

# **U.P. Commission for the Scheduled Castes and Scheduled Tribes Act, 1995**

UTTAR PRADESH

India

## **U.P. Commission for the Scheduled Castes and Scheduled Tribes Act, 1995**

### **Act 16 of 1995**

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U.P. Commission for the Scheduled Castes and Scheduled Tribes Act, 1995(U.P. Act No. 16 of 1995)(As passed by the Uttar Pradesh Legislature)Vide Notification No. 1506(2)/XVII-V-I-I(KA) -31 -1995, dated 1-8-1995, published in U.P. Gazette Part 1 (ka) dated 11-8-1995.An Act to establish a Commission for the Scheduled Castes and scheduled Tribes and for the matters connected therewith and incidental thereto.It is, hereby enacted in the Forty-sixth Years of the Republic of India as follows :

## **Chapter I Preliminary**

### **1. Short title, extent and commencement.**

(1)This Ordinance may be called the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes Act, 1955.(2)It extends to the whole of Uttar Pradesh.(3)It shall be deemed to have come into force on August 8, 1994.

### **2. Definitions.**

- In this Act,-(a)'Commission' means the Commission constituted under Section 3;(b)'Member' means a member of the Commission and includes the Chairman and the Vice-Chairman of the Commission.

## **Chapter II**

# **The Uttar Pradesh 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 Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

### **4. Composition of the Commission.**

- ["(1) The Commission shall consist of the following members appointed by the State Government-(a)a Chairman(b)two Vice-Chairman(c)seventeen other members."(2)The Members shall be appointed from amongst persons of ability, integrity and standing who have had a record of selfless service to the cause of justice for the Scheduled Castes and Scheduled Tribes.(3)The appointments under sub-section (1) shall be made by a notified order.] [Amended by U.P. Act, No. 4/ of 2007 and Published in the U.P. Gazette, Extra., Part I, Section, (ka) dated 21st November, 2007. pp 3-4. Come into Force on June 15, 2007.]

### **5. Term of office and conditions of service of Members.**

- ["(1) The Chairman, a Vice-Chairman or every other member shall hold office for a term of one year from the date he assumes office:Provided that no Chairman, a Vice-Chairman or every other member shall hold office as such during the pleasure of the State Government:Provided further that the no Chairman, Vice-Chairman or other member shall hold office as such after he has attained the age of sixty-five years:Provided also that the Chairman shall not be eligible for re-appointment as member.(1-A) The provisions of sub-section (1) as amended by the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes (Amendment) Ordinance, 2001 shall apply also to the Chairman, Vice Chairman and every other member holding office immediately before the commencement of the said Ordinance.(1-B) The Chairman, Vice Chairman or other member, who has attained the age of sixty five years, on or before the commencement of the Ordinance referred to in sub-section (1-A), shall cease to hold office as such on such commencement."(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 a 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)becomes of unsound mind and stands so declared by a competent Court;(d)refuses to act or becomes 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 is person shall be removed under this cluse until he has be given an opportunity of being heard in the matter.(4)A vacancy caused under sub-section (2) or otherwise shall be filled by the appointment.(5)The salaries and allowances payable to and other terms and conditions of service of the Members shall be such as may be prescribed.] [Substituted by U.P. Ordinance No 12 of 2001 Notification No. 1344(2)/XVII-V-1-2(Ka) 14/2001 published in U.P. Gazette (Extra) dated 8th June, 2001.]

## **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 service of 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 Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in Section 6, shall be paid out of the grants referred to in sub-section (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 time 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 new Chairman assumes office or the existing Chairman resumes his office, as the case may be discharged by the Vice-Chairman.(4)If the offices of both Chairman and Vice-Chairman become vacant the duties of the office of Chairman shall be discharged by such Member as the State Government may, by order, direct.(5)All orders and decisions of the Commission shall be authenticated by the Secretary or any other officers of the Commission duly authorised by the Secretary in this 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.

## **Chapter III**

### **Functions and Powers of the Commission**

#### **11. Duties and functions of the Commission.**

(1) 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 working of such safeguards; (b) to enquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Caste and Scheduled Tribes; (c) to participate and advice on the planning process of socioeconomic development of the Scheduled Castes and Scheduled Tribes and to 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 each House of the 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 any of such recommendations.

#### **12. Powers 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 (1) of Section 11, have all the powers 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 commissions for the examination of witnesses 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 purposes of this Act. (2) The Commission may spend such sums as it thinks fit for performing the functions under this Ordinance, 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 accounts 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 report, giving a 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 rendered 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 each House of the State Legislature.

### **Chapter V**

#### **Miscellaneous**

#### **17. Chairman, Members and employees of the Commission to be public servant.**

- 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.

#### **18. Penalty.**

- Whoever being legally bound to obey any order of the Commission under Section 12, intentionally omits to do so, shall on conviction be punished under Sections 174, 175, 176, 178, 179 or 180 of Indian Penal Code, 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 Ordinance or the rules made thereunder.

## **21. Power to make rules.**

(1)The State Government may, by notification, make rules for carrying out the purposes of this Ordinance.(2)In particular and without prejudice to the generality 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 subsection (3) of Section 6;(b)any other matter under Clause (f) of Section 21;(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, to be laid before both Houses of 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 Uttar Pradesh Act.

## **23. Repeal and saving.**

(1)The Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes Ordinance, 1995 (U.P. Ordinance No. 11 of 1995) is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the provisions of the Ordinance referred to in sub-section (1) or of the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes Ordinance, 1994 (U.P. Ordinance No. 14 of 1994) or the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes (Second) Ordinance, 1994 (U.P. Ordinance No. 20 of 1994) shall be deemed to have been done or taken under the provisions of this Act as if the provisions of this Ordinance were in force at all material times.