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# COMMITTEE ON PETITIONS

(THIRTEENTH LOK SABHA)

## ELEVENTH REPORT



*(Presented to Lok Sabha on 29 November, 2001)*

LOK SABHA SECRETARIAT  
NEW DELHI

*November, 2001/Agrahayana, 1923 (Saka)*

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## CONTENTS

	PAGES
COMPOSITION OF THE COMMITTEE ON PETITIONS .....	(iii)
I. INTRODUCTION .....	(v)
II. REPORT.....	1 to 41
CHAPTER-I Petition regarding stopping of work on Tehri Dam Project and amendment in Tehri Hydro Development Corporation (THDC) Plan to save Ganga river from pollution. ....	1
CHAPTER-II Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Sixth Report on the representation regarding inclusion of Limboo (Subba) community in the list of Scheduled Tribes of West Bengal.....	8
CHAPTER-III Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Seventh Report on the representation requesting for doubling of rail track on Bandel-Katwa section of Eastern Railway .....	11
CHAPTER-IV Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Sixth Report on the representation requesting for issue of Scheduled Caste Certificates to 'Sunri' caste in West Bengal by amendment of the list of Scheduled Castes of West Bengal .....	13

### APPENDICES

(i) Petition (No. 16) regarding stopping of work on Tehri Dam Project and amendment in Tehri Hydro Development Corporation (THDC) Plan to save Ganga river from pollution .....	18
(ii) Guidelines reiterated and clarified by the Ministry of Home Affairs issued to all the State Governments and U.T. Administrations .....	21

## COMPOSITION OF THE COMMITTEE ON PETITIONS

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**ELEVENTH REPORT OF THE COMMITTEE ON PETITIONS  
(THIRTEENTH LOK SABHA)**

**INTRODUCTION**

I, the Chairman, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Eleventh Report of the Committee to the House on the following matters:

- (i) Petition regarding stopping of work on Tehri Dam Project and amendment in Tehri Hydro Development Corporation (THDC) Plan to save Ganga river from pollution.
- (ii) Action taken by Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Sixth Report on the representation regarding inclusion of Limboo (Subba) community in the list of Scheduled Tribes of West Bengal.
- (iii) Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Seventh Report on the representation requesting for doubling of rail track on Bandel-Katwa section of Eastern Railway.
- (iv) Action taken by the Government on the recommendations made by the Committee on Petitions (Thirteenth Lok Sabha) in their Sixth Report on the representation requesting for issue of Scheduled Caste Certificates to 'Sunri' caste in West Bengal by amendment of the list of Scheduled Castes of West Bengal.

2. The Committee considered and adopted the draft Eleventh Report at their sitting held on 27 November, 2001.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;  
27 November, 2001

6 Agrahayana, 1923 (Saka)

BASUDEB ACHARIA,  
*Chairman,  
Committee on Petitions*



## CHAPTER-I

### PETITION REGARDING STOPPING OF WORK ON TEHRI DAM PROJECT AND AMENDMENT IN TEHRI HYDRO DEVELOPMENT CORPORATION (THDC) PLAN TO SAVE GANGA RIVER FROM POLLUTION

1.1 On 21 March, 2001 Shri Chinmayanand Swami, M.P. presented to Lok Sabha a petition signed by Shri Jeeveshwar Mishra r/o, Karmashri Marwari Dharamshala, Station Road, Haridwar (U.P.) and others regarding stopping of work at Tehri Dam Project and amendment in Tehri Hydro Development Corporation (THDC) Plan to save Ganga river from pollution (See. Appendix)

1.2 In the petition, the petitioners *inter-alia* submitted as follows:—

- (i) It is a well known fact that this country has faith in the Ganges. This is the only river in the world which is worshipped for the sanctity and purity of its water and unrestrained flow. Therefore, while making any plan for extracting of energy or using its water other-wise, it must be ensured that the faith of the people towards the dignity of the river Ganga should be maintained;
- (ii) They feel about the energy requirements of the country. This requirement could be fulfilled without disturbing the natural flow of the Ganga. They would certainly welcome any hydel project coming up in the run of the river even in Tehri;
- (iii) Mahatama Gandhi termed it as the life line of India. The basic elements of Ganga water which continuously gets purified automatically with its flow could necessarily be affected in changed pressure and temperature of still water when mixed with rainy water in a 265 meter deep lake spread over an area of 42.5 square kilometer. Every one knows the qualitative difference in flowing water and still water. No concrete arrangement has been made to stop the water seepage from this lake which has been formed at a height of 6500 feet infragile hills. The total area which has been brought under treatment for this purpose is negligible as against the area recommended in the Hanumantrao Committee Report. The negligence in the treatment came to the fore just some time back. Approximately 30 sq. mtr. of land subsided 150 feet down just near the control shaft alongwith an agitator;

- (iv) Due to this seepage of water, landslide is the regular feature on these fragile hills. There have been incidents of hill breaking and dropping down into Bhagirathi causing obstruction in the smooth flow of the river which attained more momentum on being released later and it even hit Haridwar by flood;
- (v) The site of Tehri dam falls into the region which is prone to earthquakes. A number of geologists of the country have opined on different grounds that the area selected for the Tehri Dam is unsuitable for the purpose. The project is not advisable from technical, environmental, ecological, economic, religious and cultural points of view. The site of the dam project as well as surrounding rocks have been found weak, fractured and having open joints and they are immensely prone to seepage. This may also make the dam project open to accidents. Incidence of land slides in this area is increasing day by day which is highest in the world. The holy waters of the Ganga would be highly polluted by this project which would seriously hurt the feelings of crores of its devotees; and
- (vi) The Ganga action plan has been a complete failure. Even now, nine crore litres of industrial pollutants are falling into the river Ganga. The water treatment plants are not working due to lack of proper maintenance and shortage of power supply. As a result thereof, the fifth of about 20 cities falls directly into Ganga. The increase in the silt on the river bed adversely affects its depth or its water level. Owing to low depth of river, the rain water is causing damage to the coastal towns and villages. The animals living in the deep water are dying. The flow of water in Ganga is going to be adversely affected because of this Dam, the rain water, industrial pollutants and accumulation of silt in its depth (river bed).

1.3 The petitioners, therefore, put forth a demand for the stopping up of the Tehri Dam Project and make necessary amendments in the THDC plan and also take effective steps to keep Ganga water pollution free.

1.4 The petition was forwarded to the Ministry of Environment & Forests on 22 March, 2001 for obtaining their factual comments. In response, the Ministry *vide* their communication dated 1 May, 2001 stated that the issues raised in the petition have been examined. The salient points in the petition were—(1) about the purity of Ganga water, (2) Seepage of water in the lake, (3) total area brought under treatment for this purpose and (4) due to negligence of treatment approximately 30 sq. mtr. of land had subsided 150ft down just near the control shaft along with an agitator. The Ministry furnished their point-wise details as follows:—

- The Tehri Dam has been planned as a multipurpose project for providing irrigation, power and drinking water. Its operation has been so planned to be regulated, that continuous flow of water is

maintained at Haridwar. The water flowing into the river during the period from October to June shall not be stored at all in the reservoir. During the monsoon period from July to September, when there is excess water in the river leading to floods down stream, part of the excess water would be stored in the reservoir leaving the balance water to flow down into the river. Thus, continuous flow of water shall be maintained in the river throughout the year. In fact, the hydrology of the river would improve by the construction of the Tehri Dam. The excess water stored during the rainy season would be released during the lean period thereby improving the flows in the river Ganges during lean period.

