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GOVERNMENT OF PUNJAB
DEPARTMENT OF WELFARE
(RESERVATION CELL)

NOTIFICATION

No.9/12/2003-RC-I/ 1615

Dated Chandigarh 10/12/04

In compliance with directions of Hon'ble Supreme Court given in its Judgment dated 2.09.1994 delivered in Civil Appeal No 5854 of 1994 (arising out of SLP (Civil) No 14767 of 1993)- Kumari Madhuri Patil and others V/s Additional Commissioner, Tribal Development and others. (AIR 1995 Supreme Court 1994), the Governor of Punjab is pleased to constitute a State Level Scrutiny Committee consisting of the following members to verify the Social Status Certificates:-

1. Special/Additional /Joint/ Secretary to Govt. of Punjab
Department of Welfare of Scheduled Castes and Backwards Classes. Chairperson
2. Director/Additional Director, Welfare of Scheduled Castes and Backward Classes, Punjab. Convener-Member
3. An IAS/P.C.S Officer of the Revenue Department not below the rank of Joint Secretary to Govt. Punjab. Member

Apart from the above, the Committee may also associate the Joint Secretary/ Joint Director of the concerned department as and when required.

Functions of the Committee.

2. (i) The Director Welfare, on receipt of the report from the District Welfare Officer, if he finds the claim for Social Status to be "not genuine" or "doubtful" or spurious or falsely or wrongly claimed, shall issue show cause notice, supplying a copy of the report of District Welfare Officer, to the candidate, by registered post with Acknowledgement Due, or through the Head of the concerned Educational Institution / Department 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 an opportunity of hearing and claims an inquiry to be made in that behalf, the Director Welfare, on receipt of such representation/reply, shall convene the meeting of the Committee, and the Special/ Additional Secretary –and – Chairperson shall give reasonable opportunity to the candidate/ parents/ guardian to adduce all evidence in support of their claim. A public notice by beat of drum or any other convenient mode may be published in the village or locality and 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-a-vis the objections raised by the candidate or opponent and pass an appropriate order with brief reasons in support thereof.

2.(ii) In case the report is in favour of the candidate and his/her claim is found to be genuine and true, no further action need to be taken except where the report or the particulars given and procured or found to be false or fraudulently obtained and in the latter event, the same procedure as is envisaged in para 2.(i) be followed.

2 (iii) Notice contemplated in para 2 (i) above should be issued to the parents/guardian also, in case the candidate is minor, to appear before the Committee with all evidence in their/ his support of the claim for the Social Status Certificate.

2 (iv) The inquiry should be completed as expeditiously as possible preferably by day-to-day proceeding 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 cancelling the certificate issued and confiscate the same. It should communicate, within one month from the date of conclusion of the proceedings, the result of the inquiry, to the parents/guardian and/ or the applicant.

2(v) In case the certificate obtained or the Social Status claimed is found to be false, the parents/guardian / the candidate should be prosecuted for making false claim. If the prosecution ends in conviction and sentence of the accused, it could be regarded as an offence involving moral turpitude and disqualification for elective posts or offices under the State or the Union or election to any Local Body, Legislature or Parliament.

2(vi) 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 Acknowledgment Due, with the 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 to continue in office in the post.

2 (vii) The Hon'ble Supreme Court of India in the case of Kumari Madhuri Patil and another V/S Additional Commissioner, Tribal Development and others AIR 1995 SC 94 has, inter alia, further laid down that the order passed by the Committee shall be final and conclusive subject to the proceedings under Article 226 of the Constitution of India.

R.L.Kalsia,
Secretary to Govt. Punjab
Department of Welfare of Scheduled
Castes and Backward Classes.

No. 9/12/2003-R.C.1/ 1616

Dated Chandigarh: 10.12.2004

A copy is forwarded to the Controller, Printing and Stationery, Punjab, Chandigarh, with the request that the said Notification may please be published in the Punjab Government Gazette and supply 450 copies of the notification to this department for official use.

Ram Asra Garg
(Ram Asra Garg)
Deputy Secretary Welfare
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No. 9/12/2003-R.C.1/ 1617-22

Dated Chandigarh, the 10.12.2004

A copy is forwarded to the following for information and meticulous compliance.

1. The Director, Welfare of Scheduled Castes and Backward Classes, Punjab.
2. All the Heads of the Departments of the State of Punjab.
3. Commissioners of the Divisions.
4. All Deputy Commissioners in the State.
5. Registrar, Punjab & Haryana High Court.
6. All Sub-Divisional Officers (Civil) in the State.

Ram Asra Garg
(Ram Asra Garg)
Deputy Secretary Welfare

A copy is forwarded to All Financial Commissioners/ Principal Secretaries and Administrative Secretaries in the State, for information and meticulous compliance.

