2007

Kolkata the, 27th December, 2007

To: The Sub-Divisional Officer (All)

For the past few years this Department is receiving lots of queries, suggestions from the Certificate Issuing Authorities as well as from different public bodies, undertakings and associations with respect to disposal of the complaints against a person to whom a Caste Certificate has been issued, actually belongs to the Scheduled Castes and Scheduled Tribes or Other Backward Classes pending before the Certificate Issuing authorities from time to time. While there are adequate provisions in the concerned Act, Rules and Government Orders to deal with the matter, the following guidelines compiled in terms of the Acts, Rules and Orders are prescribed hereunder for expeditious disposal of such cases:

- (1) Upon receipt of a complaint from any corner or suo moto, the authority shall cause an inspection by himself or by any officer above the rank of an Inspector of this Department, as may be authorized by him in writing in this behalf.
- (2) Result of inspection is to be recorded in writing in support of the truth or otherwise of the complaint and if necessary, proceedings for cancellation, impounding or revocation of the caste certificate deemed to be wrongly issued in the name of the holder of the certificate is to be started.
- (3) Where any proceedings have been started, the issuing authority shall ask the person holding the certificate in writing to deposit the same, in original, in its office giving the holder a receipt of acceptance.
- (4) The issuing authority shall issue a notice to show cause within a period of 15 days or less depending on the specific case, as to why the certificate issued in his favour shall not be cancelled, impounded or revoked on the grounds stated in the notice.
- (5) On the expiry of the period stipulated in the show-cause notice, the issuing authority shall fix a date of hearing by serving upon the certificate-holder a notice in writing asking him to bring oral or documentary evidence in support of his claim.
- (6) The service of the notice shall be inter-alia done as per the provisions of the Code of Civil Procedure, 1908, namely:
 - (i) registered post with acknowledgement due; or

- (ii) messenger; or
- (iii) affixing in front of the door of the addressee; or
- (iv) publication in the local daily newspaper.
- (7) The issuing authority shall intimate in writing of the order of cancellation, impounding or revocation to the erstwhile certificate holder and to the authority if any, before whom the said certificate was produced for granting benefits.
- (8) A copy of the said order of cancellation etc. shall be forwarded to this department for taking further action.
- (9) The issuing authority shall then send this information of cancellation of the certificate to the other appropriate authorities.
- (10) The entire proceedings should normally be completed within a period of ninety days. The above guidelines are issued in public interest. Any further reference may be made to the relevant provisions of the Act and Rules.

Sd/-Joint Commissioner for Reservation & Ex-officio Jt. Secretary to the Govt. of West Bengal

Affidavit in the matter of Caste Certificate

No. 520(18)-BCW/7P-21/2011

Date: 11-02-2011

From: Shri M. Pandit. WBCS (Exe.),

Joint Commissioner for Reservation

& Ex-officio Joint Secretary to the Government of West Bengal

To : The District Magistrate,

Darjeeling / Cooch Behar / Jalpaiguri / Uttar Dinajpur / Dakshin Dinajpur / Malda / Murshidabad / Birbhum / Bankura / Burdwan / Nadia / Purulia / Howrah / Hooghly/ North 24 Pgs / South 24 Pgs / Purba Medinipur / Paschim Medinipur

Sub: Affidavit in the matter of Caste Certificate to be Sworn before Executive Magistrate – problems and bottlenecks arising.

Sir,

I am directed to draw your kind attention to the subject above noted and to say that all the B.D.O.'s are empowered by the State Government (by the Home, P. &A. R. Department) to act as Executive Magistrates, under Section 20(I) of the Cr. P.C. Act, 1973, upon due recommendation of the Divisional Commissioner and the District Magistrate.

Therefore, the B.D.O.'s acting as Executive Magistrate are competent to swear an affidavit inter alia among other functions of an Executive Magistrate. But the records of such swearing shall be maintained properly for official use.

This is for your information and necessary action.

Yours faithfully,

Joint Commissioner for Reservation & ex-officio Joint Secretary

State Scrutiny Committee for verification of social status

No. 2344/A-BCW/MR-I08/12

NOTIFICATION

In exercise of the power conferred by Section 8A(1) of the West Bengal Scheduled Castes and Scheduled Tribes (identification) Act, 1994, the Governor is pleased hereby to constitute the State Scrutiny Committee for verification of social status of a person in whose favour a certificate is issued under Section 5 of the said Act with the following members:-

 The Secretary, Backward Classes Welfare Department, Government of West Bengal.

Chairperson

Dated: 02.07.2012

Explanation.—Secretary shall include a Special Secretary .

b) The Commissioner, Directorate of Backward Classes Welfare Department, West Bengal or any officer not below the rank of Deputy Director, duly authorized by him.

Convenor

c) The Director, Cultural Research Institute, Backward Classes Welfare Department or any officer not below the rank of Deputy Director, duly authorized by him,—

Expert Member

Subject to any general or special order of the State Government, provisions of this Act and rules thereunder, the Committee shall have powers—

- to verify the social status of a person in whose favour a certificate is issued under Section 5;
- to issue direction to the Vigilance Cell constituted under Section 8B;
- to make an inquiry in connection with the contravention of any provision of this Act;
- d) to issue notice to any person or authority in such manner as may be prescribed;
- to call for information from any person or authority for the purpose of satisfying itself whether there has been any contravention of any provision of this Act or any rule or order made or direction issued thereunder;
- to require any person or authority to produce or deliver any document or thing useful or relevant to the inquiry;
- g) to examine any person acquainted with the facts and circumstances of the case;
- to issue direction under sub-section (2) of section 9 to the certificate issuing authority;
- i) to do such other things and perform such other acts not inconsistent with the

provision of this Act as may appear to be necessary or expedient for the proper conduct of its function, or which may be prescribed.

The Committee shall meet at such place and time, and the meeting shall be conducted in such manner, as may be prescribed.

All order or direction of the Committee shall be authenticated by the Chairperson or by such officer of the Committee as may be authorized by the Chairperson in this behalf.

By order of the Governor,

(S. L. Chakraborty)

Joint Commissioner for Reservation & ex-officio Joint Secretary to the Government of West Bengal.

Proper verification before issuance of Caste Certificate to avoid erroneous issuance of certificates

No. 2746-BCW/CON-03/2010

MEMORANDUM

This Department of BCW has received a no. of complaints in respect of issuance of caste certificates to the persons who do not in fact belong to Scheduled Caste or Scheduled Tribes and Other Backward Classes community. This Department has also received complaint regarding issuance of two separate Caste Certificates to the same person belonging to different castes. It is, therefore, necessary for the Certificate Issuing Authorities as well as Enquiring Officers to conduct proper verification before issuance of castes certificates to avoid erroneous issuance of caste certificates to Scheduled Caste, Scheduled Tribes and Other Backward Classes of people.

Secretary to the Govt. of West Bengal

Date: 02.08.2012

Re-designation of DWO, Kolkata as DWO, Kolkata & Ex-officio Joint Director, BCW

No. 2399-BCW / MR-61/ 2012 (Pt.)

NOTIFICATION

The Governor is pleased to redesignate the post of District Welfare Officer, Backward Classes Welfare, Kolkata as District Welfare Officer, Kolkata & Ex officio Joint Director, Backward Classes Welfare The post will be filled up by an officer in the pay scale of Rs. 12000 - 18,000/-under W.B.5. (ROPA) Rules, 1998 corresponding to the revised Pay Band 4B of Rs. 28,000 - 52,000/- with Grade Pay of Rs. 7600/- of WBS (ROPA) Rules, 2009.

This order issues with the concurrence of Finance Department vide their U.O. No. 1203 Group P2 dated 26.04.2013 and also with the approval of the Personnel & Administrative Reforms Department.

Secretary to the Government of West Bengal

Date: 11-07-2013

Caste Certificate in respect of Kolkata to be issued by DWO, Kolkata.

No. 2420-BCW/ MR-61/2012 (Pt.)

NOTIFICATION

In exercise of the power conferred under section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 (West Ben. Act XXXVIII of 1994), (hereinafter referred to as the said Act), as subsequently amended vide Notification no. 90-L, dt. 14.01.2013 (West Ben. Act XXXV of 2012), the Governor is pleased to notify that the Caste Certificates, under Section 3 or Section 4 of the said Act, in respect of Kolkata, as defined in the clause (9) of section (2) of the Kolkata Municipal Corporation Act, 1980, be issued by the District Welfare Officer, Kolkata and ex-officio Joint Director, Backward Classes Welfare.

Secretary to the Govt. of West Bengal

Dated: 12.07.2013

Caste Certificate in respect of Kolkata to be issued by DWO, Kolkata (Rule 7A)

No. 2421-BCW/ MR-61/2012 (Pt.)

ORDER

In terms of Rule 7A of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Rules, 1995, the Backward Classes welfare Officer, Kolkata will act as recommending authority in respect of the issuance of Caste certificates for Scheduled Castes, Scheduled Tribes and Other Backward Classes in Kolkata, as defined in the clause (9) of section (2) of the Kolkata Municipal Corporation Act, 1980, to be issued by the District Welfare Officer, Kolkata and ex-officio Joint Director, Backward Classes Welfare.

Secretary to the Govt. of West Bengal

Dated: 2.07.2013

Date: 17.03.2015

Issuance of amended OBC Certificate and Duplicate SC/ST Certificate

No. 1002 (68)-BCW/MR-221/08 (Part I)

From: Shri Atonu Chattetjee, WBCS (Exe),

Joint Commissioner for Reservation and Ex-Officio Joint Secretary.

To: 1. PO-cum-DWO, Kolkata.

2. Sub-Divisional Officer.....(all).

Sub: Issuance of amended OBC Certificate and Duplicate SC/ST Certificate.

Ref: Our Memorandum No. 959-BCW & 960-BCW, both dated 13.03.2015.

Sir/Madam,

In continuation of the Memorandum as referred to above (copy enclosed) this is to inform that department has taken steps for issuance of amended OBC certificates as is required after the changes of the nomenclature of the class as well as the introduction of categorization in terms of their relative backwardness and also for the purpose of issuance of duplicate SC/ST certificate.

Since certificates are presently issued online, arrangements have been made for issuance of amended certificates also online through OSCAR software by introducing new interfaces to be handled by the "Certificate Issuing Authority" and one of the subordinate officers. The system is capable of issuing modified certificates in respect of the caste certificates which were issued online and those which were issued manually and whose data are available in Central Server.

Further, details of the activities to be taken up in the SDO's office and screen shot are enclosed for your reference and guidance.

Encio: As stated.

Yours faithfully,

Joint Commissioner for Reservation & Ex-Officio Joint Secretary.

NO. 959-BCW/MR-221/08 (Part-1)

Dated 13.03.2015

MEMORANDUM

The SC/ST Certificate holder may require to obtain duplicate SC/ST Certificate in the event of loss or damage of the original Scheduled Caste or Scheduled Tribe Certificate from the concerned certificate issuing authority.

In view of this and after careful consideration of all aspects, it has been decided that such duplicate SC/ST certificates will be issued in the following manner:-

- a) The SC/ST Certificate holder is required to apply for the duplicate certificate in plain paper to the concerned certificate issuing authority along with two copies of recent passport sized coloured photograph with copy of G.D in respect of lost certificate.
- b) The Certificate issuing authority may issue duplicate certificate after verifying records relating to the grant of the original certificate against lost or damaged old certificate.

This is applicable in respect of certificate issued on-line and also for those issued manually and data of which are available in the Central Server.

Principal Secretary to the Government of West Bengal

No. 960-BCW/MR-221/08 (Part-1) Dated 13.03.2015

MEMORANDUM

Since the status of a person belonging to 'Creamy Layer' changes with time and consequent upon modification of nomenclature of twenty four (24) enlisted Other Backward Classes (OBCs) of this State, Vide Order No, 2770-BCW/MR-116/12, dt. 29.08,2014, and introduction of categorization of OBC persons into Category A & Category B as per their relative backwardness there is a need of issuance of amended OBC certificates from the concerned certificate issuing authority in order to avail the benefits of reservation.

In view of this and after careful consideration of all aspects, it has been decided that such amended OBC certificates will be issued in the following manner:-

- a) The OBC certificate holder is required to apply for the amended certificate in plain paper to the concerned certificate issuing authority along with original OBC certificate and attested documentary proof in support of non-creamy layer status along with two copies of recent passport sized coloured photograph.
- b) Certificate Issuing authority, after categorizing the applicant into Category-A or Category-B as per his/her relative backwardness and being fully satisfied of the applicant's non 'Creamy Layer' status (fresh field enquiry, if needed, is suggested), shall issue a fresh OBC certificate with new Certificate number and date against old certificate number.

Aforesaid procedure is applicable in respect of certificates either issued on-line or are issued manually and data of which are available in the Central Server.

- c) In case of the OBC certificates, which were issued manually but there are no data in the central server the age-old method of stamping will continue provided the certificate issuing authority is satisfied about the non-creamy layer status of the applicant.
- d) During this process if it is seen that the applicant belongs to the 'Creamy Layer' then obviously the new certificate will not be issued to the incumbent. The enquiry report establishing him/her belonging to 'Creamy Layer' along with the old certificate should be preserved properly to handle any subsequent legal eventuality.

The same procedure may be used for issuance of duplicate OBC certificate, subject to usual checks.

Principal Secretary to the Government of West Bengal

Activities to be taken up at SDO's Office and DWO Kolkata's (for OBC Certificate)

1. Computerised Certificates:

After getting the application for amended OBC Certificate and after due enquiry if amendment is necessary—

- a) Log in through the relevant portal.
- b) Interface appears—put in the old certificate number. Details of the old certificate appears Creamy layer Status option to be ticked in Yes/No Version, Alongside option of Reject Certificate and Re-issue Certificate appears. To be suitably ticked.
- c) In case of Re-issue Certificate an interface will appear with New no, category, date etc.
 - d) Print the certificate and issue after proper processing.

2. Manual Certificates issued and data available in central server :

- a) Log in through the relevant portal.
- b) Interface appears—put in the old Certificate number and issuing year. Details of the old certificate appear- Creamy layer Status option to be ticked- in Yes/No Version. Alongside option of Reject Certificate and Re-issue Certificate appears. To be suitably ticked,
- c) In case of Re-issue Certificate an interface will appear with New no, category, date etc.
 - d) Print the certificate and issue after proper processing.

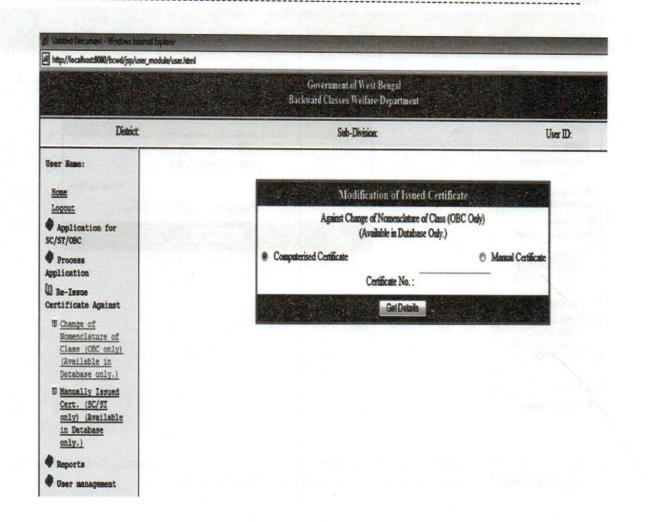
Activities to be taken up at SDO'S Office and DWO Kolkata's (duplicate SC/ST Certificate)

After getting the application for duplicate SC/ST Certificate and after due verification of the available records-

- a) Log in through the relevant portal.
- b) Interface appears-put in the old certificate number and year of issue.
- c) Interface will appear with Certificate No., Category (SC/ST), date of issue etc.
- d) Print the certificate and issue certificate after proper processing.

USER MANUAL for Re-Issue of Certificate (SC/ST/OBC)

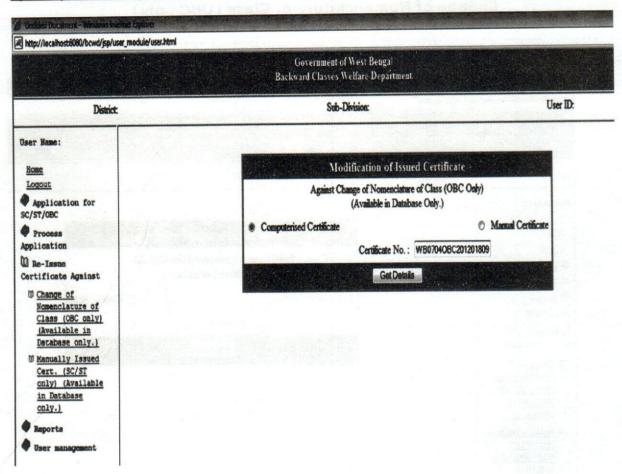
Re-Issue of Certificate Against Change of Nomenclature of Class (OBC only)



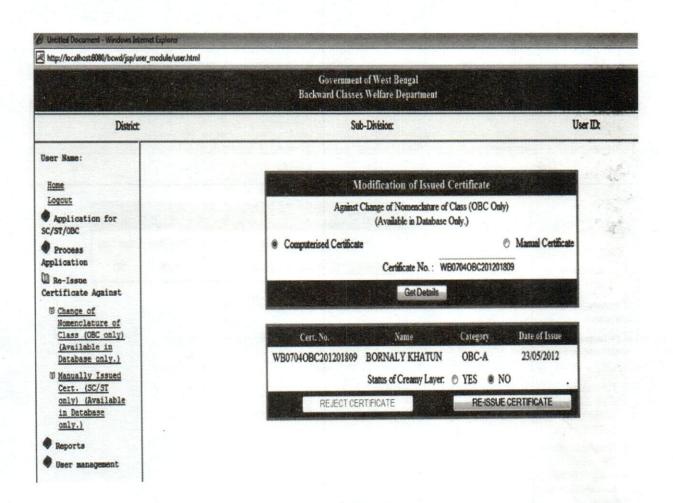
On the Home page of S.D.O. user login click on the menu "Change of Nomenclature of Class (OBC only)(Available in Database only.)" under "Re-Issue of Certificate Against". The above screen will be generate.

There are two radio button.

