

महाराष्ट्र शासन राजपत्र
असाधारण भाग आठ

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असाधारण क्रमांक ९०

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 Schedule 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) Bill, 2026 (L. A. Bill No. LXI of 2026), introduced in the Maharashtra Legislative Assembly on the 9th July 2026, is hereby published under the authority of the Governor.

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

SUPRIYA DHAWARE,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. LXI OF 2026.

A BILL

further 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.

WHEREAS it is expedient further 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, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-seventh Year of the Republic of India as follows :—

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, 2026.

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

(1)

Amendment
of section 2 of
Mah. XXIII of
2001.

2. In section 2 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”), after clause (d), the following clauses shall be inserted, namely :—

Mah.
XXIII of
2001.

“(d-1) “fake Caste Certificate” means the Caste Certificate purporting to have been issued by the Competent Authority but which in fact is not issued by the said Authority;

(d-2) “fake validity certificate” means the validity certificate purporting to have been issued by the Scrutiny Committee but which in fact is not issued by the Scrutiny Committee;

(d-3) “false Caste Certificate ” means the Caste Certificate obtained by furnishing false information or filing false statements or documents or by any other fraudulent means;

(d-4) “false validity certificate” means the validity certificate obtained by furnishing false information or filing false statements or documents or by any other fraudulent means;”.

Deletion of
section 4A of
Mah. XXIII of
2001.

3. Section 4A of the principal Act shall be deleted.

Amendment
of section 5 of
Mah. XXIII of
2001.

4. In section 5 of the principal Act, in the marginal note, for the word “Appeal”, the words “Appeal against order of Competent Authority” shall be substituted.

Insertion of
new sections
6A and 6B in
Mah. XXIII of
2001.

5. After section 6 of the principal Act, the following sections shall be inserted, namely :—

Review.

“6A. (1) Where,—

(i) the Scrutiny Committee has received any adverse evidence in respect of claim of any person belonging to a particular caste, tribe, classes or category; or

(ii) blood relatives of any person has obtained the validity certificate by fraud or misrepresentation or concealing the material facts; or

(iii) the Scrutiny Committee has come to conclusion that while granting the validity certificate to any person or his blood relatives, the Scrutiny Committee has, ignored the material facts, substantial or vital evidence or there is an error apparent on the face of the record, or has not conducted proper enquiry or not recorded reasons therefor or not followed the due process of law,

the Scrutiny Committee may, *suo motu* review the orders of granting the validity certificates to any person or his blood relatives or family members of such person :

Provided that, the Scrutiny Committee shall not pass any order in review, unless an opportunity of being heard is given to the person affected.

(2) The Scrutiny Committee may after review, by an order after recording reasons therefor, either retain the validity certificate or cancel and confiscate the validity certificate and the Caste Certificate and communicate the same to the concerned person and to the concerned appointing authority or educational institution or any other concerned authority.

6B. (1) Any person aggrieved by an order of the Scrutiny Committee under section 6, 6A or 7 may, within ninety days from the date of receipt of such order, file an appeal before the Appellate Authority, as specified by the Government, by notification in the *Official Gazette*. Appeal against order of Scrutiny Committee.

(2) The Appellate Authority shall within a period of three months from the date of receipt of an appeal and after giving the appellant an opportunity of being heard pass such orders as it deems fit.

(3) The order passed by the Appellate Authority under this section shall be final and shall not be challenged before any authority or court, except the High Court under article 226 of the Constitution of India.”

6. In section 7 of the principal Act,—

(1) in sub-section (1), for the words “certificate was obtained fraudulently,”, the words “certificate is fake or false,” shall be substituted; Amendment of section 7 of Mah. XXIII of 2001.

(2) sub-section (2) shall be deleted;

(3) in the marginal note, after the words “false Caste Certificate”, the words “or fake Caste Certificate” shall be added.

7. After section 7 of the principal Act, the following section shall be inserted, namely :— Insertion of section 7A in Mah. XXIII of 2001.