- The Ganga is formed after the confluence of the Bhagirathi river with the Alaknanda at Devprayag, 40 km. downstream of the confluence of Bhagirathi and Bhilangana. The Alaknanda contributes major portion of water, i.e. 67% to the Ganga and the rest 33% is contributed by Bhagirathi (25% from Bhagirathi and 8% from Bhilangana). Thus, major portion of water in Ganga is coming from Alaknanda and its tributaries and would not be affected by construction of the Tehri Dam. Also, the data indicates that the quantum of glacier water in the Ganga during non-monsoon period would, in fact, increase after the construction of Tehri Dam on Bhagirathi.
- The average annual inflow at the Dam site is 8000 Million cum against which only 1/3rd (2615 Mcum) will be stored during monsoons. As earlier stated, the operation of the reservoir will be so regulated that continuous flow is maintained at Haridwar. There will be no storage built up in the lake during non-monsoon period i.e. October-June. Thus, it is only a small portion (11%) of the total water of river Ganga which will be stored in the reservoir during monsoon.
- It is not correct to assume that water in the reservoir is going to be stagnant. The operation of the reservoir is so envisaged that there is a fluctuation of 90 m from FRL (Full Reservoir Level) of EL 830 m to MDDL (Minimum Draw Down Level) EL 740 m, which is one of the largest fluctuation levels in the reservoirs in India and abroad. Thus, the different layers in the reservoir will always be in motion due to inflows and outflows. This fact has been highlighted by the University of Roorkee in their study of water quality modeling.
- Storage in the Tehri reservoir would be built up only with the excess water in the months of July-September. The irrigation requirement is mainly during the months of November to May. Bhagirathi flow during these months would be supplemented with

water from reservoir to meet the irrigation requirement. Thus, the flow in the river even after withdrawal for irrigation requirement would be more than the natural flow in the river during the above mentioned months.

- Regarding the catchment area treatment, the correct position is that the HRC in its report had recommended that the entire degraded area of very high and high level of erodibility in the catchment of Tehri Project, should be treated at the project cost. In addition, the Committee had also recommended that the remaining catchment, with areas of only medium and low category of erosion, should also be taken up for treatment, though such areas need not be treated at project cost.
- It was decided by the Government, after consideration of recommendations of HRC (Hanumantha Rao Committee) that while it is necessary and desirable to treat the entire degraded catchment of all categories, the Tehri Project authorities would be responsible for the treatment of only the degraded areas of very high and high erodibility classification as recommended by Hanumantha Rao Committee (HRC) through the State Forest Department. For treatment of remaining areas of medium and low categories of erosion, the state authorities may formulate separate plans, in consultation with Ministry of Environment & Forests and the Ministry of Agriculture, which could be funded and executed as an independent project.
- The recommendation of HRC for treatment of the entire catchment of very high and high levels of erodibility at the cost of Tehri Project is being duly implemented. Based on this decision, the state forest department, has already formulated a revised CAT Plan, as advised by Ministry of Environment & Forests, for treating an area of 52, 204 ha. of high and very high erodibility classification in the whole catchment of Tehri Project, for which funds are being met by THDC. Work is already progressing based on this revised CAT Plan. It is, therefore, not correct to say that only negligible area is brought under treatment as against the area recommended by HRC.
- Regarding safety of Tehri Dam against all possible seismic hazards of the area, various studies and tests conducted on the Dam design, both by Indian and foreign experts, have established that the Tehri Dam is safe from the point of view of seismicity of the region. The Expert Group constituted by the Government in 1996, comprising five expert members, to examine the relevant scientific and technical reports and other information relating to the safety of the Tehri Dam, had unanimously concluded after examining the various data, reports and after conducting further tests, that the



present design of the dam is safe to withstand the maximum credible earthquake of the region. Thus, there need be no apprehensions about the safety of the dam structure.

- Regarding land slides, it may be noted that the rim side hill slopes stability studies have been got carried out by the project authority through the Department of Engineering, University of Roorkee. The study has established that slopes around the reservoir rim are stable even after impoundment.
- As regards the issue raised over the reported subsidence of soil the project authority has intimated that this related to an incident which happened at Project site near Control Gate Shaft area, in which a portion of hill, where the platform of control gate shaft is located, witnessed localized subsidence of ground, which is not unusual in hydel project. The incident was thoroughly investigated and area examined by experts, including Russian Consultants. The Experts in their report stated that localized subsidence occurred in the area where share zones intersected the gate shaft under construction. The remedial measures suggested have been implemented. Thus, this localized subsidence of soil at Project site near Control Gate Shaft had no relationship with the catchment area treatment, and was an occurrence which can happen in any hydel project.
- Under Ganga Action Plan (GAP) Phase-I, out of a targeted capacity of 873 million litres per day(mld), a capacity to treat 835 mld has been commissioned by setting up 32 sewage treatment plants. The O&M of assets is not very satisfactory in Bihar and to some extent in Uttar Pradesh. However, O&M of assets is satisfactory in West Bengal."

1.5 The Committee considered the issues raised by the petitioners in their petition and the point-wise clarifications of the Ministry of Environment & Forests on the petition at their sitting held on 3rd July, 2001.

#### Observations/Recommendations

1.6 The Committee note that the Tehri Dam has been planned as a multi purpose project for providing irrigation, power and drinking water. The operation of the Tehri Dam has been planned to regulate continuous flow of water in the river throughout the year. The average annual inflow at the Dam site is 8000 Million Cubic Metre against which 2615 Million Cubic Metre would be stored during monsoon season. The storage in the Tehri reservoir would be built up only with the excess water in the months of July to September and the irrigation requirements are mainly in November to May.

1.7 One of the main contention of the petitioners is that the basic elements of Ganga water which continuously get purified automatically with its flow could necessarily be affected in changed pressure and temperature

of still water when mixed with rainy water in a 265 meter deep lake spread over an area of 42.5 sq. kilometre. Hence, it must be ensured that the sanctity and purity of Ganga water must be maintained by making it pollution free.

1.8 According to the Ministry the operation of the reservoir will be so regulated that continuous water flow is maintained at Haridwar. The operation is so envisaged that there is a fluctuation of 90m. from Full Reservoir Level (FRL) of EL 830m. to Minimum Draw Down Level (MDDL) of EL 740m. Thus, the different layers in the reservoir will always be in motion due to inflows and outflows. The Committee, however, wish to point out that although the reservoir would be built by excess water during the monsoon period i.e. July-September, certain amount of stagnant water may remain in the reservoir as the irrigation requirements are mainly in the months of November to May. The Committee, therefore, firmly recommend that adequate safeguards should be taken by the Project Authorities to prevent the river water getting dirty due to mixing with stagnant water in the reservoir.

