

**MAHARASHTRA SCHEDULED CASTES, SCHEDULED TRIBES,  
DE-NOTIFIED TRIBES (VIMUKTA JATIS), NOMADIC TRIBES,  
OTHER BACKWARD CLASSES AND SPECIAL BACKWARD  
CATEGORY (REGULATION OF ISSUANCE AND VERIFICATION  
OF) CASTE CERTIFICATE ACT, 2000**

**23 of 2001**

**[23rd May, 2001]**

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**MAHARASHTRA SCHEDULED CASTES, SCHEDULED TRIBES,  
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CATEGORY (REGULATION OF ISSUANCE AND VERIFICATION  
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**23 of 2001**

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An Act to provide for the regulation of the issuance and verification of the Caste Certificates to the persons belonging to the Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, other Backward Classes and Special Backward Category and for matters connected therewith or incidental thereto; WHEREAS it is expedient to provide for the regulation of the issuance and verification of the Caste Certificates to the persons belonging to the Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, other Backward Classes and Special Backward Category and for matters connected therewith or incidental thereto; It is hereby enacted in the Fifty-first Year of the Republic of India as follows:-

### **1. Short title and commencement :-**

(1) This Act may be called as the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

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

### **2. Definitions :-**

In this Act, unless the context otherwise requires,-

(a) "Caste Certificate" means the certificate issued by the Competent Authority to an applicant indicating therein the Scheduled Caste, Scheduled Tribe, De-Notified Tribe (Vimukta Jatis), Nomadic Tribe, other Backward Class and Special Backward Category, as the case may be, to which such applicant belongs;

(b) "Competent Authority" means an officer or authority authorised by the Government by notification in the Official Gazette, to issue a Caste Certificate, for such area or for such purposes as may be specified in the said notification and, shall, include all the Competent Authority already designated by the Government before the coming into force of this Act, having jurisdiction over the area of place to which the applicant originally belongs, unless specified otherwise;

(c) "De-Notified Tribe (Vimukta Jatis)" means the Tribes, declared as such, by Government, from time to time.

(d) "Education Institution" means any school, Junior College, Degree College, College of Education, Polytechnic, Industrial Training Institution, College of Fine Arts and Architecture, College of Music and Dance, Engineering College, Agricultural College, Veterinary College, Medical College, Dental College, Ayurvedic College, Homeopathic College, Unani College Nurses Training School, Health Visitors Training School, Vocational Training Institution, Deemed University, Open University and various colleges under the control of any University established by or under an Act of the State Legislature and such other Institution, by whatever name called, which is carrying on (either exclusively or among other activities) the activity of imparting education as may be notified by the Government, from time to time;

(e) "Government" means the Government of Maharashtra;

(f) "Local Authority" means in relation to local areas comprised within the jurisdiction of a Municipal Corporation, the concerned Municipal Corporation and in relation to any other local area in the State, the concerned Municipal Council, Zilla Parishad, Panchayat Samiti, Industrial Township, Nagar Panchayats or Village Panchayat, having jurisdiction over such local area;

(g) "Nomadic, Tribes" means Tribes wandering from place to place in search of their livelihood as declared by Government from time to time;

(h) "Other Backward Classes" means any Socially and Educationally Backward Classes of citizens as declared by Government and includes other Backward Classes declared by Government of India in relation to the State of Maharashtra;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "Scheduled Castes" and "Scheduled Tribe" shall have the meanings respectively assigned to them in Clause (24) and Clause (25) of Art.366 of the Constitution of India ;

(k) "Scrutiny Committee" means the Committee or committees constituted under sub-section (1) of Section 6 of the Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes or Special Backward Category for verification of the Caste Certificate and perform the function of Scrutiny Committee under this Act;

(I) "Special Backward Category" means Socially and Educationally Backward Classes of citizens as declared as Special Backward Category by Government.

### **3. Application for a Caste Certificate :-**

Any person belonging to any of the Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes or Special Backward Category, required to produce a Caste Certificate in order to claim the benefit of any reservation provided of such Castes, Tribes or Classes, either in any public employment or for admission into any education institution, or any other benefit under any special provisions made under Clause (4) of Art.15 of the Constitution of India or for the purpose of contesting for elective post in any local authority or in the co-operative societies; or for purchase or transfer of land from a tribal land holder or any other purposes specified by the Government, shall apply in such form and in such manner as may be prescribed, to be Competent Authority for the issue of a Caste Certificate.

