

CHHATTISGARH SC, ST AND OBC (REGULATION OF SOCIAL STATUS CERTIFICATION) ACT, 2013

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20. CHAVIER-r PRELØ.,UNARY Shbrl title, extenl and commencemenL Definitions. C'ÄÄPIER-n LSSUE OF SOCIALMA+US CERTIFICATE Application for issuance of Social StaWs Cerüficate. Procedure for issuance of Social Status Certificate. A ppcal. CHAPIN-III OF SOCIAL STATUS CÉÄTIFICATE District I_zvel Certificates Vaificaaõn Committee and its powers High Power Certification Scrutiny Commiüee. CHAPTER-IV CANCELLATION AND CONFISCATTN OF FALSE SOCIAL STATUS CERTIFICATE Cancellation and confixation of false Social Ceriificaiæ. Benefits secured on ihé_basis of false Social withdrawn. CHAFi'FR"V OFFENCERS AND PENALTIES Offenc*s and pennlti& Offeuces under Ebe Act to be cognizable arid non-bäffäble. Penalty for issuing -false status certificate. AbeD•neot of • c4ÅFiER-V1 WSCÜLÂNÉOUs Burden of proof. Authorities under {he Act to exercise powers of Civil Court, Bar of Jurisdiction ofCivil C00rts. Protection for-acts done in good fiüüi. Act to be in addition to nöE in derogåtion of any oihér law. Power to make' ruB. to remove -644 (10) Short line, extent and commence- mr.nt. IkfiniLiouE, 29 CHHATTISGARH Acr (No. 13 of 20B) THE CHHA'TTISGARH SCHEDULED CASTES, SCHEDULED OTHER BACKWARD CiÄSSES (REGULATIÖN OF SOCIAL STAITJS CKR11FICATION) ACT, 2013 An Aet to protect the ihferwt of beJonging to the Scheduled Castß, the Schdul(d Tribes and the Odier Soüily Classes of eitizens in the State from diose who fnndulCritlyoptainsralse SoGdStitus Certification, cettifying that the person belongs to anato prdVide for punishinent for iþuing and obtaining false and for natters therewith or incidental therein. Be it enacted by tle, ChhattiSgarhLegislature iii the Sixty-fourth yeaz of the Republic of India. as foi}ows : (2) (b) (0 PRELIMINARY This Act may tx .theChhattisgarb Scheduled Castes, Trilxs and Other Backward Classes (Regu'ation of Social Status Certification) Act, 2013. it shall extend the whole of the State of Chhattisgarh It shall come into force such date as thb State Government fnay, by notification in the Official Gazette, appoint. this Act, unless the context oth>ryise rt4uiTes,— Authority" "Seans nn or authority authoriud by Ehe Slaßß Government, by notification in Official to hear as provided under Sof this Aht_ ; 'Competent AnLhority" 'means offi{.zr nr authority designatedlby the Government, by notification in the Official Gazette, to issue a: status certificate, fpr such arva or for such purposes. as maybe Said notification and éhall include all the Competent Authorities already hy the Government coming force of this Act, having Jurisdiction over the area or-place-to. which tie applicant originally belongs, unless ouler-wise ; "District Level Certificates Verification Commit:æ' means the Cogunitzee constituted in a district under sqQ7ægition gf Section 6. of this for the verification of Social Status- Cértjficæ issugi to any irrson; "Educational institution" means any institution, by whatever name called, in. cluding university imparting education or traaning in any stream at any leve; and wheæ whether an institution is an educational insula tion. then theÄeiSigri:zDfjhPSz.zre Gdvernment in 'hat Eegard be-fitiäl; "Government" means Government:of Chhattisgarh; • 'High Power C&tificåtion Scrüih' or Committecs constituted (Y) *Fing enquiry into social the D , I_zvel Certificates Verification Committee or the StBte GöV&nment or : other authority for conducting enquiry, where such -certificpte is all to be wrongfully or fraudu'ently obtainal*, (h) 0) (k) (n) (o) 29 2013 "Local Authority" Ifieans in relation to laocai areas comprisexi within Ehe •sdiction of a Municipal Corporation.the concerned Municipal Corporation or in relation to any other local area in the State, the concerned Council, Nagar Panchayat, Janpad Panchayat or Village Panchayat, as the case inay having jurisdiction over such local area; ""(o)ther Backward Qasses" iH relation to the Stale of Chhanisgarh Ineans Qthct socially and educationally backward classes as have been or may be notiüed from urne to time, by the State Government; ' 'Prescribed" means prescribed hy the rules made under this Act; "Public Appointment" means an appointment a post under the Stuiæ (;avernment, the (hntral Government, Locar:Aüti20rity. any Company or Corporalion, or any Undert*king, ownu:i or controll&l or