1.9 The Committee are informed that based on the recommendations of the Hanumantha Rao Committee, the treatment of the entire catchment area of the river of very high and high levels of erodibility is being implemented at project cost. Also, the State Forest Department has already formulated a revised CAT Plan, as advised by the Ministry, for treating an area of 52,204 hectares of high and very high erodibility classification for which funds are being met by THDC. The Committee desire that the treatment work of high and very high erodibility should be completed in a specific time frame and they may be apprised about the progress made in this regard.

1.10 As regards the treatment of the areas of medium and low categories of erosion, the Committee are informed that the State Authorities may formulate separate plans which could be funded and executed as an independent project. The Committee recommend that the Ministries of Agriculture, Environment & Forests and the State Government Authorities should make concerted efforts to finalize/formulate and execute these plans so as to revive the medium and low eroded areas.

1.11 As regards the implementation of the Ganga Action Plan, the committee are also informed that under Ganga Action Plan (GAP) Phase-I, out of a targeted capacity of 873 million litres per day (mld), a capacity to treat 835 mld has been commissioned by setting up 32 Sewage Treatment Plants. O&M of assets is satisfactory in West Bengal. However, the O&M of assets is not very satisfactory in States of Bihar and Uttar Pradesh. The Committee consider it unfortunate that the working of the Sewage Treatment Plants particularly in Bihar and Uttar Pradesh has not been taken seriously by the concerned Government Authorities. The Committee, therefore, recommend that suitable remedial action may be taken so that all

the 32 Sewage Treatment Plants are effectively utilized to make the river Ganga absolutely pollution free.

1.12 As regards the safety aspect of Tehri Dam, the Committee are convinced by the reply of the Ministry that an Expert Group constituted by Government in 1996 had unanimously concluded after examining the various data, reports and conducting tests that the present design of the dam is safe to withstand the maximum credible earthquake of the region. The Committee also trust that the Project authorities would take adequate safeguards to ensure that land slides do not occur at the hill slopes adjoining the Tehri Dam areas.

## CHAPTER-II

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR SIXTH REPORT (THIRTEENTH LOK SABHA) ON THE REPRESENTATION REGARDING INCLUSION OF LIMBOO (SUBBA) COMMUNITY IN THE LIST OF SCHEDULED TRIBES OF WEST BENGAL

2.1 The Committee on Petitions in their Sixth Report (Thirteenth Lok Sabha) presented to Lok Sabha on 1 March, 2001 had dealt with a representation regarding inclusion of Limboo (Subba) Community in the List of Scheduled Tribes of West Bengal.

2.2 The Committee had made certain observations/recommendations in the matter and the Ministry of Tribal Affairs was requested to furnish their action taken notes for the consideration of the Committee.

2.3 Action taken notes have been received from the Ministry of Tribal Affairs in respect of the recommendation contained in the Report.

2.4 The Committee will now deal with action taken by Government on their recommendations.

2.5 In paragraph 3.5 of the Report, the Committee observed as follows:—

“The Committee note that the Government has approved on 15.06.1999 the “Modalities for inclusion, exclusion and other modifications in the Scheduled Castes and Scheduled Tribes Lists.” According to these modalities, cases favoured both by the State Governments and Registrar General of India would be referred to the National Commission for Scheduled Castes and Scheduled Tribes for their opinion. The Committee also note that the issue of inclusion of Limboo (Subba) Community of West Bengal is under examination of the Ministry of Social Justice & Empowerment in consultation with the National Commission for Scheduled Castes & Scheduled Tribes.”

2.6 In paragraph 3.6 of the Report, the Committee observed as follows:—

“In this context, the Committee would like to point out that the Committee on Petitions in their Sixteenth Report (Tenth Lok Sabha) presented to Lok Sabha on 24 August, 1994 had expected the Government to expeditiously bring the necessary legislation before Parliament for making amendments to the Lists of Scheduled Castes/



Tribes in various States. The Committee are deeply constrained to note that the issue of inclusion of various Scheduled Castes/Tribes including the Limboo (Subba) Community in the Lists of Scheduled Castes and Scheduled Tribes is being inordinately delayed for want of a final decision of the Government in the matter. The Committee, therefore, recommend that the Ministry of Social Justice & Empowerment should thoroughly review the issue of inclusion of Scheduled Castes and Scheduled Tribes Community in the Lists of Scheduled Castes & Scheduled Tribes including the Limboo (Subba) Community of West Bengal in a specific time frame and place their final proposal before the Cabinet without any further delay."

2.7 In their action taken note the Ministry of Tribal Affairs have stated that according to the approved modalities amending legislation would be proposed to the Cabinet in all cases in which the National Commission for SCs and STs, Registrar General of India as well as the State Governments have favoured inclusion, exclusion and other modifications in the lists of Scheduled Castes and Scheduled Tribes. A proposal detailing therein claims agreed to by the above three agencies was submitted to the Cabinet Secretariat on 26th June, 2000 for placing before the Cabinet. The above proposal included the issue of inclusion of Limboo (Subba) community in the list of Scheduled Tribes of West Bengal. The Cabinet considered the matter in its meeting held on 4th September, 2000 and deferred their decision in the matter. Efforts are now being made to submit the proposal with other similar proposals for the approval of Cabinet after following due procedure, regarding inclusion in the list of Scheduled Tribes.

#### Recommendations/observations

2.8 The Committee note that as per the approved modalities of the Government all cases of inclusion of Scheduled Castes and Scheduled Tribes in the Lists of Scheduled Castes and Scheduled Tribes which had been favoured by the National Commission for Scheduled Castes and Scheduled Tribes, the Registrar General of India and the concerned State Government were to be placed before the Cabinet for a final decision on the matter. Accordingly, on 26th June, 2000 the Ministry had placed a proposal before Cabinet regarding inclusion of Scheduled Castes and Scheduled Tribes which included the issue of including the Limboo (Subba) community in Lists of Scheduled Tribes of West Bengal. The Cabinet had considered the matter in its meeting held on 4th September, 2000 and had deferred their decision in the matter.

2.9 The Committee cannot but express their distress over the fact that on the issue of inclusion of Scheduled Castes and Scheduled Tribes in the Lists

of Scheduled Castes and Scheduled Tribes including the case of Limboo (Subba) Community, a final decision has not yet been given. The Committee, therefore, recommend that the matter should be placed again before the Cabinet at an early date so as to resolve the issue. The Committee hope that the issue of inclusion of Scheduled Castes/Scheduled Tribes in the State Lists of Scheduled Castes/Scheduled Tribes is resolved with an earnest perspective in mind, if necessary, by bringing an amending Legislation.

### CHAPTER-III

#### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR SEVENTH REPORT ON REPRESENTATION REQUESTING FOR DOUBLING OF RAIL TRACK ON BANDEL-KATWA SECTION OF EASTERN RAILWAY

3.1 The Committee on Petitions in their Seventh Report (Thirteenth Lok Sabha) presented to Lok Sabha on 23 March, 2001 had dealt with a representation requesting for doubling of rail track on Bandel-Katwa section of Eastern Railway.

