

Kolkata

The

4



Gazette

Extraordinary
Published by Authority

VAISAKHA 20]

THURSDAY, MAY 10, 2007

[SAKA 1929

PART III— Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT

Legislative

NOTIFICATION

No. 651-L.—10th May, 2007.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act IV of 2007

**THE WEST BENGAL SCHEDULED CASTES AND SCHEDULED
TRIBES (IDENTIFICATION) (AMENDMENT) ACT, 2007.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,
Extraordinary, of the 10th May, 2007.]

*An Act to amend the West Bengal Scheduled Castes and Scheduled
Tribes (Identification) Act, 1994.*

WHEREAS it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994, for the purposes and in the manner hereinafter appearing;

West Ben.
Act XXXVIII
of 1994.

It is hereby enacted in the Fifty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and
commencement.

1. (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Identification) (Amendment) Act, 2007.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
section 2 of
West Ben. Act
XXXVIII of 1994.

2. In section 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 (hereinafter referred to as the principal Act), clause (a) shall be renumbered as clause (aa) of that section and, before clause (aa) so renumbered, the following clause shall be inserted :—

‘(a) “Committee” means the State Scrutiny Committee constituted under section 8A for verification of social status of a person in whose favour a certificate is issued under section 5;’.

*The West Bengal Scheduled Castes and Scheduled Tribes (Identification)
(Amendment) Act, 2007.*

(Section 3.)

Insertion of new
sections 8A and 8B.

3. After section 8 of the principal Act, the following sections shall be inserted:—

“Constitution of
State Scrutiny
Committee and its
powers.

8A. (1) The State Government may, by order, constitute a Committee to be called the State Scrutiny Committee for verification of social status of a person in whose favour a certificate is issued under section 5.

(2) The Committee shall consist of the following Members:—

- (a) the Secretary, Backward Classes Welfare Department, Government of West Bengal. Chairperson;
Explanation.— Secretary shall include a Special Secretary,
- (b) the Commissioner, Directorate of Backward Classes Welfare, West Bengal or any officer not below the rank of Deputy Director, duly authorised by him. Convenor;
- (c) the Director, Cultural Research Institute, Backward Classes Welfare Department or any officer not below the rank of Deputy Director, duly authorised by him. Expert Member.

(3) Subject to any general or special order of the State Government, provisions of this Act and rules made thereunder, the Committee shall have powers—

- (a) to verify the social status of a person in whose favour a certificate is issued under section 5;
- (b) to issue directions to the Vigilance Cell constituted under section 8B;
- (c) to make an inquiry in connection with the contravention of any provision of this Act;
- (d) to issue notice to any person or authority in such manner as may be prescribed;
- (e) to call for information from any person or authority for the purpose of satisfying itself whether there has been any contravention of any provision of this Act or any rule or order made or direction issued thereunder;
- (f) to require any person or authority to produce or deliver any document or thing useful or relevant to the inquiry;
- (g) to examine any person acquainted with the facts and circumstances of the case;
- (h) to issue direction under sub-section (2) of section 9 to the certificate issuing authority;
- (i) to do such other things and perform such other acts not inconsistent with the provisions of this Act as may appear to be necessary or expedient for the proper conduct of its function, or which may be prescribed.

(4) The Committee shall meet at such place and time, and the meeting shall be conducted in such manner, as may be prescribed.

*The West Bengal Scheduled Castes and Scheduled Tribes (Identification)
(Amendment) Act, 2007.*

(Section 4.)

(5) All orders or directions of the Committee shall be authenticated by the Chairperson or by such officer of the Committee as may be authorised by the Chairperson on this behalf.

Constitution of
Vigilance Cell and
its powers.

8B. (1) The State Government may, by order, constitute a Vigilance Cell for each district of the West Bengal.

(2) The Vigilance Cell shall consist of—

- (a) an Officer-in-charge not below the rank of Deputy Superintendent of Police, and
- (b) such number of investigating officers not exceeding three from amongst the police officers in the rank of Inspector.

(3) Subject to any general or special order of the State Government or the provisions of this Act and rules made thereunder, the Vigilance Cell shall have powers—

- (a) to inquire the cases relating to social status claims of a person in whose favour a certificate is issued under section 5;
- (b) to make an inquiry in connection with the contravention of any provision of this Act;
- (c) to issue notice to any person or authority in such manner as may be prescribed;
- (d) to call for information from any person or authority for the purpose of satisfying himself whether there has been any contravention of any provisions of this Act or any rule or order made or direction issued thereunder;
- (e) to require any person or authority to produce or deliver any document or thing useful or relevant to the enquiry;
- (f) to examine any person or authority acquainted with the facts and circumstances of the case;
- (g) to do such other things and perform such other acts not inconsistent with the provisions of this Act as may appear to be necessary or expedient for the proper conduct of its function, or which may be prescribed.”.

Amendment of
section 9.

4. Section 9 of the principal Act shall be renumbered as sub-section (1) of that section and, after sub-section (1) so renumbered, the following sub-section shall be inserted:—

“(2) Notwithstanding anything contained in sub-section (1), if the Committee is satisfied that a certificate under this Act has been obtained by any person by furnishing any false information or by misrepresenting any fact or by suppressing any material information or by producing any document which is an act of forgery, it may issue a direction to the certificate issuing authority, in such manner as may be prescribed, to cancel, impound or revoke such certificate and, on receipt of such direction, the certificate issuing authority shall, by order in writing, cancel, impound or revoke such certificate.”.

*The West Bengal Scheduled Castes and Scheduled Tribes (Identification)
(Amendment) Act, 2007.*

(Sections 5,6.)

Amendment of
section 10.

5. In section 10 of the principal Act, for the words "shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees", the words "shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees" shall be substituted.

Insertion of
new section 11A.

6. After section 11 of the principal Act, the following section shall be inserted:—

"Verification of
certificate.

11A. (1) If the appointing authority or the head of an establishment, from which a person in whose favour a certificate is issued under section 5 is going to derive benefit as a holder of the certificate, has any doubt that such certificate has been obtained by furnishing false information or by misrepresenting any fact or by suppressing any material information or by producing any document which is an act of forgery, it shall send an application alongwith the certificate to the Committee for verification.

Explanation.— The expressions "appointing authority" and "establishment" shall have the meaning respectively as assigned to them in clauses (a) and (b) of section 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

West Ben. Act
XXVII of 1976.

(2) The Committee shall dispose of the application referred to in sub-section (1) in such manner as may be prescribed."

By order of the Governor,

S. K. CHAKRABARTI,
*Pr. Secy. to the Govt. of West Bengal,
Law Department.*