



## **Abstract**

Adi Dravidar and Tribal Welfare Department – Constitution of District Level Vigilance Committee and State Level Scrutiny Committee to verify the genuineness of community certificate issued to the person belonging to Scheduled Castes/Scheduled Tribes and guidelines issued - Modified - Formation of Vigilance Cells at Chennai, Salem, Tiruchirappalli, Madurai regions to verify the community status of the persons belonging to Scheduled Castes/Scheduled Tribes and to submit report to the District Level Vigilance Committee/State Level Scrutiny Committee - Post sanctioned - Orders – Issued.

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Adi Dravidar and Tribal Welfare (CV I) Department

G.O (Ms) No. 106

Dated:- 15.10.2012,  
Thiruvalluvar Andu, 2043, Purattasi 29.

Read:

1. Government Order (2D) No. 18 Adi Dravidar and Tribal Welfare Department dated 1.4.97.
2. Government Order (Ms) No. 21, Adi Dravidar and Tribal Welfare Department dated 20.05.99.
3. Government D.O. Letter No. 32610/ADW-2/99-1 dated 27.12.99.
4. Government Order (Ms) No. 111, Adi Dravidar and Tribal Welfare Department dated 6.7.2005.
5. G.O (2D) No. 108 Adi Dravidar and Tribal Welfare Department dated 12.09.2007.

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In order to protect the welfare of the genuine Scheduled Castes/Scheduled Tribes people from the false claimants, the Government have been examining the matter to frame suitable guidelines based on the guidelines issued by Supreme Court of India in Madhuri Patil and another Vs Additional Commissioner, Tribal Development and others to suit the conditions prevailing in Tamil Nadu, so that they could work out in a systematic manner without facing any difficulty in its implementation. Accordingly in supersession of the orders and guidelines issued on the subject, the Government have issued orders in the G.O. 5<sup>th</sup> cited modified the constitution of the District Level Vigilance Committee and State Level Scrutiny Committee as well as their functions as detailed therewith.

2. However, as per the Supreme Court direction, the Vigilance Cells have not been constituted to verify the community status of the persons belonging to

Scheduled Castes/Scheduled Tribes and to submit its report to the District Level Vigilance Committee/State Level Scrutiny Committee. Hence the District Level Vigilance Committees/State Level Scrutiny Committee utilizes the services of the Revenue Officials such as Tahsildars/Revenue Divisional Officers for making spot enquiry about the individual's Scheduled Castes/Scheduled Tribes community status going to their place and submits the reports to the competent Committee.

3. Whiles, the Hon'ble Bench of Madras High Court in various Writ Petition Nos. 20277/2011, 17002/2011, 25148/2011 filed by Tvl. P. Vinoth, S. Saraswathi and V. Sampangiramah respectively has set aside the proceedings of the State Level Scrutiny Committee when the Community Certificate was declared as not genuine stating that the State Level Scrutiny Committee has not obtained the spot enquiry report of the Vigilance Cells as directed by the Supreme Court and also directed that it is high time that the Government should take note of the same and constitute vigilance cells with qualified personnel to decide about the communal status of the candidates so as to head off the repetition of such sort of decisions given by the State Level Scrutiny Committee in a half – hearted manner". Further in W.P. No.16325 of 2012 and M.P. No. 1 of 2012 filed by Thiru. R.P. Arul Vs the Secretary to Government, Adi Dravidar and Tribal Welfare Department had directed to constitute a Vigilance Cell citing its earlier orders of the Hon'ble Division Bench of Madras High Court passed in W.P. No. 20277 of 2011 filed Thiru. P. Vinoth Vs Sub-Collector, Ranipettai.

4. In consonance to the orders of the Supreme Court of India and as per the directions of Hon'ble Bench of Madras High Court, Madras in the above Writ Petitions, the Government after careful examination have decided to constitute Vigilance Cells and also to modify the functions of the Committees ordered in G.O. (2D)No. 108 Adi Dravidar and Tribal Welfare Department dated 12.09.2007.

### **5. Formation of Vigilance Cells:-**

The Vigilance Cells are constituted regional level to verify the community status of the persons belonging to Scheduled Castes/Scheduled Tribes and to submit its report to the competent committee as below:-

- i. **Chennai Region** : Chennai, Tiruvallur, Kancheepuram, Vellore, Tiruvannamalai, Villupuram and Cuddalore.

The Headquarters is Chennai.

