



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ९६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Scheduled Castes, Scheduled Tribe, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate (Amendment) Bill, 2018 (L.A. Bill No. XLI of 2018), introduced in the Maharashtra Legislative Assembly on the 4th July 2018, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XLI OF 2018.

A BILL

to amend the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to amend the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special

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Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, for the purposes hereinafter appearing; and therefore, promulgated the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate (Amendment) Ordinance, 2018 on the 24th June 2018 ;

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AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 24th June 2018.

Insertion of a new section 4A in Mah. XXIII of 2001.

2. After section 4 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (hereinafter referred to as “the principal Act”), the following section shall be inserted, namely :—

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Temporary provisions for admission in certain professional courses for academic year 2018-2019.

“4A. (1) The provisions of this section shall apply in respect of admission to the professional courses for the academic year 2018-2019.

(2) Notwithstanding anything contained in this Act, a person possessing a Caste Certificate and who has applied for or on whose behalf an application is made by the educational institution for verification of Caste Certificate and issue of validity certificate, and the same is pending before the Scrutiny Committee shall be eligible for participating in the admission process on the basis of Caste Certificate, subject to the following conditions, namely :—

(i) he shall produce a proof to the effect that he has made an application for issue of validity certificate to the Scrutiny Committee or that such application has been made on his behalf to the Scrutiny Committee.

(ii) he shall produce his validity certificate to the admission authorities on or before such date as may be specified by the Admissions Regulating Authority in consultation with the State Government:

Provided that, the date referred to in clause (ii) shall be before the date of closure of admission process in respect of the admission to the concerned professional course for the academic year 2018-2019.

(3) Upon failure to produce validity certificate on or before such date specified by the Admissions Regulating Authority under sub-section (2), the provisional admission secured, if any, against reserved seat, shall be deemed to be cancelled.

(4) Nothing in sub-section (3) shall be construed as preventing the relevant authority for considering such person eligible for admission to the professional course, from the open category in accordance with the law for the time being in force.

Explanation.—For the purposes of this section, the term,—

- (i) “admission process” means the admission process for the professional courses;
- (ii) “professional course” means the educational course of study notified as professional course under the provisions of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 or any other law for the time being in force;
- (iii) “Admissions Regulating Authority” means the Authority constituted by the Government under the provisions of the said Act of 2015.”.

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3. (1) The Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate (Amendment) Ordinance, 2018, is hereby repealed.

Repeal of
Mah. Ord. XVII
of 2018 and
saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001) has been enacted to provide for regulation of the issuance and verification of Caste Certificate to the persons belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (for short "reserved category") and for matters connected therewith or incidental thereto.

Sub-section (2) of section 6 of the said Act provides that any person desirous of availing of the benefits for the reserved category shall make an application to the Scrutiny Committee for verification of the Caste Certificate obtained by him from the Competent Authority and issue of a validity certificate.

2. The admission process for various professional courses in the State is likely to be completed in the immediate near future. It had been brought to the notice of the State Government that a large number of proceedings for verification and issue validity certificates, preferred either by the students who have obtained Caste Certificate, or on whose behalf the application for verification and grant of validity certificate have been preferred by the concerned educational institutions, to the concerned Scrutiny Committee are pending. It had been brought to the notice of the State Government that as a result, a large number of students could not seek admissions to the professional courses based on their caste claim.

3. It was, therefore, considered expedient to immediately amend the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001), temporarily with a view to allow the students to participate in admission process for such professional courses on the basis of submission of a proof of having made an application for issue of validity certificate to the Scrutiny Committee. It was also considered expedient to provide that if such student fails to produce the validity certificate before the date specified by the Admissions Regulating Authority, the provisional admission secured by such student, if any, against the reserved category shall be deemed to be cancelled. It was proposed to restrict the operation of the proposed provisions only for academic year 2018-2019.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to amend the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001), for the purposes aforesaid, the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward category (Regulation of Issuance and Verification of) Caste Certificate (Amendment) Ordinance, 2018 (Mah. Ord. XVII of 2018), was promulgated by the Governor of Maharashtra on the 24th June 2018.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,

Dated the 27th June 2018.

VISHNU SAVARA

Minister for Tribal Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :-

Clause 2.—Under this clause, power is taken to the Admissions Regulating Authority to specify, in consultation with the State Government, the dates on or before which a person who is allowed to participate in the admission process for certain professional courses in the academic year 2018-2019 on the basis of Caste Certificate shall produce his Validity Certificate to the admission authorities.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.