



## **ABSTRACT**

Adi Dravidar and Tribal Welfare Department – Verification of the genuineness of Community Certificate issued as Scheduled Caste/Scheduled Tribes – Constitution of District Level Vigilance Committee and State Level Scrutiny Committee – Modification and guidelines – Issued.

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### **Adi Dravidar and Tribal Welfare (CV-I) Department**

G.O (2D) No. : 108

Dated 12.9.2007

Read

1. Government Order (2D) No.18, Adi Dravidar and Tribal Welfare, Dated 1.4.97.
2. Government Order (Ms) No.21, Adi Dravidar and Tribal Welfare, 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, Dated 6.7.2005.

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### **ORDER:**

Pursuant to the orders issued in Civil Appeal No.5854/94 dated 2.9.94 of the Supreme Court of India in Kumari Madhuri Patil and another –Vs- Additional Commissioner, Tribal development and others, the Government in the order first read above have constituted District Level Vigilance Committees at District Level and State Level Scrutiny Committee at State Level to verify the genuineness of the Community Certificates issued to Scheduled Castes/Scheduled Tribes and issued guidelines for the functioning of those committees. In the order second and in the D.O. letter third read above, certain modifications thereof have been made. In the order fourth read above orders have been issued for the reconstitution of District Level Vigilance Committee.

2. 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 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 now decided and ordered to modify the constitution of the above two committees as well as their functions as detailed below : -

**District Level Vigilance Committee**

**Functions**

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|--|------------------|---|
| 1. District Collector                                | Chairman         | To scrutinize the genuineness of the community certificates issued as Scheduled Caste and to pass final orders. If aggrieved by the orders, appeal will lie only with the High Court, Madras under Article 226 of the constitution of India and then with Supreme Court under Article 136 of the Constitution of India. |
| 2. District Adi Dravidar and Tribal Welfare Officer, | Member Secretary |   |
| 3. An Anthropologist                                 | Member           |   |

**State Level Scrutiny Committee**

**Functions**

- |  |                  |  |
|--|------------------|--|
| 1. Secretary to Government<br>Adi Dravidar and Tribal Welfare Department | Chairman         | To scrutinize the genuineness of the Community Certificates issued as Scheduled Tribes and to pass final orders. If aggrieved by the orders. appeal will lie only with the High Court, Madras, under Article 226 of the Constitution of India and then with Supreme Court under Article 136 of the Constitution of India |
| 2. Director/Commissioner Tribal Welfare                                  | Member Secretary |  |
| 3. An Anthropologist   | Member           |  |

The guidelines and the action to be taken by the District Level Vigilance Committee / State Level Scrutiny Committee in their business of verification of the genuineness of the Community Certificates as stipulated in the Supreme Court of India order dated 2.9.94 in C.A No.5854/94 in Kumari Madhuri Patil and another –Vs- Additional Commissioner, Tribal Development and others are annexed to this order.

3. The decision taken by the District Level Vigilance Committee re-constituted in Government Order (Ms) No.111, Adi Dravidar and Tribal Welfare, Dated 6.7.2005 for verification of the genuineness of Community Certificate issued as Scheduled Tribes is final for the cases which were remitted to the three member District Level Vigilance Committee by the State Level Scrutiny Committee as per Court direction upto the date of issue of this order. The individuals who have already appealed to the State Level Scrutiny Committee against the orders passed by the reconstituted 3

member District Level Vigilance Committee in G.O. (Ms) No. 111, Adi Dravidar and Tribal Welfare, dated 6.7.2005, in case of the certificate issued by the Deputy Tahsildar / Tahsildar be directed to initiate proceedings under Article 226 of the Constitution of India before the High Court, Madras. The appeal petitions already received by the State Level Scrutiny Committee against the orders passed by the two member District Level Vigilance Committee and which were not remitted back to the reconstituted three member District Level Vigilance Committee by the Government as the cases are challenged before the court and thereby pending before the State Level Scrutiny Committee be enquired only by the State Level Scrutiny Committee irrespective of the certificates issued as Scheduled Caste/Scheduled Tribes. In respect of cases pending before the Court and not remitted to the State Level Scrutiny Committee, the out come of such cases have to be awaited.

4. All the HODs, 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 2 and 3 above strictly for the verification of the genuineness of Community Certificates issued as Scheduled Castes / Scheduled Tribes.

5. All the District Collectors are requested to create awareness among the Scheduled Castes/Scheduled Tribes people by publishing notification through widely read news papers regarding the Supreme Court of India guidelines contained in the annexure.

(BY ORDER OF THE GOVERNOR)

C. MUTHUKUMARASWAMY  
Secretary to Government

To

The Commissioner, Revenue Administration and

Disaster Management and Mitigation, Chepauk, Chennai-5.

The Director, Adi Dravidar Welfare Department, Chepauk, Chennai-5.

The Commissioner, Tribal Welfare Department, Chepauk, Chennai-5.

All Head of the Departments

All District Collectors

The Director, Tribal Research Centre, M. Palada, Udthagamandalam - 4.

The Secretary, Tamil Nadu Public Service Commission , Chennai-2.

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.

**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) Department , Ch-9.

G.O. (MS) No. 18 Adi Dravidar and Tribal Welfare, dated 1.4.97.

G.O. (MS) No. 21 Adi Dravidar and Tribal Welfare, dated 20.5.99.

G.O. (MS) No. 111 Adi Dravidar and Tribal Welfare, dated 6.7.2005.

/forwarded/by order/

Section Officer

**Annexure to G.O. (2D) No. 108 Adi Dravidar and  
Tribal Welfare Department, Dated 12.9.2007.**

1. Petition / Application / Scrutination for verification of the caste certificate by the District Level Vigilance Committee / State Level Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or an appointment to a post by the individual / parent concerned.

2. The District Level Vigilance Committee / State Level Scrutiny Committee concerned, on receipt of Petition / Application shall call for a report from the concerned local revenue authority by whom such Scheduled Caste/Scheduled Tribe certificate was issued. On receipt of the report the District Level Vigilance Committee / State Level Scrutiny Committee, if found the claim for social status to be “not genuine” or “doubtful” or spurious or falsely or wrongly claimed / issued, the committee concerned should issue a show cause notice supplying a copy of the report of the verification authority 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 and claims an inquiry to be made in that behalf, the committee on receipt of such representation reply shall convene the committee and the committee shall give reasonable opportunity to the candidate/parent/guardian to adduce all evidence in support of their claim. If any person or association opposes such a claim, an opportunity to adduce evidence may be given to him/it. 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.

3. In case the report is in favour of the candidate and found to be genuine and true, 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 2 be followed.

4. Notice contemplated in para 2 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.

5. The enquiry should be completed as expeditiously as possible preferably by day to day proceedings within such period not exceeding two months. If after inquiry, the caste scrutiny committee finds the claim to be false or spurious, they should pass an order canceling 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.

6. The committee should ensure that 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.

7. 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.

8. The order passed by the committee shall be final and conclusive only subject to the proceedings under Art.226 of the Constitution. In case of the Writ Petition / MP / matter is disposed of by a Single Judge, then no further appeal would lie against that order to the Divisional bench but subject to Special Leave under Article 136.

9. No suit or other proceedings before any other authority shall lie.

**C. MUTHUKUMARASWAMY**  
Secretary to Government

/ True Copy /

Section Officer