

**GOVT OF NATIONAL CAPITAL TERRITORY OF DELHI**  
**REVENUE DEPARTMENT**  
**C.C. SECTION, ROOM NO-206, B-BLOCK**  
**SHAM NATH MARG, DELHI-54**

F.No. 87(198)/DC/CCS/ HQ/OBC/2020/1029-32

Dated: 13/07/2022

**CIRCULAR**

**Sub: Receipt of Offline Application for Certificates and Not to refuse the Application for SC Caste Certificate to the children of a Divorced/Separated/ Single Mother.**

It has come to the notice of Competent Authority that some of the Districts are not accepting Offline Applications for any category of Certificate. However, this office has never issued any such instruction for non receipt of Offline Applications. In this regard, casual approach of the Officers/officials is unacceptable and District Magistrates have to ensure that no such incident occurred forthwith and if any such position prevalent in any of the Sub-Divisions under their jurisdictions, please take necessary action.

Further, representations have also been received regarding denial of offline Applications for issuance of SC/ST Certificates to the children of a Divorced/Separated/Single Mother in the Tehsil/Sub-Divisional Offices. In this regard, attention is invited towards the Circular No.87(155)/CCS/SOP/REV/HQ/ 2020/7378 dated 20.07.2020 (copy enclosed) wherein necessary directions were issued to all Certificate issuing Authorities in the Districts regarding amendment in SOP for issuance of SC/ST Certificates to the children of a Divorced/Separated/Single Women, in accordance with the letter dated 03.10.2019 received from the Ministry of Social Justice and Empowerment, Department of Social Justice & Empowerment, Govt. of India.

Therefore, it is once again reiterated that all District Authorities have to ensure the compliance of instructions/guidelines issued for issuance of SC/ST Caste Certificate to the Children of a Divorced/Separated/Single women already communicated vide Circular dated 20.07.2020 in letter & spirit.

This issues with the prior approval of Principal Secretary-cum-Divisional Commissioner, Revenue Department, GNCTD.

**Encl: As above.**



**SDM-IV (HQ)**  
**(CCS BRANCH)**

F.No. 87(198)/DC/CCS/ HQ/OBC/2020/1029-32

Dated: 13/07/2022

Copy for information to:

1. All DMs, ADMs, SDMs, Tehsildars, Revenue Department, GNCTD for compliance.
2. PS to Divisional Commissioner, Revenue Department, 05, Sham Nath Marg, Delhi 54.
3. PA to Deputy Commissioner (HQ-III), Revenue Department, 05, Sham Nath Marg, Delhi.
4. SSA (IT), Revenue Department, with the request to upload the circular on the website of Revenue Department, GNCTD.

  
**SDM-IV (HQ)**  
**(CCS BRANCH)**

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14/7/2022

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DE(O) (HQ) / DE (AS) 14/7

F. No.37(155)/CCS/SOP/REV/IQ/2020/3378

Dated-20/7/2020

CIRCULAR

**Sub - Amendment in Simplified Procedure for Issuance of SC/STs Certificate.**

As per existing instructions regarding issue of Scheduled Caste/ Scheduled Tribe Certificates, the applicant is required to produce a caste certificate of a relative from the paternal side. However, in W.P.C no. 8780/2019, Rummy Chowdhary vs. The Department of Revenue Govt. of NCT Delhi & Anr. The Hon'ble High Court of Delhi reference letter no. 12017/02/2017-SCD (R.L. Cell) dated 03.10.2019 received from Government of India, Ministry of Social Justice and Empowerment, Department of Social Justice and Empowerment, Shastri Bhawan, New Delhi (copy enclosed) has held as under:

".....the practice of issuance of caste certificate based on the caste of father is not without exceptions. In certain cases, where it is established that the children have grown up in a notified community or tribe and have suffered all the disadvantages and deprivations belonging to such community, the office order could not come in the way of issuance of caste certificate certifying that the applicants belong to caste of their mother."

The Supreme Court in Rameshbhai Dabhai Naika Vs. State of Gujarat and Ors. [(2012) 3 SCC 400] held as follows:-

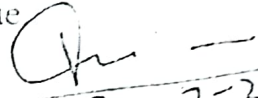
"...In an inter-caste marriage or a marriage between a tribal and a non tribal there may be a presumption that the child has the caste of the father. This presumption may be stronger in the case where in the inter-caste marriage or a marriage between a tribal and a non-tribal the husband belongs to a forward caste. But by no means the presumption is conclusive or irrebuttable and it is open to the child of such marriage to lead issuance to show that he/she was brought up by the mother who belonged to the scheduled caste/scheduled tribe. By virtue of being the son of a forward caste father he did not have any advantageous start in life but on the contrary suffered the deprivations, indignities, humiliations and handicaps like any other member of the community to which his/her mother belonged. Additionally, that he was always treated a member of the community to which her belonged, not only by that community but by people outside the community as well."

Therefore all certificates issuing authorities in the districts are directed to note that where it is established that child has been brought up in the surrounding of a notified community to which the mother belongs to and has suffered the deprivations, indignities, humiliations and handicaps like any other member of that community and he or she was always treated as a member of mothers community not only by that community but by people outside the community as well, then such a child of separated/divorced/single women has to be treated as a member of the Scheduled Caste Community and would be entitled to receive benefits as such. However, each individual case will have to

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IT Branch is directed to make provision in the software for giving the option of issue of SC/ST certificates on the basis of previous certificate of relative on maternal side.

The issues with the prior approval of Minister of Revenue

  
20-7-20

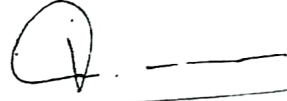
**RAJVIR SINGH**  
**SDM IV (HQ)**

F. No. 87(155)/CCS/SOP/REV/HQ/2020/7378

Dated-20/7/2020

Copy to:-

1. All DM's
2. Director (Admn.) Ministry of Social Justice and Empowerment
3. PA to Divisional Commissioner
4. PA to All DC-1, DC-2, DC-3

  
20-7-20

**RAJVIR SINGH**  
**SDM IV (HQ)**

o/c



GOVT. OF NCT OF DELHI  
 10 OCT 2019  
 GAD/2019/48112  
 DIV. NO.



No. 12017/02/2017-SCD (R.L.Cell)  
 Government of India  
 Ministry of Social Justice and Empowerment  
 Department of Social Justice and Empowerment

Divisional Commission, Jnr GNCT Delhi  
 Letter No. 11 OCT 2019  
 C.O. No. 25999

Shastri Bhawan, New Delhi  
 Dated: 03.10.2019

The Chief Secretaries of All the State Governments and Union Territory Administrations.

Subject: Caste status of offspring of separated/ divorced/ single women.

10 OCT 2019

Sir,

I am directed to say that comprehensive legal position about the status of the offsprings born to couples where one or both of the spouses is/are member (s) of Scheduled Castes and or Scheduled Tribes was circulated vide Ministry of Home Affairs letter No. 39/37/73-SCT-I dated 21.05.1977. It has been represented to this Department that the said guidelines are silent regarding caste status of offsprings of separated/ divorced/ single women i.e. whether caste certificate can be issued to the children of separated/ divorced/ single women on the basis of caste of their mother.

2. The Supreme Court in Rameshbhai Dabhai Naika Vs. State of Gujarat and Ors. [(2012) 3 SCC 400] held as follows :-

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"... In an inter-caste marriage or a marriage between a tribal and a non-tribal there may be a presumption that the child has the caste of the father. This presumption may be stronger in the case where in the inter-caste marriage or a marriage between a tribal and a non-tribal the husband belongs to a forward caste. But by no means the presumption is conclusive or irrebuttable and it is open to the child of such marriage to lead evidence to show that he/she was brought up by the mother who belonged to the scheduled caste/scheduled tribe. By virtue of being the son of a forward caste father he did not have any advantageous start in life but on the contrary suffered the deprivations, indignities, humiliations and handicaps like any other member of the community to which his/her mother belonged. Additionally, that he was always treated a member of the community to which her mother belonged, not only by that community but by people outside the community as well."

3. GNCT of Delhi's instructions on issuance of caste certificate inter-alia require the applicant to produce a caste certificate of a relative from the paternal side. The said instructions were challenged in Delhi High Court in the case of Romy Chowdhury Vs. The Department of Revenue, Government of Delhi & Anr (W.P. (C) No. 8780 of 2019). The Hon'ble Court in its order dated 14.08.2019 inter-alia held as under:-

14/10/19  
 SDM-CCS  
 1104/SOM-IV  
 15/10/19  
 1104/SOM-IV  
 15/10/19

"... the practice of issuance of caste certificate based on the caste of father is not without exceptions. In certain cases, where it is established that the children have grown up in a notified community or tribe and have suffered all the disadvantages and deprivations belonging to such community, the office order could not come in the way of issuance of caste certificate certifying that the applicants belongs to caste of their mother."

Spl. CEO DDMA/Dy Commissioner (HO)-II  
 Diary No. 5447  
 Date 14/10/19  
 S. Sham Nath Marg, Delhi-54

*[Handwritten signature]*

Contd. on 2/-

In view of above observations by the Supreme Court and Delhi High Court, where it is established that the child has been brought up in the surroundings of a notified community to which the mother belongs to and has suffered the deprivations, indignities, humiliations and handicaps like any other member of that community and he or she was always treated as a member of the mother's community not only by that community but by people outside the community as well, then such a child of separated/ divorced/ single women has to be treated as a member of the Scheduled Caste community and would be entitled to receive benefits as such. However, each individual case will have to be examined in the light of existing facts and circumstances in such cases.

5. It is requested that these instructions may be circulated among all the authorities empowered to issue Scheduled Caste certificates.

Yours faithfully



03.10.2019

(Bharat Lal Meena)

Director (Admn)

Encl: as above.

No. 12017/02/2017-SCD (R.L. Cell), New Delhi, dated: 03.10.2019

Copy forwarded for information and necessary action to:

1. All Central Ministries/Departments of Government of India.
2. The Secretary, Union Public Service Commission, Dholpur House, New Delhi-110069.
3. The Chairperson, Staff Selection Commission, Block No.-12, CGO Complex, Lodhi Road, New Delhi.
4. The Comptroller & Auditor General of India, Pocket-9, Deen Dayal Upadhyay Marg, New Delhi-110124.
5. Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110001.
6. The Secretary, National Commission for Scheduled Castes, Lok Nayak Bhawan, Khan Market, New Delhi - 110003.



03.10.2019

(Bharat Lal Meena)

Director (Admn)