

**West Bengal Scheduled Castes And Scheduled Tribes
(Identification) (Amendment) Act, 2008**

24 of 2008

[30 September 2008]

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PREAMBLE

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 (West Ben. Act XXXVIII of 1994), for the purposes and in the manner hereinafter appearing;

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

1. Short title and commencement :-

- (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.

2. 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. Issue of duplicate or fresh certificate.--

(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 may be prescribed, be granted--

(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 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."

3. Amendment of section 8 :-

In sub-section (1) of section 8 of the principal Act, after the words and figure "any refusal under section 7" the words, figure, letter and brackets "or subsection (4) of section 7A" shall be inserted.

4. Amendment 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 Backward Classes Welfare Department in the district, Chairperson;
- (b) Officer-in-charge not below the rank of Deputy Superintendent of Police, Convenor;
- (c) Investigating officers not exceeding three from amongst the police officers in the rank of Inspector, Members."