

PROCEDURE FOR VERIFICATION AND ISSUE OF SOCIAL STATUS CERTIFICATE

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Burden Of Proof by the Claimant

It is the responsibility of the applicant / parent / guardian to produce necessary evidence or documents for the satisfaction of the CA while sending application in FORM –I in case of ST Community. And also to assist the verification officers / scrutiny committee / Dist Level Committee / State Level Committee while enquiring the claims of the issue of community / nativity / DOB certificate

- On receipt of application, the Competent Authority or his delegate in this regard shall ensure that the applicant has furnished his complete information in all the columns of FORM-I.
- Then CA shall give acknowledgement slip to the applicant in token of receipt of application.

- The CA authority shall then verify the application furnished by applicant / parent / guardian in respect of information / Documents/ evidence and then issue community, nativity, and Date Of Birth certificate in FORM III within 30 Days.

- The CA shall specify in FROM – III the Sub Caste of claimant, Sub- Tribe or Sub- Group of ST Claimant assisted out in Annexure –I, appended these rules

- If the CA feels that further enquiry is necessary, shall examine the school records, birth registration certificate and also examine the parent/ guardian/ Applicant in relation to their community.

- He may also examine any other person who has the knowledge of the social status of the applicant / parent / guardian as the case may be

- The CA authority shall taken in to account, In case of ST their anthropological & ethnological traits, Deity ,rituals, customs, mode of marriage, death ceremonies etc. before issuing certificate of community and Date of Birth Certificate.

- The CA shall have power to call for further information and collect such evidence/any other documents and also conduct such enquiry as specified in FORM-IV. If demand necessary For this purpose notices will be sent in FORM –IV to the parents.

- The Notice of FORM-IV should be given 15 clear days from the date of receipt of application a notice to the parent / applicant / guardian to attend enquiry with all relevant documents, for issue of community certificate to the concerned.

- In this case the applicant should be turned up within 30 days from the date of receipt of the application by the CA. If the person failed to respond to the notice in FROM-IV the CA may reject or confirm the claim of the community based on the material on hand.

- The CA will cause enquiry following the process of Law to verify the genuineness or otherwise of the information furnished on record in FORM NO IV, The CA should give a reasonable opportunity to applicant / parent / guardian to produce evidence in support of their claim.

- A public notice by beat of drum in the locality of the village, may invite the material evidence in support or against the claim of the applicant by the public, public in the village or locality which the applicant belongs.
- If any person or association appose such claim may be given an opportunity to produce evidences.
- After giving such opportunity may make such enquiry and conceder the claim basing on the on the merits

- The CA shall requisition the services of MRI, VAO or any other local officer to assist him in conducting enquiry to verify the veracity or other wise of the claim of the community.
- Note : However the responsibility for issue or rejection of claim shall totally rest with the CA.

In respect of Tribal Communities, Who are not traditional inhabitants, the area of territorial jurisdiction of CA as specified in column number III, Annexure –I. Shall make a reference to DTWO concerned to provide such professional assistances/Tribal Research Institute to confirm or reject the claim of the applicant.

- The CA shall confirm /Reject of the claim community/ nativity / DOB after conducting enquiry as per the procedure mentioned above.(should be made within 60 days from the date of receipt of application in FORM I & II.)

- The CA in case of doubtful claims it shall be referred to the scrutiny committee i.e Joint Collector of the Dist. Under Rule 8.
- The JC and the Chairman of the scrutiny committee on the recommendation of the committee shall issue the certificate accordingly.

- On receipt of the recommendations of the scrutiny committee, the CA shall accordingly confirm/reject the claim of the applicant.

- While conducting enquiry the scrutiny committee has to verify the genuineness of the information furnished to it, and also collect evidences (Oral or Verbal) and also consider the objections if any raised by the persons/ Organizations during the course of enquiry by following the DUE PROCESS OF LAW.

DEALING WITH FRAUDULENT CLAIMS OF CERTIFICATES:

- Where the Dist. Collector received a written complaint that somebody obtained a false community, nativity & date of birth, shall refer the case to the Chairman of the Scrutiny Committee, i.e Joint Collector to conduct enquiry and send finding to the Collector, under Rule No:VIII.

- The Scrutiny Committee in such cases sent to an officer civil rights / vigilance cell (Home Dept) to personally verify and collect all the facts about the claim of the community along with the written opinion of the other members of the committee in support / against of the claim

- Where a person on whom a notice in FORM-VI served is failed to respond within a period of specified time, the committee may finalize the findings based on the material available by the Dist. Collector and also enquiry reports of the Revenue Dept. and the report of Vigilance officer.