- ii. **Salem Region:** Salem, Dharmapuri, Krishnagiri, Namakkal, Erode, Coimbatore and Tiruppur.

The Headquarters is Salem.

- iii. **Tiruchirapalli Region:** Tiruchirapalli, Karur, Perambalur, Ariyalur, Thanjavur, Nagapattinam, Tiruvarur, Dindugal and The Nilgiris.

The Headquarters is Tiruchirapalli.

- iv. **Madurai Region:** Madurai, Theni, Sivagangai, Virudhunagar, Pudukottai, Ramanathapuram, Thoothukudi, Tirunelveli and Kanniyakumari.

The Headquarters is Madurai.

6. The following Staff are sanctioned for each vigilance cell

Sl.No.	Name of the Post	Number of Posts
1.	Senior DSP	1
2.	Inspector of Police/Sub Inspector of Police	1
3.	Police Constable	1
	Total Posts	3
	Total strength for four regions 4x3	12

7. The Home Department is requested to take action for allotment of the police personnel so sanctioned at para 6 above to the said four Regional level Vigilance Cells on deputation basis. Each Vigilance Cell will be functioning under the control of the Senior Deputy Superintendent of Police and these cells shall be located at the respective District Police Head Quarter under the control of Director of Tribal Welfare.

8. The Police Personnel so sanctioned at para 6 above shall work directly under the control of the Director of Tribal Welfare after being imparted special training on verification of Scheduled castes/Scheduled Tribes in co-ordination with the Commissioner of Adi Dravidar Welfare and Director, Tribal Research Centre, Ooty.

9. The post sanctioned in para 6 above the salary and other allowances shall be debited in the following head of account:-

“2225 Adi Dravidar and Tribal Welfare and other Backward Classes 01 Welfare of Scheduled Caste 001 Administration and Direction AD Head Quarters Staffs Adi Dravidar and Tribal Welfare Department 01 Salaries.”  
(DPC 2225 01 AD 001 01)

### **10. Functions of the Vigilance Cells**

i) Petition/Application/Scrutinsation for verification of the caste certificate by the District Level Vigilance Committee/State Level Scrutiny Committee shall be filed within a period of six months in case of appointment already made and in case of seeking admission into educational institution or an appointment to a post the

individual/parent or employer or recruiting agency shall be filed at least six months before in advance to the committee as the case may be.

ii) On receipt of the application from the employer/ recruiting agency for verification of the genuineness of the Community Certificate of the individual the District Level Vigilance Committee/State Level Scrutiny Committee to refer the case to the respective Vigilance Cell where the Community Certificate was issued to the individual by the competent authority for verification of the community status of the individual.

iii) On receipt of the reference from District Level Vigilance Committee/State Level Scrutiny Committee, the Inspector of the vigilance cell would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed from. The Vigilance officer should personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian as the case may be. He also should examine the school records, birth registration, if any. He should also examine the parent, guardian or the candidate in relation to their caste, etc or such other persons who have knowledge of the social status of the candidate and then submit a report to the District Level Vigilance Committee/State Level Scrutiny Committee together with all particulars of as envisaged in the proforma, in particular the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc by the concerned castes or tribes or tribal communities etc.

iv) The District Level Vigilance Committee/ State Level Scrutiny Committee, on receipt of the report from the Vigilance officer if it is found that the claim for social status to be "not genuine" or "doubtful" or spurious or falsely or wrongly claimed, the competent committee should issue show cause notice supplying a copy of the report of the vigilance officer to the candidate by a registered post with acknowledgement due or through the head of the concerned educational institution in which the candidate is studying or employed. The notice should indicate that the representation or reply, if any would be made within two weeks from the date of the receipt of the notice and in no case on request not more than 30 days from the date of the receipt of the notice. In case the candidate seeks for an opportunity of hearing the claims an inquiry to be made in that behalf, the competent committee on receipt of such representation/reply shall convene the committee and the chairman who shall give reasonable opportunity to the candidate/ parent/guardian to adduce all evidence in support of their claim. After giving such opportunity either in person or through counsel, the committee may make such inquiry as it deems expedient and consider the claims vis-à-vis the objections raised by the candidate or opponent and pass an appropriate order with brief reasons in support thereof.

v) In case the report is in favour of the candidate and reported to be genuine and true, the committees will decide. No further action need be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in para (iii) be followed.

vi) Notice contemplated in para (iii) should be issued to the parents/guardian also in case candidate is minor to appear before the committee with all evidence in his or their support of the claim for the social status certificates.