substantially funded by the Government or any Institution or Co-operative Society or Education Institution including a university; "Reserved Post" means any post reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes or the Other Backward Classes, as the case may be, in respect of any Public Appointment; "Reserved Seat" means any seat for the persons belonging to the Scheduled Castes, the Scheduled Tribes or the Other Backward Classes; as the case may be, in respect of admission in any Educational Institution, or any seat reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes or Other Backward Classes, as the case may be, in any statutory body whether filled by a process of election or otherwise; "Scheduled Castes" means the Scheduled Castes as specified in relation to the State of Chhattisgarh under Article 341 of the Constitution of India; "Scheduled Tribes" means the Scheduled Tribes as specified in relation to the State of Chhattisgarh under Article 342 of the Constitution of India; "Social Status Certificate" means the certificate by the Competent Authority to an applicant, indicating therein, the Scheduled Castes or the Scheduled Tribes or other Backward Classes, to which such applicant belongs; "State" means the State of Chhattisgarh.

CHAPTER II
ISSUE OF SOCIAL CERTIFICATE

Any person belonging to a Scheduled Caste or a Scheduled Tribe or Other Class may apply to the Competent Authority for issuance of a Social Status Certificate in such form and in such manner as may be prescribed.

Section 34-A (32) **Procedure for issue of Social Status Certificate** District Commissioner. (3) The Competent Authority, on receipt of an application under Section 3 and after making such inquiry as may be necessary, may issue a Social Status Certificate: Provided that where the competent authority comes to a conclusion that there are sufficient reasons for rejecting the application for such certificate, it shall record the reasons of rejection in writing and inform the applicant. A Social Status Certificate by the Competent Authority sub-section (1) of this document of name, the validity of which shall copy of the Social Status Certificate may be issued by the holder of the original certificate. Social Status Certificate by an authority other than the purpose of any public employment, to an institution for availing any benefit to the caste or a tribe or backward class. An applicant by an order of the Competent Authority passed under Section 4, may within 30 days from the date of receipt of such order, file an appeal before the Appellate Authority: Provided that Appellate Authority may after recording sufficient reasons in writing, on any delay caused, in filing of such appeal. Appellate of three months, after giving the applicant an opportunity of being heard, may confirm or set aside the order of the Authority with such as it may deem appropriate.

VERIFICATION OF SOCIAL STATUS CERTIFICATE

There shall be such as may be issued by the State Government or over one of the districts. A district officer may verify on its own motion or on receipt of information or reference made to it, in respect of Social Status Certificate(s) issued by the competent Authority. verify such Certificate(s) in the manner as may be prescribed: Provide that the reference made to the District Level Verification Committee employed. If it is found that a person, the Government of the State Government, as the case may be, for verification of such in such manner as may be and it be the duty of the District Level Verification Committee to report its findings to the District Level Verification Committee, the District Level Verification Committee, the Central Government or the State Government, the case may within a period of one month from the date of receipt of the reference.

Section 34-B (3) (2) 29 2013 here there is prima-facie reason to believe that the Social Status Certificate(s) have been wrongfully or fraudulently obtained, the District Level Verification Committee shall refer an affidavit and relevant documents along with record of its findings to the High Power Certification Scrutiny Committee: Provided that where the Certificates Verification Committee arrives at an adverse finding, it shall not refer the case to High Power Certification Scrutiny Committee; unless a reasonable opportunity of being heard is given to the person, whose Social Status Certificate is disputed. The District Level Verification Committee shall follow such procedure for verification of Social Status Certificate(s) as may be prescribed by the State Government or the District Level Verification Committee under sub-section (3) of this Section, as may be prescribed by the State Government or the District Level Verification Committee, by notification in the Official Gazette. one or more High Power or Committees. for conducting enquiry into Social Status Certificate(s) to it by District Level Verification Committee under Section 6 or by the State Government, and it shall be the duty of the District Level Verification Committee to examine the report of the Certificates Verification Committee and to proceed in this manner under Chapter-IV of this Act. The High Power Certification Scrutiny Committee shall follow such procedure as may be prescribed: Provided that where the High Power Certification

Scrutiny Committee decides to arrive at an adverse view it shall not do so unless a reasonable opportunity of being heard is given to the person whose Social Status Certificate is disputed.

CHAPTER-IV CANCELLATION AND CONFISCATION OF VAISE STATUS (2) (1) (2) CERTIFICATE [If after enquiry under Section 7 of this Act; Scrutiny Committee is of the opinion that the Certificate was obtained wrongfully, by confiscation of the certificate by following such may be the by Certification scrutiny Committee under this Act, and consequent to the proceedings under Article 226 of the Constitution of India only. Whoever, admission against a reserved seat or secures public appointment against a reserved post meant for such Castes, Tribes or by producing Social Status Certificate on cancellation of the certificate from the educational institution or dismissed from the public employment; as may be, forthwith or denied any other benefit enjoyed by virtue of such admission or Where he takes advantage of any benefit or under any welfare scheme, by way of kind or special treatment intended for the 3-44 (13) It is hereby Certified. Certificate Scrutiny Committee ends on the or the E-M to be Offence. 10. 12 (1) (2) 29 Castes, the Scheduled or the Other Backward Classes, by producing a Social Status Certificate wrongfully or fraudulently. Shall or: cancellation of such certificate under Section 8, the certificate holder shall be liable to forfeit the educational qualification acquired by a person by obtaining Admission against a reserved seat in any educational institution; on the basis of Social Status Certificate, which is cancelled under Section shall be deemed to have been cancelled and been awarded Notwithstanding anything contained in any Act of State Legislature for the time being in force, whoever is elected to a reserved seat under a local authority or a co-operative society or any other statutory body or institution on the basis of a Social Status which is cancelled under Section 8, shall be disqualified from being a member of such local authority or a co-operative society or any other statutory body or institution from the date of cancellation of such Social Status Certificate and such reserved seat shall stand vacant forthwith.

