

Uttaranchal Commission for the Scheduled Castes and Scheduled Tribes Act, 2003

UTTARAKHAND

India

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Act 8 of 2003

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Uttaranchal Commission for the Scheduled Castes and Scheduled Tribes Act, 2003(Uttaranchal Act No. 8 of 2003)Last Updated 25th January, 2020[Dated 16.04.2003]An ActBe it enacted in the Fifty-fourth Year of the Republic of India as follows: -Chapter-I Preliminary

1. Short title, Extent and Commencement.

(1)This Act may be called the Uttaranchal Commission for the Scheduled Castes and Scheduled Tribes Act, 2003.(2)It extends, to the whole of Uttaranchal.(3)it shall be deemed to have come into force on the date of publication.

2. Definitions.

- In this Act -(a)"Commission" means the Commission constituted under section 3;(b)"The Governor" means the Governor of Uttaranchal;(c)"The State" means Uttaranchal State;(d)"The State Government" means the State Government of Uttaranchal;(e)"Member" means a member of the Commission and includes the Chairman of the Commission;(f)"The Scheduled Castes" and "Scheduled Tribes" means the Scheduled Castes and Scheduled Tribes as notified in the constitution of India;(g)"Schedule" means schedule one of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 as amended from time to time.Chapter-II The Uttaranchal Commission for the Scheduled Castes and Scheduled Tribes

3. Constitution of the Commission.

- The State Government shall constitute a body to be known as the Uttaranchal Commission for the Scheduled Castes and Scheduled Tribes to exercise the powers conferred on and to perform the

function assigned to it under this Act.

4. Composition of the Commission.

(1)The Commission shall consist of a Chairman and Two members. Chairman and Members of the Commission all, will belong to Scheduled Castes and Scheduled Tribes amongst which a member will be a woman. For the post of Chairman, an eligible male or female belonging to Scheduled Castes and Scheduled Tribes will be considered.(2)The Members shall be appointed from amongst persons of ability, integrity and standing, who have had a record of selfless services to the cause of justice for the Scheduled Castes and Scheduled Tribes.(3)The appointment under sub-section (1) shall be made by a notified order.

5. Terms of office and conditions of service of Members.

(1)Every Member shall hold office for a term of three years from the date, he assumes office.(2)A member may at any time by writing under his hand addressed to the State Government resign from his office.(3)The State Government shall remove person from the office of Member if that person-(a)becomes an undischarged insolvent;(b)is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude;(c)become of unsound mind and stands so declared by a competent court;(d)refuses to Act or become incapable of acting;(e)is without obtaining leave of absence from the Commission absent from three consecutive meetings of the Commission or;(f)has in the opinion of the State Government, so abused the position of Chairman or Member as to render that person's continuance in office detrimental to the interests of the Scheduled Castes or Scheduled Tribes or the public interest:Provided that no person shall be removed under this clause until he has been given an opportunity of being heard in the matter.(4)A vacancy caused under sub-section (2) or otherwise shall be filled by fresh appointment.(5)The salaries and allowances payable to, and other terms and conditions of services of, the Members shall be such, as may be prescribed.

6. Officers and other employees of the Commission.

(1)The State Government shall provide the Commission with a Secretary and such other officers and employees as may be necessary for the efficient performance of the functions of the Commission.(2)The salaries and allowances payable to and other terms and conditions of services of the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

7. Salaries and allowances to be paid out of grants.

- The salaries and allowances payable to the Member and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 6, shall be paid put of the grants referred to in subsection (1) of section 13.

8. Vacancies etc. not to invalidate proceedings of the Commission.

- No Act or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

9. Procedure to be regulated by the Commission.

(1)The Commission shall meet as and when necessary at such times and place as the Chairman may think fit.(2)The Commission shall regulate its own procedure.(3)If the office of the Chairman becomes vacant or if the Chairman is for any reason absent or unable to discharge the duties of his office, those duties shall, until the or the, new Chairman assumes office, as the case may be, be discharged by the senior member as directed by the State Government.(4)All orders and decisions of the Commission, shall be authenticated to the Secretary or any other officer of the Commission duly authorised on his behalf.

10. State Government to consult Commission.

- The State Government shall consult the Commission on all major policy matters affecting Scheduled Castes and Scheduled Tribes.

