

THE UTTARAKHAND COMMISSION FOR SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES ACT, 2001

[UTTARAKHAND ACT NO. 11 OF 2001]

¹(Repealed by Uttarakhand Act No. 08 of 2003)

An Act

It is HEREBY enacted in the fifty second year of the Republic of India.

To constitute Scheduled Castes, Scheduled Tribes and Other Backward Classes Commission in Uttarakhand and to provide for matters connected there with or incidental therein:

**CHAPTER-1
PRELIMINARY**

Short title, Extent and Commencement	1.	(1) This Act may be called the Uttarakhand Commission for the Scheduled Castes, Scheduled Tribes and Other Backward Classes Act, 2001. (2) It extends to the whole of Uttarakhand. (3) It shall be deemed to have come into force on the date of publication.
Definitions	2.	In this Act unless a contrary intention appears from the context: (a) "Commission" means the Commission constituted under section 3 of Scheduled Castes, Scheduled Tribes and Other Backward Classes Commission. (b) "The Governor" means the Governor of Uttarakhand. (c) "The State" means Uttarakhand State. (d) "The State Government" means the State Government of Uttarakhand. (e) "The Member" means the member of the Commission in which the Chairman is also included. (f) "The Scheduled Castes" and "Scheduled Tribes" means the Scheduled Castes and Scheduled Tribes as notified in the Constitution of India. (g) "Other Backward Classes" means the Backward Classes other than Scheduled Caste and Scheduled Tribes as may be specified by the State Government in the list.
		CHAPTER-II THE UTTARAKHAND COMMISSION FOR THE SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES
Constitution of the Commission	3.	The State Government shall constitute a commission to be known as the Uttarakhand Commission for the Scheduled Castes, Scheduled Tribes and Other Backward Classes and shall exercise such powers and perform such function as are assigned to it under this Act.

¹ Uttarakhand Act No. 11 of 2001 is repealed by Uttarakhand Act No. 08 of 2003

--	--	--

Composition of the Commission	4.	<p>(1) The Commission shall consist of the following members appointed by the State Government :-</p> <p>(a) A Chairman, from amongst persons belonging to the Scheduled Castes;</p> <p>(b) One member shall be from persons belonging to the Scheduled Tribes; and</p> <p>(c) One other member from persons belonging to Other Backward Classes.</p>
		<p>(2) The Chairman and Members shall be appointed from amongst persons of ability integrity and standing who have has a record of selfless service to the cause of justice for the Scheduled Castes, Scheduled Tribes and Other Backward Classes.</p> <p>(3) The appointments under sub-section (1) shall be made by a notified order.</p>
Term of office and conditions of services of Members	5.	<p>(1) Every member shall hold office for a term of three years from the date he assumes office.</p> <p>(2) A member may, at any time by writing under his hand addressed to the State Government, resign from his office.</p> <p>(3) The State Government shall remove a person from the office of Member if that person:</p> <p>(a) becomes an undischarged insolvent;</p> <p>(b) is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude;</p> <p>(c) becomes of unsound mind and stands so declared by a competent court;</p> <p>(d) refused to act or becomes incapable of acting;</p> <p>(e) is, without obtaining leave of absence from the Commission, absent from three consecutive meeting of the commission; or</p> <p>(f) has, in the opinion of the State Government so abused the position of Chairman of Member as to render that person's continuance in office detrimental to the interests of the Scheduled Castes, Scheduled tribes and Other Backward Classes :</p> <p style="text-align: center;">Provided that no person shall be removed under this clause until he has been given an opportunity of being heard in the matter.</p> <p>(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh appointment.</p> <p>(5) The salaries and allowances payable to and other terms and conditions of service of, the members shall be such as may be prescribed.</p>

<p>Officers and other employees of the Commission</p>	<p>6.</p>	<p>(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.</p> <p>(2) The salaries and allowances payable to and other terms and conditions of service of the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.</p>
<p>Salaries and allowances to be paid out of grant</p>	<p>7.</p>	<p>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 to the grants referred to in sub-section (1) of section 13.</p>
<p>Vacancies etc. not to invalidate proceedings of the Commission</p>	<p>8.</p>	<p>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.</p>
<p>Procedure to be regulated by Commission</p>	<p>9.</p>	<p>(1) The Commission shall meet as and when necessary at such time and place as the chairman may think fit.</p> <p>(2) The Commission shall regulate its own procedure.</p> <p>(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 he or the New Chairman assumes office, may be as the case be discharged by the Senior Member as directed by the State Government.</p> <p>(4) All orders and decisions of the commission shall be authenticated by the Secretary or any other officer of the Commission duly authorised by the Secretary in this behalf.</p>
<p>State Government to consult Commission</p>	<p>10.</p>	<p>The State Government shall consult the Commission on all major policy matters affecting Scheduled Castes, Scheduled Tribes and Other backward Classes.</p>
		<p>CHAPTER-III FUNCTIONS AND POWER OF THE COMMISSION</p>
<p>Duties and functions of the Commission</p>	<p>11.</p>	<p>(1) It shall be the duty of the Commission:</p> <p>(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes, Scheduled Tribes and Other Backward Classes 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;</p> <p>(b) to enquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes, Scheduled Tribes and Other Backward Classes.</p>