CHAPTER-V OFFENCES AND - Where a Social Status Certificate has been cancelled under Section the person obtaining such Certificate shall be punished with rigorous imprisonment for a term, which shall not be less than three months but which may extend to two years and shall not be less than two thousand rupees and which may extend to twenty thousand rupees. No court shall take cognizance of an offence punishable under this section except upon a complaint, in writing, made by the High Power Certification Scrutiny Committee or on its behalf by any person so authorized by the High Power Certification Scrutiny Committee for this purpose. (Offences under the Act to end non-beneficial for false social status certificate. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, offences punishable under Section 40 of this Act shall be cognizable, non-bailable and may be tried summarily. Any person, performing the functions of Competent Authority under this Act, who intentionally issues a false Social Status Certificate shall be punished with rigorous imprisonment for which shall not be less than three months but which may extend to two years and with fine which shall not be less than two thousand rupees and which may extend to rupees: (2) 29 2013 Provided that where a Social Status Certificate has been issued by a Competent Authority, on the basis of an affidavit testifying the social status of an applicant for such certificate and after enquiring in the manner prescribed under Section 4, after exercising due diligence, the Competent Authority shall not be deemed to have intentionally issued a false Social Status Certificate. No court shall take cognizance of an offence punishable under this Section except with the previous sanction of the Government. 13. 14. 15. 17 18. 29. 40 Any offence punishable under this Act, shall be punished with the punishment provided for such offence in this Act.

CHAPTER-VI MISCELLANEOUS Where an application is made to the High Power Certification Scrutiny Committee under this Act for the issuance of a Social Status Certificate, the burden of proving the social status in respect of such Caste, Tribe or Class, as the case may be, shall be on such applicant. The Competent Authority, Appellate Authority, District Level Certificate Verification Committee and the High Power Certification Scrutiny Committee shall, while holding an enquiry under this Act, have the powers of a Civil Court under the Code of Civil Procedure, 1908 and particularly in respect of the following matters, namely (b) (d) Summoning and examining the attendance of any witness and examining him on oath; the

discovery and production of any' document; receiving evidence on affidavits; Requisitioning any public record or document or copy of such record or document from any office; Issuing commissions for the examination of witnesses and documents; and such other matters as may be prescribed. No civil court shall have to entertain; to entertain or to decide any suit or proceeding or shall pass any decree or order or execute wholly or partly any decree or order. if the claim involved in such suit or proceeding, or the passing of such decree or order or such execution would, in any way, be contrary to the provisions of Act. No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done in pursuance of this Act or the rules made thereunder. The provisions of this Act shall in addition to, and not in derogation of any other law for the time in force. i) Government may, by notification in the Official Gazette, make rules to carry out or any of the purposes of this Act. 344 (15) A Bench of Authorities under the Act to exercise powers of Officers of the Bar or Judicial Officers for in addition. And to be in addition to not in any other law. Power to make 344 (16) Power to remove difficulties. 20 (2) (3) (2) 29 20}3 Every rule made under this Act shall be laid, as soon as after it is made, before the State Legislature if it is in-session for a total period of thirty days which may be comprised in one or more sessions, and if, before the expiry of the period in which the said period expires, the Legislative Assembly adopts a resolution that such a rule should not be made or that any modification be made therein; the rule shall thereafter have effect only in the modified form, as case may be : Provided that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule. If any difficulty in giving effect to the provisions of this Act, the Government may, by order 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 such order shall be made under this Section after the expiry of a period of two years from the date of commencement of this Act. Every order made under this Section shall be laid, as soon as after it is made, before the State Legislature. •üCFTV\$09/2012-2015." fig. 30-5-2001." 272 29 8, 1935 2013 2013 (h 13 (3) 29 2013 &TI. 543 29 2013 2013 348 (3) 27 48, New Raipur, 27th June No. F 13-23/2012/1-3.—In exercise of Section 1 of the Chhattisgarh Scheduled Tribes and Other Backward Classes (Regulation of Social Status Certification) Act, 2013 (No. 13 of 2013), the State Government, hereby, appoints the 29th April, 2013 as the date on which said Act shall come into force. By order and in the name of the Governor of Chhattisgarh, MANOJ KUMAR PmGUA,