### **4. Caste Certificate to be issued by Competent Authority :-**

(1) The Competent Authority may, on an application made to it under Section 3 , after satisfying itself about the genuineness of the claim and following the procedure as prescribed, issue a Caste Certificate within such time limit and in such form as may be prescribed or reject the application for reasons to be recorded in writing.

(2) A Caste Certificate issued by any person, officer or authority other than Competent Authority shall be invalid. The Caste Certificate issued by the Competent Authority shall be valid only subject to the verification and grant of validity of certificate by the Scrutiny Committee.

### **5. Appeal :-**

(1) Any person aggrieved by an order of rejection of application passed by the Competent Authority under sub-section (1) of Section 4 may, within 30 days from the date of receipt of order, appeal to the Appellate Authority specified by the Government by notification in the Official Gazette.

(2) The Appellate Authority may, within a period of three months, after giving the appellant an opportunity of being heard and after satisfying itself about the genuineness or otherwise of the claim of

the appellant either confirm the rejection order, or set aside the order of the Competent Authority and direct the Competent Authority to issue the Caste Certificate.

#### **6. Verification of Caste Certificate by Scrutiny Committee :-**

(1) The Government shall constitute by notification in the Official Gazette, one or more Scrutiny Committee(s) for verification of Caste Certificates issued by the Competent Authorities under sub-section (1) of Section 4 specifying in the said notification the functions and the area of jurisdiction of each of such Scrutiny Committee or Committees.

(2) After obtaining the Caste Certificate from the Competent Authority, any person desirous of availing of the benefits or concessions provided to the Scheduled Castes, Scheduled Tribes, De - Notified Tribes (Vimukta Jatis), Nomadic Tribes, other Backward Classes and Special Backward Category for the purposes mentioned in Section 3 may make an application, well in time in such form and in such manner as may be prescribed, to the concerned Scrutiny Committee, for the verification of such Caste Certificate and issue of a validity\* certificate.

(3) The appointing authority of the Central or State Government, local authority, public sector undertakings, educational institutions, Co-Operative Societies or any other Government aided institutions shall, make an application in such form and in such manner as may be prescribed, by the Scrutiny Committees for the verification of such Caste Certificate and issue of a validity certificate, in case a person is selected for an appointment with the Government, local authority, public sector undertakings, educational institutions, Co-Operative Societies or any other Government aided institutions who has not obtained such certificate.

(4) The Scrutiny Committee shall follow such procedure for verification of such Caste Certificate and adhere to the time limit for the verification and grant of validity certificate, as prescribed.

#### **7. Confiscation and cancellation of false Caste Certificate :-**

(1) Where before or after the commencement of this Act, a person not belonging to any of the Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, other Backward Classes and Special Backward Category has obtained a false Caste Certificate to the effect that either himself or his children belong to

such Castes, Tribes or Classes, the Scrutiny Committee may, suo motu, or otherwise call for the record and enquire into the correctness of such certificate and if it is of the opinion that the certificate was obtained fraudulently, it shall, by an order, cancel and confiscate the certificate by following such procedure as prescribed, after giving the person concerned opportunity of being heard, and communicate the same to the concerned person and the concerned authority, if any.

(2) The order passed by the Scrutiny Committee under this Act shall be final and shall not be challenged before any authority or Court except the High Court under Art.266 of the Constitution of India .

### **8. Burden of proof :-**

Where an application is made to the Competent Authority under Section 3 for the issue of a Caste Certificate in respect of Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category and in any inquiry conducted by the Competent Authority and the Scrutiny Committee or the Appellate Authority under this Act or any trial of offence under this Act, the burden of proving that the person belonged to such Caste, Tribe or Class shall be on such claimant applicant.

### **9. Civil Court powers to Competent Authority, Appellate Authority and Scrutiny Committee :-**

The Competent Authority, the Appellate Authority and the Scrutiny Committee shall, while holding an enquiry under this Act, have all powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) and in particular in respect Fund the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any Court or office; and
- (e) issuing Commissions for the examination of witnesses or documents.