11. Duties and the functions of the Commission.

- It shall be the duty of the Commission:-(a)to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution or under any other law for the time being in force or under any order of the State Government and to evaluate the workings of such safeguards;-(b)to enquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;-(c)to participate and advise on the planning process of socio economic development of the Scheduled Castes and Scheduled Tribes and evaluate the progress of their development;-(d)to present to the State Government annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;-(e)to make in such reports recommendations as to the measures that should be taken by the State Government for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes and;-(f)to discharge such other functions in relation to the protection, welfare, development and advancement of the Scheduled Castes and Scheduled Tribes as may be referred to it by the State Government.(2)The State Government shall cause the reports of the Commission to be laid before State Legislature along with a memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for the non-acceptance, if any, of the such recommendations.

12. Power of the Commission.

- The Commission shall, while investigating any matter referred to in clause (a) or inquiring into any complaint referred to in clause (b) of sub-section (i) of section 11 have all the power of a civil court trying a suit and in particular in respect of the following matters, namely:-(a)summoning and enforcing attendance of any person and examining him on oath;(b)requiring the discovery and production of any document;(c)receiving evidence on affidavits;(d)requisitioning any public record or copy thereof from any court or office;(e)issuing Commission for the examinations of witness and documents and;(f)any other matter that may be prescribed.Chapter-IV Finance, Accounts and Audit

13. Grants by the State Government.

(1)The State Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purpose of this Act.(2)The Commission may spend such sums as it thinks fit for performing the functions under this Act and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

14. Accounts and Audit.

(1)The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed.(2)A copy of the annual statement of account shall be forwarded to the State Government which shall cause it to be audited.

15. Annual Report.

- The Commission shall prepare, in such form and at such time for each financial year, as may be prescribed, its annual reports, giving at full account of its activities during the previous financial year and forward a copy thereof to the State Government.

16. Annual Report and Audit Report to be laid before the State Legislature.

- The State Government shall cause the annual report, together with a memorandum of action taken on the advice tendered by the Commission and the reason for the non-acceptance, if any, of such advice, and the audit report to be laid as soon as may be after they are received, before the State Legislature.Chapter-V Miscellaneous

17. Chairman, Members and Employees of the Commission to be public servant Penalty.

- The Chairman, Members and Employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

18.

Whoever being legally bound to obey any order of the Commission section 12, intentionally omits to do so, shall on conviction be punished under section 174, 175, 176, 178, 179 or 180 of Indian Penal Code, 1860 as the case may be.

19. Cognizance of offences.

- No court shall take cognizance of an offence specified in section 18 except on a complaint in writing of the Chairman or a Member or of an officer authorised by the Commission, in this behalf.

20. Protection of action taken in good faith.

- No suit prosecution or other legal proceeding shall lie against, any person for anything which is in good faith done or intended to be done, in pursuance of the provisions of this Act or the rules made there under.

21. Power to make rules.

(1)The State Government may, by notification, make rules for carrying out the purpose of this Act.(2)In particular and without prejudice to the generally of the foregoing powers, such rules may provide for all or any of the following matters, namely-(a)salaries and allowances payable to, and the other terms and conditions of service of, the Members under sub-section (5) of section 5 and the officers and other employees under sub-section (3) of section 6;(b)any Other matter under clauses (f) of section 12;(c)the form in which the annual statement of accounts shall be prepared under sub-section (1) of section 14;(d)the form in, and the time at, which the annual report shall be prepared under section 15;(e)any other matter which is required to be, or may be prescribed.

22. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act the State Government may, by a notified order make such provisions not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty.(2)No order under sub-section (1) shall be made after the expiry of a period of two years from the date of commencement of this Act.(3)Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before the State Legislature and the provisions of sub-section (1) of section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttaranchal Act.

23. Repeal and Savings.

(1)The Uttaranchal Scheduled Castes, Scheduled Tribes and Other Backward Classes Act, 2001 is hereby repealed.(2)Repealing of Uttaranchal Scheduled Caste, Scheduled Tribe and Other Backward

Classes Act, 2001. - Notwithstanding such repeal, anything done or any action taken under the provisions of the Act referred to in sub-section (1) shall be deemed to have been done and taken under the provisions of this Act as if the provisions of this Act were in force at all material times.