“7A. (1) Where the Scrutiny Committee has passed an order that the Caste Certificate is fake or false then it shall direct the concerned Competent Authority to file the First Information Report against the person who has submitted such fake or false Caste Certificate to the concerned police station within jurisdiction of Competent Authority. Complaint against holder of fake and false certificate.

(2) The Competent Authority or the officer authorised by it in this behalf shall file the First Information Report against the holder of false Caste Certificate or fake Caste Certificate.

(3) The Member-Secretary of the Scrutiny Committee or officer authorized by him shall file the First Information Report against the holder of fake validity certificate or false validity certificate.”

8. In section 9 of the principal Act, after clause (e), the following clauses shall be added, namely :— Amendment of section 9 of Mah. XXIII of 2001.

“(f) requiring the discovery and production of any document from any office or authority from other State;

(g) any other matter as may be prescribed.”

9. In section 10 of the principal Act,—

Amendment of section 10 of Mah. XXIII of 2001.

(1) in sub-section (1), for the words “false Caste Certificate,” the words “fake Caste Certificate or false Caste Certificate” shall be substituted;

(2) in sub-section (3), for the word “false”, the words “fake or false” shall be substituted ;

(3) in sub-section (4), for the words “false Caste Certificate,” at both the places where it occurs, the words “fake Caste Certificate or false Caste Certificate” shall be substituted ;

(4) after sub-section (4), the following sub-section shall be added, namely :—

“(5) After Caste Certificate has been cancelled and confiscated by the Scrutiny Committee, the concerned Appointing Authority, Local Authority, Government, Educational Institution, Statutory Body or Agency shall take action for withdrawal of benefits given to such person,—

(a) within thirty days from the date of order of the Appellate Authority if appeal is filed, and it is rejected by the Appellate Authority;

(b) within thirty days from the lapse of appeal period specified in sub-section (1) of section 6B, if appeal is not filed.” ;

(5) in the marginal note, after the words “false Caste Certificate”, the words “, fake Caste Certificate” shall be inserted.

10. In section 11 of the principal Act,—

(1) in sub-section (1),—

(i) after clause (a), the following clauses shall be inserted, namely:-

“(a-1) obtains a false validity certificate by furnishing false information or filing false statement or documents or by any other fraudulent means ; or

(a-2) submits the fake Caste Certificate or fake validity certificate ; or” ;

(ii) in clause (b), for the words “false Caste Certificate”, the words “fake Caste Certificate or false Caste Certificate” shall be substituted;

(iii) for the words “two thousand rupees, but which may extend upto twenty thousand rupees or both”, the words “twenty thousand rupees, but which may extend to fifty thousand rupees, or with both” shall be substituted;

(2) for sub-section (2), the following sub-sections shall be substituted, namely :—

“(2) No court shall take cognizance of an offence punishable under this section except,—

(a) upon a complaint in writing made by the Competent Authority or Scrutiny Committee or any officer duly authorized by the Competent Authority or Scrutiny Committee, for this purpose; or

(b) upon a police report of facts which constitute an offence :

Provided that, such police report is based on the First Information

Report filed by a officer who is authorized to file a First Information Report under section 7A.

(3) If any officer duly authorized by the Competent Authority or Scrutiny Committee, fails to file a First Information Report or willfully delays in filing a First Information Report against person who has obtained benefits based on a fake Caste Certificate or false Caste Certificate, such officer shall be liable for penalty of twenty thousand rupees and also be liable for disciplinary action, under the service rules applicable to him.”.

11. In section 12 of the principal Act,—

Amendment of section 12 of Mah. XXIII of 2001.

2 of 1974.
46 of 2023.

(1) for the words and figures “the Code of Criminal Procedure, 1973” the words and figures “the Bharatiya Nagarik Suraksha Sanhita, 2023” shall be substituted ;

(2) in clause (b), for the words, figures and brackets “sections 262 except sub-section (2) to 265 both inclusive of that Code” the words, figures and brackets “sections 285 (except sub-section (2) thereof), 286 to 288 (both inclusive) of the said Sanhita” shall be substituted.

