

GAHC010063522026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/27/2026

SHRI RAKESH HAZARIKA
S/O LOHIT CHANDRA HAZARIKA, EXECUTIVE DIRECTOR, CENTRE FOR
EFFICIENT GOVERNANCE, C3, 3RD FLOOR, BLOCK C, TALUKDAR
COMPLEX, NEW MARKET, SONAPUR, DIMORIA CO-DISTRICT, KAMRUP
METROPOLITAN DISTRICT, ASSAM, PIN- 782402.

VERSUS

UNION OF INDIA AND 6 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF LAW AND JUSTICE,
4TH FLOOR, A-WING, SHASTRI BHAWAN, NEW DELHI - 110001.

2:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTION COMMISSIONER OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI
PIN- 110001.

3:THE CHIEF ELECTORAL OFFICER
ASSAM BLOCK C
4TH FLOOR ASSAM SECRETARIAT
DISPUR
GUWAHATI 781006.

4:STATE ELECTION COMMISSION
ASSAM
SIX MILE PANJABARI ROAD
GUWAHATI 781037.

5:THE CHAIRMAN
STATE LEVEL SCRUTINY COMMITTEE/ SECRETARY TO THE

GOVERNMENT OF ASSAM
DEPARTMENT OF TRIBAL AFFAIRS PLAIN
DISPUR
ASSAM 781006.

6:ASOM ANUSUCHIT JATI PARISHAD
DR. B R AMBEDKAR BHAWAN
UZAN BAZAAR
M.C ROAD
PADUMPUKHURI
GUWAHATI 781001.

7:THE JOINT DIRECTOR
ASSAM INSTITUTE OF RESEARCH FOR TRIBALS AND SCHEDULED
CASTES
ASSAM
BASISTHA ROAD
JAWAHAR NAGAR
BELTOLA
TINIALI
GUWAHATI
ASSAM 781022

For the appellant/petitioner(s) : Mr. P. Bhowmik, Advocate
Mr. J. Lotha, Advocate

For the Respondent(s) : Ms. S. Katakey, SC, ECI
Mr. R. Dhar,
SC, Tribal Affairs (Plains)

- B E F O R E -

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

01.04.2026
(AshutoshKumar, CJ)

We have heard Mr. P. Bhowmik, learned Advocate for the petitioner, and Ms. S. Katakey, learned Standing Counsel, Election Commission of India, and Mr. R. Dhar, learned Standing Counsel, Tribal Affairs (Plains).

Through this petition, the petitioner seeks redressal of a systemic issue

in the electoral process in the State of Assam, with respect to reserved constituencies. In this petition, direction has been sought to the respondents for creation or strengthening of a mechanism to verify the caste status of the candidates, before they file nomination papers for election to the Legislative Assembly/Parliament, so as to ensure that only the genuine SC/ST candidates can contest elections from the constituencies reserved exclusively for SC/ST candidates. Currently, the practice is of the candidates submitting caste certificate which, in most of the cases, are issued based on the recommendation from the SC/ST community/association.

The contention of the petitioner is that this practice of issuing caste certificate based on the recommendations of the community/association is prone to misuse, as there is always the risk of the persons with fake certificate or incorrect claims being allowed to contest and win elections from the reserved seats meant for genuine SC/ST candidates. If this happens, it would undermine the Constitutional goal of representation of these disadvantaged communities under Article 330 and 332 of the Constitution of India.

A proposal has been made in this petition of making the submission of a "verification certificate" from the State Level Scrutiny Committee mandatory at the stage of filing the nomination papers, in addition to the regular caste certificate. It is contended that this would, perhaps, ensure that only authentic SC/ST candidates represent the reserved constituencies, preventing fake claims.

The petitioner relies on the Hon'ble Supreme Court's judgment in ***Kumari Mahuri Patil & Anr. Vs. Additional Commissioner, Tribal Development &***

Ors.: (1994) 6 SCC 24, where guidelines have been laid down to curb fake caste certificates. In that case, a direction had been issued to the States to constitute State Level Scrutiny Committees to verify the genuineness of the claims of the persons and the certificates issued to them in this regard. Composition of such committees included responsible officers of the respective States, who have expertise in identification of the tribal people.

In fact, in **Kumari Mahuri Patil** (supra), the Supreme Court also has recommended for setting of a vigilance cell, headed by a senior police officer, to investigate the claims and counter claims.

It is admitted in this petition that the State of Assam has constituted such State Level Scrutiny Committee with back-up support from the Assam Institute of Research for Tribals and Scheduled Castes (AIRT&SC), which maintains the relevant data and which has been made a party in this petition as respondent No. 7.

It is contended that as on date there are about 2000 complaints pending before the State Level Scrutiny Committee, which exposes the system to vulnerability. Many examples have been cited in the petition, where persons not belonging to SC/ST community have been given the advantage of caste certificate in the absence of proper scrutiny and verification.

Under the afore-noted background facts, the prayer made in this petition is for a direction to the respondents to make it compulsory for the State Level Scrutiny Committee to ensure that a prospective candidate for election in the reserved constituencies in the State of Assam actually belongs to SC/ST community, or else, to suggest any mechanism for

ensuring a full-proof, fail-safe scrutiny of the candidates.

The grievance appears to be genuine, as use of fake caste certificates is not a new occurrence.

Let notice be issued to the respondents.

Notices to respondent Nos. 2 and 3 are accepted by Ms. S. Katakey, learned Standing Counsel, Election Commission of India and Mr. R. Dhar, learned Standing Counsel, Tribal Affairs (Plains) for respondent Nos. 5 & 7.

Notice to respondent Nos. 1 and 4 be served through the respective Standing Counsel.

Let the learned Advocates appearing for the above-referred respondents respond to this petition by the next date.

Re-notify on **17.07.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant