

- 4 It has however been observed that the appointing authorities are not generally incorporating the above clause in the offers of appointment. The Commission, therefore, recommends that non-inclusion of the above clause in the officers of appointment should be treated as a serious lapse and necessary disciplinary action taken against the officers issuing the offer. 8.21
- 5 The concept of verification and cancellation is quite different. Verification needs an enquiry by the component authority either directly or through the subordinate officers whereas the process of cancellation is quasi-judicial one. Under the process of cancellation, the competent authority holds an enquiry, record the oral and documentary evidences, and give reason on findings arrived at. The competent authority directs the issuing authority to prove that the said certificate has not been issued wrongly, as the burden lies on the issuing authority and not on the certificate holder. The certificate holder can not be called upon to justify the validity of the certificate. In case the competent authority is satisfied that the certificate is invalid, may order that the certificate is cancelled and the incumbent may also be prosecuted for procuring the certificate on the basis of false and fabricated documents. On receipt of cancellation order the appointing authority may issue show cause notice and terminate the service as the persons managed to get job reserved for Scheduled Caste or Scheduled Tribe on the basis of false /fake document. 8.21
- 6 Government of India, Department of Personnel and Training should issue necessary instruction to ensure the compliance of prescribed procedures and guidelines by the appointing authorities so that persons entering into service on the basis of false caste certificates may not be able to get stay against disciplinary proceedings on technical grounds. A clause may be incorporated in the instructions that the cases of technical lapses arising out of non-compliance of guidelines will be seriously viewed and stringent action would be taken against the authority concerned. Similarly certificate issuing authorities should also be made accountable for issuing false certificates. In this regard, as suggested by the Commission earlier a comprehensive bill to regulate the issue of community certificate relating to persons belonging to SC,ST and OBC should be introduced in the Parliament. This would prove to be a milestone in curbing the menace of false community certificate if it is enacted by the Parliament. The Commission, therefore, recommends that the bill should be introduced in the Parliament as early as possible incorporating the suggestions and recommendations of the Commission. 8.21

#### CHAPTER IX. CRIMES AND ATROCITIES

- 1 All efforts should be made by the State/UT Govts. to prevent atrocities and appropriate action be taken under SC & ST (POA) Act & Rules. 9.38