3.2 The Committee had made their observation/recommendation in the matter and the Ministry of Railways (Railway Board) were requested to implement the recommendation and furnish their action taken notes for the consideration of Committee.

3.3 Action taken notes have been received from the Ministry of Railways (Railway Board) in respect of the recommendation contained in the Report.

3.4 The Committee will now deal with action taken by Government on their recommendation.

3.5 In paragraph 2.10 of the Report, the Committee recommended as follows:—

“The Committee are unhappy to observe that while the report of the survey for doubling of the rail track between Bandel-Katwa was received in December, 1999, the decision to take up the work has been taken only in February, 2001 *i.e.* after the Committee took up the matter for examination. Even now adequate funds have not been provided for this project. Since the capacity utilisation of this line is admittedly over 100 percent already, the Committee recommend that necessary funds should be made available and doubling of this line taken up without any further delay and it should be completed in a time bound manner.”

3.6 In their action taken note, the Ministry of Railways (Railway Board) have stated that the survey report for doubling of Bandel-Katwa section was received in December, 1999, but the same had to be critically examined/appraised in the various technical Departments of the Ministry in consultation with the Zonal Railway. The various flaws/infirmities observed in the survey report as a result of the examination were

communicated to the Zonal Railway for rectification and for recasting the report. This exercise took time, before the report could be finally considered for taking an investment decision on the project.

Based on the justification furnished in the survey report, the work of doubling of Bandel-Jirat section (20 Km.) as Phase-I of Bandel-Katwa doubling has been included in the Budget 2001-2002 at an anticipated cost of Rs. 47 crore. Presently, preliminary arrangements for commencing the work like Final Location Survey and preparation of detailed estimate etc. are in progress. The work would be started once the estimate is sanctioned and will be progressed and completed in the coming years as per availability of resources.

An outlay of Rs. 3 crore has been provided for the work in this year's Budget, which may be adequate for the initial activities planned during the current year.

#### **Observations/Recommendations**

3.7 The Committee note with satisfaction that with their intervention the work of doubling of Bandel-Katwa section has been included in the Budget 2001-2002 at an anticipated cost of Rs. 47 crore. The Committee also note that an outlay of Rs. 3 crore has been provided for the work in the current year Budget. The Committee express their desire that necessary funds may be sanctioned at appropriate time so that the work of doubling the Bandel-Katwa rail section is completed within a specific time frame period.



#### CHAPTER-IV

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (THIRTEENTH LOK SABHA) IN THEIR SIXTH REPORT ON THE REPRESENTATION REQUESTING FOR ISSUE OF SCHEDULED CASTE CERTIFICATES TO 'SUNRI' CASTE IN WEST BENGAL BY AMENDMENT OF THE LIST OF SCHEDULED CASTES OF WEST BENGAL

4.1 The Committee on petitions (Thirteenth Lok Sabha) in their Sixth Report presented to Lok Sabha on 1st March, 2001 dealt with the representation requesting for issue of Scheduled Caste Certificates to 'Sunri' caste in West Bengal by amendment of the List of Scheduled Castes of West Bengal.

4.2 The Ministry of Social Justice and Empowerment were requested to furnish their action taken notes indicating action taken by them to implement the recommendations made by the Committee for their consideration. The replies of the Ministry of Social Justice & Empowerment have been received. The recommendations made by the Committee and the replies furnished by the Ministry of Social Justice & Empowerment are discussed in succeeding paragraphs.

4.3 In paragraph 4.18 of the Sixth Report (Thirteenth Lok Sabha), the Committee observed as under:—

“The Committee note that about 5000 families belonging to 'Chasa Sunri', 'Moda Sunri', 'Bokhiria Sunri' and 'Akalia Sunri' claiming to be divisions of the main 'Sunri' caste and residing in Purulia district of West Bengal are not getting the benefits admissible to the Scheduled Castes. According to the petitioners these sub-groups of 'Sunri Caste' observe social and cultural practice like worshipping, marriage, similar to those of 'Sunri caste' enlisted as scheduled caste in the List of Scheduled Castes of West Bengal. They have contended that while the people residing within the districts of Burdwan, Bankura and Birbhum with identical surnames of 'maji' and 'majhi' of Sunri community have got the Scheduled Caste Certificates from the competent authority, the people residing in Purulia district, inspite of the similar characteristics with the 'Sunri' caste do not get the scheduled caste certificates.”

4.4 In their action taken note, the Ministry of Social Justice & Empowerment have stated that as required under Article 341 of the

Constitution, the President has with respect to every State and Union Territory and where it is State after consultation with the Governor of the concerned State, issued orders notifying various castes as Scheduled Castes in relation to that State or Union Territory from time to time. The list of Scheduled Castes are thus State specific.

In their Report Cultural Research Institute of Government of West Bengal has clarified that 'Sunri' and 'Chasa Sunri' are entirely different groups and 'Chasa Sunri' is a regional term restricted predominantly to Purulia and also used in Bankura and Bardhaman districts. This group of 'Chasa Sunri' were one time 'Sunris' and not enlisted in the Scheduled Caste list of Bihar. After State reorganisation, they became the residents of West Bengal. The 'Chasa Sunris' of Purulia did not belong to the same community of Sunri (Excluding Saha) of West Bengal who were actually a part of the Sunri caste of Bihar for the following reasons:

- (i) The clan structure, occupation, rites and rituals, religious festivals of the Chasa Sunris were quite different from the Sunris (excluding Saha).
- (ii) Chasa Sunri and Sunri (excluding Saha) of West Bengal had no matrimonial relations with each other.
- (iii) The Chasa Sunris were found mainly in Purulia and other areas adjoining Bihar.
- (iv) The title 'Majhi' was used by most of the Chasa Sunris and also used by the Sunris of Bihar and not by the Sunri (excluding Saha) of West Bengal.

4.5 In paragraph 4.19 of their Sixth Report, the Committee observed as follows:—

"The Committee have been informed by the State Government that as per 1971 census, the total number of people belonging to 'Sunri' (excluding Saha) Caste is 1,66,418 in the State of West Bengal. The Scheduled Caste Certificates for this caste have been issued all over the State of West Bengal. The Community wise data has been published in the census 1981 and 1991 by the Registrar General of Census, Government of India. The Committee have been further informed that the Chasa-Sunri of Purulia district and others belonging to this community in other border districts of State of West Bengal are not a part of 'Sunri' (excluding Saha) caste as specified at Sl. No. 57 in the List of Scheduled Caste of West Bengal. However, some certificates of the 'Sunri' Caste have been issued without proper knowledge and through error of judgement. The Committee take a serious note of the fact that authorities competent to issue such certificates are not fully conversant with the identification of the persons belonging to 'Sunri' Caste. The Committee desire that specific norms may be

laid down by the Central Government so as to ensure that any kind of error in judgement while issuing the Scheduled Caste Certificates by the State Administration does not recur."