1) Computerised Certificate:



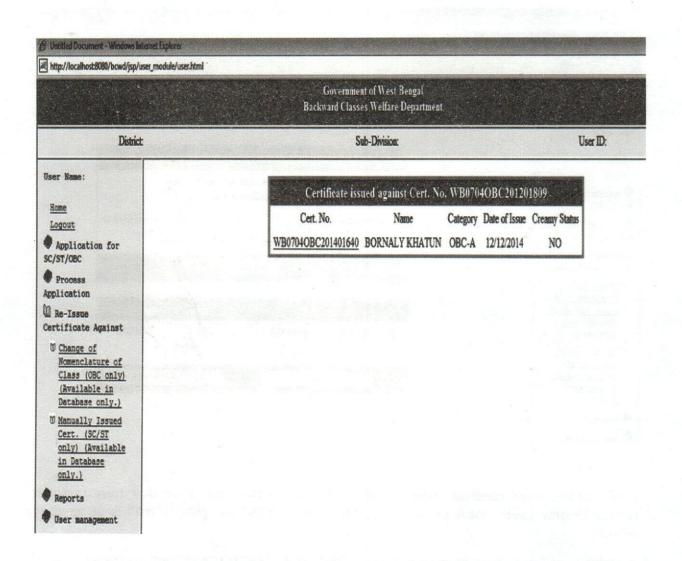
Please input the computer genrated certificate number in the textbox beside the lable "Certificate No." and then click on the button named "Get Details".



Details of the given certificate number will be appear on the page. Here user have to select current Creamy Layer status by selecting radio button "YES" or "NO". ("NO" is selected by default)

If "NO" is selected the button having text "RE-ISSUE CERTIFICATE" will be activate. After mouse click over activated button a new certificate number will be generate.

If "YES" is selected the button having text "REJECT CERTIFICATE" will be activate. After mouse click over activated button a current certificate number will be deactivate from current date.



After mouse click over "RE-ISSUE CERTIFICATE" above screen will be populate with a new computer generated certificate number. To print the certificate user should click on the Crtificate Number.

Selle

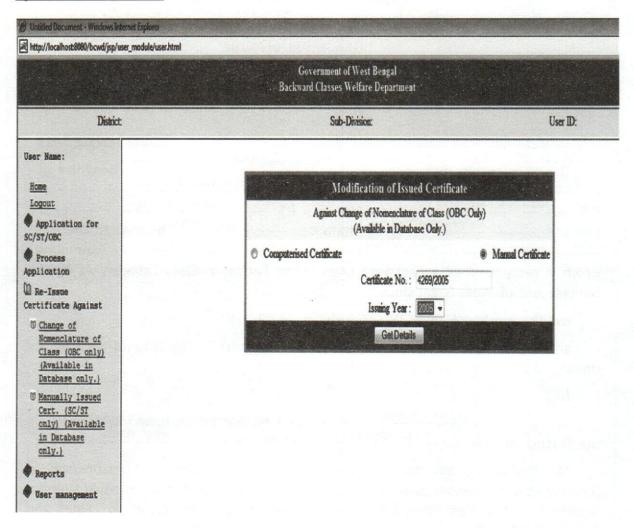


Government of West Benal Office of The Sub-divisional Officer

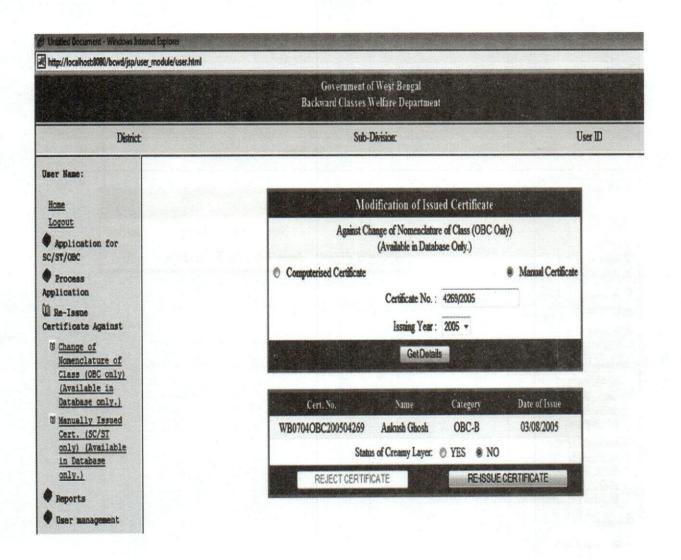
LALBAGH SUB-DIVISION
DIST-MURSHIDABAD
CERTIFICATE FOR OTHER BACKWARD CLASSES

Certificate NoWB0704OBC201401640			Date : 12/12/2014
This is to certify that of N	willage	SYEDPUR	daughter of -
P.O. ———————————————————————————————————	- P.S	RANITALA WEST BENGAL be	in the elongs to the
which is recognised as a Backward Class C Government of West Begal Under :-			
Notification No. 6309-BCW/MR-84/10 d	lt 24.09.20	10	
and as a Backward Class by the Govern Under :-	ment of Inc	dia for the S	tate of West Bengal
NIL.			
the District of	and his/h of the st	er family or ate	dinarily reside(s) in
This is also to certify that he does not (Creamy Layer) to whom reservation shall in Section 4 of the West Bengal Backward C Scheduled Tribes (Reservation of Vacancies in No. 3 of the Schedule to the Govt. at India No. 36012/22/93-Estt (SCT) Dated 8.9.93, last the 27th May, 2013.	not apply a Classes (oth Services ar a. Departme	s provided in ner than Sch nd Posts) Act ent of Person	n Schedule II under neduled Castes and , 2012 on in Column nal & Training O.M.
Place : LALBAGH			
Date : 12/12/2014			
Attach applicant's recent passport size photograph not applicated Office Seal			Sub-Divisional Officer LALBAGH DIST-MURSHIDABAD STATE-WEST BENGAL

2) Manual Certificate:



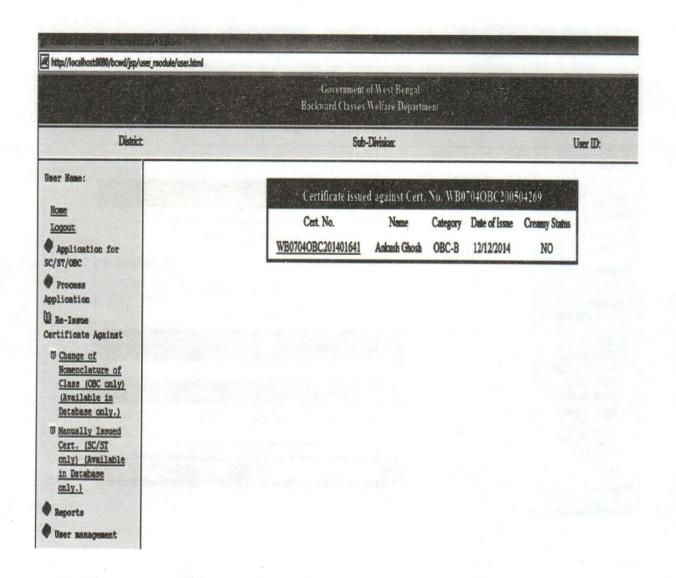
Please input the manualy genrated certificate number in the textbox beside the lable "Certificate No." and select issuing year from drop-down list. Now click on the button named "Get Details".



Details of the given certificate number will be appear on the page. Here user have to select current Creamy Layer status by selecting radio button "YES" or "NO". ("NO" is selected by default)

If "NO" is selected the button having text "RE-ISSUE CERTIFICATE" will be activate. After mouse click over activated button a new certificate number will be generate.

If "YES" is selected the button having text "REJECT CERTIFICATE" will be activate. After mouse click over activated button a current certificate number will be deactivate from current date.



After mouse click over "RE-ISSUE CERTIFICATE" above screen will be populate with a new computer generated certificate number. To print the certificate user should click on the Crtificate Number.



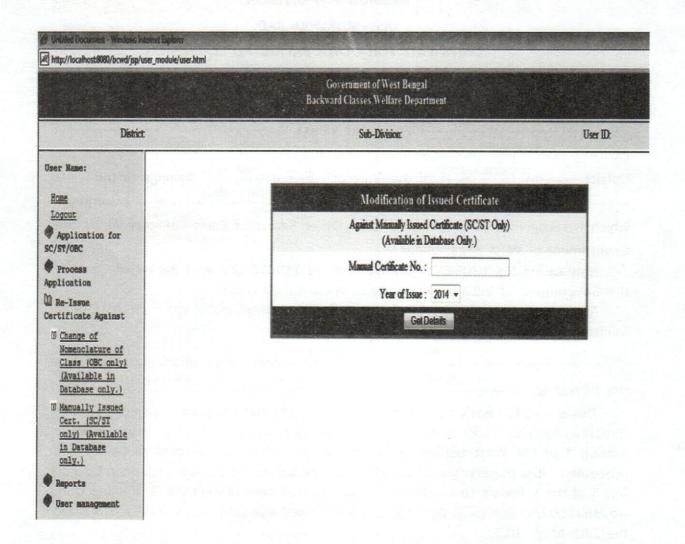
GOVERNMENT OF WEST BENGAL OFFICE OF THE SUB-DIVISIONAL OFFICER

LALBAGH SUB-DIVISION DIST-MURSHIDABAD

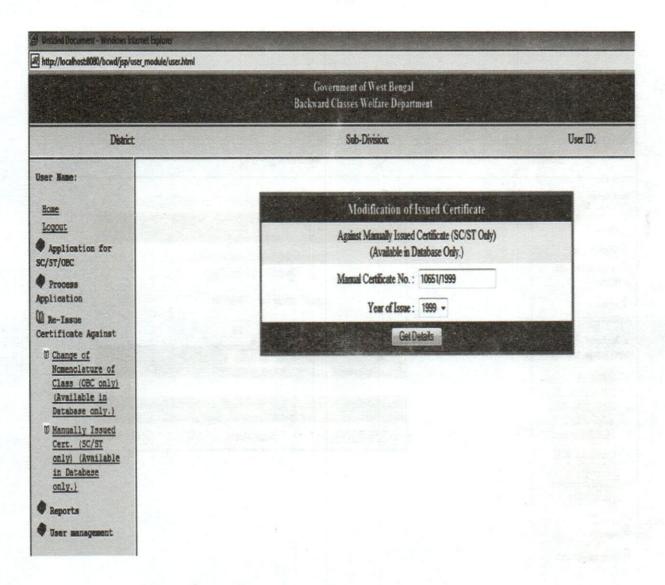
CERTIFICATE FOR OTHER BACKWARD CLASSES

ertificate No. WB07040BC201401641		Date : 12/12/20
This is to certify that	of village	BARODUARY
P.O	P.S	JIAGANJin the
district of the GOALAGOPE (OALLAV GOPE, BALLAVGO	state of	ST BENGAL
which is recognised as a Backward		
Government of West Begal Under :-		
Notification No. 6309-BCW/MR-		and as a Backward Class by
the Government of India for the Sta	ite of West Bengal U	Inder :-
Amended/Inserted Vide Resolu	ition No. 12011/68/9	98-BCC Date: 27.10.1999 of
Ministry of Govt. of India.		
ANKUSH G	HOSH and his/hor	family ordinarily reside(s) in
MURSHIDABAD	and his/her	family ordinarily reside(s) in
the District of		
This is also to certify that he do		
(Creamy Layer) to whom reservation		
Section 4 of the West Bengal Back		
Scheduled Tribes (Reservation of Vaca		
No. 3 of the Schedule to the Govt.		
No. 36012/22/93-Estt (SCT) Dated 8.9	0.93, last revised side	O.M. No. 36033/1/2013 dated
the 27th May, 2013.		
lace : LALBAGH		
ate : 12/12/2014		
Attach applicant's		Sub-Divisional Officer
recent passport size Office		LALBAGH
photograph not Seal		DIST-MURSHIDABAD
aploaded		STATE-WEST BENGAL

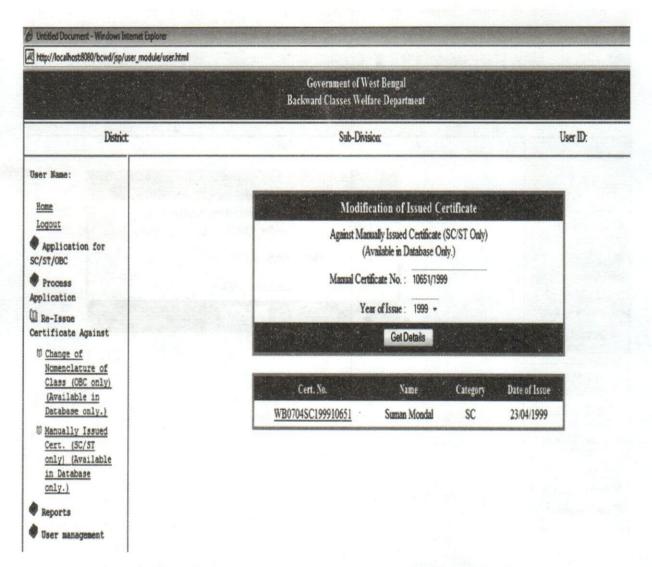
Re-Issue of Certificate Against Manually Issued Cert. (SC/ST only)



On the Home page of S.D.O. user login click on the menu "Manually Issued Cert. (SC/ST only))(Available in Database only.)" under "Re-Issue of Certificate Against". The above screen will be generate.



Please input the manualy genrated certificate number in the textbox beside the lable "Manual Certificate No." and select issuing year from drop-down list. Now click on the button named "Get Details".



Above page will be populate with a computer generated certificate number. To print the certificate user should click on the Certificate Number.



Government of West Bengal Office of The Sub-divisional Officer

Lalbagh Sub-Division
Dist. - Murshidabad

Certificate For Other Backward Classes

This is to certify that	SUMAN MONDAL son of
	of village
	P.Sin the
district of the	state of belongs to the
	caste which
is recognized as SCHEDULED CASTE	under the Constitution (Scheduled Castes) Order
1950 and the Constitutions (Schedule	ed Tribes) Order 1950 as amended by the Scheduled
Castes and Scheduled Tribes Lists M	Modification order 1956, and the Schedule Castes
	dment) Act. 1976.
and Scheduled Tribes Order (Amend SUMAN MONDAL	- and his/her family ordinarily resides in the Village

Place: LALBAGH

Old Certificate No. - 10651/1999

Date: 12/12/2014

Attach applicant's recent passport size photograph not aploaded

Office Seal Sub-Divisional Officer
Lalbagh
Dist-Murshidabad
West Bengal

Date: 23/04/1999

Updated Guidelines for issuance of SC/ST Certificate

No. 1203-BCW/MR-88/2014

MEMORANDUM

Date: 27-07-2015

Updated Guidelines for issuance of SC/ST Certificates

Guidelines for issuance of SC/ST Certificates were issued vide Memo No. 1465-BCW/ MR-67/20 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.

- 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.

- 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 cutoff date (10/08/1950 in case of Scheduled Caste and 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 I 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).
- 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:
 - 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)
 - 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 Prodhan, Chairman of Municipality or Councillor 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 Prodhan 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 oi 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.LA, / 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 moto, 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-facil 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 moto.
 - (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 II 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.

Principal Secretary
to the Government of West Bengal

Sub-division

Government of West Bengal Office of the Sub-divisional Officer

	Dist. :	
	Caste/Tribe Certificate	
Certificate No		Date :
This is to cert	ify that	son/daughter of -
	of village	P.O
	P.S	in the district
	of the state of b	
	.caste which is recognized as	
	Order 1950 and the Constitutions (Sched	
		illen impest Omer 1950 as
	heduled Castes and Scheduled Tribes Lists	
amended by the Sc		s (Modification) order 1956,
amended by the Sc and the Scheduled	heduled Castes and Scheduled Tribes Lists	s (Modification) order 1956, nendment) Act, 1976.
amended by the Sc and the Scheduled	heduled Castes and Scheduled Tribes Lists Castes and Scheduled Tribes Order (Am and his/her family ord	s (Modification) order 1956, nendment) Act, 1976. inarily resides in the Village
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amended by the Sc and the Scheduled	heduled Castes and Scheduled Tribes Lists Castes and Scheduled Tribes Order (Am and his/her family ord of the	s (Modification) order 1956, nendment) Act, 1976. inarily resides in the Village - district of the state of -
amended by the Sc and the Scheduled	heduled Castes and Scheduled Tribes Lists Castes and Scheduled Tribes Order (Am and his/her family ord of the	s (Modification) order 1956, nendment) Act, 1976. inarily resides in the Village district of the state of -
amended by the Sc and the Scheduled	Castes and Scheduled Tribes Lists Castes and Scheduled Tribes Order (Am and his/her family ord Office	s (Modification) order 1956, nendment) Act, 1976. inarily resides in the Village - district of the state of -
amended by the Sc and the Scheduled	heduled Castes and Scheduled Tribes Lists Castes and Scheduled Tribes Order (Am and his/her family ord of the	s (Modification) order 1956, nendment) Act, 1976. inarily resides in the Village - district of the state of -

Note: The expression 'oridnarily 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 First 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;
 I belong tocaste / 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 First 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:-
 My son / daughter / ward is a citizen of India;
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
the second of th
3. My son / daughter / ward is a resident of the address declared above;
 My son / daughter / ward belongs tocaste / 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

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
ofof village/town	in district/Division/
Division	n Territory
belongs to the	
Caste/Tribe which is recognised as Scheduled Caste / Scheduled	Tribe under:
The Constitution (Scheduled Castes) Order, 1950.	
The Constitution (Schedufed Tribes) Order, 1950.	
The Constitution (Scheduled Castes) Union Territories) Order, 19	51. *
The Constitution (Scheduled Tribes) Union Territories) Order, 195	51.*
(as amended by the Scheduled Castes and Scheduled Tribes lists 1956, the Bombay Reorganisation Act, 1960, the Punjab Reorganisation of Himachal Pradesh Act, 1970 and the North Eastern Areas (Reorganithe Scheduled Castes and Scheduled Tribes Order (Amendment) Act,	n Act, 1966, the State sation) Act, 1971 and
The Constitution (Jammu and Kashmir) Scheduled Castes Order,	1956.*
The Constitution (Andaman and Nicobar Islands) Scheduled Tribe	es Order, 1959.*
The Constitution (Dadra and Nagar Haveli) Scheduled Castes Ord	ler, 1962*
The Constitution (Dadra and Nagar Haveli) Scheduled Tribes Ord	er, 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/Sche	duled Tribe Certificate
issued to Shri/Shrimatifather/moti	ner of Shri/Shrimati/
Kumariof village/town	in District/

Divisionof the State/ U	Jnion Territorywho
belongs to thecas	ste/tribe which is recognised as a Scheduled Caste
/ Scheduled Tribe in the State/Union Territo	ryissued
	(name of prescribed authority) vide their
No dated	
	Signature
	Designation
	(with seal of Office)
Place	

^{*} Please quote specific Presidential order.