**10. Benefits secured on the basis of false Caste Certificate to be withdraw :-**

(1) Whoever not belonging to any of the Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, other Backward Classes and Special Backward Category secures admission in any educational institution against a seat reserved for such Castes, Tribes or Classes, or secures appointment in the Government, local authority or in any Government aided institution or Cooperative Society against a post reserved for such Castes, Tribes or Classes, by producing a false Caste Certificate shall, on cancellation of the Caste Certificate by the Scrutiny Committee, be liable to be debarred from the concerned educational institution, or as the case may be, discharged from the said employment forthwith and any other benefits enjoyed or derived by virtue of such admission or appointment by such person as aforesaid shall be withdrawn forthwith.

(2) Any amount paid to such person by the Government or any other agency by way of Scholarship, grant, allowance or other financial benefit shall be recovered from such person as an arrears of land revenue.

(3) Notwithstanding anything contained in any law for the time being in force, any Degree, Diploma or any other educational qualification acquired by such person after securing admission in any educational institution on the basis of a Caste Certificate which is subsequently proved to be false shall also stand cancelled, on cancellation of such Caste Certificate by the Scrutiny Committee.

(4) Notwithstanding anything contained in any law for the time being in force, a person shall be disqualified from being a member of any statutory body if he had contested the election for local authority, Co-operative Society or any statutory body on the seat reserved for any of Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, other Backward Classes and Special Backward Category by procuring a false Caste Certificate as belonging to such Caste, Tribe or Class on such false Caste Certificate being cancelled by the Scrutiny Committee, and any benefits obtained by such person shall be recoverable from such person as an arrears of land revenue and the election of such person shall be deemed to have been terminated retrospectively.

**11. Offences and penalties :-**

(1) Whoever,-

(a) obtains a false Caste Certificate by furnishing false information or filing false statement or documents or by any other fraudulent means; or

(b) not being a belonging to the Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, other Backward Classes and Special Backward Category secures any benefits or appointments exclusively reserved for such Castes, Tribes or Classes in the Government, local authority or any other Company or Corporation owned or controlled by the Government or in any Government aided institution, or secures admission in any educational institution against a seat reserved for such Castes, Tribes or Classes, or is elected to any of the elective offices of any local authority or Co-operative Society against the office, reserved for such Castes, Tribes or Classes by producing a false Caste Certificate;

(2) No Court shall take cognizance of an offence punishable under this section except upon a complaint, in writing, made by the Scrutiny Committee or by any other officer duly authorised by the utiny Committee for this purpose.

**12. Offences under Act to be cognizable and non-bailable :-**

Notwithstanding anything contained in the Code of Civil Procedure, 1908 (2 of 1974) -

(a) offences punishable under Section 11 shall be cognizable and non-bailable;

(b) every offence punishable under this Act shall be tried by any Magistrate of First Class in a summary way and provisions of Section 262 except sub-section (2) of 265 both inclusive of this Code, shall as far as possible may be applied to such trial.

**13. Penalty for issuing false Caste Certificate :-**

(1) Any person or authority performing the functions of Competent Authority under this Act, who intentionally issues a false Caste Certificate, shall on conviction be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend upto two years or with fine which shall not be less than two thousand rupees, but which may extend upto twenty thousand rupees or both.



(2) No Court shall take cognizance of an offence punishable under this section except with the previous sanction of the Government.

**14. Penalty for abetment :-**

Whoever abets any offence punishable under this Act shall be punished with punishment provided for in this Act for such offence.

**15. Bar of jurisdiction of Civil Courts :-**

No Civil Court shall have jurisdiction to entertain, to continue or to decide any suit or proceeding or shall pass any decree or order or execute wholly or partially any decree or order, if the claim involved in such suit or proceeding, or if the passing of such decree or order or if such execution would in any way be contrary to the provisions of this Act.

**16. Protection of acts done in good faith :-**

No suit or other proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or the Rules made thereunder.

**17. Provisions of this Act to be in addition to any other law for the time being in force :-**

The provisions of this Act shall be in addition to the provisions of any law for the time being in force.

**18. Power to make rules :-**

(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

**19. Power to remove difficulties :-**

(1) If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, by notification in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of State Legislature.