4.6 In their action taken note, the Ministry of Social Justice & Empowerment have stated that the Government of India has issued detailed guidelines, which should be taken into account before issue of Scheduled Castes and Scheduled Tribes certificates. Ministry of Home Affairs vide their letter No. 35/1/72(RU.SCT V) dated 2nd May, 1975 has communicated all the State Government/Union Territory Administrations, a set of points which should be taken into account for the guidance of those empowered to issue Scheduled Castes and Scheduled Tribes certificates (See Appendix-II) These guidelines were reiterated and clarified by the Ministry of Home Affairs later on vide letter No. 12025/2/76 SCT-I dated 22nd March, 1977, No. 13/2/74-Estt.(SCT) dated 5th August, 1975 No. BC 12025/1/82.SC&BCD-IV dated 29th June, 1982, NO. BC.16014/1/82.SC & BCD-I dated 18th November, 1982 and No. 16014/1/82 dated 6th August, 1984 to all the State Governments and UT Administrations.

4.7 The Government of West Bengal vide their letter No. 701/BCW/MR-141/2000 dated 14.2.2001 has informed that the State Government have advised the certificate issuing authorities to be cautious in the matter of issuing caste identification certificates to the persons belonging to 'Chasa Sunri'.

#### Observations/Recommendations

4.8 The Committee note that the Ministry of Home Affairs vide their letter dated 2 May, 1975 have communicated all the State Government, Union Territory administrations, a set of points which should be taken into account for the guidance of those empowered to issue Scheduled Castes and Scheduled Tribes Certificates. The Committee also note that the Government of West Bengal vide their letter dated 14 February, 2001 have informed that the State Government have advised the certificate issuing authorities to be cautious in the matter of issuing caste issuing certificates to the persons belonging to 'Chasa Sunri'. The Committee recommend that the Central Government may ensure from time to time that the guidelines issued by the Ministry of Home Affairs should strictly be followed by the authorities who are empowered for issue of Scheduled Castes/Tribes Certificates.

4.9 In paragraph 4.20, the Committee observed as follows:—

"According to the Report of CRI, the 'Chasa Sunri' of Purulia did not belong to the same community of Sunri (exculding Saha) of West Bengal. This group of 'Chasa Sunri' were one time 'Sunris' of Bihar and not enlisted in the Scheduled Caste list of Bihar. After State reorganisation people belonging to 'Chasa Sunri' in Purulia became

the residents of West Bengal. The Committee regret to note that the State Government of West Bengal have endorsed the comments of the Director, Cultural Research Institute (CRI) by stating that the claim of the petitioners for 'Chasa Sunri' to be included as Sunri (excluding Saha) in West Bengal is not correct."

4.10 In their action taken note the Ministry of Social Justice & Empowerment have stated that the issue and verification of caste certificates approved by the Government on 15.6.1999, the cases of inclusion of communities in the list of Scheduled Castes are examined only when such cases are recommended by the State Government concerned and duly concurred in by the Registrar General of India (RGI) and National Commission for Scheduled Castes and Scheduled Tribes (NCSCST). In the present case, State Government has not recommended for inclusion of Chasa Sunri in Scheduled caste list of West Bengal.

4.11 In paragraph 4.21 of the Report, the Committee observed as follows:—

"The Committee find that the matter has again been referred by the Ministry of Social Justice & Empowerment to the State Government of West Bengal for thier comments. The Committee recommend that a detailed enquiry may be made in consultation with the State Government of West Bengal and Registrar General of India so as to ascertain the community wise data of the people belonging to 'Sunri' Caste in West Bengal. A thorough review may then be made to assess the caste characteristics and innate character of the 'Sunris' in Purulia district of West Bengal so that they are not deprived of the benefits provided to the Scheduled Castes. The Committee desire the Government to complete the enquiries and finalise the matter expeditiously and include the Sunris belonging to the Purulia district in West Bengal in the 'Sunri Caste' as enlisted in the list of Scheduled Caste in West Bengal."

4.12 In their action taken note, the Ministry of Social Justice & Empowerment have stated that the Government of West Bengal *vide* their letter No. 701/BCW dated 14.2.2001 has intimated that the State Government does not recognize any division amongst persons belonging to Sunri (excluding Saha) caste, the question of issuing caste certificates to any of the such division of Sunri caste does not arise. The State Government has been requested to initiate a detailed enquiry as stated in the above-mentioned recommendation. Consultation with the Registrar General of India will be held only after receipt of the recommendation of the State Government as per modalities approved by the Government on 15.6.1999.

#### Observations/Recommendations

4.13 The Committee note that the Ministry of Social Justice & Empowerment have requested the State Government of West Bengal to initiate a detailed enquiry to ascertain the community-wise data of the



people belonging to 'Sunri' caste in West Bengal. The Committee recommend that the Central Government may impress upon the State Government of West Bengal to furnish their report on the data of people belonging to 'Sunri' caste expeditiously. The Committee desire that the issue of inclusion of Chasa; Moda; Bokharia and Akalia sects of 'Sunri-Caste' may be settled in consultation with the Registrar General India and an appropriate legislation may be initiated in order to safeguard the interest of the 'Sunris' belonging to the Purulia District in West Bengal.

NEW DELHI;  
27 November, 2001  
6 Agrahayana, 1923 (Saka)

BASUDEB ACHARIA,  
Chairman,  
Committee on Petitions.

## **APPENDIX-I**

(See Para 1.1 of the Report)

### **LOK SABHA**

#### **PETITION NO. 16**

(Presented to Lok Sabha on 21-3-2001)

To

Lok Sabha,  
New Delhi.

The humble petition of Shri Jeeveshwar Mishra, r/o Karmashri, Marwari Dharamshala, Station Road, Haridwar (U.P.) and Shri Ganesh Mishra, r/o Parmarth Ashram, P.O. Sadhubela, Sapt Sarovar, Haridwar (U.P.)

#### **SHEWETH**

We the petitioners, having faith in the Ganges are worried about the dam which is comming up on the Ganges at Tehri. It is a well known fact that this country has faith in the Ganges. This is the only river in the world which is worshipped for the sanctity and purity of its water and unrestrained flow. Therefore, while making any plan for extracting of energy or using its water other-wise, it must be ensured that the faith of the people towards the dignity of the river Ganga should be maintained.

We are patriots and can feel about the energy requirements of the country. We can fulfil this requirement without disturbing the natural flow of the Ganga. We never protested against Maneri or Chilla Hydel projects. We would certainly welcome any hydel project coming up in the run of the river even in Tehri.

Mahatama Gandhi termed it as the life line of India. The basic elements of Ganga water which continuously gets purified automatically with its flow could necessarily be affected in changed pressure and temperature of still water when mixed with rainy water in 265 meter deep lake spread over an area of 42.5 square kilometer. Every one knows the qualitative difference in flowing water and still water. No concrete arrangement has been made to stop the water seepage from this lake which has been formed at a height of 6500 feet in fragile hills. The total area which has been brought under treatment for this purpose is negligible as against the area recommended in the Hanumantrao Committee Report. The negligence in the treatment came to the fore just some time back. Approximately 30 sq. mtr. of land subsided 150 feet down just near the control shaft alongwith an agitator.