Ram Asra Garg
(Ram Asra Garg)
Deputy Secretary Welfare

To

1. All the Financial Commissioners in the State.
2. All the Principal Secretaries in the State.
3. All the Administrative Secretaries in the State.

No. 9/12/2003-R.C.1/ 1623

Dated Chandigarh: 10.12.04

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GOVERNMENT OF PUNJAB
DEPARTMENT OF WELFARE
(RESERVATION CELL)

NOTIFICATION

No.9/12/2003-RC-I/ 1696

Dated Chandigarh 10.12.2004

In compliance with the directions of the Hon'ble Supreme Court given in its Judgment dated 2.09.1994 delivered in Civil Appeal No 5854 of 1994 (arising out of SLP (Civil) No 14767 of 1993)- Kumari Madhuri Patil and others V/s Additional Commissioner, Tribal Development and others. (AIR 1995 Supreme Court 1994), the Governor of Punjab is pleased to constitute a Vigilance Cell in the Directorate of Welfare of Scheduled Castes and Backward Classes, Punjab, consisting of following members to investigate the genuineness of Social Status Certificates:-

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|-----|---------------------------------------------------------------------------------|----------------------------|
| (1) | Director,
Welfare of Scheduled Castes and
Backward Classes, Punjab. | Incharge of Vigilance Cell |
| (2) | Joint Director,
Welfare of Scheduled Castes and
Backward Classes, Punjab. | Member |
| (3) | District Welfare Officer
of the district concerned . | Member |

2. Functions of Vigilance Cell, as per directions of the Hon'ble Supreme Court given in the case of Kumari Madhuri Patil, are as under:-

- (i) It shall work as nodal agency for checking the genuineness of Social Status Certificate in the State on receiving the complaints from citizens and all the Departments in the State.
- (ii) It shall arrange the inquiry by sending its officers/officials to the local place of residence and original place where the concerned candidate hails from and usually resides, or in case of migration, in the town or city, the place where he originally hailed from. District Welfare Officer shall personally verify and collect all the facts of Social Status claimed by the candidate, parents or guardian as the case may be. He shall also examine the school record, birth registration, if any. He shall also examine the parents, guardian or the candidate in relation to their caste etc. or such other persons who have knowledge of Social Status of the candidate and then submit a report to the Director

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Welfare, Punjab, together with all particulars relating to the peculiar anthropological and ethnological traits.

(iii) On receipt of the report from District Welfare officer, if it is found that the claim for the Social Status is not genuine or it is "doubtful" or spurious or falsely or wrongly claimed, Director Welfare shall issue Show Cause Notice, with a copy of the report of Vigilance Officer, to the candidate, by a registered post with Acknowledgement Due or through the Head of concerned Educational Institution/Office in which the candidate is studying or employed. Notice shall be issued to the parents/guardian in case the candidate is minor to appear before the Committee with all evidence in his/her favour. It shall be indicated in the notice that representation or reply, if any, shall be made within two weeks from the date of receipt of the notice and in no case, on request, not more than thirty days from the date of receipt of notice.

(iv) After the expiry of limitation period of the notice, Director Welfare of Scheduled Castes and Backward Classes, Punjab, shall place the case along with any representation/ reply, if any received, before the Scrutiny Committee for examination and passing appropriate orders against the guilty persons

These directions shall be meticulously followed by all concerned.

R.L.Kalsia,
Secretary to Government of Punjab,
Department of Welfare of Scheduled
Castes and Backward Classes,
Chandigarh.

No 9/12/2003-RCI/ 1607 - 1611

Dated: Chandigarh, the 10.12.2004

A copy is forwarded to

1. All the Heads of the Departments in the State,
 2. Commissioners of Divisions in the State,
 3. All Deputy Commissioners in the State,
 4. Registrar, Punjab and Haryana High Court,
 5. All District and Sessions Judges in the State,
- with the request that all cases relating to verification of Social Status Certificates, where the genuineness of such Certificates is in question, may kindly be sent to the Vigilance Cell in the Directorate of Welfare for Scheduled Caste and Backward Classes, Punjab, Chandigarh.

Ram Asra Garg
(Ram Asra Garg)
Deputy Secretary Welfare

No 9/12/2003-RCI/ 1612

Dated: Chandigarh 10.12.2004

A copy is forwarded to the Director, Welfare of Scheduled Castes and Backward Classes, Punjab, Chandigarh, for information and meticulous compliance

Ram Asra Garg
(Ram Asra Garg)
Deputy Secretary Welfare

A copy is forwarded to All Financial Commissioners/ Principal Secretaries and Administrative Secretaries to Govt. of Punjab in the State, for information and meticulous compliance.