12. In section 13 of the principal Act, in sub-section (1), for the words “two thousand rupees, but which may extend upto twenty thousand rupees or both” the words “twenty thousand rupees, but which may extend to fifty thousand rupee, or with both” shall be substituted.

Amendment of section 13 of Mah. XXIII of 2001.

13. In section 16 of the principal Act, for the words “any person for anything”, the words “Competent Authority or members of Scrutiny Committee or Appellate Authority or any person in respect of anything” shall be substituted.

Amendment of section 16 of Mah. XXIII of 2001.

14. In section 18 of the principal Act, to sub-section (1), the following proviso shall be added, namely :—

Amendment of section 18 of Mah. XXIII of 2001.

“Provided that, if the State Government is of the opinion that any rules should be brought into force at once, such rules may be made without previous publication.”.

15. (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions, not inconsistent with the provisions of the principal Act, as amended by this Act, as may appear to it to be necessary or expedient for the purposes of removing the difficulty:

Power to remove difficulties.

Provided that, no such order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order issued under sub-section (1) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature.

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) is enacted to provide for regulation of the issuance and verification of Caste Certificates to the persons belonging to reserved categories mentioned therein.

2. It is brought to the notice of the State Government that, adverse evidence has been found in large number of cases against the claim of applicants belonging to tribes or other reserved categories; the Caste Certificates and validity certificates were obtained by fraud, misrepresentation or suppression of vital documents by applicants and their blood relatives and therefore, the genuine persons belonging to the of reserved categories are deprived from getting benefits of reservation due to such *pseudo* or bogus claimants.

3. At present, the said Act does not provide for appeal against the order of the Scrutiny Committee, therefore large numbers of Writ Petitions are filed before the High Court against the orders of Scrutiny Committees.

4. The Government has constituted a Committee under the Chairmanship of retired Justice Shri P. V. Hardas, to examine the difficulties faced in issuing validity certificates and to give recommendations to the Government. The said Committee has submitted its report to the Government whereby the Committee has suggested certain amendments to the said Act and rules made thereunder. The said report is considered by the Government.

5. In view of the above, to ensure that the genuine members of reserved categories receive validity certificate and *pseudo* or bogus claimants are prevented from getting Caste Certificates and validity certificates and benefits meant for the reserved categories, the Government of Maharashtra considers it expedient to amend the said Act, suitably.

6. The salient features of the proposed amendments are as follows, namely :—

(a) to provide definitions of the terms “fake Caste Certificate”, “fake validity certificate”, “false Caste Certificate” and “ false validity certificate”;

(b) to provide explicit provision for review by the Scrutiny Committee of its orders in certain cases ;

(c) to provide for appointment of Appellate Authority for hearing appeals against the orders of Scrutiny Committee ;

(d) to provide for filing of the First Information Report (F.I.R.) of offences under the said Act and taking cognizance of offences by the court upon police report ;

(e) to provide for enhancement of fine for the offence ;

(f) to provide protection for acts done in good faith in pursuance of the said Act or rules by the Competent Authority or members of Scrutiny Committee or Appellate Authority, specifically.

7. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 8th July 2026.

DR. ASHOK WOUIKE,
Minister for Tribal Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 1 (2).—Under this clause, power is taken to the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 5.— Under this clause, which seeks to insert new sections 6A and 6B in the principal Act, in proposed sub-section (1) of section 6B, power is taken to the State Government, to specify the Appellate Authority, by notification in the *Official Gazette*.

Clause 15.— Under this clause, power is taken to the State Government to issue an order published in the *Official Gazette*, for removing any difficulty, which may arise in giving effect to the provisions of principal Act, as amended by this Act, within a period of two years from the date of commencement of this Act.

2. The above-mentioned proposals for delegation of legislative power are of normal character.