Due to this seepage of water, land slides is the regular feature on these fragile hills. There have been incidents of hill breaking and dropping down into Bhagirathi causing obstruction in the smooth flow of the river which attained more momentum on being released later and even hit Haridwar by flood.

The site of Tehri dam falls into the region which is prone to earthquakes. A number of geologists of the country have opined on different grounds that the area selected for the Tehri Dam is unsuitable for the purpose. The project is not advisable from technical, environmental, ecological, economic, religious and cultural points of view. The site of the dam project as well as surrounding rocks have been found weak, fractured and having open joints and they are immensely prone to seepage. This may also make the dam project open to accidents. Incidence of land slide in this area is increasing day by day which is highest in the world. The holy waters of the Ganga would be highly polluted by this project which would seriously hurt the feelings of crores of devotees.

The Ganga action plan has been a complete failure. Even now, nine crore litres of industrial pollutants are falling into the river Ganga. The water treatment plants are not working due to lack of proper maintenance and shortage of power supply. As a result thereof, the filth of about 20 cities falls directly into Ganga. The increase in the silt on the river bed adversely affects its depth or its water level. Owing to low depth of river, the rain water is causing damage to the coastal towns and villages. The animals living in the deep water are dying. The flow of water in Ganga is going to be adversely affected because of this Dam, the rain water, industrial pollutants and accumulation of silt in its depth. We, the devotees of Ganga put up a clear demand before the Government that the project of construction of dam in Tehri may be stopped with immediate effect and a scheme to generate power in run of the river may be formulated so that the tunnels which have been constructed can be utilised.

We, therefore, submit this petition before you with an earnest request that the work on this Tehri Dam project should be stopped by making amendment in this THDC plan with immediate effect. In addition, effective steps should also be taken to keep Ganga pollution free from Gomukh to Gangasagar and, if necessary, a separate law should also be enacted for the same.

And your petitioners as in duty bound will ever pray.

Sl. No.	Name	Address	Signature
1.	Shri Jeeveshwar Mishra	Karmashri, Marwari Dharmshala, Station Road, Haridwar (U.P.) Tel. 0133-425383	Sd/-
2.	Shri Ganesh Mishra	Parmarth Ashram, P.O. Sadhubela, Sapt Sarovar, Dist.—Haridwar (U.P.) Tel. 0133-427099	Sd/-

Countersigned by Shri Chinamayanand Swami, M.P.

## **APPENDIX-II**

(See Para 4.6 of the Report)

**No. 35/1/72-R.U.(SCT.V)**

**Government of India/Bharat Sarkar**

**Ministry of Home Affairs/Grih Mantralaya**

**To**

**The Chief Secretaries of all State Governments and Union Territory Administration.**

**New Delhi-110001, Dated the 2 May, 1975/12 Vaisakha, 1897.**

**Subject: Issue of Scheduled Castes and Scheduled Tribe certificates.**

**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 Castes or Scheduled Tribes. 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)**

**Director General, BCW**

**No. 35/1/72/R.U. (SCT.V), New Delhi-110001 dated the 2 May, 1975/12 Vaisakha, 1897.**

**Copy forwarded for necessary action to:—**

- 1. All Ministries/Depts. of the Govt. of India.**
- 2. All attached and subordinate offices of M.H.A.**
- 3. The Union Public Service Commission, Dholpur House, New Delhi-110011.**
- 4. The Deptt. of Personnel and Administrative Reforms. Estt. (SCT) Section, New Delhi.**

5. The Commissioner for Scheduled Caste and Scheduled Tribe,  
Ramakrishnapuram New Delhi.

(O.K. MOORTHY)  
Director General, BCW

Government of India/Bharat Sarkar

Ministry of Home Affairs/Grih Mantralaya

Enclosure to circular letter No. 35/1/72-R.U.(SCT.V) dated the April,  
1975/Vaisakha, 1897

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 persons 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 persons 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 reconversion.

- (i) Where a Scheduled Caste person gets converted to a religion other than the Hinduism, the Sikhism and the Buddhism then reconverts himself back to Hinduism, the Sikhism, or the Buddhism 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 descendant 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 the 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 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 sections 6 to 11 of the Hindu Adoptions 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 or her 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 Distt. 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 uniformly 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.

(Hindu Adoption and Maintenance Act of 1956)

## CHAPTER II—Adoption

Requisites if 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

7. 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 alives 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 the 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.

10. 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:—

- (i) 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.

No. BC. 120252/76-SCT-I

Government of India/Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya

To

The Chief Secretaries to

All State Governments/Union Territory  
Administrations.

New Delhi-110001, the 22 March, 1977  
Chaitra, 1898

SUBJECT:—*Issue of Scheduled Caste and Scheduled Tribe certificates—  
Clarifications regarding.*

Sir,

I am directed to say that many instances have come to the notice of this Ministry wherein certificates of belonging to a particular Scheduled Caste/Tribe have not been issued strictly in accordance with the principles governing the issue of such certificates. This is presumably due to inadequate appreciation of the legal position regarding the concept of the term "residence" on the part of the authorities empowered to issue such certificates.

2. As required under Articles 341 and 342 of the Constitution, the President has, with respect to every State and Union Territory and where it is state after consultation with the Governor of the concerned State, issued orders notifying various Castes and Tribes as Scheduled Castes and Scheduled Tribes in relation to that State or Union Territory from time to time. The inter-state area retrictions have been deliberately imposed so that people belonging to the specific community living in a specific area, which has been assessed qualify for the Scheduled Caste or Scheduled Tribe status, only benefit from the facilities proposed for them. Since the people belonging to the Scheduled Caste but living in different States/Union Territories may not necessarily suffer from the same possibilities, it is possible that two persons belonging to the same caste but residing in different States may not both be treated to belong to Scheduled Caste/Tribe or *vice-versa*. Thus, the residence of a particular person in a particular locality assumes a special significance. This residence has not to be understood in the literal or ordinary sense of the word. On the other hand it connotes the permanent residence of a person on the date of the notification of the Presidential Order scheduling his caste/tribe in relation to that locality. Thus a person who is temporarily away from his permanent place of abode at the time of the notification of the Presidential Order applicable in his case, say, for example, to earn a living or seek education, etc., can also be regarded a Scheduled Caste or a Scheduled Tribe, as the case may be, if his caste/tribe has been specified in that

Order in relation to his State/U.T. But he cannot be treated as such in relation to the place of his temporary residence notwithstanding the fact that the name of his caste/tribe has been scheduled in respect of that area in any Presidential Order.