BCWO, Kolkata to act as Hearing Officer in Kolkata

No. 3376BCW

Dt. 24.08.2015

ORDER

In terms of the Para 9 (F) of the Memo No. 1203-BCW/MR-88/2014, dt. 27.07.2015, containing guidelines for the issuance of Caste Certificates, hearing of applicants for Caste Certificates is to be conducted and taken by a Magistrate for the purpose of disposal of applications for Caste Certificates, where documentary evidences in support of their claim is not available.

In view of the above, for the Kolkata District, the Backward Classes Welfare Officer (BCWO), posted in the Office of District Welfare Officer, Kolkata is hereby appointed to conduct and take hearing of the applicants.

This Order will take immediate effect.

Principal Secretary to the Government of West Bengal.

No. BCW

Copy forwarded for information to :

- 1. Commissioner, BCW & TDD Directorate.
- 2. District Magistrate.....(All)
- 3. DWO, BCW, Kolkata and ex-officio Joint Director.

Special Secretary to the Govt. of West Bengal.

D. Orders on OBC (State and Central)

Central List of OBC for West Bengal

	Caste / Community	Gazette Resolution
No.		
1	Baishya Kapali	12011/9/94BCC dt.19/10/1994 (size: 2.22MB)
2	Barujibi	12011/9/94BCC dt. 19/10/1994 (size : 2.22MB)
		12011/68/98-BCC dt.27/10/1999 (size: 1.75MB)
3	Goala-Gope(Pallav Gope, Ballav Gope,	12011/9/94BCC dt.19/10/1994 (size: 2.22MB)
	Yadav Gope, Gope, Ahir and Yadav)	12015/05/2011-BC II dt 17/02/2014 (size : .26MB)
4	Kapali	12011/9/94-BCC dt.19/10/1994 (size : 2.22MB)
5	Karmakar	12011/9/94BCC dt.19/10/1994 (size: 2.22MB)
6	Kumbhakar	12011/9/94BCC dt.19/10/1994 (size: 2.22MB)
7	Kurmi	12011/9/94BCC dt.19/10/1994 (size: 2.22MB)
8	Moira (Halwai), Modak (Halwai)	12011/9/94BCC dt.19/10/1994 fsize: 2.22MB)
		12011/9/94BCC dt.19/10/1994 (size: 2.22MB)
9	Napit	12011/9/94BCC dt.19/10/1994 (size: 2.22MB)
10	Satchasi	12011/9/94BCC dt.19/10/1994 (size: 2.22MB)
11	Sutradhar	12011/9/94BCC dt.19/10/1994 (size: 2.22MB)
12	Swarnakar	12011/9/94BCC dt.19/10/1994 (size: 2.22MB)
13	Teli	12011/9/94BCC dt.19/10/1994 (size: 2.22MB)
14	Yogi, Nath	12011/9/94BCC dt.19/10/1994 (size: 2.22MB)
	Nagar (this does not include immigrant Maithili	
15	Brahmins and immigrant Nagars from other	12011/44/96-BCC dt.06/12/1996 (size : .6MB)
	States who are Brahmins and Baniyas)	
16	Karani	12011/44/96-BCC dt.06/12/1996 (size: .6MB)
17	Raju	12011/44/96-BCC dt.06/12/1996 (size: .6MB)
18	Keori/Koiri	12011/44/96-BCC dt.06/12/1996 (size: .6MB)
19	Sarak	12011/44/96-BCC dt.06/12/1996 (size: .6MB)
20	Kosta/Kostha	12011/44/96-BCC dt.06/12/1996 (size: .6MB)
21	Chitrakar	12011/68/98-BCC dt.27/10/1999 (size: 1.75MB)
		12015/9/2000-BCC dt. 06/09/2001 (size : .92M B)
22	Malakar	12011/96/94-BCC dt.09/03/1996 (size : .76MB)
		12015/9/2000-BCC dt. 06/09/2001 (size : .92MB)
23	Jolah (Ansari Momin)	12011/96/94-BCC dt.09/03/1996 (size : .76MB)
		12015/9/2000-BCC dt. 06/09/2001 (size : .92MB)

Entry No.	Caste / Community	Gazette Resolution
24	Kansari	12011/96/94-BCC dt.09/03/1996 (size : .76MB)
		12015/9/2000-BCC dt. 06/09/2001 (size: .92MB)
25	Tanti, Tantubaya	12011/96/94-BCC dt.09/03/1996 (size : .76MB)
	*	12015/9/2000-BCC dt. 06/09/2001 (size: .92MB)
26	Dhanuk	12011/96/94-BCC dt.09/03/1996 (size : .76MB)
		12015/9/2000-BCC dt. 06/09/2001 (size : .92MB)
27	Shankhakar	12011/96/94-BCC dt.09/03/1996 (size : .76MB)
28	Jogi	12011/88/98-BCC dt.06/12/1999 (size : 1.69MB)
29	Fakir, Sain	12011/68/98-BCC dt.27/10/1999 (size: 1.75MB)
30	Nembang	12011/88/98-BCC dt.06/12/1999 (size : 1.69MB)
31	Sampang	12011/88/98-BCC dt.06/12/1999 (size: 1.69MB)
32	Turha	12011/88/98-BCC dt.06/12/1999 (size: 1.69MB)
33	Bungchheng	12011/88/98-BCC dt.06/12/1999 (size: 1.69MB)
34	Bhujel	12011/88/98-BCC dt.06/12/1999 (size : 1.69MB)
35	Kahar	12011/68/98-BCC dt.27/10/1999 (size: 1.75MB)
36	Betkar (Bentkar)	12011/68/98-BCC dt.27/10/1999-(size: 1.75MB)
37	Sukli (excluding Solanki Rajputs who claim	12011/88/98-BCC dt.06/12/1999 (size: 1.69MB)
	themselves to be Sukli)	
38	Churihar	12011/88/98-BCC dt.06/12/1999 (size : 1.69MB)
39	Thami	12011/36/99-BCC dt.04/04/2000 (size: 1.47MB)
40	Dhunia	12011/88/98-BCC dt.06/12/1999 (size: 1.69MB)
41	Dhimal	12011/88/98-BCC dt.06/12/1999 (size : 1.69MB)
42	Bhar	12011/88/98-BCC dt.06/12/1999 (size : 1.69MB)
43	Lakhera/Laahera	12011/88/98-BCC dt.06/12/1999 (size : 1.69MB)
44	Rangwa	12011/88/98-BCC dt.06/12/1999 (size : 1.69MB)
45	Kasai-Quraishi	12011/36/99-BCC dt.04/04/2000 (size : 1.47MB)
46	Kalwar	12011/36/99-BCC dt.04/04/2000 (size : 1.47MB)
47	Hawari, Dhobi (other than those included in the list of SCs)	12011/36/99-BCC dt.04/04/2000 (size : 1.47MB)
48	Tamboli/Tamali	12011/36/99-BCC dt.04/04/2000 (size : 1.47MB)
49	Deleted	12015/13/2010-B.C.II. Dt. 08/12/2011 (size : 2.96MB)
50	Khen (Non Bania Category)	12011/36/99-BCC dt.04/04/2000 (size : 1.47MB)
51	Chamling	12011/36/99-BCC dt.04/04/2000 (size : 1.47MB)
52	Scheduled Castes converts to Christianity and their progeny	12011/44/99-BCC dt.21/09/2000 (size : 1.33MB)
53	Rayeen (Kunjra)	12011/44/99-BCC dt.21/09/2000 (size : 1.33MB)
		12011/44/99-BCC dt. 21/09/2000 (size : 1.33MB)
54	Hele/Halia/Chasi-Kaibartta, Das Kaibartta	12015/15/2008- BCC dt. 16/06/2011 (size : 3.65MB)
55	Nashya-Sekh	12011/1/2001-BCC dt. 19/06/2003 (size: .77MB)
56	Shershabadia	12011/1/2001-BCC dt. 19/06/2003 (size:.77MB)

Entry Caste / Community **Gazette Resolution** No. 57 Rai (including Chamling) 12015/15/2008- BCC dt. 16/06/2011 (size: 3.65MB) 58 Bharbhuja 12015/15/2008- BCC dt. 16/06/2011 (size: 3.65MB) 59 Dewan 12015/15/2008- BCC dt. 16/06/2011 (size: 3.65MB) Patidar 60 12015/15/2008- BCC dt. 16/06/2011 (size: 3.65MB) 61 Banshi Barman 12015/15/2008- BCC dt. 16/06/2011 (size: 3.65 MB) 62 Pahadia Muslim 12015/15/2008- BCC dt. 16/06/2011 (size: 3.65MB) 63 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) Devanga 64 Hajjam(Muslim) 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 65 Chowduli(Muslim) 12015/05/2011-BC fl dt 17/02/2014 (size: 26MB) 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 66 Nikari(Muslim) 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 67 Mahaldar(Muslim) 68 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) Dhukre(Muslim) 69 Basni/ Bosni(Muslim) 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 70 Abdal(Muslim) 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 71 Kan(Muslim) 12015/05/2011-BC fl dt 17/02/2014 (size : 26MB) 72 Tutia(Muslim) 73 12015/05/201 1-8C II dt 17/02/2014 (size : 26MB) Gayen(Muslim) 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 74 Beldar Muslim 75 Khotta Muslim 12015/05/2011-BC H dt 17/02/2014 (size : 26MB) 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 76 Muslim Sardar 77 Muslim Kalandar 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 78 Muslim Laskar 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 79 Muslim Jamadar 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 80 Muslim Chutor Mistri Muslim Dafadar 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 81 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 82 Mal Muslim 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 83 Majhi/Patni Muslim 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) Muchi/ Chamar Muslim 84 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 85 Muslim Nehariya 86 Muslim Haldar 12015/05/2011-BC II dt 17/02/2014 (size 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 87 Muslim Sanpui/Sapui 12015/05/2011-BC II dt 17/02/2014 (size: 26MB) Muslim Biswas 88 12015/05/2011-BC U dt 17/02/2014 (size : 26MB) 89 Muslim Mali 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 90 Ghosi(Muslim) 91 Muslim Darji/Ostagar/Idrishi 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 92 Muslim Rajmistri 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 93 Muslim Bhatiyara Muslim Molla 12015/05/2011-BC II dt 17/02/2014 (size: 26MB) 94 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 95 Dhali(Muslim) 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) Muslim Piyada 96 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 97 Muslim Barujibi/Barui 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) Muslim Penchi 98 12015/05/2011-BC II dt 17/02/2014 (size : 26MB) 99

Gangot

State List of OBC (West Bengal)

SI.	Name of Castes	Particulars of Connected Order
1.	Kapali	
2.	Baishya Kapali	
3.	Kurmi	
4.	Sutradhar	
5.	Karmakar	
6.	Kumbhakar, Kumar	
7.	Swarnakar	Notification N0.346-TW/EC dt. 13.07.94 read with
8.	Teli, Kolu	Notification No. 92-TW/EC dt. 11-02-1997 read with
9.	Napit	Notification No. 267-TW/EC dt. 17-05-1996
10.	Yogi, Nath	make 12 marks 12 marks
	Goala, Gope	
11.	(Pallav Gope, Ballav Gope,	
	Yadav Gope, Gope, Ahir and Yadav)	
12.	Moira-Modak (Halwai)	
13.	Barujibi, Barui	
14.	Satchasi	
15.	Malakar	
16.	Jolah (Ansari-Momin)*	
17.	Kansari	
18.	Tanti, Tantubaya	
19.	Dhanuk	
20.	Shankakar	Notification No.705-TW/EC dt. 13.12.94
21.	Keori/Koiri	
22.	Raju	
23.	Nagar	
24.	Karani	
25.	Sarak	
26.	Tamboli/Tamali	
27.	Kosta/Kostha	Notification No. 370-TW/EC dt 125. 1995
28.	Roniwar	
29.	Christians converted from Scheduled Castes	
30.	Lakhera/Laahera	· ruserijās - a. pr
31.	Fakir/Sain*	and the second s
32.	Kahar	Notification No. 183-TW/EC dt. 8th March, 1996
33.	Betkar (Bentkar)	
34.	Chitrakar	
35.	Bhujel	
36.	Newar	
37	Mangar	

Ent	ry Caste / Community	Gazette Resolution
No.		
38.	Nembang	Notification No. 1179-TW/EC dt. 01.12.1995
39.	Sampang	, and a second s
40.	Bungchheng	
41.	Thami	
42.	Jogi	
43.	Dhimal	
44.	Hawari*	
45.	Bhar	Notification No. 93-TW/EC dt. 01.02.1997
46.	Khandait	100000000000000000000000000000000000000
47.	Gangot	
48.	Turha	
49.	Dhunia*	
50.	Patidar*	
51.	Kasai*	
52.	Hele / Halia / Chasi-Kaibartta	Notification No. 1054-BCW/EC dt. 06.11.97
53.	Bansi-Barman	
54.	Nashya-Sekh*	
55.	Pahadia-Muslim*	
56.	Khen	Notification No. 84-BCW/RC dt. 01.03.1999
57.	Sukli	
58.	Sunuwar	
59.	Bharbhuja	
60.	Dewan	Notification No. 2927-BCW/MR-436/99
61.	Rai (including Chamling)	dated the 10th July, 2001
62.	Rayeen / Kunjra*	Notificaion No. 5001-BCW Dt. 7-10-02
63.	Shershabadia*	
64.	Devanga	Notification No. 861-BCW/MR-169/04
65.	Hajjam (Muslim)*	Notification No.3230 - BCW dt 04-12-08 read with No.
		264/BCW dt. 28-01-09
66.	Chowduli (Muslim)*	Notification No. 485/BCW dt. 20-02-2009
67.	Chasatti (Chasa)	
68.	Beldar Muslim*	Notification No. 771-BCW/MR-436/1999
69.	Khotta Muslim*	dt. 05-03-2010
70.	Muslim Sardar*	
71.	Nikari (Muslim)*	
72.	Mahaldar (Muslim)*	
73.	Dhukre (Muslim)*	Notification No. 1403-BCW/MR-436/99(I)
74.	Basni/Bosni (Muslim)*	dt. 26/04/2010
75.	Abdal (Muslim)*	
76.	Kan (Muslim)*	
77.	Tutia (Muslim)*	
78.	Gayen (Muslim)*	Notification No. 1639-BCW/MR-436/1999
79.	Bhatia Muslim*	dt. 14/05/2010

123. Daptari (Muslim)*

Entry Caste / Community	Gazette Resolution
No.	
80. Midde*	
81. Mallick*	
82. Muslim Kalander*	
83. Muslim Laskar*	
84. Baidya Muslim*	Notification No. 1929-BCW/MR-436/99(I)
85. Muslim Jamadar*	
86. Muslim Chutor Mistri*	dt. 02/06/2010
87. Muslim Dafadar*	
88. Mal Muslim*	
89. Majhi / Patni Muslim*	
90. Muchi / Chamar Muslim*	
91. Muslim Nehariya*	
92. Muslim Haldar*	
93. Siuli (Muslim)*	Notification No. 2317-BCW/MR-436/99
94. Muslim Mandal*	Dated Ist July, 2010
95. Muslim Sanpui/Sapui*	
96. Muslim Biswas*	
97. Muslim Mali*	
98. Ghosi (Muslim)*	
99. Muslim Darji / Ostagar / Idrishi*	
100. Muslim Rajmistri*	
101. Muslim Bhatiyara*	
102. Muslim Molla*	Notification No. 5045-BCW/MR-436/99(I)
103. Dhali (Muslim)*	Dated 31st August, 2010
104. Tal-Pakha Benia*	
105. Muslim Piyada*	
106. Muslim Barujibi / Barui*	F-0:
107. Bepari / Byapari Muslim*	Notification No. 6305-BCW/ MR-436/99(I)
108. Muslim Penchi*	Dated 24th September, 2010
109. Bhangi (Muslim)*	
110 Dhatri/Dai/Dhaity (Muslim)*	
111. Gharami (Muslim)*	
112. Ghorkhan	
113. Goldar/Golder (Muslim)*	
114. Halsana (Muslim)*	
115. Kayal (Muslim)*	
116. Naiya (Muslim)* 117	
118. Shikari/Sikari (Muslim)* Adaldar (Mus	lim)*
119. Akunji/Akan/Akhan (Muslim)*	
120. Bag (Muslim)*	
121. Chaprashi (Muslim)*	
122. Churihar	

Entry Caste / Community

No.

- 124. Dewan (Muslim)*
- 125. Dhabak (Muslim)*
- 126. Gazi (Muslim)*
- 127. Khan (Muslim)*
- 128. Sadhukhan (Muslim)*
- 129. Majhi
- 130. Malita/Malitha/Malitya (Muslim)*
- 131. Mistri (Muslim)*
- 132. Paik (Muslim)*
- 133. Pailan (Muslim)*
- 134. Purkait (Muslim)*
- 135. Sana (Muslim)*
- 136. Sareng (Muslim)*
- 137. # Omitted
- 138. Sarkar (Muslim)*
- 139. Shah (Shah/Sahaji)
- 140. Tarafdar (Muslim)*
- 141. Gavara
- 142. Mouli (Muslim)*
- 143. Sepai (Muslim)*
- 144. Sekh/Seikh*
- 145. Bayen (Muslim)*
- 146. Bhuiya/Bhunya (Muslim)*
- 147 Borah/Bara (Muslim)*
- 148. Gorey (Muslim)*
- 149. Hati (Muslim)*
- 150. Jatuya (Muslim)*
- 151. Khondekar/Khonkar (Muslim)*
- 152. Pahar (Muslim)*
- 153. Raptan (Muslim)*
- 154. Baradi (Muslim)*
- 155. Dalal (Muslim)*
- 156. Hoseni Goyala (Muslim)*
- 157. Khalashi (Muslim)*
- 158. Kichni (Muslim)*
- 159. Mukti/Mufti (Muslim)*
- 160. Kalal/Iraqi*

Gazette Resolution

Notification No. 1673-BCW/ MR-209/11

Dated 11th May, 2012, read with Notification No. 762

BCW/MR-116/12

Dated Ist March, 2013

(Notification No. 762-BCW/MR-116/12 dated 01-03-2013)

Notification No. 845-BCW/MR-147/12
Dated l0th October, 2012
Order No. 2770-BCW/MR-116/12 dated 29th August,
2014

^{*}Indicate Muslim communities amongst the OBCs

Muslim Sanpui/Sapui

Categorised List of Other Backward Classes (O.B.C.)