vii) The inquiry should be completed as expeditiously as possible preferably by day to day proceedings within such period not exceeding two months. If after inquiry, the competent committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent/guardian and the applicant.

viii) In case of any delay in finalizing the proceedings and in the meanwhile the last date for admission into an educational institution or appointment to an office or post is getting expired, the candidate be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the social status certificate already issued or an affidavit duly sworn by the parent/guardian/candidate before the competent officer or non-official and such admission or appointment should be only provisional, subject to the result of the inquiry by the scrutiny committee.

ix) The order passed by the committees shall be final and conclusive only subject to the proceedings under Art 226 of the constitution.

x) No suit or other proceedings before any other authority should lie.

xi) In case, the certificate obtained or social status claimed found to be false, the parent/guardian/ the candidate should be prosecuted for making false claim. If the prosecution ends in a conviction and sentence of the accused, it could be regarded as an offence involving moral turpitude, disqualification for elective posts or offices under the state or the union or elections to any local body, legislature or the Parliament.

xii) As soon as the finding is recorded by the scrutiny committee holding that the certificate obtained was false, on its cancellation and confiscation simultaneously, it should be communicated to the concerned educational institution or the appointing authority by registered post with acknowledgement due with a request to cancel the admission or the appointment. The Principal etc of the educational institution responsible for making the admission or the appointing authority, should cancel the admission/appointment without any further notice to the candidate and debar the candidate for further study or continue in office in a post and accordingly the above guidelines will be incorporated in the Annexure to the G.O. (2D) No. 108 Adi Dravidar and Tribal Welfare Department dated 12.09.2007.

11. All the Heads of Departments, District Collectors, Universities, Educational Institutions, Central / State / Public Sector Undertakings in respect of persons belonging to their institutions and other recruiting agencies which are implementing constitutional reservation benefits to Scheduled Castes/Scheduled Tribes are directed to follow the orders issued in para 3 of the G.O. (2D) No. 108 Adi Dravidar and Tribal Welfare Department dated 12.09.2007 strictly for the verification

of the genuineness of Community Certificates issued as Scheduled Castes / Scheduled Tribes.

12. This order issues with the concurrence of Finance Department vide its U.O. No.2673/FS/P/2012, dated 15.10.2012.

(BY ORDER OF THE GOVERNOR)

A.S. JEEVARATHINAM,  
SECRETARY TO GOVERNMENT.

To

The Commissioner, Revenue Administration and  
Disaster Management and Mitigation, Chepauk, Chennai-5.  
The Director General of Police, Chennai - 4.  
The Commissioner, Adi Dravidar Welfare Department, Chepauk, Chennai-5.  
The Director, Tribal Welfare Department, Chepauk, Chennai-5.  
All Head of the Departments  
All District Collectors  
All District Superintendent of Police  
The Director, Tribal Research Centre,  
M. Palada, Udthagamandalam - 4.  
The Secretary, Tamil Nadu Public Service Commission , Chennai-3.  
The Commissioner of Employment and Training,  
Guindy, Chennai – 32.  
The Director, School Education/ Collegiate Education/Medical Education , Chennai.  
The Registrar, Madras / Madurai-Kamarajar / Manonmani Sundaranar/  
Periyar/Bharathiar / Bharathidasan / Alagapa /Annamalai / Anna / Thiruvalluvar /  
Tamil /Tamil Nadu Agricultural/Tamil Nadu Veterinary and Science /  
M.G.R. Medical / University.  
The Director, Teacher Recruitment Board, Chennai  
The Director, Police Recruitment Board, Chennai.  
The Pay and Accounts Officer, Chennai – 5.  
The Accountant General, Chennai – 9/18/35.  
The District Treasury Officer, Salem, Tiruchirapalli, Madurai.

**Copy to**

All Departments of Secretariat, Chennai-9.  
Secretary to Chief Minister, Chennai – 9.  
All District Adi Dravidar and Tribal Welfare Officer.  
Adi Dravidar and Tribal Welfare (CV-2, CV-3, ADW-5) Department , Chennai-9.  
All sections in Adi Dravidar and Tribal Welfare Department, Chennai – 9.  
National Commission for Scheduled Caste/Scheduled Tribe, Chennai  
(To communicate all Central Government Offices and Public Sectors)

//FORWARDED BY ORDER//

SECTION OFFICER