3. It is to ensure the veracity of this permanent residence of a person and that of the caste/tribe to which he claims to belong that the Government of India has made a special provision in the proforma prescribed for the issue of such certificate. In order that the certificates are issued to the deserving persons it is necessary that proper verification based primarily on revenue records and if need be, through reliable enquiries, is made before such certificates are issued. As it is only the Revenue Authorities, who besides having access to the relevant revenue records are in a position to make reliable enquires. Government of India insists upon the production of certificates from such authorities only. In order to be competent to issue such certificates, therefore, the authority mentioned in the Government of India (Department of Personnel and Administrative Reforms) letter No. 132/74-Est (SCT) dated the 5th August, 1975, (copy enclosed) should be the one concerned with the locality in which the person applying for the certificate and his place of permanent abode at the time of the notification of the relevant Presidential Order. Thus the Revenue Authority of one District would not be competent to issue such a certificate in respect of persons belonging to another district. Nor can such an authority of one State/UT issue such certificates in respect of persons whose place of permanent residence at the time of the notification of a particular Presidential Order, has been in a different State/Union Territory. In the case of persons born after the date of notification of the relevant Presidential Order, the place of residence for the purpose of acquiring Scheduled Castes or Scheduled Tribes status is the place of permanent abode of their parents at the time of the notification of the Presidential Order under which they claim to belong to such a caste/tribe.

4. It is understood that some State Governments/Union Territory Administrations have empowered all their Gazetted Officers to issue such certificates and even Revenue Authorities issue certificates on the basis of the certificates issued by Gazetted Officers, M.P. and M.L.As, etc. If such a practice is followed there is a clear danger of wrong certificates being issued, because in the absence of proper means of verification such authorities can hardly assure the intrinsic correctness of the facts stated in such certificates. In order to check the issuance of false certificates, the question of verification assumes all the more importance.

5. All the State Governments/Union Territory Administrations are, therefore, requested to streamline their respective procedures for issuing such certificates so as to conform to the above instructions as well as to those issued from time to time. Where Revenue Authorities have been empowered to issue certificates on the basis of a certificate issued by an



M.P., M.L.A., Gazetted Officer, etc., they would do so only after having made proper verifications and after having satisfied themselves of the correctness of such certificates.

*Yours faithfully,*

Sd/-

(O. R. SRINIVASAN)

(Under Secretary to the Government of India)

Tel. No. 381843

No. BC. 120252/76-SCT-I

March, 1977

*Phalguna, 1898*

Copy to:—

1. The Department of Personnel and Administrative Reforms, Government of India, with reference to their U.O. No. D.2014/76-Est. (SCT), dated the 8th July, 1976. They are requested to make necessary amendments to the Brochure on the reservation for Scheduled Castes and Scheduled Tribes by incorporating, where necessary, the position stated in the foregoing paragraphs.

2. Director, Institute of Sectt. Training and Management, West Block No. 1, Wing No. 6, Ramakrishnapuram, New Delhi-110022 with reference to his letter No. 12/476-ARRNG, dated the 21st February, 1976.

3. Secretary, Union Public Service Commission, New Delhi.

4. All Ministries/Departments of the Govt. of India.

5. All Zonal Directors/Deputy Directors.

6. Commissioner for Scheduled Castes and Scheduled Tribes, Ramakrishnapuram, New Delhi.

Sd/-

(O. R. SRINIVASAN)

(Under Secretary to the Govt. of India)

Tel. No. 381843

COPY

Letter No. 132/74-Est. (SCT)

Government of India/Bharat Sarkar  
Cabinet Secretariat/Mantrimandal  
Sachivalay  
Department of Personnel and Administrative  
Reforms  
(Karmik Aur Prasashanik Sudhar Vibhag)  
New Delhi-110001, the 5th August, 1975

To

The Chief Secretaries of  
All State Governments and Union Territory  
Administrations.

SUBJECT:—*Verification of claims of candidates belonging to Scheduled  
Castes and Scheduled Tribes—Form of caste  
certificate—Amendment 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 slightly been changed. The revised form of caste enclosed. I am to request that the attestation of caste certificate may please be brought to the notice of the authorities under the Government who are empowered to issue such Certificates.

Sd/- J. S. AHLUWALIA  
Under Secy. to the Govt. of India  
24-Est. (SCT) New Delhi-110001,  
5th August, 1975

Forwarded to U.P.S.C. for information with their letter No. 2643/74-El(B) dated

Authorities empowered to issue certificates of attestation.

1. District Magistrate/Additional District Magistrate/Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector/1st Class Stipendary Magistrate/City Magistrate/\*Sub-Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner.

(\*not below the rank of 1st Class Stipendary Magistrate)

2. Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.

3. Revenue Officers not below the rank of Tehsildar.

4. Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

5. 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.....of village/  
town.....in..... District/  
Division\*.....of the State/Union  
Territory\*.....belongs to the.....Caste/Tribe\* which  
is recognised as Scheduled Caste\*/Scheduled Tribe\*

Order:—

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 Island) Scheduled Tribes \*Order, 1959;

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

The Constitution (Dadra and Nagar Haveli) Sch. 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 Castes \*Order, 1968;

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

The Constitution (Nagaland) Scheduled Tribes \*Order, 1976.

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.....

\*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.

No. BC. 120251/82 SC&BCD (V)

Government of India/Bharat Sarkar

Ministry of Home Affairs/Grih Mantralaya

New Delhi, dated 29th June, 1982

To

The Chief Secretaries of all State Governments/Union Territory Administrations.

**SUBJECT:—Issue of Scheduled Caste/Tribes 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 Caste/Tribe 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 120253/78-SCT-I dated 29th March, 1976 addressed to the Chief Secretary of all the State Governments/U.T. Administration 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.

3. It is requested that the action taken in the matter by the State Governments/U.T. Administrations 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 IPC. etc.

(iv) Details of the steps taken to curb such practices in future.

4. The State Governments and U.T. Administrations are also requested to take strict measures to detect persons of non-Scheduled Caste and non-Scheduled Tribe persons holding false SCST Certificate deprive them of benefits that they are not entitled impose appropriate penalties and take legal action against them and against those who were responsible for the issue of such certificates, strictly are expeditiously. Further, it was suggested in the Consultative Committee meeting that the State Governments/U.T. Administrations may set up special errors for expeditiously trying the cases relating to the issue of bogus certificates with deterrent wide publicity to the names of persons who are convicted of this offence by the courts.

Yours faithfully,

(B.N. Srivastava),  
Director.

Copy forwarded for information:—

1. Department of Personnel & A.R. Establishment (SCT) Section.
2. Secretary, Commission for Scheduled Castes and Scheduled Tribes, Lok Nayak Bhavan, New Delhi.
3. Commissioner for SCST, R.K. Puram, New Delhi.
4. Secretary, U.P.S.C./Secretary, Staff Selection Commission.
5. All the Ministries/Departments.
6. All the Divisions of the Ministry of Home Affairs.
7. SC&BCD I, II, III, VI Sections/PCR Cell/PCR Desk T.D. Division.

Yours faithfully,  
(Sd/-)

(B.N. Srivastava),  
Director.