Ram Asra Garg
(Ram Asra Garg)
Deputy Secretary Welfare

No. 9/12/2003-R.C.1/ 1613

Dated Chandigarh: 10.12.2004

To

All the Financial Commissioners,
Principal Secretaries and Administrative
Secretaries to Government of Punjab
Chandigarh:

I. D. No. 9/12/2003-R.C.1/

Dated

No. 9/12/2003-R.C.1/ 1614

Dated Chandigarh: 10.12.2004

A copy is forwarded to the Controller, Printing and Stationery, Punjab, Chandigarh, with the request that the above Notification may please be published in the Punjab Government Gazette and supply 150 copies of the notification to this department for official use.

Ram Asra Garg
(Ram Asra Garg)
Deputy Secretary Welfare
9/12/04

[Extract from the Punjab Govt. Gaz., dated the 25th November, 2011]

GOVERNMENT OF PUNJAB

DEPARTMENT OF WELFARE

(RESERVATION CELL)

Notification

The 12th September, 2011

No. 9/12/2003-RC-1/759.—In partial modification in the Notification No. 9/12/2003-RC-1, dated 10th December, 2004, the Governor of Punjab is pleased to reconstitute a State Level Scrutiny Committee consisting of the following members to verify the Social Status Certificates :—

- | | | | |
|----|-------------------------------------------------------------------------------------------------------------------|----|-----------------|
| 1. | Special/Additional/Joint Secretary to Government of Punjab Department of Welfare of SCs and BCs | .. | Chairperson |
| 2. | Deputy Secretary/Under Secretary/ Superintendent (Reservation Cell), Department of Welfare of SCs and BCs, Punjab | .. | Convener-Member |
| 3. | An IAS/PCS Officer of the Revenue Department (not below the rank of Joint Secretary to Govt. Punjab) | .. | Member |

Apart from the above, the Committee may also associate the concerned officer of the Welfare Department as and when required.

Functions of the Committee :

2. (i) The Director Welfare on receipt of the report from the District Welfare Officer, if he finds claim for Social Status to be "not genuine" or "doubtful" or spurious or falsely or wrongly claimed, shall issue show cause notice, supplying a copy of the report of District Welfare Officer, to the candidate through registered post with Acknowledgement due, or through the Head of the concerned Educational Institution/Department in which the candidate is studying or employed or direct to the concerned candidate for any other purpose. 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 any opportunity of hearing and claims an inquiry to be made in that behalf, the Director Welfare, on receipt of such representation/reply, shall convene the meeting of the committee, and the Special/Additional/Joint Secretary as Chairperson shall give reasonable opportunity to the candidate/parents/guardian to adduce all evidence in support of their claim. A public notice by beat of drum or any other convenient mode may be published in the village or locality and 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-a-vis* the objections raised by the candidate or opponent and pass an appropriate order with brief reasons in support thereof.
- (ii) In case the report is in favour of the candidate and his/her claim is found to be genuine and true, no further action need to be taken except where the report of the particulars given and procured are found to be false or fraudulently obtained and in the latter event, the same procedure as is envisaged in para 2. (i) be followed.

- (iii) Notice contemplated in para 2 (i) above should be issued to the parents/guardian also, in case the candidate is minor, to appear before the committee with all evidences in their/his support of the claim for the Social Status Certificate.
- (iv) The inquiry should be completed as expeditiously as possible preferably by day to day proceeding 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 cancelling the certificate issued and confiscate the same. It should communicate, within one month from the date of conclusion of the proceedings, the result of the inquiry to the parents/guardian and/or the applicant.
- (v) In case, the certificate obtained or the Social Status claimed is found to be false, the parents/guardian/the candidate should be prosecuted for making false claim. If the prosecution ends in conviction and sentence of the accused, it could be regarded as any offence involving moral turpitude and disqualification for elective posts or offices under the State or the Union or election to any Local Body, Legislature or Parliament.
- (vi) 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 through registered post with Acknowledgement due, with the request to cancel the admission or the appointment or the election. The principal etc. of the Educational Institution responsible for making the admission or the Appointing Authority should cancel the admission/appointment/election without any further notice to the candidate and debar the candidate for further study or to continue in office in the post or to contest the election.
- (vii) The Hon'ble Supreme Court of India in the case of **Kumari Madhuri Patil and another versus Additional Commissioner, Tribal Development and others**, AIR 1995 SC94 has, *interalia*, further laid down that the order passed by the Committee shall be final and conclusive subject to the proceedings under Article 226 of the Constitution of India.

B. S. SUDAN, IAS,
Secretary to Government, Punjab,
Department of Welfare of Scheduled Castes and
Backward Classes.