- The Scrutiny Committee shall furnish its findings within 60 days to the Dist. Collector from the date of receipt of complaint by the Dist. Collector.

The Dist. Collector shall then decide whether the certificate is genuine or fraudulent shall pass an order. If it is fraudulent, it will be cancelled by the Dist. Collector and issue a notification to that effect in Dist. Gazette.

- The Dist. Collector shall also take necessary steps to initiate action against the erring CA under rule 13; besides the other actions specified in accordance with rule.

GENERAL APPLICATION OF RULES IN ALL CASES.

- Where a person claims to belong SC/ ST by birth, it should be verified
- the person and his parents actually belongs to SC/ST in claimants.
- Whether the community is included in the presidential order in relation to the state or not?

- That the person belongs to that state and to the area within that state in respect of which the community has been scheduled.
- If the person claims to be SC should profess whether the Hindu / Sikh religion.
- If the person claims to be ST, he may profess any religion.

CASES IF MIGRATION :

- Where a person migrates from one portion of the state to another part of the state in which the community is not schedule, he will continued to be SC/ ST in relation to that state.
- Where a person migrated from one state to another , he can claim to belong SC/ST only in relation to the state which he is originally belonged, but not in respect of the state which he has migrated.

CLAIMS THROUGH MARRIAGES

- No person who was not a SC/ST by birth will be deemed to be a member of SC/ST merely because of marriage to a person belongs to SC/ST.
- Similarly a person of SC/ST would continue a member of SC/ST as the case may be , even after his/her marriage with a person who does not belongs to SC/ST.

CASES OF CONVERSION AND RECONVERSION:

- Where a SC person gets converted to a religion other than Hinduism or Sikhism and then reconverts himself back to Hinduism or Sikhism he will be deemed to have reverted to his original SC, if he is accepted by the members of SC community.
- In case a descendent of SC convert the mere fact of conversion to Hinduism or Sikhism will not be sufficient to entitle him as SC to which his forefathers belonged to. the convert has to be accepted by the members of SC community.

CASES OF ADOPTION :

- Great care should be exercised in dealing with this type of cases for issuing community certificate's.
 - The validity has to be clearly established by the CA.
 - The burden of proof by the claimant .
- **Note** : The request of the valid adoption is laid down in sec 6 to 11 of the Hindu adoption and Maintenance Act of 1956.
- a) the actual giving and taking of the child is a mandatory
 - b) There after the child of his or her adopted father or mother for all the purpose of the child.(the severs all the ties with the family where he was born.

- Note: ordinarily no child attained 15 years / who got married can be adopted; unless there is custom or usage applicable to the parties.

BEFORE ACCEPTING THE ADOPTION THE AUTHORITY SHOULD BE SATISFIED WITH ALL REQUIREMENT GIVEN BELOW.

- a) Verify whether the child is actually living with the adopted parents or not?
- b) Or financial assistance to the child by the adopted parents.
- c) Is A and B is not satisfied the authority may refuse the case.

- If the adoption of the 15 years or above /married , the Dist Collector get it verified the validity of such adoption is also permitted by custom or usage applicable for parties
 - i. Whether particular custom existing in that particular area of Hindus / of that locality
- ✓ Valid adoption means physically transferred the child and he has severed with original parents.

NO PERSON SHALL BE CAPABLE OF BEING TAKEN IN ADOPTION UNLESS THE FOLLOWING CONDITIONS ARE FULFILLED.

- i. He or she is a Hindu
- ii. He or she has not already been adopted
- iii. He or she has not been married (unless there is a custom of usage applicable to that area).
- iv. He / She has not been completed the age of 15 years
- v. The difference of age between a female adoption to a male person should be more that 21 years.
- vi. The difference of age adopting by a male for adopting a girl should be more that 21 year.
- vii. The same child may not be adopted to 2 or more persons.

NO ADOPTION SHALL BE VALID UNLESS :-

- i. The person adopting has the capacity, and also the right to take adoption
- ii. The person giving in adoption has the capacity to do so.
- iii. The person adopted is capable of being taken into adoption: and
- iv. The adoption is made in compliance with other conditions

Any male Hindu who is of sound mind and is not a minor has the capacity to take a son or daughter in adoption.

OFF SPRINGS OF INTER CASTE MARRIED
COUPLE WHILE ISSUING OF CERTIFICATES

TO BE EXPLAINED..... ON LATEST SUPREME
COURT JUDGMENTS AND GUIDELINES ISSUED
BY THE DEPT OF TRIBAL WELFARE

THANK YOU

Questions and Answers?????