**MOST IMMEDIATE**

**No. BC-16014/1/82-SC&BCD-1**

**Government of India/Bharat Sarkar**

**Ministry of Home Affairs/Grih Mantralaya**

**New Delhi, dated the 18th November, 1982**

**27th Kartika, 1904**

**To**

**The Chief Secretaries of all State**

**Governments/Union Territory Administrations.**

**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 Scheduled Caste/Scheduled Tribe Certificate from where they have migrated. In order to remove this difficulty, it has been decided in modification of the instructions issued in letter No. BC-12025/2/76-SCT-I dated 22-3-1977 and letter No. BC-12025 11/79-SC&BCD-IV dated 29-3-1982 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 by 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,**

**Sd/-**

**(B.K. Sarkar)**

**Joint Secretary to the Govt. of India.**

**No. BCI/16014/1/82-SC&BCD-I New Delhi, the 18th November 1982.**

**Copy to—**

1. Department of Personnel & A.R. (Est.) (SCT Section) with the request that necessary amendment to the Brochure of the reservation in services for Scheduled Castes and Scheduled Tribes, by incorporating where it is necessary, the position stated in the foregoing paragraphs may please be made.

2. Secretary Union Public Service Commission, Dholpur House, New Delhi.

3. Secretary, Staff Selection Commission, CGO Complex, Block No. 12, Lodhi Road, New Delhi.

4. All the Ministries/Departments, Government of India.

5. Secretary, Commission for Scheduled Castes/Scheduled Tribes, Lok Nayak Bhavan, New Delhi.

6. Commissioner for Scheduled Caste & Scheduled Tribe, R.K. Puram, New Delhi.

7. All the Sections in SC&BCD Division/TD Division, Ministry of Home Affairs,

Yours faithfully,  
Sd/-

(B.K. Sarkar)  
Joint Secretary to the Govt. of India.

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/Shrimati/Kumari.....son/  
daughter of.....of village/town.....in  
District/Division.....of the State/Union  
Territory.....belongs to the.....Caste/Tribe.  
which is recognised as Scheduled Caste*

*Scheduled Tribe*

The Constitution (Scheduled Castes) Order, 1950.

The Constitution (Schedule Tribes) Order 1950.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. This certificate is issued on the basis of the Scheduled Caste/  
Scheduled Tribe certificate issued to Shri/  
Shrimati.....father/mother of Shri/Shrimati/  
Kumari.....of village.....in  
District/Division.....of the State/Union  
Territory.....who belongs to  
the.....caste/tribe which is recognised as a Scheduled  
Caste/Scheduled Tribe in the

State/Union Territory.....issued by  
the.....(name prescribed authority) vide their  
No .....dated.....

Signature.....  
Designation.....  
(with seal of Office)

Place.....State.....  
Union Territory

No. BC-16014/1/82-SC&BCD-I

Government of India/Bharat Sarkar

Ministry of Home Affairs/Grih Mantralaya

New Delhi, the 6th August, 1984

To,

The Chief Secretaries of All State Govts. and UT Administrations.

SUBJECT:—*Verification of claim of candidates belonging to Scheduled Castes and Scheduled Tribes and migrants from other States/Union Territories—Form of certificate—amendment to.*

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/Estt. (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 5-8-1975 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 enquires. The

list of the competent authorities empowered and incorporated in the form may please be followed strictly. No other authority may be authorised to issue the Scheduled Caste/Scheduled Tribe certificates.

Yours faithfully,

(B.K. SARKAR)

Joint Secy. to the Govt. of India

No. BC-16014/1/82-SC&BCD-I dated the 6th August, 1984 copy to:—

1. Secretary, Union Public Service Commission, Dholpur House, New Delhi (with 15 S/cs).
2. Secretary, Staff Selection Commission, CGO Complex, Block No. 12, Lodi Road, New Delhi (with 15 spare copies).
3. All Ministries/Departments of the Government of India.
4. Secretary, Commission for Scheduled Castes/Scheduled Tribes, Lok Nayak Bhavan, New Delhi.
5. Commissioner for Scheduled Castes and Scheduled Tribes, R.K. Puram, New Delhi.
6. All Directors/Deputy Directors for Scheduled Castes and Scheduled Tribes.
7. Comptroller and Auditor General of India.
8. Election Commission of India.
9. Lok Sabha Secretariat (SC/ST Branch) (with spare copies).
10. Lok Sabha Secretariat (Administration Branch).
11. Ministry of Defence (D-FS).
12. Bureau of Public Enterprises (Management Div.).
13. Ministry of Home Affairs (Planning Cell) for taking necessary action so far as Union Territories are concerned.
14. Department of personnel and Administrative Reforms Estt. SCT, Administration I, II, AIS (I), (III), (IV), CS (I), (II), (III), Estt. (B), (C), (D), IES, ISS, AVD (II), CD (IV), EC Welfare Sections.
15. All attached and subordinate of Department of Personnel and A.Rs.

16. All Section in SC&BCD, Division/Administration I(A), (B), II Section Ministry of Home Affairs.

17. One copy to be retained in F. No. BC/2/76-SCT.

(B.K. SARKAR)

Joint Secy. to the 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/Shrimati\*/Kumari\* .....  
 ..... son/daughter\* of ..... of village\*/  
 town\* ..... in district/Division\* .....  
 ..... of the State/Union Territory\* .....  
 ..... belongs to the ..... Caste/Tribe\*  
 which is recognised as a Scheduled Caste

---

Scheduled Tribe\*

Under:

@The Constitution (Scheduled Castes) Order, 1950.

@The Constitution (Scheduled Tribes) Order, 1950.

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

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

[as amended by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956, the Bombay Reorganisation Act, 1960, the Punjab Reorganisation Act, 1966, the State of Himachal Pradesh Act, 1970, the North Eastern Areas (Reorganisation) Act, 1970 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 Castes (Uttar Pradesha) 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:

This certificate is issued on the basis of the Scheduled Caste/Scheduled Tribe certificate issued to Shri/Shrimati\* . . . . .  
 . . . . . father/mother of Shri/Shrimati/Kumari\* . . . . .  
 . . . . . of village/town . . . . . in District/Division  
 . . . . . of the State/Union Territory\* . . . . .  
 . . . . . who belongs to the . . . . . caste/tribe\*  
 which is recognised as a Scheduled Caste

Scheduled Tribe\*

in the State/Union Territory\* . . . . . issued  
 by the . . . . . (name of prescribed authority)  
 vide their No. . . . . dated . . . . .  
 . . . . .

%3. Shri\*/Shrimati\*/Kumari\* . . . . . and/  
 or 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 . . . . .

\* Please delete the words which are not applicable.

@ Please quote specific Presidential Order.

% Delete the paragraph which is not applicable.

NOTE: The term "Ordinarily reside(s)" used here will have the same meaning as in Section 20 of the Representation of the Peoples Act, 1950.

\*\* List of authorities empowered to issue Scheduled Caste/Scheduled Tribe certificate:—

1. District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/

Additional Deputy Commissioner/Deputy Collector/Ist Class Stipendary Magistrate/City Magistrate/Sub-Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner.

(not below the rank of Ist class Stipendary Magistrate).

2. Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
3. Revenue Officers not below the rank of Tehsildar.
4. Sub-Divisional Officer of the area where the candidate and/or his family normally resides.
5. Administrator/Secretary to Administrator/Development Officer (Lakshadweep Islands).