SI.	More Backward (Category-A)	SI.	Backward (Category-B)	
1	Abdal (Muslim)	1	Baishya Kapali	
2	Baidya Muslim	2	Bansi-Barman	
3	Basni / Bosni (Muslim)	3	Barujibi, Barui	
4	Beldar Muslim	4	Betkar (Bentkar)	
5	Bepari / Byapari Muslim	5	Bhar	
6	Bhatia Muslim	6	Bharbhuja	
7	Muslim Bhatiyara	7	Bhujel	
8	Chowduli (Muslim)	8	Bungchheng	
9	Muslim Chutor Mistri	9	Chasatti (Chasa)	
10	0 Muslim Dafadar		Chitrakar	
11	Dhukre (Muslim)	11	Christians converted from Scheduled Castes	
12	Dhunia	12	Devanga	
13	Fakir /Sain	13	Dewan	
14	Gayen (Muslim)	14	Dhimal	
15	Ghosi (Muslim)	15	Gangot	
16	Hajjam (Muslim)	16	Goala, Gope (Pallav Gope, Ballav Gope,	
			Yadav Gope, Gope, Ahir and Yadav)	
17	Hawari	17	Hele / Halia / Chasi-Kaibartta	
18	Muslim Jamadar	18	Kahar	
19	Jolah (Ansari-Momin)	19	Kansari	
20	Muslim Kalander	20	Kapali	
21	Kan (Muslim)	21	Karani	
22	Kasai	22	Karmakar	
23	Khotta Muslim	23	Keori / Koiri	
24	Muslim Laskar	24	Khen	
25	Mahaldar (Muslim)	25	Kumbhakar, Kumar	
26	Majhi/ Patni Muslim	26	Kurmi	
27	Mal Muslim	27	Malakar	
28	Mallick	28	Mangar	
29	Midde	29	Moira-Modak (Halwai)	
30	Muslim Molla	30	Nagar	
31	Muchi / Chamar Muslim	31	Napit	
32	Muslim Barujibi / Barui	32	Nembang	
33	Muslim Biswas	33	Newar	
34	Muslim Haldar	34	Rai (including Chamling)	
35	Muslim Mali	35	Raju	
36	Muslim Mandal	36	Sampang	
37	Muslim Piyada	37	Sarak	

38

Satchasi

SI.	More Backward (Category-A)	SI.	Backward (Category-B)
39	Nashya-Sekh	39	Shankakar
40	Muslim Nehariya	40	Sunuwar
41	Nikari (Muslim)	41	Sutradhar
42	Patidar	42	Swarnakar
43	Muslim Penchi	43	Tamboli/Tamali
44	Muslim Rajmistri	44	Tanti, Tantubaya
45	Rayeen / Kunjra	45	Teti, Kolu
46	Muslim Sardar	46	Thami
47	Shershabadia	47	Turha
48	Siuli (Muslim)	48	Yogi, Nath
49	Tutia (Muslim)	49	Muslim Darji / Ostagar / Idrishi
50	Dhanuk	50	Dhali (Muslim)
51	logi	51	Pahadia-Muslim
52	Khandait	52	Tal-Pakha Benia
53	Kosta / Kostha	53	Adaldar (Muslim)
54	Lakhera/Laahera	54	Aku nji/Akan/Akhan (Muslim)
55	Roniwar	55	Bag (Muslim)
56	Sukli	56	Chaprashi (Muslim)
57	Bhangi (Muslim)	57	Churihar
58	Dhatri/Dai/Dhaity (Muslim)	58	Daptari (Muslim)
59	Gharami (Muslim)	59	Dewan (Muslim)
60	Ghorkhan	60	Dhabak (Muslim)
61	Goldar/Golder (Muslim)	61	Gazi (Muslim)
62	Halsana (Muslim)	62	Khan (Muslim)
63	Kayal (Muslim)	63	Sadhukhan (Muslim)
64	Naiya (Muslim)	64	Majhi
65	Shikari/Sikari (Muslim)	65	Malita/Malitha/Malitya (Muslim)
66	Sekh/Seikh	66	Mistri (Muslim)
67	Bayen (Muslim)	67	Paik (Muslim)
68	Bhuiya/Bhunya (Muslim)	68	Pailan (Muslim)
69	Borah/Bara (Muslim)	69	Purkait (Muslim)
70	Gorey (Muslim)	70	Sana (Muslim)
71	Hati (Muslim)	71	Sareng (Muslim)
72	Jatuya (Muslim)	72	#Omitted
73	Khondekar/Khonkar (Muslim)	73	Sarkar (Muslim)
74	Pahar (Muslim)	74	Shah (Shah/Sahaji)
75	Raptan (Muslim)	75	Tarafdar (Muslim)
	CALL CONTROL OF THE CONTROL OF THE CALL CONTRO	76	Gavara
		77	Mouli (Muslim)
		78	Sepai (Muslim)
		79	Baradi (Muslim)
		80	Dalai (Muslim)
		81	Hoseni Goyala (Muslim)
		82	Khalashi (Muslim)
			1/1 1 1/1 1/1 1/1

83

84

85

Kichni (Muslim) Mukti/Mufti (Muslim)

Kalal/Iraqi

Issuing of Other Backward Certificates to migrants from other States/ UTs. 12011/11/94-BCC(C)

Shastri Bhavan, New Delhi–11019L Dated the 3th April, 1994.

Chief Secretaries of all State Governments and U. T. Administrations.

Subject : Issuing of Other Backward Class Certificates to migrants from other States / UTs.

Sir,

In continuation of the DOPT's letter of 36012/22/93-Estt. (SCI) dated 15th November, 1993. I am directed to say that it has been represented to this Department that persons belonging to OBCs who have migrated from one State to another for the purpose of employment, education, etc. experience great dificulty in obtaining caste certificates from the State from which they have migrated. In order to remove this dificulty, it has been decided that the prescribed authority of a State/U.T. Administration in terms of the DOPT letter No. 36012/22/93–Estt. (SCI) dated 15th November, 1993 may issue the OBC Certificate to a person who has migrated from another State on the production of a genuine certificate issued to his father by the prescribed authority of the State of his father's origin, except where the prescribed authority feels that a detailed enquiry is necessary through the State of origin before the issue of the certificate.

The certificate will be issued irrespective of whether the OBC candidate in question is included in the list of OBC bertaining to the State/U.T. to which the person has migrated. The facility does not alter the OBC Status of the person in relation to the one or the other State/U.T. The OBC person on migration from the State/U.T. of his origin to another State/U.T. where his caste is not in the OBC list is entitled to the concessions/benefits admissible to the OBCs from the State of his origin and Union, Government but not from the State where he has migrated.

3. It is requested that all competent authorities may be advised to issue the OBC certificate after satisfying them selves of the correctness of the certificate. The Lists of the Competent authorities empowered as per DOPT's circular of 15th November, 1993 may be followed strictly. No other authorities may be allowed to issue the OBC certificates.

Yours faithfully,

(J. S. Pandit)

Joint Secretary to the Govt. of India.

Validity period of OBC Certificate and verification of community and 'Non-Creamy Layer' Status of OBC Candidates

No. 36033/4/97-Estt. (Res.)

North Block, New Delhi. Dated: 25th July 2003

OFFICE MEMORANDUM

Subject : Validity period of OBC Certificate and verification of Community and 'Non-Creamy Layer' Status of OBC candidates.

The undersigned is directed to say that a question has arisen about the validity period of certificates issued to the candidates belonging to other backward classes for the purpose of reservation in services. The OBC certificate consists of two parts first part indicates that the concerned person belongs to a community listed as OBC and the second part indicates that the candidate does not fall in the creamy layer. While the OBC status of a candidate may change only when the community of the concerned candidate is removed from the OBC list, his/her creamy layer status may change any time. In view of it, it is not possible to determine a fixed validity period for the OBC certificate.

2 Every candidate seeking reservation as OBC is required to submit a certificate regarding his/her 'OBC status and non-creamy layer status' issued by an authority mentioned in Department of Personnel and Training Office Memorandum No.36012/22/93-Estt.(SCT) dated 15.11.1993, The 'OBC status' and /or 'non-creamy layer status' of the candidate, as pointed out in para above, may change after issue of the certificate making him/her ineligible for reservation. In order to ensure that candidates not eligible to get reservation do not seek reservation, a declaration, in addition to certificate issued by the competent authority, may be obtained from the candidates seeking reservation as OBCs in the following format:

"I,son/daughter of Shri		of Shriresid	resident of village/town/city	
	district	state	hereby declare that	
I belong to the	co	ommunity which is recognized	as a backward class by	
the Governmen	nt of India for purpose	e of reservation in services as	per orders contained in	
Department of	Personnel and Training	Office Memorandum No.3601	.2/22/93-Estt.(SCT) dated	
8.9.1993. It is al	so declared that I do no	ot belong to persons/sections (0	Creamy Layer) mentioned	
in Column 3 of	the Schedule to the	above referred Office Memor	andum dated 8.9.1993."	

3. The appointing authority, before appointing a person seeking appointment on the basis of reservation to OBCs should verify the veracity of the community certificate submitted

by the candidate and also the fact that he/she does not fall in creamy layer on the crucial date. The crucial date for this purpose may be treated as the closing date for receipt of applications for the post except incases where crucial date is fixed otherwise.

4. It was decided vide this Department's Office Memorandum No.36033/9/95-Estt.(SCT) dated 10.5.1995 that in case of appointments against vacancies reserved for OBCs a clause in the offer of appointment would be inserted to the effect that appointment will be provisional and subject to verification of the community certificate. Since reservation is available only to such OBC candidates who do not fall in the creamy layer, it is necessary that the clause inserted in the offer of appointment should be modified so as to take care of creamy layer status of the candidate also. It is, therefore, decided that the following modified clause may be included in the offer of appointment in place of clause prescribed vide Office Memorandum dated 10.5.1995:

"The appointment is provisional and is subject to the community certificate being verified through the proper channels. If the verification reveals that the claim of the candidate to belong to Other Backward Classes or not to belong to creamy layer is false, his/her services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of Indian Panel Code for production of false certificates,"

5. All Ministries/Departments are requested to bring the contents of this Office Memorandum to the notice of all authorities under them for information and compliance.

(K. G. Verma)

Deputy Secretary to the Government of India

Tele: 23092797

- 1. All Ministries/Departments of the Government of India.
- 2. Department of Economic Affairs (Banking Division), New Delhi.
- 3. Department of Economic Affairs (Insurance Division), New Delhi.
- 4. Department of Public Enterprises, New Delhi.
- 5. Railway Board.
- 6. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Planning Commission.
 - 7. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
 - 8. Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi.
 - 9. National Commission for SCs and STs, Lok Nayak Bhavan, New Delhi.
- 10. National Commission for Backward Classes, Trikoot-, Bhikaji Cama Place, R.K. Puram, New Delhi.

Clarifications regarding creamy layer amongst OBCs.

No. 36033/5/2004-Estt(Res)

New Delhi,

Dated: the 14th October, 2004

To

The Chief Secretaries of all the States/Union Territories.

Subject: Clarifications regarding creamy layer amongst OBC.

Sir,

I am directed to invite your attention to the Schedule to this Departmentent's OM No.36012/22/93-(SCT) dated 8th, September, 1993 which contains the criteria to determine the creamy layer amongst the OBCs. In regard to the children of the persons in civil services of the Central and the State Governments, it provides that son(s) and daughter(s) of:

- (a) parents, both of whom are directly recruited Class I/Group A Officers;
- (b) parents, either of whom is a directly recruited. Class I/Group A Officer;
- parents, both of whom are directly recruited Class I/Group A officers but one of them dies or suffers permanent incapacitation;
- (d) parents, either of whom is a directly recruited Class I/Group A Officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years;
- (e) parents, both of whom are directly recruited Class I/Group A Officers and both of them die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Orgainsation like UN, IMF, World Bank, etc. for a period of not less than 5 years;
- (f) parents both of whom are directly recruited Class-II/Group B Officers;
- (g) parents of whom only the husband is a directly recruited Class II/Group B Officer and he gets into Class I//Group A at the age of 40 or earlier;
- (h) parents, both of whom are directly recruited Class II/ Group B Officers and one of them dies or suffers permanent incapacitation and either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years;

- (i) parents of whom the husband is a Class I/ Group A Officer (direct recruit or pre-forty promoted) and the wife is a directly recruited Class II/ Group B Officer and the wife dies; or suffers permanent incapacitation; and
- (j) parents, of whom wife is a Class I/Gproup A Officer (Direct Recruit or preforty promoted) and the husband is a directly recruited Class II/Group B officer and the husband dies or suffers permanent incapacitation shall be treated as falling in creamy layer.
- 2. The Schedule further provides that sons and daughters of:
- (i) parents either of whom or both of whom are directly recruited Class I/Group A Officer(s) and such parent(s) dies/die or suffers/suffer permanent incapacitation;
- (ii) parents both of whom are directly recruited Class II/Group B Officers and one of them dies or suffers permanent incapacitation;
- (iii) parents both of whom are directly recruited Class II/Group B Officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation. shall not be treated to be falling in creamy layer.
- 3. The criteria prescribed for determining creamy layer status of sons and daughters of persons in Government service mutatis mutandis applies to the sons and daughters of persons holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities etc. and also holding equivalent or comparable posts and positions under private employment. The creamy layer status of the sons and daughters of employees of organizations where evaluation of the posts on equivalent or comparable basis has not been made is determined on the basis of 'Income/Wealth Test' given in the Schedule. The Income/ Wealth Test prescribes that the sons and daughters of persons having gross annual income of Rs. 2.5 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years would, be treated to fall in creamy layer. An explanation is given below the Income/ Wealth Test which provides that 'income from salaries or agricultural land shall not be clubbed.'
- 4. Following questions have been raised from time to time about the application of the above provisions todetermine creamy layer:
- (i) Will the sons and daughters of parents either of whom or both of whom are directly recruited Class I/Group: A officer(s) and such parents(s) dies/die or suffers/suffer permanent incapacitation after retirement be treated to be excluded from the creamy layer?
- (ii) Will the sons and daughtets of parents both of whom are directly recruited Class II/ Group B Officers and one of them dies or suffer permanent incapacitation after retirement be treated to be excluded from the creamy layer?
- (iii) Will the sons and daughters of parents both of whom are directly recruited Class II/ Group B Officers and both of them die or suffer permanent incapacitation after retirement even though either of them has had got the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5

- years before their death or permanent incapacitation be treated to be excluded from the purview of creamy layer?
- (iv) Will the sons and daughters of parents who retire from the service on the basis of which their sons and daughters fall in creamy layer, continue to fall in creamy layer after retirement of the parent(s)?
- (v) Will the sons and daughters of parents, of whom husband is directly recruited Class III/ Group C or Class IV/Group D employee and he gets into Class I/Group A at the age of 40 or earlier be treated to be falling in creamy layer?
- (vi) Will a candidate who himself is a directly recruited Class I/Group A Officer or a directly recruited Class II/Group B officer who got into Class I/Group A at the age of 40 or earlier be treated to be falling in creamy layer on the basis of his service status?
- (vii) Will a candidate who has gross annual income of Rs.2.5 lakh or above or possesses wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years be treated to fall in creamy layer?
- (viii) The instructions provide that a lady belonging to OBC category who has got married to a directly recruited Class I/Group A Officer shall not be treated as falling in creamy layer on the basis of her marriage. Will a man belonging to OBC category who is married to a directly recruited Class I/Group 'A' officer be treated as falling in creamy layer on the basis of his marriage?
- (ix) How will be the Income/Wealth Test apply in case of sons and daughters of parent(s) employed in PSUs etc. in which equivalence or comparability of posts has not been established vis-a-vis posts in the Government?
- (x) What is the scope of the explanation, 'Income from salaries or agricultural land shall not be clubbed', given below the income/ Wealth Test?
- 5. It.is clarified in regard to clauses (i), (ii) and (iii) of para 4 that the sons and daughters of:
- (a) parents either of whom or both of whom are directly recruited Class I/Group A Officers and such parent(s) dies/die or suffers/suffer permanent incapacitation while in service;
- (b) parents both of whom are directly recruited Class II/Group B Officers and one of them dies or suffers pertnanent incapacitation while in service; and
- (c) parents both of whom are directly recruited Class II/Group B Officers and both of them die or suffer permanent incapacitation while in service, even though either of them has had the benefit of employment in any International Organization like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation are not treated to be falling in creamy layer. But if the parent(s) dies/die or suffers/suffer permanent incapacitation in such cases after retirement from service, his/their sons and daughters would be treated to be falling in creamy layer and would not get the benefit of reservation.
- In regard to clause (iv) of para 4, it is clarified that sons and daughters of parents who
 are included in the creamy layer on the basis of service status of their parents shall
 continue to be treated in creamy layer even if their parents have retired or have died
 after retirement.

- 7. In regard to clause (v) of para 4, it is clarified that the sons and daughters of parents of whom only the husband is a directly recruited Class II/Group B officer who gets into Class I/Group A at the age of 40 or earlier are treated to be in creamy layer. If the father is directly recruited Class III/Group C or Class IV/Group D employee and he gets into Class I/Group A at the age of 40 or earlier, his sons and daughters shall not be treated to be falling in creamy layer.
- 8. In regard to clauses (vi), (vii) and (viii) of para 4, it is clarified that the creamy layer status of a candidate is determined on the basis of the status of his parents and not on the basis of his own status or income or on the basis of status or income of his/her spouse. Therefore, while determining the creamy layer status of a person the status or the income of the Candidate himself or of his/her spouse shall not be taken into account.
- 9. In regard to clause (ix) of para 4, it is clarified that the creamy layer status of sons and daughters of persons employed in organizations where equivalence or comparability of posts vis-a-vis posts in Government has not been evaluated is determined as follows:

 Income of the parents from the salaries and from the other sources [other than salaries and agricultural land] is determined separately. If either the income of the parents from the salaries or the income of the parents from other sources [other than salaries and agricultural land] exceeds the limit of Rs. 2.5 lakh per annum for a period of three consecutive years, the sons and daughters of such persons shall be treated to fall in creamy layer. But the sons and daughters of parents whose income from salaries is less than Rs. 2.5 lakh per annum and income from other sources is also less than Rs. 2.5 lakh per annum will not be treated as falling in creamy layer even if the sum of the income from salaries and income from the other sources is more than Rs. 2.5 lakh per annum for a period of three consecutive years. It may be noted that income from agricultural land is not taken into account while applying the Test.
- 10. In regard to clause (x) of para 4, it is clarified that while applying the Income/Wealth Test to determine creamy layer status of any candidate as given in Category-VI of the Schedule to the OM, income from the salaries and income from the agricultural land shall not be taken into account. It means that if income from salaries of the parents of any candidate is more than Rs. 2.5 lakh per annum, income from agricultural land is more than Rs. 2.5 lakh per annum, but income from other sources is less than Rs. 2.5 lakh per annum, the candidate shall not be treated to be falling in creamy layer on the basis of Income/Wealth Test provided his parent(s) do not possess wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.
- 11. You are requested to bring the contents of this letter to all concerned in the State.

Yours faithfully,

(K. G. Verma)

Deputy Secretary to the Govt. of India

Instruction for issue of Other Backward Classes Certificates to the Castes declared as such in/under the Central Lists but are not included in the State List of OBC's

No. 3361(110)-BCW/MR-103/1994

Kolkata, the 16th December, 2008.

To:	1)	The Disrict Magistrate,
	2)	The Sub-Divisional Officer,

Sub: Instruction for issue of Other Backward Classes Certificates to the Castes declared as such in/under the Central Lists but are not included in the State List of OBC's.

The Government of West Bengal Vide its Memo No.374(71)-TW/EC dated the 27th July, 1994, declared the SDOs as the competent authorities for issuing the OBC Certificates to the OBC's as included in the State list of OBCs. Now, a question has arisen as to who would issue OBC Certificates to applicants of those communities recognized as OBCs by the Central Government in the Central list OBCs in this State and are presently not included in the State list of OBCs.

After careful consideration of the matter, the Governor is pleased to direct that for the purpose of issuing certificates to Backward Classes enlisted in the Central List in the prescribed proforma, the concerned SDO's of the Sub-Division shall be the competent authority. As regards the town of Kolkata as defined in section 3 of the Kolkata Police Act, 1866, the D.M. South 24 Parganas, shall act as competent authority to issue Backward Classes Certificate to the applicant of the concerned area. The existing procedure for issue of caste/tribe Certificate to the members of the SC/ST community shall be applicable, mutatis mutandis, in cases of issue of certificates to the members of the Backward Classes. He shall issue necessary "Backward Classes" Certificates in the proforma prescribed for this purpose by the Central Government after he is satisfied that the applicant belongs to a member of the Backward Classes in West Bengal and also satisfies the eligibility criteria.

A copy of the proforma for issuing a Backward Classe Certificate by the competent authority in respect of these particular cases is enclosed.

Backward Classes candidates applying for Appointment to posts under The Government of India.

- Government of India, Ministry of Welfare Resolution No. 12011/68/93-BCC (C) dated 10-09-1993, published in the Gazette of India, Extraordinary Part-I, Section-I, No.186, dated 13-09-1993.
- (ii) Government of India, Ministry of Welfare Resolution No 12011/9/94-BCC dated 19-10-1994 published in the Gazette of India, Extraordinary Part-I, Section-I, No.163, dated 20-10-1994.
- (iii) Government of India, Ministry of Welfare Resolution No12011/7/95-BCC dated 24-05-1995 published in the Gazette of India, Extraordinary Part-I , Section-I, No.88, dated 25-05-1995.
- (iv) Government of India, Ministry of Welfare Resolution No12011/96/94-BCC dated 09-03-1996 published in the Gazette of India, Extraordinary Part-I, Section-I, No.60, dated 11-03-1996.
- (v) Government of India, Ministry of Welfare Resolution No12011/44/96-BCC dated 06-12-1996 published in the Gazette of India, Extraordinary Part-I, Section-I, No.210, dated 11-12-1996.
- (vi) Government of India, Ministry of Welfare Resolution No12011/09/94-BCC dated 11-12-1997 published in the Gazette of India, E. Extraordinary Part-I, Section-I, No.236, dated 12-12-1997.
- (vii) Government of India, Ministry of Welfare Resolution No12011/13/97-BCC dated 03-12-1997 published in the Gazette of India, Extraordinary Part-I, Section-I, No.239, dated 17-12-1997.
- (viii) Government of India, Ministry of Social Justice & Empowerment Resolution No.
- (ix) Government of India, Ministry of Social Justice & Empowerment Resolution No. 12011/ 88/98-BCC dated 06-12-1999 published in the Gazette of India Extraordinary Part-I, Section-I, No. 270, dated 06-12-1999.
- (x) Government of India, Ministry of Social Justice & Empowerment Resolution No12011/

- 38/99-BCC dated 04-04-2000 published in the Gazette of India, Extraordinary Part-I, Section-I, No.71, dated 04-04-2000.
- (xi) Government of India, Ministry of Social Justice & Empowerment Resolution No12011/ 38/99-BCC dated 04-04-2000 published in the Gazette of India, Extraordinary Part-I, Section-I, No.71, dated 04-04-2000.
- (xii) Government of India, Ministry of Social Justice & Empowerment Resolution No12015/ 9/2000-BCC dated 06-09-2001 published in the Gazette of India, Extraordinary Part-I, Section-I, No.246, dated 06-09-2001.
- (xiii) Government of India, Ministry of Social Justice & Empowerment Resolution No12015/ 9/2000-BCC dated 19-06-2003 published in the Gazette of India, Extraordinary Part-I, Section-I, No.151, dated 20-06-2003.
- (xiv) Government of India, Ministry of Social Justice & Empowerment Resolution No12015/ 9/2000-BCC dated 13-01-2004 published in the Gazette of India, Extraordinary Part-I, Section-I, No.9, dated 13-01-2004.

Shri / Shrimati / Kumari *	and ,
or* his / her * family ordinarily reside	(s) in Village / Town *o
	theState / Unior
	harris has an array seeming mady. Fins explimes
Place:	
1 1000 1 111111111111111111111111111111	Sidilature

Note: Candidates claiming to belong to Other Backward Classes should note that the name of their caste (including its spellings) as indicated in their certificates

COMPETENT TO ISSUE ORC CERTIFICATE

	COMMETER TO 1330E OBC CENTIFICATE
/	Magistrate / Additional District Magistrate / Collector / Additional District Magistrate Collector / Magistrate / Sub-divisional Magistrate / Executive Magistrate Commissioner.
	Presidency Magistrate / Presidency Magistrate
	Officers not below the rank of Tehshilder
	Officer of the area where the candidate and / or (s)
	/ Secretary to Administrator / Development Officer

^{*}Please delete the words which are not applicable.

Order regarding State Scrutiny Committee and the Vigilance Cell verifying/examining OBC Certificates

No. 5021 (85)-BCW/MR-202/2009

December 4, 2009

		ORDER
(1)		
(2)	The Sub-Divisional Officer,	

Whereas the West Bengal Scheduled Castes and Scheduled Tribe, (Identification) Act. 1994 (hereinafter referred to as the said 'Act'), has provided for constitution of State Scrutiny Committee and Vigilance under section 8A and section 8B respectively;

AND WHEREAS the said State Scrutiny Committee and Vigilance Cell have been constituted for verification of social status of a person belonging to SC/ST community and in whose a favour a certificates already been issued following the provisions of the said Act; similarly, the State Government has constituted Vigilance Cell u/s 8B of the said Act inter alia to inquire into the cases relating to social status claim of a person of the SC/ST community and in whose favour a caste certificate has already been issued;

AND WHEREAS in absence of any legislation for the OBC category of persons, there is no provision for examination/verification of the caste certificates already issued to the persons belonging to the OBC categories;

Now, THEREFORE, the Governor is pleased hereby to direct that for the purpose of verification/ examination of the caste certificates already issued to the persons of the OBC categories, the State Scrutiny Committee and the Vigilance Cell in the districts acting for the SC/ST communities shall act mutatis mutandis, in cases of vcrification/examination of the caste certificates issued to the OBCs.

Reservation of 10% and 7% vacancies for OBC-A and OBC-B in appointments in the State Government Sector

No.6320-BCW/MR-84/10

Kolkata, the 24th September, 2010.

ORDER

WHEREAS by this department's Notification No. 6309-BCW/MR-84/10, dated the 24th September, 2010, the Backward Classes, for the purpose of the West Bengal Commission for Backward Classes Act, 1993 (West Ben. Act I of 1993) were divided into two categories, namely, Category-A (consisting of 56 communities) and Category-B (consisting of 52 communities);

AND WHEREAS by this department's Notification No. 6312-BCW/MR-84/10, dated the 24th September, 2010 (hereinafter referred to as the said order), the Governor has been pleased to reserve 10% and 7% of vacancies in services and posts for the Category-A and Category-B respectively of the Other Backward Classes under the Governent of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid-up share capitals is held by the State Government, Universities, Colleges affiliated to the Universities, Primary, Secondary and Higher Secondary Schools, other educational institutions which are owned or aided by the State Government, and public sector, to be filled up by direct recruitment shall be reserved for the backward classes of citizens;

Now Therefore, the Governor is pleased hereby to direct that for the purposes of implementation of 10% and 7% reservation quota for the backward classes under Categary-A aud Category-B respectively in direct recruitment in pursuance of the provisions of the said order, a separate 100-point roster (as per the model 100 point roster annexed hereto in which 6th, 13th, 26th, 38th, 45th, 52nd, 63rd, 76th, 84th and 99th vacancies for the Backward Classes under Category-A and 9th, 19th 29th, 49th, 59th, 69th and 89th vacancies under Category B of the Backward Classes shall be reserved) shall be maintained;

The citizens of the Backward Classes claiming the benefit of reservation in services and posts, shall produce a certificate of proof from competent authority for his being a member of the backward classes with respect to respective category of backward classes as specified below"

- (a) in the district, the Sub-divisional Officer of the sub-division concerned, and
- (b) in Kolkata, the District Magistrate. South 24-Parganas, or such Additional District Magistrate, South 24-Parganas. as may be authorised by the District Magistrate, South 24-Parganas, in this behalf.

The following model roster shall henceforth be maintained for direct recruitment to vacancies and services and posts in an establishment as defined in the West Bengal Scheduled Castes and the Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (West Bengal Act XXVII of 1976).

Model 100-Point Roster

Scheduled Caste Ist Vacancy Unreserved 2nd Vacancy Unreserved 3rd Vacancy Scheduled Tribe 4th Vacancy Unreserved 5th Vacancy **OBC Category-A** 6th Vacancy Scheduled Caste 7th Vacancy Unreserved 8th Vacancy **OBC Category -B** 9th Vacancy Unreserved 10th Vacancy Scheduled Caste 11th Vacancy Unreserved 12th Vacancy **OBC Cstegory-A** 13th Vacancy Unreserved 14th Vacancy Scheduled Caste 15th Vacancy Unreserved 16th Vacancy Unreserved 17th Vacancy Schedduled Caste 18th Vacaney **OBC Category-B** 19th Vacancy Unreserved 20tieth Vacancy Scheduled Caste 21st Vacancy Unreserved 22nd Vacancy Unreserved 23rd Vacancy Scheduled Tribe 24th Vacancy Unreserved 25th Vacancy **OBC Category-A** 26th Vacancy Unreserved 27th Vacancy Scheduled Caste 28th Vacancy **OBC Category-B** 29th Vacancy Unreserved 30tieth Vacancy Unreserved 31st Vacancy Scheduled Caste 32nd Vacancy Unreserved 33rd Vacancy Unreserved 34th Vacancy Unreserved 35th Vacancy Scheduled Casto 36th Vacancy Unreserved 37th Vacancy **OBC Category -A** 38th Vacancy Unreserved 39th Vacancy Unreserved 40th Vacancy

41st Vacancy

Unreserved

42nd Vacancy
43rd Vacancy
44th Vacancy
45th Vacancy
46th Vacancy
47th Vacancy
48th Vacancy
49th Vacancy
50th Vacancy
51st Vacancy
52nd Vacancy
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72nd Vacancy
73rd Vacancy
74th Vacancy
75th Vacancy
76th Vacancy
77th Vacancy
78th Vacancy
79th Vacancy
80th Vacancy
81st Vacancy
82nd Vacancy
83rd Vacancy
Q1th Vacancy

84th Vacancy

Unreserved Scheduled Tribe Unreserved **OBC Calegory-A** Unreserved Scheduled Caste Unreserved **OBC Category-B** Unreserved Scheduled Caste **OBC Category-A** Unreserved Scheduled Tribe Unreserved Unreserved Scheduled Caste Unreserved **OBC Category-B** Unreserved Scheduled Caste Unreserved **OBC Category-A** Unreserved Scheduled Caste Unreserved Unreserved Scheduled Caste **OBC Category-B** Unreserved Scheduled Caste Unreserved Unreserved Scheduled Tribe Unreserved **OBC Category-A** Unreserved Scheduled Caste Unreserved Unreserved Unreserved Scheduled Caste Unreserved

OBC Category-A

85th Vacancy 86th Vacancy 87th Vacancy 88th Vacancy 89th Vacancy 90tieth Vacancy 91st Vacancy 92nd Vacancy 93rd Vacancy 94th Vacancy 95th Vacancy 96th Vacancy 97th Vacancy 98th Vacancy 99th Vacancy 100th Vacancy

Unreserved Scheduled Caste Unreserved Unreserved **OBC Category -B** Scheduled Caste Unreserved Unreserved Scheduled Tribe Unreserved Unreserved Unreserved Scheduled Caste Unreserved **OBC Category -A** Unreserved

The format of Certificate for Other Backward Classes is hereby modified as per format attached to this order to have a specific mention of the category of the Other Backward Class the certificate holder belongs to.

Government of West Bengal Office of the Sub-divisional Officer / District Magistrate

Certificate For Other Backward Classes

Certif	ficate No.	Date:
Son/	s to certify that Shri / Shrimati / Kumari* Daughter* of Shri n	of Village
	of the State / Unior	Territory* of West Bengal
belor	ngs to the communit	ry which is recognised as a
Back	ward Class (Category*) by the Governmen	nt of West Bengal, under:-
1.	Notification No.	Date
2.	Notification No	Date
3.	Notification No	Date
4.	Notification No	Date
Read	with	
î	Notification No	Date
and b	by the Government of India for the State of W	est Bengal, under :—
1.	Resolution No	Date
	Notification No	Date
2.	Resolution No.	Date
	Notification No	Date
3.	Resolution No.	Date
	Notification No	Date
	ase insert 'A' or 'B' as per Notification No. ase delete the portion which is not applicable	dated
	Shri/Shrimati e(s) in Village / Town / District of	The state of the s
1	This is also to certify that he / she does not belong	to the category of persons / sections (Creamy

Layer) to whom reservation shall not apply as per provision contained in the Scheduled mentioned in Order No. 347-TW/EC, dated the 13th July, 1994 and subsequently modified Vide Order No. 1518-BCW, dated the 20th May, 2009 of the Backward Classes Welfare Department or in column 3 of the Schedule to the Government of India, Department of Personnel and Training O.M. No. 36012122193-Estt (SCT) dated the 8th September, 1993, subsequently revised vide O.M. No. 36033/ 31/2004-Estt. (Res.) dated the 9th March, 2004 and O.M. No. 1-1/2008-U.I.A. dated the 13th October, 2008.

Date:



D.M./S.D.O.

This order shall come into force at once.

By order of the Governor,

Sk. Nurul Haque,

Principal Secretary to the Government of West Bengal

Amendment in Notification No. 346-TW/EC/M-6/82(1) Dtd. 13.7.1994

No. 3182-BCW/MR-127/13

Kolkata, the 12th September, 2013

NOTIFICATION

Whereas by this Department Notification No. 346- TW/EC/M-6/82(I), dated the 13th July, 1994 (hereinafter referred to as the said notification), the Backward Classes for the purposes of the West Bengal Commission for Backward Classes Act. 1993 (West Ben. Act I of 1993) (hereinafter referred to as the said Act) have been specified in the List to the said notification:

Now Therefore, in pursuance of the provision of clause (a), read with clause (c), of section 2 and sub-section (2) of section 9 of the said Act, the Governor is pleased hereby to make with immediate effect, the following amendment in the said notification:—

AMENDMENT

In the said notification, in the LIST, for serial number 11 and the entries relating thereto, substitute the following serial number and entries relating thereto:-

"11, Goala, Gope (Pallav Gope, Ballav Gope, Yadav Gope, Gope, Ahir and Yadav)".

By order of the Governor,

S. K. Thade, Secretary to the Government of West Bengal.

Issuance of OBC Certificates mentioning category on surrender of old OBC Certificates—extension of time

No. 286(87)- BCW/MR-84/10(Pt.-I)

Kolkata, the 24th January, 2014.

From: M. Moitra,

Assistant Commissioner for Reservation and Ex-Officio Assistant Secretary to the Government of West Bengal.

To: 1) The District Magistrate (all),

- The Sub-Divisional Officer (all),
- 3) District Welfare Officer, Kolkata.

Sub: Issuance of OBC Certificates mentioning category on surrender of Old OBC Certificates —extension of time.

Sir,

With reference to this department's earlier letter No. 6795(85)-BCW/MR-84/2010(Pt.-I), dt:06.12.2012, I am directed to state that the last date for change of OBC Certificates mentioning therein Category-A and Category-B has been extended upto 31st December, 2014.

I am directed to state that certificate issuing authority may issue fresh certificates on surrender of the Original Certificates by the holders of Old Certificates for revalidation mentioning Category-A or Category-B on the certificate. The revalidation of the old certificate is to be done by the certificate issuing authority only and no one else.

Further, any person belonging to such class which falls under Category-A Category-B, and possessing an OBC Certificate issued prior to introduction of such categorization will be entitled to benefits admissible to Category-A Category-B, as the case may be, until new Certificate is issued or the 31 st December, 2014, which is earlier.

Yours faithfully,

Assistant Commissioner for Reservation and Ex-officio Assistant Secretary to the Government of West Bengal.

Clarification on issuing Caste Certificate to adopted children of OBC Category thereof

No. 2976-BCW/MR-167/14

Date: 11.09.2014

From: Atonu Chatterjee

Joint Commissioner, Reservation B Backward Classes Welfare Department

To:

The Sub-Divisional Officer

Uluberia, Howrah

Sub: Clarification on issuing Caste Certificate to adopted children of OBC

category-thereof.

Ref: Merno No. 199/OBC dated 3rd July, 2014

Sir,

With reference to above this to intimate that the Government of India's Memo No. 35/1/72-R.U. (SCT.V) dated 2nd May, 1975 incorporating (in Para-5) the procedure of issuing Caste Certificates to the adopted sons and daughters of different persons belonging to SC/ST category can be applied *mutatis mutandis* in case of granting of OBC Certificates to the adopted sons and daughters of the parents belonging to OBC Category.

In fact the Memo No. 374-TW-EC dated 27th July, 1994 is somewhat explicit in this matter.

The cases of granting Caste Certificate to the adopted children of OBC parents may be dealtwith accordingly.

Yours faithfully,

Joint Commissioner, Reservation

Clarification regarding issuance of OBC Certificate to Kalwar

No. 3047-BCW/MR-221/08 (Pt. I)

From : Atonu Chatterjee, WBCS (Exe),
Joint Commissioner for Reservation and
Ex-Officio Joint Secretary to the
Govt. of West Bengal.

