



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ८६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि 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 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), 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.

[Translation in English 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 (Amendment) Ordinance, 2018 (Mah. Ord. XVII of 2018), published under the authority of the Governor].

TRIBAL DEVELOPMENT DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 24th June 2018.

MAHARASHTRA ORDINANCE No. XVII OF 2018.

AN ORDINANCE

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 are not in session;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render 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;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title and commencement.

1. (1) This Ordinance 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) Ordinance, 2018.

(2) It shall come into force at once.

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, the following section shall be inserted, namely :—

Mah. XXIII of 2001.

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;

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- (ii) "professional courses" means the educational course of study notified as professional courses under the provisions of 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."

STATEMENT

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 Schedules 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 has 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 has been brought to the notice of the State Government that as a result, a large number of students cannot seek admissions to the professional courses based on their caste claim.

3. It is, 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 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 is also considered expedient to provide that if such student fails to produce the validity certificate before the date specified by the Admission Regulatory Authority, the provisional admission secured by such student, if any, against the reserved category shall be deemed to be cancelled. It is proposed to restrict the operation of the proposed provisions only for academic year 2018-2019.

4. As both Houses of the State Legislature are not in Session and the Governor of Maharashtra is satisfied that circumstances exist which render 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, this Ordinance is promulgated.

Mumbai,

Dated the 23rd June 2018.

CH. VIDYASAGAR RAO,

Governor of Maharashtra.

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

MANISHA VARMA,

Principal Secretary to Government.