

Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes Act, 2003

ANDHRA PRADESH

India

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Act 9 of 2003

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Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes Act, 2003(Act No. 9 of 2003)Last Updated 26th October, 2019Statement of Objects and Reasons. - The Government have appointed Sri Justice Dr. K. Punnaiah, Retired Judge of Andhra Pradesh High Court as Single Member Commission of enquiry to enquire into the practice of untouchability against Scheduled Castes and Scheduled Tribes and incidence of atrocities against Scheduled Castes and Scheduled Tribes and suggest measures for eradication of untouchability and prevention of such atrocities against Scheduled Castes and Scheduled Tribes.The Commission after examining numerous petitions presented by the Scheduled Castes and Scheduled Tribes has made certain suggestions and also measures to be taken for eradication of untouchability and prevention of atrocities against Scheduled Castes and Scheduled Tribes and to achieve the goal, it has recommended to constitute an independent Commission some what on the lines of the Andhra Pradesh State Minorities Commission Act, 1998 (A.P. Act 31 of 1998) to perform the duties of the Commission as conferred under clause (5) of Article 338 of the Constitution of India by giving a statutory status under specific Legislation.Accordingly, the State Government after careful examination of the said recommendations made by the Single Member Commission of enquiry have decided to make a Legislation for constituting the Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes.This Bill seeks to give effect to the above decision.Appended to L.A. Bill 50 of 2001.Reserved by the Governor on the 11th April, 2003 for the consideration and assent of the President received the assent of the President on the 25th May, 2003 published on the 3rd June, 2003 in the Andhra Pradesh Gazette Part IV-B (Extraordinary).[Dated 03.06.2003]An act to provide for the establishment of Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes to safeguard the interests of the Scheduled Castes and Scheduled Tribes in the State and for matters connected therewith and incidental thereto:Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-fourth Year of the Republic of India as follows:

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Chapter I

Preliminary

1. Short title and commencement.

(1) This Act may be called the Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes Act, 2003. (2) It extends to the whole of the State of Andhra Pradesh. (3) It shall come into force on such date as the State Government may, by notification, in the Andhra Pradesh Gazette, appoint.

2. Definitions.

- In this Act, unless the Context otherwise requires: - (a) "Chairman" means the Chairman of the Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes appointed under Section 5; (b) "Commission" means the Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes constituted under Section 3; (c) "Civil Rights" means any right accruing to a person by reason of the abolition of untouchability by Article 17 of the Constitution; (d) "Disabilities" means those as provided in Article 15 (2) of the Constitution; (e) "Government" means the Government of Andhra Pradesh; (f) "Notification" means a notification published in the Andhra Pradesh Gazette and the word 'notified' shall be construed accordingly; (g) "Prescribed" means prescribed by rules made by the Government under this Act; (h) "Schedule Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under clause (24) and clause (25) of Art. 266 of the Constitution.

Chapter II

Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes

3. Constitution of the Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes.

(1) The Government may, by notification, constitute a body to be known as the Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes to exercise the powers conferred on, and to perform functions assigned to it under the Act. (2) The Commission shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act and rules made thereunder, to acquire, hold and dispose of property and to enter into contracts and shall in the said name sue and be sued. (3) The Head quarters of the Commission shall be at Hyderabad and the Government may, by notification, specify such other place to be the Headquarters of the Commission as may be necessary from time to time.

4. Meetings of the Commission.

(1)The Commission shall hold ordinary meetings at such places and at such intervals as may be prescribed and meetings may be convened by the Chairman at any time for the transaction of any urgent business;(2)Number of Members necessary to constitute a quorum of meeting and the procedure to be followed therein shall be such as may be prescribed.

5. Composition of the Commission.

(1)The Commission shall consist of the following members: -(a)a Chairman shall be an eminent person belonging to Scheduled Caste or Scheduled Tribe to be appointed by the Government: and(b)not more than five members to be appointed by the Government from amongst persons of ability, integrity and having outstanding record of selfless service to the cause of justice for the Scheduled Castes and Scheduled Tribes belonging to Scheduled Castes and Scheduled Tribes out of which one woman member shall be appointed by the Government.(2)The Secretary shall convene the meetings of the Commission from time to time.

6. Term of Office and conditions of service of Chairman and Members.

- [(1) The Chairman or the Members shall, unless otherwise disqualified for continuing as such under the rules, hold office for a term of three years from the date he assumes office or until he attains the age of sixty five years, whichever is earlier and shall be eligible for re-appointment for a second term only.] [Substituted by Act No. 13 of 2006, dated 3.1.2006.](2)The Chairman or a Member may by writing under his hand addressed to the Government resign from the office, but he shall continue in office till his resignation is accepted by the Government or his successor is appointed.(3)[The successors so appointed under sub-section (2) shall hold office for the remainder of the term of his predecessor or until he attains the age of sixty five A) years, whichever is earlier.] [Substituted by Act No. 13 of 2006, dated 3.1.2006.](4)The Government may 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 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)without obtaining leave of absence from the Commission, absents himself from three consecutive meetings of the Commission;(f)has in the opinion of the Government, so abused the position of the Member as to render that person's continuance in office detrimental to the interest of Scheduled Castes and Scheduled Tribes in the State or the public interest:Provided that no person shall be removed under this clause until that person has been given an opportunity of being heard in the matter.

7. Appointment of Officers and other employees of the Commission.

(1)The Government may appoint the Secretary who shall be an officer of the Government not below the rank of Joint Secretary to Government 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 the Secretary, Officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.(3)The Secretary shall be the Chief Executive Officer of the Commission and shall exercise such powers and perform such functions as may be prescribed.

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

- The salaries and allowances payable to the Chairman and members should be commensurate to the status and dignity of the office and the administrative expenses including salaries, allowances and pensions, payable to the officers and other employees referred to in Section 7 shall be paid out of the grants referred to in sub-section (1) of Section 15.