To: Sub-Divisional Officer, Asansol, Burdwan.

Sub: Clarification regarding issuance of OBC Certificate Kalwar.

Sir,

With reference to your Memo no. 275/1/SC/ST/OBC, dt. 03.09.2014, pertaining to the aforesaid subject, I am directed to say that the competent caste certificate issuing authority may issue OBC certificate to a candidate whose class has been included in the Central list for Other Backward Classes in respect of this State, irrespective of whether the class in question is a recognized Other Backward Class of this State.

This is for your information and necessary action.

Yours faithfully,

Date: 15.09.2014

Joint Commissioner for Reservation and Ex-officio Joint Secretary

Date: 27-07-2015

Updated Guidelines for issuance of OBC Certificate

No. 1204-SBCW/MR-67/10

MEMORANDUM

Updated Guidelines for issuance of OBC Certificates

Guidelines for issuance of Other Backward Classes Certificates were issued Vide Memo No. 1464-BCW/MR-59/10 dated 30.04.2010. Since then there have been a number of modifications / changes in the orders and notifications necessitating modification of such guidelines.

Therefore, in supersession of the previous guidelines issued in this respect and in compilation and amplification of the provisions already altered the Governor is pleased to issue the following guidelines for receipt and disposal of applications for issuance of OBC Certificates.

- Provision for Identification: There is no Act regulating identification of persons belonging to Other Backward Classes (OBC). The relevant procedures and provisions applicable for identification of SC & ST as entailed in The SC&ST (Identification) Act 1994 and rules framed there under will be applicable for identification of OBC persons mutatis mutandis with appropriate modifications.
- Nomenclature: Caste Identification Certificate issued to OBC person is popularly called as Caste Certificate. A format of Caste Certificate to be issued to OBC person is appended to these guidelines. The certificate format is enclosed.
- 3. Certificate Issuing Authority: As per Notification No-374 (71) -TW/EC/MR-103/94 dated 27/7/1994, 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.
- 4. 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.

5. Entitlement:

- a. Any person belonging to any of the category of communities as entailed in orders in the State of West Bengal may be identified to be a member of the OBC provided the incumbent does not belong to the 'creamy layer' i.e. his family income does not exceed the prescribed limit of Rs 6 Lakh subject to provision from time to time.
- b. There is no age restriction for being eligible to apply for caste certificate. So no age proof for this purpose is necessary.
- Application: Application for issuance of Caste Certificate can be filed online in the 6. website address at www.castcertificatewb.Rov,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 proving his non-creamy layer status for each application as required will be accepted subject to verification with the originals. In addition to these documents, proof of residing in West Bengal prior to the cut off date (15/03/93) is also required.
- 7. 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 all the documents. (Form 1 will be issued subject to Rule 5, WB RTP5 Rules, 2013)
- 8. Requirements for obtaining a Caste Certificate: In order to obtain a Caste Certificate for OBC 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 15/3/1993.
 - c) He is an ordinary resident at the address currently residing.
 - d) He belongs to the said category he/she claims to belong to.
 - e) His identity.
 - f) That the applicant does not fall under 'creamy layer'.

The online application covers all such points and allows the applicant to submit documents / evidence in support of his claim.

9. 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 15/03/1993
 - iii) Birth Certificate proving residence since 15/03/1993
 - iv) Ration Card proving residence since 15/03/1993
 - v) Caste Certificate of parent(s)
 - vi) Any Govt. Document proving permanent residence since 15/03/1993.

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 of the applicant.
 - 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 Prodhan, 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 Prodhan of the local Gram Panchayat, Chairman of the local Municipality or the local Councillor of the Municipal Corporation along the findings of the enquiry shall be considered to be sufficient. Proper accent, 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.

10. 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. Procedure for disposal of application when no documentary evidence is available—It is apparent that most of the applicants for OBC Certificates are unable to produce such certificate of paternal blood relation as a proof of class identity. This is more so in view of a number of classes being added to the list of OBCs, In those cases, their class identity is to be decided on field enquiry and public hearing. In such cases, to facilitate easy identification, in deserving cases, an affidavit from the applicant in the format attached to this order, may be obtained wherein the applicant is to declare his eligibility to obtain OBC Certificate. Unless there is any contrary evidence received during field enquiry and hearing, normally the affidavit shall be acceptable for ascertaining his class status and eligibility. In case of subsequent determination of resorting to falsehood in procuring the caste certificate the applicant may also be charged with perjury as is provided for in the law of the land.
- C. It is often alleged that an applicant is asked to furnish declarations by five to ten persons of the applicant's locality certifying the applicant's class identity. Often such declaration is demanded from Teachers or Govt. Officials. It is hereby clarified that such declaration is not needed for disposal of an application for OBC Certificate. Where documentary proof as to eligibility to obtain OBC Certificate is not available, field enquiry and/or public hearing is to be held. In such enquiry, evidences from local persons are to be recorded and depositions from local persons may be taken. An application for OBC Certificate without any documentary proof or with insufficient documentary proof submitted along with the application is to be disposed of as per findings of the field enquiry / subsequent hearing together with affidavit and certificate from local Panchayat / Municipality. An alternative approach can be issuance of OBC Certificates in camp mode, wherever it is applicable, as the camp itself draws independent crowd.
- D. 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

subject to the applicants' belonging to non-creamy layer. In case there is doubt as to genuineness of the certificate submitted as reference or the non-creamy layer status the matter needs to be enquired into in detail. In that case, acceptance of the application shall strictly be subjected to findings of such enquiry.

- E. Regarding determination of 'Creamy Layer', the following points shall be considered:
 - i. First, status of the parents (not of the applicant) is to be ascertained. If any of the parents of the applicant holds a constitutional post or belong to Class I or Group 'A' service of the Central or State Government before the age of 40, he is considered to belong to 'creamy layer". If both of the parents belong to Class II or Group 'B' service the Central or State Government before the age of 40, he is considered to belong to 'creamy layer. If such parents retire or die after retirement, the status will remain unchanged. If, however, parents die or suffer permanent incapacitation during service, the applicant shall not fall under 'Creamy Layer',
 - ii. Criteria prescribed for determining creamy layer status of sons and daughters of persons in Government service mutatis mutandis applies to the sons and daughters of persons holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, Educational Institutions and also holding equivalent or comparable posts in private employment. Where such comparison is not possible, Income/Wealth test as prescribed is to be applied.
 - iii. When creamy layer status of an applicant is determined on the service / post held by his parent(s), their income from salaries are not to be taken into account. Thus, the employees in Government Departments, PSUs, Banks, Insurance Organisations, Educational Institutions, will not fall under the 'Creamy Layer' category unless income from other sources alone (without clubbing the income from salaries or agricultural land) touches the prescribed limit of Rs. 6 lakh.
 - iv. As per Income / Wealth Test, income of the parents from the salaries and from the other sources [other than salaries and agricultural land] is determined separately. If either the income of the parents from the salaries or the income of the parents from other sources [other than salaries and agricultural land] exceeds the limit of Rs. 6.0 lakh per annum or possess wealth above the exemption limit prescribed in the Wealth Tax Act for a period of three consecutive years, the sons and daughters of such persons shall be treated to fall in creamy layer. But the sons and daughters of parents, whose income from salaries is less than Rs. 6 lakh per annum and income from other sources is also less than Rs. 6 lakh per annum, will not be treated as falling in creamy layer even if the sum of the income from salaries and the income from the other sources is more than Rs. 6.0 lakh

per annum for a period of three consecutive years. It may be noted that income from agricultural land is not taken into account while applying the Test. This test is applicable to persons not having salary income or having salary income but having salary income but their service status not being comparable with that of the Central or State Government.

- F. 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.
- G. 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 which applies mutatis mutandis in case of issuance of OBC certificate. 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).
- H. 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 BCWO 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.

11. Caste Certificate to migrants;

a. When a person migrates from one State to another after the dates of notification introducing reservation for Other Backward Classes (15/03/1993), he can claim to belong to Other Backward Classes only in relation to the State he originally belonged and not in respect of the State to which he has migrated, A person of OBC community migrated to West Bengal from other States after 1993, is not entitled to the benefits provided by the State Government to the persons belonging to OBC, though the class he or she belongs to is listed as OBC in West Bengal. In case of such persons who are born after the date of notification of the relevant Order, the place of residence for obtaining OBC status is the permanent abode of their parents at the time of the notification. In case of issuance of OBC certificate to migrated persons the caste to which he or she belongs should be categorically mentioned, both as far as their caste in Central List of the state of origin as well as the State List is concerned.

- b. Issuance of caste certificate to the migrants is not covered under the on-line system. 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 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.
- 12. Scrutiny Committee and District Vigilance Cell: State Scrutiny Committee set up by the State Government with the Secretary, BCW Department as the Chairperson shall deal with matters relating to issuance of OBC Certificates also. The State Scrutiny Committee verifies the social status of a person in whose favour a certificate has been issued. 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.

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

- Cancellation, impounding or revocation of caste certificate: The provisions and procedures as applicable for similar actions for SC&ST Certificates are applicable here mutatis mutandis.
- 14. Renewal of Caste Certificate of OBC: Since issuance of OBC certificate is dependent on the 'Creamy layer' status which is supposed to change in every year so the certificate holder may approach for revalidation/renewal of the certificate. In fact this revalidation/renewal is of vital importance in regard to securing an employment. Consequently if someone approaches for renewal/revalidation with an attested proof of not belonging to creamy layer status then the certificate can be renewed and fresh certificate issued. This is accommodated in the online system of issuance of certificate,
- 15. 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 is final.
- 16. 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. 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 class identity requires further supporting information.
 - 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: Similar provisions in regard to SC/ST cases are applicable. 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 Certificate for Other Backward Classes for Migrated Applicants.

Sd/- S. K. Thade

Principal Secretary
to the Government of West Bengal



Government of West Bengal Office of The Sub-divisional Officer

***************************************		Sub-D	ivision
DIST			
CERTIFICAT	TE FOR OTHER BA	CKWARD CLASSES	
Certificate No			Date :
This is to certify that			son/daughter of
		f village	
P.O	P.S		
in the district	of the state of	belongs to)
Backward Class-Category A/B) by			
and as a Backward Class by the G			
her family ordinarily reside(s) in the of the state			and his/
This is also to certify that he Layer) to whom reservation shall the West Bengal Backward Clas (Reservation of Vacancies in Servi to the Govt. of India, Department Dated 8-9-93, last revised vide O.	not apply as per pases (other than Soces and Posts) Act, at of Personnel & T	rovided in Schedul cheduled Castes a 2012 or in Column raining O.M. No. 3	e II under Section 4 of and Scheduled Tribes) No. 3 of the Schedule 36012/22/93-Estt (SCT)
Place :			
Date :			
Attach applicant's recent passport size photograph arrested by GR-'A' Officer	Office Seal	DIST	Sub-Divisional Officer
		CTATE	

Format for Affidavit by Parent for his / her ward's OBC 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	/Smt son/daughter of Shri
	presently residing at
	ess)
	daughter / ward and hereby declare that :-
1.	My son / daughter / ward is a citizen of India;
2.	
	······································
3.	My son / daughter / ward is a resident of the address declared above;
4.	My son / daughter / ward belongs to class which is recognized as Other Backward Class in West Bengal;
5.	Neither me nor my spouse is a Group A / Class I Officer under Central / State Government or belong to any service in any PSU, Bank, Insurance Company, Educational Institution or in private employment; comparable with Group A / Class I service under Central / State Government or holds any Constitutional post;
6.	None / only one of us [me or my spouse] is a Group B / Class II Officer under Central
	/ State Government or belong to any service in any PSU, Bank, Insurance Company,
	Educational Institution or in private employment, comparable with Group B / Class
	Il service under Central / State Government;
7.	Annual income of us from salaries is Rs(in words)
8.	Annual income of us from other sources including business or profession is Rs;
9.	My son does not belong to 'Creamy Layer' as defined in the relevant Government

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.

Order issued for the purpose of issuance of OBC certificate;

Format for Affidavit by the Applicant for his / her own OBC Certificate .

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

	i/Smt son/daughter of Shri
	presently residing at
(Addı	ress)
	hereby declare that :- have applied for OBC Certificate for myself
1.	I am a citizen of India;
2.	I am a permanent resident of West Bengal since 1993, the permanent address being
	;
3.	I am a resident of the address declared above;
4.	I belongs to class which is recognized as Other Backward Class in West Bengal;
5.	None of my parents is a Group A / Class I Officer under Central / State Government or belong to any service in any PSU, Bank, Insurance Company, Educational Institution or in private employment, comparable with Group A / Class I service under Central / State Government or holds any Constitutional post;
6.	None / only one (Father or Mother [strike out whichever is not applicable]) of my parents is a Group B / Class II Officer under Central / State Government or belong to any service in any PSU, Bank, Insurance Company, Educational Institution or in private employment, comparable with Group B / Class II service under Central / State Government;
7.	Annual income of parents from salaries is Rs (in words)
8.	Annual income of us from other sources including business or profession is Rs;
9.	I do not belong to 'Creamy Layer' as defined in the relevant Government Order issued for the purpose of issuance of OBC Certificate:

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.



Government of West Bengal Office of The Sub-divisional Officer

	Sub-Division
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Backward Class) by the Govenment of . of the state from which the person ha		
migrated)	Government of	India for the state of
This is also to certify that he (Creamy Layer) to whom reservation Schedule to the Govt. of India, Dep 93-Estt. (SCT) Dated 08-09-93, last May, 2013 or	on shall not apply as partment of personne t revised vide O.M. N	el & Training O.M. No. 36012/22/ No. 36033/1/2013 dated the 27 th

(quote relevant order of the concerned State Government)

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This certificate is issued on the basis of t	he Other Backward Classes Certificate issued to
Shri/Shrimati	
father of Shri/Shrimati/Kumari	
of Village/town in Dist	rict/Division
of the State/Union Territory	who belongs to
the Class whi	ch is recognised as Other Backward Class of that
State.	
Date	Signature
Place	Designation
	(with seal of the Office)

CHAPTER - 6

Other relevant Acts, Rules and Orders

A. Act and Rules

The West Bengal Right to Public Services Act, 2013

NOTIFICATION

No. 1492-L.

27th September, 2013

The following Act of the West Bengal Legislature, having been assented by the Governor, is hereby published for general information:—

West Bengal Act XVII of 2013
The West Bengal Right to Public Services
ACT, 2013. came into force on 3rd October, 2013
[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Kolkata Gazette, Extraordinary, of the 27th September, 2013.]

An Act to provide for the delivery of public services to the people of the State within the stipulated time limit and for matters connected therewith and incidental thereto.

The West Bengal Right to Public Services Act, 2013.

(Sections 1-2.)

Whereas it is considered necessary and expedient to enact a legislation to provide for the delivery of public services to the people of the State within the stipulated time limit and for matters connected therewith and incidental thereto;

It is hereby enacted in the Sixty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title, extent and commencement.

- This Act may be called the West Bengal Right to Public Services Act, 2013.
 - (2) It extends to whole of the State of West Bengal.
 - (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different sections.

Definitions.

- 2. In this Act, unless the context otherwise requires,-
 - (a) "Appellate Officer" means an officer appointed or designated by notification by the State Government as Appellate Officer under section 3 of this Act;

- (b) "Commission" means a Commission constituted by the State Government for the purposes of this Act;
- (c) "Competent Officer" means an officer appointed or designated by notification by the State Government;
- (d) "Designated Officer" means an officer appointed or designated by notification by the State Government as Designated Officer under section 3 of this Act;
- (e) "eligible person" means a person who is eligible for services notified by the State Government;
- (f) "notification" means a notification published in the Official Gazette;
- (g) "prescribed" means prescribed by the rules made under this Act;
- (h) "Public Authority" means any authority or body or institution of self-government established or constituted—
 - (i) by or under the Constitution;
 - (ii) by any other law made by the State Legislature;
 - (iii) by notification issued or order made by the State Government, and includes any—
 - (A) body owned, controlled or substantially financed by the State Government;
 - (B) non-government organisation substantially financed, directly or indirectly by funds provided by the State Government.
- "Reviewing Officer" means an officer appointed or designated by notification by the State Government as Reviewing Officer under section 3 of this Act;
- (j) "right to service" means right to obtain the service within the stipulated time limit as specified in section 4 of this Act;
- (k) "service" means any service notified by the State Government under section 3 of this Act;
- (I) "State Government" means Government of West Bengal;
- (m) "stipulated time limit" means maximum time to provide the service by the Designated Officer or to decide the appeal by the Appellate Officer as notified under section 3.
- 3. (1) Every eligible person shall have the right to obtain Public Services in accordance with the provisions of this Act.

(2) The State Government may from time to time, specify the Public Authority, services to be rendered, Designated Officer, Appellate Officer, Reviewing Officer and stipulated time limit for service by notification in the Official Gazette for the purposes of this Act.

Right to obtain service within stipulated time limit. The Designated Officer shall provide the service notified under section 3 of this Act to the eligible person to obtain the service, within the stipulated time limit.

Providing service in stipulated time limit.

- (1) Stipulated time limit shall commence from the date when required application for notified service is submitted to the Designated Officer or to a person subordinate to him authorized to receive the application. Such application shall be duly acknowledged through digital/electronic means or otherwise.
 - (2) The Designated Officer on receipt of an application under subsection (1) shall within the stipulated time limit either provide service or reject the application and in case of rejection of application, shall record the reasons for not providing service in writing and intimate to the applicant.

Appeal and Second Appeal. . (1) Any person, whose application is rejected under sub-section (2) of section 5 or who is not provided the service within the stipulated time limit, may file an appeal to the Appellate Officer within thirty days from the date of rejection of application or the expiry of the stipulated time limit :

Provided that the Appellate Officer may admit the appeal even after the expiry of the period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (2) The Appellate Officer may order the Designated Officer to provide the service within the specified period or may reject the appeal.
- (3) A second appeal against decision of the Appellate Officer shall lie to the Reviewing Officer within sixty days from the date on which the decision was made:

Provided that the Reviewing Officer may admit the second appeal after the expiry of the period of sixty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4) (a) The Reviewing Officer may order the Designated Officer to provide the service within such period as he may specify or may reject the second appeal.

- (b) Along with the order to provide service, the Reviewing Officer may impose penalty according to the provisions of section 7 of this Act.
- (5) (a) If the Designated Officer does not comply sub-section (1) of section 5, then the applicant aggrieved from such noncompliance may submit an application directly to the Appellate Officer and the application shall be disposed of in the manner of first appeal.
 - (b) If the Designated Officer does not comply with the order of providing the service under sub-section (2) of section 6, then the applicant aggrieved from such non-compliance may submit an application directly to the Reviewing Officer and the application shall be disposed of in the manner of second appeal.
- (6) The Appellate Officer and the Reviewing Officer shall while deciding an appeal under this section, have the same powers as are vested in civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—
 - (a) requiring the production and inspection of documents;
 - (b) issuing summons for hearing to the Designated Officer and appellant; and
 - (c) any other matter which may be prescribed.

Penalty

- 7. (1) (a) Where the Reviewing Officer is of the opinion that the Designated Officer has failed to provide service without sufficient and reasonable cause, then he may impose a penalty which shall not be less than rupees 250 and not more than rupees 1000.
 - (b) Where the Reviewing Officer is of the opinion that the Designated Officer has caused delay in providing the service, then he may impose a penalty at the rate of rupees 250 per day for such delay on the Designated Officer, which shall not be more than rupees 1000:

Provided that the Designated Officer shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

(2) Where the Reviewing Officer is of the opinion that the Appellate Officer has failed to decide the appeal within the stipulated time limit without any sufficient and reasonable cause, then he may impose a penalty on the Appellate Officer which shall not be less than rupees 250 and not more than rupees 1000:

Provided that the Appellate Officer shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

(3) The Reviewing Officer, if satisfied that the Designated Officer or the Appellate Officer has failed to discharge the duties assigned to him under this Act, without sufficient and réasonable cause, may recommend disciplinary action against him under the service rules applicable to him.

Revision.

8. The Designated Officer or the Appellate Officer aggrieved by any order of the Reviewing Officer in respect of imposing penalty under this Act, may make an application for revision of the order to the officer nominated by the State Government who shall be not below the rank of Joint Secretary to the Government or its equivalent rank, within the period of sixty days from the date of that order, who shall dispose of the application according to the prescribed procedure:

Provided that the officer nominated by the State Government may entertain the application after the expiry of the said period of sixty days if it is satisfied that the application could not be submitted in time for sufficient cause.

Monitoring the Status of the application

- 9. (1) Every citizen having applied for any citizen related services shall be provided an application number by the department concerned, or local body or Public Authority as the case may be, and shall be entitled to obtain and monitor status of his application through online means or otherwise in accordance with such procedure as may be prescribed.
 - (2) The department or the local body or the Public Authority, as the case may be, shall maintain status of all applications governing citizen related services online and shall be duty bound to update the status of the same as per the procedure as prescribed by rules in this regard.
 - (3) To encourage and enhance the efficiency of the Government employees, it shall be lawful for the competent officer to recommend cash incentive not exceeding rupees 1000 in aggregate in favour of a Government employee against whom no default is reported in one financial year. On such recommendation., the Government or the local body or the Public Authority concerned, as the case may be, shall be competent to grant such incentive as it deem fit and proper, not exceeding the amount as recommended by Competent Officer along with certificate of appreciation which

shall be duly recorded in his service book.

to be done under this Act or any rule made thereunder.

Deemed service condition

Notwithstanding anything contained in the service condition of 10. Government employees including such employees of local bodies of the Government, Subordinate Offices, Authorities, Companies and Corporations or Public Authorities, they shall be bound by the provisions of this Act.

Display of service and given time limit.

The Services and the given time limit shall be displayed locally and on 11. website by the Secretary of the Department concerned or Public Authority for information of the public.

Construction of Right to Public Service Commission.

(1) The State Government, if considers necessary or expedient to do so, may, by notification, constitute for the purposes or this Act, a commission to be called the West Bengal Right to Public Service Commission:

Provided that till such time the Commission is not constituted by the State Government, it may, by notification nominate an officer of the State Government, not below the rank of a Secretary to perform the functions and exercise the powers of the Commission under this Act.

- (2) The Head Office of the Commission will be at Kolkata or at such place, as the State Government may by notification determine from time to time.
- (3) The Commission shall be a body corporate, known by the aforesaid name having perpetual succession and a common seal with power, subject to the provisions of this Act. The Commission may acquire, hold and dispose of property both movable and immovable and to enter in contract and shall, by the said name, sue or be sued.
- (4) The powers and functions of the Commission shall be such as may be specified by the State Government by notification in the Official Gazette.
- (5) The Commission may appoint such officers and employees as it considers necessary for the efficient performance of its function.
- (6) The method of recruitment, salary, allowances and the other terms and conditions of service of the officers and employees shall be such as may be prescribed.

45 of 1860.

All officers and other persons acting or purporting to act in pursuance of any of the provisions of this act and the rules Officers to be made thereunder shall be deemed to be public servants within the meaning of section 21 of 45 of the Indian Penal Code.

public servants

Protection of action taken in good faith.

14. No. suit, prosecution or other legal proceeding shall lie against any person or officer for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

Power to make rules.

- (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
 - (2) In particular and without prejudice to the generality of the foregoing power, such rule may provide for all or any of the following matters; namely:—
 - (a) the format to maintain the record of services;
 - (b) the procedure of disposing of an application;
 - (c) method of recruitment and the terms and conditions of service of the officers and employees of the Commission;
 - (d) salaries, allowances etc. of the officers and other employees of the Commission;
 - the procedure for implementing the provisions relating to penalties, compensation and cash incentives; and
 - (f) any other matter which is required to be or may be prescribed for the purposes of this Act.

Rules and Notifications to be laid before State Legislature.

16.

- (1) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session, for a total period of fifteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modifications in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so. however that any such modification or amendment shall be without prejudice to the validity of anything previously done under that rule.
- (2) Every notification made under this Act shall be laid, as soon as may be, after it is made, before the State Legislature.

Power to give direction.

17. Notwithstanding anything contained in any other law for the time being in force but subject to the provisions of this Act, the State Government may, in the exercise of its powers and performance of its function under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

Power to delegate

18. The State Government may, by notification in the Official Gazette, delegate, subject to such conditions and limitations as may be specified in the notification, such of its powers and functions under this Act as it may deem necessary or expedient, to any officer or other authority.

19.

Power to give direction. difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, for the purpose of removing such difficulty, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as it may deem necessary or expedient:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under sub-section (1) of this section shall, as soon as may be after it is made, be laid before the State Legislature.

By order of the Governor,

Malay Marut Banerjee

Secy. to the Govt, of West Bengal,

Law Department.

The West Bengal Right to Public Services Rules, 2013

NOTIFICATION

No. 2565-CA/Estt./O/4R-2/13 (Pt.-I)

Dated the 7th day of October, 2013.

In exercise of the power conferred by sub-section (1) of section 15 of the West Bengal Right to Public Services Act, 2013, the Governor is pleased hereby to make the following rules, namely:—

RULES

- 1. Short title and commencement.— (1) These rules may be called the West Bengal Right to Public Services Rules, 2013.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
- 2. Definitions.— (1) In these rules, unless the context otherwise requires,—
 - (a) "Act" means the West Bengal Right to Public Services Act, 2013;
 - (b) "Authorised Officer" means an officer or staff authorised as such by the Designated Officer under rule 3;
 - (c) "Form" means the Forms appended to these rules;
 - (d) "Section" means a section of the Act.
 - (2) Words and expressions used, but not defined in these rules and defined in the Act, shall have the same meanings, respectively, assigned to them in the Act.
- 3. Power of Designated Officer to authorise other officer or staff to receive applications.—

The Designated Officer shall have the power to authorise, by order, any of his subordinate officer or staff for receiving the applications and giving proper acknowledgement.

4. Issue of acknowledgement to the applicant,— (1) On receipt of an application for service by an eligible person, the designated officer or the authorised officer, as the case may be, shall scrutinize and give acknowledgement to the applicant in Form I. In case any document required for providing the service has not been enclosed with the application, the same shall be clearly mentioned in the acknowledgement and the stipulated time limit for such service shall start from the date of production of the document.

Provided that if necessary documents are annexed with application then the last date of the stipulated time limit shall be mentioned in the acknowledgement.

(2) Complete applications received on each working day, shall be produced before Designated Officer on the same working day for providing the notified services.

- Public holidays shall be excluded from the stipulated time limit.— Public holidays shall be excluded from the stipulated time limit for providing the services.
- 6. Display of information on the Website and Notice Board.— The Designated Officer shall, for the convenience of the general public, cause to display all relevant information related to services, stipulated time limit, Designated Officer, Appellate Officer and the Reviewing Officer on the Notice Board of the office. All documents that are required to be enclosed with the application for receiving the service and the Forms appended to these Rules shall also be displayed similarly. The Secretary of the Department concerned shall also cause this information to be available on the website of the Department.
- 7. Monitoring the status of Applications.— The Department concerned or the authority or body or institution of self government or any other Public Authority, as the case may be, shall maintain the current status of the applications on its website and shall update it on a daily basis.
- 8. Recovery and remittance of penalty.— In case of dismissal or rejection of appeal or otherwise, the Designated Officer shall deposit the penal amount through treasury challan within seven days of the date of the order. In case of failure to do so, the penalty imposed under section 7 shall be recovered from the salary, honorarium or other remuneration of the Designated Officer and remitted to the appropriate head of Account.
- Exemption from payment of appeal fee— No fee shall be required for filing the first appeal or second appeal under section 6.
- 10. Appeal.— (1) An appeal to the Appellate Officer under sub-section (1) of section 6 shall be filed in Form II or in any other format containing the particulars mentioned in the said Form.
 - (2) An appeal to the Reviewing Officer under sub-section (3) of section 6 shall be filed in Form III or in any other format containing the particulars mentioned in the said Form.
- 11. Documents to be enclosed with the appeal.— Along with the first or second appeal, the appellant shall enclose the following information / documents, namely:—
 - (i) name and complete address of the appellant;
 - (ii) brief description of required service;
 - (iii) date of the application produced before Designated Officer for providing service;
 - (iv) self attested copy of the order against which the first appeal or second appeal is being made;
 - (v) copies of the documents relied upon by the appellant and referred to in the first appeal or second appeal.
 - (vi) the grounds for appeal;

- (vii) relief sought;
- (viii) any other information necessary for filing appeal. If appeal is against the refusal of acknowledgement of application by the Designated Officer then the date of the application and the name and address of the Designated Officer to whom the application was presented.
- **12. Service of notice of hearing.**—The notice of hearing of application for appeal may be served in any of the following manner—
 - (i) by hand delivery (dasti) through special messenger or process server;
 - (ii) by the registered post with due acknowledgment;
 - (iii) in case of a Government servant, through his controlling officer.
- 13. Personal appearance of the appellant.— (1) In every case the appellant or applicant at revision, as the case may be shall be intimated of the due date of hearing, at least seven clear days prior to such date of hearing.
 - (2) The appellant or applicant at revision, as the case may be, may present himself in person in the hearing of appeal or revision, or may opt not to be present in the hearing. If any party remains absent after due service of notice of the fixed date of hearing, then the application for appeal may be disposed off in his absence.
 - (3) If the Appellate Officer or the Reviewing Officer is satisfied that circumstances exist due to which the appellant or applicant at revision has been prevented to be present at the hearing, then before taking the final decision one opportunity of hearing shall be given to the appellant or applicant at revision or any other appropriate action may be taken as deemed fit.
- 14. Procedure for deciding appeal.— During hearing of appeal signature / thumb impression of both the parties shall be obtained in the order sheet. While deciding the application for appeal the Appellate Officer or the Reviewing Officer shall
 - (i) inspect relevant documents, public documents or copies thereof;
 - (ii) hear Designated Officer and the applicant or his authorised representative, as the case may be, at the time of hearing of appeal.
- 15. Order in first appeal or second appeal.— (1) The order passed in the first appeal or second appeal shall be in writing.
 - (2) Copy of the order in appeal shall be given to the appellant, Designated Officer or the Appellate Officer, as the case may be.
 - (3) In the case of imposition of penalty, the reviewing officer shall forward a copy of such order to the authority concerned, with instructions to deduct the amount of fine from the salary/ honorarium/remuneration of the Designated Officer or of the Appellate Officer, as the case maybe.

- (4) In the event of recommendation for disciplinary action against the Designated Officer or the Appellate Officer, as the case may be, the Reviewing Officer shall forward a copy of the order to the appointing authority concerned.
- (5) Where the Reviewing Officer makes any amendment in the order of the Appellate Officer, then he shall forward a copy of such order to the Appellate Officer and the Designated Officer and to the appellant.
- (6) Where in a revision, the order of the Reviewing Officer is revised or modified, the revising officer shall send the copy of order to the Reviewing Officer and the officers specified in sub-rule (4) and (5).
- 16. Maintenance of register of cases under the Act.— The Designated Officer, the Appellate Officer and the Reviewing Officer shall maintain a Register of all the cases in Form IV.
- 17. Liability for furnishing false information to obtain a Public Service.—No person shall submit any application which contain any fact or information, which he knows or has reasons to believe to be false, to obtain any public service, and who furnishes such fact or information may be liable for criminal action under the law for the time being in force.
- 18. Monitoring and inspection.— The State Government may issue directions from time to time to effective implementation of the provision of the Act, superintendence of the cases filed under the Act and for the inspection of the offices of the Designated Officer, Competent Officer, Appellate Officer, Reviewing Officer and Drawing and Disbursing Officer.
- **19. Dissemination and training,** The State Government may, to the extent of availability of financial or other resources—
 - (i) develop and organize campaigns and programmes to advance the understanding of the public, as to how to exercise the rights contemplated under the Act;
 - (ii) encourage public authorities to participate in the development and organization of programmes referred to in clause (i) above and to undertake such programmes themselves;
 - (iii) issue guidelines in simple language for employees and members of the public specifying the steps and/or documents required for providing public services, including standard operating procedures.
- 20. Incentives to employees.— The Competent Authority shall recommend the names of such employees against whom no default is reported in one year to the State Government at the end of a year for awarding cash incentive. The State Government may, by order, determine the criteria for awarding cash incentive.
- 21. Composition of the Commission.— (1)The West Bengal Right to Public Service Commission constituted by the State Government shall consist of a Chief Commissioner

and such other Commissioners as the State Government may decide from time to time.

- (2) The Chief Commissioner shall be a retired officer in the rank and status of the Chief or Additional Chief Secretary of the State or Secretary to the Government of India.
- (3) The Commissioners shall be retired officers in the rank and status of Secretary of a State or equivalent and or experts in the field of Public Administration or eminent Public figures.
- 22. Powers of the Chief Commissioner.— (1) The Chief Commissioner shall have powers of general superintendence and direction in the conduct of the affairs of the Commission. The Chief Commissioner shall preside over the meetings of the Commission as well as exercise and discharge the powers and functions of the Commission, as entrusted.
 - (2) In case of absence of the Chief Commissioner or a vacancy in the office of the Chief Commissioner, the State Government may nominate one of the Commissioners to perform the functions and exercise, the powers vested in the Chief Commissioner as long as-the vacancy or absence continues.
 - (3) A Commissioner nominated to discharge the functions and powers of the Chief Commissioner under sub-rule (2) shall-not be entitled to any compensation, allowance or facility in addition to what he would be entitled to as a Commissioner.

23. Term of office and conditions of service of Chief Commissioner and Commissioners.—

- (1) The Chief Commissioner and the Commissioners shall hold office for a term of five years from the date on which they enter upon the respective offices, or until they attain the age of sixty five years, whichever is earlier and they will not be entitled for re-appointment.
- (2) If a person already holding an office is appointed as the Chief Commissioner or Commissioner, he shall have to resign or seek retirement from that office before joining the Commission.
- (3) The Chief Commissioner or a Commissioner shall, before he enters upon his office, make and subscribe before the Governor an oath of affirmation in Form V.
- (4) The Chief Commissioner or a Commissioner may, at any time, by writing under his hand addressed to the Governor, resign from his office. He would also be liable for removal from the office in the manner provided under rule 24 of this rule.
- (5) The salaries and allowances payable to and other terms and conditions of service of the Chief Commissioner and the Commissioners shall be the same as those of the State Chief Information Commissioner and the State Information Commissioner respectively as laid down in sub-section (5) of section 16 of the Right to

- Information Act, 2005. All provision of the aforesaid sub-section shall apply *mutatis mutandis* to the Chief Commissioner and the Commissioners appointed under the Act,
- (6) The State Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the Commission under this Act, on deputation on usual terms and conditions.
- 24. Removal and Suspension of the Chief Commissioner or a Commissioner from office in certain circumstances.— (1) The State Government may remove the Chief Commissioner or any Commissioner from office after complying with the provisions of sub-rule (2), if he has
 - (i) been adjudged insolvent; or
 - (ii) been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
 - (iii) become physically or mentally incapable; or
 - (iv) acquired such financial or other interest as is likely to affect prejudicially his functions in any of the said capacities; or
 - so abused his position as to render his continuance in office prejudicial to public interest.
 - (2) Notwithstanding anything contained in sub-rule (1), the Chief Commissioner or and Commissioner, shall not be removed from his office, unless,—
 - (i) a reference is made by the State Government to the Chief Justice of the High Court of Calcutta seeking an enquiry and recommendation on the proposed removal of the Chief Commissioner or the Commissioner along with the grounds for the removal and material supporting such proposal;
 - (ii) the reference if duly enquired into by an inquiry committee headed by a retired High Court Judge or any other person appointed by the Chief Justice of the High Court of Calcutta; and
 - (iii) the inquiry committee makes recommendation that the Chief Commissioner or the Commissioner ought to be removed on such ground or grounds.
 - (3) The State Government may suspend the Chief Commissioner or the Commissioner in respect of whom a reference has been made to the Chief Justice of the High Court of Calcutta under sub-rule (2).
- 25. Powers and functions of the West Bengal Right to Public Service Commission.— (1) It shall be the duty of the Commission to ensure proper implementation of the Act and to make suggestions to the State Government for ensuring better delivery of services. For this purpose, the Commission may,—
 - (a) entertain and dispose of revisions under section 8;
 - (b) take suo moto notice of failure to deliver service in accordance with this Act and refer such cases for disposal as may be appropriate;

- (c) carry out inspections of offices entrusted with the delivery of services and the offices of the Appellate Officer and the Reviewing Officer;
- (d) recommend Departmental action against any officer or employee of the State Government who has failed in due discharge of functions cast on him under this Act.
- (e) recommend charges in proceedings for delivery of services which will make the delivery more transparent and easier:

Provided that before making such a recommendation the Commission shall consult the Secretary of the Department concerned which is to deliver the service;

- (f) recommend for additional notifications to be notified under section 3 and may also suggest modifications in the notifications already issued for better implementation of the Act.
- (2) Where the Commission is .satisfied that there are reasonable grounds to inquire into a matter arising out of the provisions of this Act, it may, suo moto, initiate an inquiry in respect thereof.
- (3) The Commission shall, while inquiring into any matter under this section, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedures, 1908, in respect of the following matters; namely:—
 - (a) summoning and enforcing the attendance of persons, compelling them to give oral or written evidence on oath and producing documents or things;
 - (b) requiring the discovery and inspection of documents;
 - (c) receiving evidence on affidavits;
 - (d) requisitioning any public records or copies thereof from any court or office;
 - (e) issuing summons for examination of witnesses or documents; and
 - (f) any other matter which the Commission deems necessary.
- (4) The Commission may formulate its procedure for the conduct of its business and for any such matter, as the Commission may deem fit.
- 26. Action by the Government on recommendations of the Commission.— (1) The State Government shall consider the recommendations made by the Commission under clause (d), (e) and (f) of sub-rule (1) of rule 25 and send information to the Commission of action taken within thirty days or such longer time as may be decided in consultation with the Commission. In case the Government decided not to implement any of the recommendations of the Commission, it will communicate the reasons for not acting on the recommendations to the Commission.
 - (2) The Commission shall prepare an annual report of the recommendations made by it under rule 24 along with the action taken and reasons for not taking action, if any. The State Government shall cause a copy of this report to be laid on the table of the West Bengal Legislative Assembly.