9. Vacancies etc., not invalidate proceedings of the Commission.

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

10. 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)all orders and decisions of the Commission shall be authenticated by the signature of the Secretary or any other officer of the Commission authorised by the Secretary in this behalf.

Chapter III

Powers and Functions of the Commission

11. Powers of the Commission.

(1)The Commission shall, while performing its functions under Section 12, have the powers of a Civil Court trying a suit and in particular, in respect of the following matters namely:-(i)summoning and enforcing the attendance of any person from any part of the State and examining him on oath;(ii)requiring the discovery and production of any document;(iii)receiving evidence on affidavits;(iv)requisitioning any public record or copy thereof from any Court or office;(v)issuing Commissions for the examination of witnesses or documents; and(vi)any other matter which may be prescribed.(2)Any proceeding before the commission shall be deemed to be a judicial proceeding within the meaning of Sections 192 and 228 of the Indian Penal Code and the Commission shall be deemed to be a Court for the purpose of Section 195 of the Code of Criminal Procedure, 1973.(3)The Commission shall have the power to requisition such information, document and such assistance as may be required from any department of the Government for the effective implementation of the provisions of this Act.

12. Functions of the Commission.

- The Commission shall perform the following functions, namely:-(a)enquire, suo motu or on a petition presented to it by a victim or by any person of his behalf, into complaint of, -(i)violation of any rights provided in the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955) and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989) and rules thereon or abetment thereof;(ii)negligence in the Prevention of such violation, by a public servant;(iii)enquire and recommend to the concerned disciplinary authority to initiate disciplinary action in cases where the Commission is of the view that any public servant has been grossly negligent or grossly indifferent in regard to the discharge of his duties in relation to the protection of the interests of Scheduled Castes and Scheduled Tribes.(b)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 Government and to evaluate the working of such safeguards;(c)to evaluate the working of various safeguards and civil rights accruing to a person as stipulated in the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 for the protection of Scheduled Castes and Scheduled Tribes and in laws and regulations and any other orders passed by the Union and State Governments, to investigate and monitor all matters relating to safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution or under any other law;(d)to make recommendations with a view to ensure effective implementation and enforcement of all safeguards under Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and other laws and the rules,(e)to undertake a review of the implementation of the policies pursued by the Union and the State Governments with respect to the Scheduled Castes and Scheduled Tribes;(f)to look into specific complaints regarding deprivation of rights and safeguards in the interest of the Scheduled Castes and Scheduled Tribes;(g)to enquire into any unfair practise take decision thereon and recommend to the Government the action to be taken in that matter;(h)to spread literacy among various sections of society regarding the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and to promote awareness of the safeguards available for the protection of these rights through publications the media, seminars and other available means;(i)to conduct studies, research and analysis on the question of avoidance of discrimination against Scheduled Castes and Scheduled Tribes;(j)to suggest appropriate legal and welfare measures in respect of Scheduled Castes and Scheduled Tribes to be undertaken by the Government;(k)to enquire into any unfair practise; -(i)on receiving a written complaint from any Scheduled Caste or Scheduled Tribe women alleging that she has been subjected to any unfair practice or on a similar complaint from her mother or father or sister or brother or from any organization;(ii)to cause investigations or inquires to be made by the Commissioner ol Social Welfare on issues of importance concerning Scheduled Castes and Scheduled Tribes particularly SC/ST women and issues concerning unfair practice and to report thereon to the Government on the corrective measures to be taken;(l)the monitoring of the working of laws in force concerning Scheduled Castes and Scheduled Tribes women with a view to identifying the areas where the enforcement of laws is not adequately effective or has not been streamlined and recommending executive or legislative measures to be taken;(m)to invite one or more prominent persons to participate in the meetings of the Commission to advise on such matters as may be necessary;(n)to

encourage the efforts of nongovernmental organisations and institutions working in the field of human rights and for the upliftment and betterment of Scheduled Castes and Scheduled Tribes;(o)to make periodical reports at prescribed intervals to the Government;(p)to exercise such other powers and perform such other functions as may be conferred or enjoined upon it by this Act or the rules made thereunder; and(q)The recommendations of National Commission for Scheduled Castes and Scheduled Tribes will prevail in case of conflicting recommendations on the same issue by the Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes and the National Commission for Scheduled Castes and Scheduled Tribes.

13. Annual Report.

- The Commission shall prepare once in every year, in such form at such time as may be prescribed an Annual Report giving a true and full account of its activities during the previous years and copies thereof shall be forwarded to the Government and the Government shall cause the same to be laid before the Legislative Assembly of the State along with a Memorandum explaining the action taken or proposed to be taken on its recommendations and the reasons for the non-acceptance, if any, of such recommendations.

Chapter IV

Finance, Accounts and Audit

14. Accounts and Audit.

(1)The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of account in such form and in such manner as may be prescribed;(2)The accounts of the Commission shall be audited by such authority at such times and in such manner as may be prescribed.

15. Grants by the Government.

(1)The Government shall, after due appropriation made by the Andhra Pradesh Legislative Assembly by law in this behalf, pay to the Commission by way of grants such sums of money as the Government may think fit for being utilized for the purposes 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) thereof.

Chapter V

Miscellaneous

16. Constitution of Cells.

- The Government may on the recommendations of the Commission establish a Library, an Information Cell, Research Cell or such other Cells as may be necessary from time to time.

17. Chairman and Members and other employees to be public servants.

- 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. Power to make Rules.

(1)The Government may, by notification, make rules for carrying out all or any of the purpose of this Acts.(2)Every rule made under this Act shall immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modifications in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified have effect only in such modified form or stand annulled as the case may be, so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.