West Bengal Services (Determination of Seniority) Rules, 1981

- 1. Short title and commencement.—(1) These rules may be called the West Bengal Services (Determination of Seniority) Rules, 1981
 - (2) They shall come into force on the 11th March, 1981.
- 2. Application.—These rules shall apply to all Government servants except—
 - (1) members of the All India Services;
 - (2) members of the West Bengal Higher Judicial Service;
 - (3) members of the West Bengal Civil Service (Judicial);
 - (4) members of the West Bengal Civil Service;
 - (5) members of the West Bengal Police Service;
- 3. Definitions.—In these rules, unless the context otherwise requires—
 - (i) "appointing authority" in relation to a post means the authority competent to fill up such post;
 - (ii) "commission" means the Public Service Commission, West Bengal;
 - (iii) "select list" means the list of candidates prepared in the order of merit in which candidates are selected through a competitive examination and/or interview and/or, after training or otherwise;
 - (iv) "post", "cadre" or "grade" shall mean any post, cadre or grade in connection with the affairs of the State of West Bengal;
 - (v) "selecting authority" means the appointing authority or any other authority empowered to make selection of candidates for recruitment or promotion to any post, cadre or grade;
 - (vi) "date of joining" shall be reckoned from the date of continuous officiating in a post/cadre or grade.
- 4. Determination of seniority of direct recruits.—The relative seniority of all persons appointed directly through competitive examination or interview or after training or otherwise shall be determined by the order of merit in which they are selected for such appointment on the recommendation of the Commission or other selecting authority, persons appointed on the result of an earlier selection being senior to those appointed on the result of a subsequent selection:

Provided that where appointment of persons initially made otherwise than in

accordance with the relevant recruitment rules is subsequently regularized in consultation with the Commission, where necessary, seniority of such persons shall be determined from the date of regularization and not from the date of appointment. The inter-se-seniority amongst such persons shall, however, depend on the date of appointment of each such person in the department or office concerned:

Provided further that if any person selected for appointment to any post does not join within two months of the offer of appointment, his seniority shall count from the date on which he joins the post unless the appointing authority for reasons to be recorded in writing condones the delay.

- Note.—(1) A list of candidates for the purpose of selection for appointment shall be prepared in all cases by the selecting authority, when there with be recruitment in a single process of selection of more than one person.
 - (2) Where the inter-se-seniority amongst several persons has not been determined prior to the coming into force of these rules, such seniority shall, on the coming into force of these rules, be determined on the basis of actual date of their joining. When the date of joining of all such persons is the same, seniority shall be determined on the basis of date of birth, persons retiring earlier being adjudged as senior. When the date of birth is the same, seniority shall be determined on the basis of total marks obtained by each in the examination passing of which is the qualification prescribed for recruitment to the particular post, cadre or grade.
 - (3) In so far as the determination of relative seniority of persons selected either by the Commission or by other selecting authority for appointment to different posts in the same grade with different qualifications such as posts of Assistant Professors in History, Economics, Physics, Chemistry, etc., is concerned, seniority shall be determined from the date of joining.

5. Determination of seniority of promotees.-

- (1) Seniority of persons appointed on promotion to any post, cadre or grade shall be determined from the date of joining such post, cadre or grade.
- (2) When there will be appointment in a single process of selection of more than one person, the relative seniority of persons so appointed shall be determined by the order in which they are selected for such promotion.
- (3) Persons appointed on the result of an earlier selection shall be senior to those appointed on the results of a subsequent selection.
- (4) Where promotions to a post, cadre or grade are made from more than one post, cadre or grade, the relative seniority of the promotees from different posts, cadre, or grades shall be according to the order of merit determined by the Commission or the selecting authority, if such posts, cadres or grades do not come within the purview of the Commission.

Note 1.—A list of candidates for the purpose of selection for promotion shall be prepared in all cases, by the selecting authority when appointments are made on promotion in a single process of selection of more than one person.

Note 2.—Where the inter-se-seniority amongst several persons has not been determined prior to the coming into force of these rules, such seniority shall, on the coming into force of these rules, be determined on the basis of date of joining. When the date of joining of such persons in the same seniority in the promotion post, cadre or grade shall follow the seniority in the lower feeder post, cadre or grade.

- 6. Relative seniority of direct recruits and promotees.—(1) The relative seniority between a promotee and a direct recruit shall be determined by the year of appointment or promotion of each in the post, cadre or grade irrespective of the date of joining.
 - (2) The promotees shall be enbloc senior to the direct recruits of the same year.
- 7. Determination of seniority of transferees.—The relative seniority of persons appointed by transfer to a post, cadre or grade from the feeder post, cadre or grade of the same department or office from other departments or offices of the Government shall be determined by the order of selection for such transfer.
 - (2) When such transfer involves two or more persons selected from different departments or offices on the same occasion, the appointing authority for such appointment on transfer shall indicate the order of merit of the selected persons in each case.
 - (3) The relative seniority between a promotee, a transferee and a direct recruit shall be determined by the year of promotion or transfer of recruitment, promotees being enbloc senior to the transferees and direct recruits of the same year and transferees being enbloc senior to the direct recruits of the same year.
- 8. Service benefits.—With effect from the date of coming into force of these rules, for the purpose of service benefits available on the basis of seniority, such seniority shall mean the seniority determined under these rules.
- Interpretation.—If any question arises relating to the interpretation of these rules it shall be referred to the Government in the Finance Department whose decision thereon shall be final.
- 9. Repeal and saving.—All rules, orders or memoranda concerning matters covered by these rules are hereby repealed :

Provided that the cases of benefits already given on the basis of seniority determined in accordance with the principles in force prior to the coming into force of these rules shall not be affected:

Provided further that there shall be no change in the existing order of *inter-se-seniority* amongst the officers of the services within the meaning of the West Bengal Service (Unification of State Services) Rules, 1979 (hereinafter referred to as the said rules) as determined prior to the coming into force of the said rules *i.e.*, the 18th May, 1979.

B. Orders Notification / Memorandum

Notification bringing issuance of Caste Certificate under the purview of WBRTPS Act

NOTIFICATION

No. 3755-BCW

Dated the 8th November, 2013.

In exercise of the power conferred by sub-section (2) of section 3 of the West Bengal Right to Public Service Act, 2013 (West Ben. Act XVII of 2013) (hereinafter referred to as the said Act), the Governor is pleased hereby to specify in the following table, with immediate effect, the public authorities mentioned in columns (3), (5) and (6) of the said table, for providing the services mentioned in column (2), within the stipulated time limit mentioned in column (4), for the purpose of the said Act:—

Table

SI. No.	Services	Designated Officer	Stipulated time limit of providing the service	Appellate Officer	Reviewing Officer
(1)	(2)	(3)	(4)	(5)	(6)
1.	Issuance of Caste Certificates to the (Scheduled Castes) (Scheduled Tribes) and (Other Backward, Classes)	Sub-Divisional Officer in cases of Sub-Divisions and District Welfare Officer, Kolkata and ex-officio Joint Director /Deputy Director in case of Kolkata District.	4 (four) weeks from the date of submission of application with all required papers / documents.	District Magistrate	Joint Commissioner

By order of the Governor,

S. K. Thade,
Principal Secretary to the Government of West Bengal.

Amendment of Notification No. 3755 Dated 08.11.2013

NOTIFICATION

No. 182-BCW

Dated the 16th January, 2015.

In exercise of the power conferred by sub-section (2) of section 3 of the West Bengal Right to Public Services Act, 2013 (West Ben. Act XVII of 2013), the Governor is pleased hereby to make, with immediate effect, the following amendments in this department notification No. 3755-BCW, dated the 8th November, 2013, published in the *Kolkata Gazette*, *Extraordinary*, PART I, dated the 16th November, 2013 (hereinafter referred to as the said notification):—

Amendments

In the Table of the said notification,-

(1) for column (5) and the entry relating thereto, *substitute* the following column and entries:—

	Appellate Officer			
	(5)			
Designation	Stipulated time limit			
District Magistrate	4 (four) weeks from the date of submission of appeal with all required papers / documents.			

(1) for column (6) and the entry relating thereto, *substitute* the following column and entries:—

Reviewing Officer (6)					
Joint Commissioner for Reservation and ex-officio Joint Secretary, Backward Classes Welfare Department.	4 (four) weeks from the date of submission of second appeal with all required papers/documents				

By order of the Governor,

S. K. Thade

Principal Secretary to the Government of West Bengal.

Issuance of Form 1 under WBRTPS Act to applicants of Caste Certificate

Date: 11/6/2015

No. 2209-BCW/3M-18/2014

From : Shri Atonu Chatterjee, WBCS (Exe),
Joint Commissioner for Reservation &
Ex-Officio Joint Secretary.

To: Sub-Divisional Officers (all)

Sub: Matters relating to issuance of Form-1 in regard to WB Right to Public Services

Act 2013-thereof.

Sir,

Sub-Divisional Officer in cases of Sub-Divisions and District Welfare Officer, Kolkata and Ex-officio Joint Director /Deputy Director in case of Kolkata District have been specified as Designated Officer under the West Bengal Right to Public Services Act, 2013 (West Ben. Act XVII of 2013) vide Notification No. 3755-BCW, dt. 08.11.2013, read with Notification No. 182-BCW, dt. 16.01.2015.

As notified through 'Notification No. 3755-BCW, dt. 08.11.2013' the specified service under Sec 4 of West Bengal Right to Public Services Act 2013 read with Rule 5 of The West Bengal Right to Public Services Rules 2013 is to be rendered within four weeks.

In consideration of the aforementioned position I am directed to intimate that-

- Form-1 as per Rule 4 of West Bengal Right to Public Services Rules 2013 is to be issued by the Authorized authority as specified in Rule 3 of West Bengal Right to Public Services Rules 2013 to the applicant of caste certificate.
- 2) The Designated officers as per coloumn 3 of 'Notification No. 3755-BCW, dated 08.11.2013 shall identify 'Authorised Officer or staff as per Rule 3 West Bengal Right to Public Services Rules 2013 and shall duly notify.
- 3) The stipulated time limit of four weeks may kindly be calculated and indicated in relevant column of Form-1 as per Rule-5 of West Bengal Right to Public Services Rules 2013.
- 4) In the office notice board of all the Designated officers (i.e. SDO and DWO Kolkata) the papers/documents required for issuance of Caste certificate and the notifications indicating the Designated Officers, Appellate Authority and Reviewing Authority and the stipulated time limit for availing the service should be put up.

The relevant orders as required may kindly be issued at the earliest as this is a specific requirement under the relevant Act.

The relevant Sections/Rules and notifications are enclosed for your ready reference.

The notifications thus issued as per para 1 and 2 of the letter may kindiy be sent to the Department for onwards transmission.

The letter is issued with the concurrence of the competent authority.

End-as stated

Yours faithfully

Joint Commissioner for Reservation & Ex-Officio Joint Secretary
Date: 11/6/2015

Appointment of Nodal Officer in respect of WBRTPS Act

No. 2318-BCW/3M-18/2014

Dated: 19.06.2015

ORDER

Shri Sagar Chakraborty WBCS (Exe), Joint Director, Backward Classes Welfare and Tribal Development Directorate is hereby appointed as the Nodal Officer for the purpose of effective implementation of the West Bengal Right lo Public Services Act, 2013 and coordinating with the Department administering the Act.

S. K. Thade

Principal Secretary to the Government of West Bengal

Second Amendment of Notification No. 3755 Dated 08.11.2013

NOTIFICATION

No. 2429-BCW.

Dated: Calcutta, 30th June, 2015.

In exercise of the power conferred by sub-section (2) of section 3 of the West Bengal Right to Public Services Act, 2013 (West Ben. Act XVII of 2013), the Governor is pleased hereby to make, with immediate effect, the following amendment in this Department notification No. 3755-BCW, dated the 8th November, 2013. published in the *Kolkata Gazette, Extraordinary, PART I, dated the 16th November, 2013, as subsequently amended with this Department notification No. 182-BCW, dated the 16th January. 2015, published in the <i>Kolkata Gazette, Extraordinary, PART I. dated the 19th January. 2015 (hereinafter referred to as the said notification):—*

AMENDMENT

In column (5) under the heading "Appellate Officer" of Table of the said notification, under the sub-heading "Designation", for the words "District Magistrate", *substitute* the words "District Magistrate for all districts except Kolkata and the Joint Secretary. Backward Classes Welfare Department, Government of West Bengal for the district of Kolkata".

By order of the Governor,

Sanjay K. Thade, Principal Secretary to the Government of West Bengal.

Matters relating to issuance of Form I under WBRTPS Act

No. 3390-BCW/3M-18/14

Shri Atonu Chatterjee, WBCS (Exe),

Special Secretary to the Govt. of West Bengal.

To: 1. DWO, Kolkata.

2. Sub Divisional Officer

Sub: Matters relating to issuance of Form I and stipulated time frame in

Date: 25.08.2015

regard to WBRTPS Act, 2013.

Ref: Our Letter No. 2209-BCW/3M-18/2014, dt. 11.06.2015.

Sir/Madam,

In continuation of the letter as referred to above (copy enclosed) this is to inform that the time frame of four weeks needs to be mentioned in Form-I once the applicant for caste certificate deposits all documents. In order to obtain service under the purview of the W.B Right to Public Services Act, 2013 and Notification published there under, following documents are to be submitted by the applicant:

- 1. Proof of Indian citizenship
- Proof of permanent residence in West Bengal from the dates as mentioned and applicable (i.e for SC-10.08.1950, for ST-06.09.2015 & for OBC-A/OBC-B-15.03.1993)
- 3. Ordinary/Local Residence proof
- 4. Caste/Tribe/OBC Community Identity
- 5. Identity proof
- 6. Profession and income statu s of the parents of OBC applicant (attested copy), or
- 7. Proof of authentic/genuine paternal side certificate from issuing authority.

I am further directed to say that as per Notification No. 3775-BCW, dt. 08.11.2013, under the ambit of the aforesaid Act, the issuance of caste certificate is to be completed within four weeks and the four weeks' time frame should be divided in the following manner, so as to ensure that all levels get suitable time for disposal and no encroachment occurs:

a) After issuance of Form-1 by the authorized officer the office of the Block Development

- Officer (BDO) or the authorities of Municipality shall ordinarily complete the activities involving enquiry etc. within fourteen working days and
- b) Send the papers with recommendations of acceptance or rejection, as the case may be, to the Sub-Divisional officer, who in turn will complete his/her portion of work and issue the caste certificate ordinarily within fourteen working days.
- c) Where the caste certificate of paternal side of an applicant needs to be verified from different issuing authority, the verification ordinarily be completed within seven working days.

This may kindly be circulated to all concerned authorities under your administrative control for their information and necessary action.

Enclo: As stated.

Yours faithfully

Atonu Chaterjee

Special Secretary to the Govt. of West Bengal

Corrigendum in respect of Letter No. 3390 Dated: 25.08.2015

No. 3472 - BCW/3M-18/14

From: Shri Atonu Chatterjee, WBCS (Exe),

Special Secretary to the Govt. of West Bengal,

To: The P.O-cum-D.W.O, BCW,

Paschim Medinipur District.

Sub: Corrigendum in respect of Department's letter no. 3390-BCW/3M-18/14, dt. 25.08.2015 pertaining to issuance of Form I and stipulated time frame in regard to WBRTPS Act, 2013.

Sir,

In inviting a reference to your Memo No, 1337/BCW/Mid (W) Dt. 31.08.2015, I am directed to say that in the above mentioned letter of this Department the cutoff date for proof of permanent residence in West Bengal in respect of STs shall be read as 06,09.1950 in lieu of 06.09.2015.

This is for information.

Yours faithfully

Dated: 01.09.2015

Atonu Chaterjee

Special Secretary to the Govt. of West Bengal

ERRATA

Page no.	Details	Erroneous Text	Corrected Text	
68	Sec. 4 (1) (a)	"subject to the other provisions of this Act, the vacancies shall be reserved for candidates belonging to Scheduled Castes and for candidates belonging to Scheduled Tribes"	"subject to the other provisions of this Act, twenty-two per cent of the vacancies shall be reserved for candidates belonging to Scheduled Castes and six per cent for candidates belonging to Scheduled Tribes"	
93 In the signature part of the Order		Your order of the Governor	By Order of the Governor	
96	In the margin against sec-2	Commence-	Commencement	
96	In the margin against sec-3	Amend-ment	Amendment	
110	In the margin against rule-4	Subminion	Submission	
111	In sec-7 fourth line of the order	"areas areas mentioned against each"	"areas mentioned against each"	
14 and 145	Content and heading of the order	"5%"	"6%"	
164	In the 13 th line of the order	'Poster of vacancies'	" Roster of appointments"	
238	In the margin by the side of Regulation-6	'Employment exchange to submit list of registrants to opportunity authority.'	'Employment exchange to submit list of registrants to appointing authority.'	
	Heading of no-36012/5/97- Estt (Res) vol-II	'Treatment of backlog vacancies reserved for SCs & STs as a distinct group and non 50 applicability of percentage ceiling thereon'	'Treatment of backlog vacancies reserved for SCs & STs as a distinct group and non-applicability of 50 per cent ceiling thereon'	
	Heading of the 'Format of Caste Certificate'	"Certificate for Other Backward Classes"	"Certificate for Scheduled Caste"	