		<ul style="list-style-type: none"> (c) to participate and advice on the planning process of socio-economic development of the Scheduled Castes, Scheduled Tribes and Other Backward Classes 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 recommendation 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, Scheduled Tribes and Other Backward Classes. (f) to discharge such other functions in relation to the protection welfare, development and advancement of the Scheduled Castes, Scheduled Tribes and Other Backward Classes as may be referred to it by the State Government. (g) to enforce effectively the provisions of the protection of Civil Rights Act, 1995 and Scheduled Castes and Scheduled Tribes (prevention of Atrocities) Act, 1989. (h) to enforce effectively implementations of various educational and Socio-economic development schemes under Special Component Plan and Tribal Sub-Plan for the Scheduled Castes, Scheduled Tribes.
		<ul style="list-style-type: none"> (i) to monitor, evaluate and inspect the various programmes for the Scheduled Castes, Scheduled Tribes and Other Backward Classes and to issue necessary direction to the concerned. (j) To enforce the reservation for the Scheduled Castes, Scheduled Tribes in the Government departments and Public sector undertaking and issues necessary directions to the concerned. (k) The Commission shall examine request for inclusion of any class of citizens as Backward Classes and hear complaints of wrong inclusion of any class in the backward class and tender such advice to the State Govt. as it deems appropriate. (l) Any other matter that may be referred to by the State Government or brought into notice of the Commission. <p>(2) The State Government shall cause the reports of the Commission to be laid before 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.</p>
<p>Powers of the Commission</p>	<p>12.</p>	<p>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 have all the powers of a Civil court trying a suit and in particular in respect of the following</p>

		<p>matters, namely:</p> <p>(a) summoning and enforcing attendance of any person and examining him on oath;</p> <p>(b) requiring the discovery and production of any document;</p> <p>(c) receiving evidence on affidavits;</p> <p>(d) requisitioning any public record or copy thereof from any office;</p> <p>(e) issuing commissions for the examination of witnesses and documents; and</p> <p>(f) any other matter that may be prescribed.</p>
		<p>CHAPTER-IV</p> <p>FINANCE, ACCOUNTS AND AUDIT</p>
Grants by the State Govt.	13.	<p>(1) The State Government shall after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by the way of grants such sums of money as the State Govt. may think fit for being utilized for the purposed of this Act.</p> <p>(2) The Commission out of the grant referred to in sub-section (1) may spend such sums as it thinks fit for performing the functions under this Act and such seems shall be treated as expenditure payable out of the grants referred to in sub-section (1).</p>
Accounts and Audit	14.	<p>(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such from as may be prescribed.</p> <p>(2) A copy of the annual statement of accounts shall be forwarded to the State Government which shall cause it to be audited.</p>
Annual Report	15.	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.
Annual Report and Audit Report to be laid before the State Legislature	16.	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.
		<p>CHAPTER-V</p> <p>MISCELLANEOUS</p>
Chairman, Members and Employees of Commission to be public servant	17.	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.
Penalty.	18.	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, 1860, as the case may be.
Cognizance of offences	19.	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.
Protection of action taken in good faith	20.	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 hereunder.
Power to make Rules	21.	<p>(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.</p> <p>(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:</p> <p>(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;</p> <p>(b) any other matter under clause (f) of section 12;</p> <p>(c) the form in which the annual statement of accounts shall be prepared under sub-section (1) of section 14;</p> <p>(d) the form in, and the time at, which the annual report shall be prepared under section 15;</p> <p>(e) any other matter which is required to be, or may be prescribed.</p>
Power to remove difficulties.	22.	<p>(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.</p> <p>(2) No order under sub-section (1) shall be made after the expiry of a period of two year from the date of commencement of this Act.</p> <p>(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 Uttarakhand Act.</p>
Repeal of Uttarakhand Commission for Scheduled Castes, Scheduled Tribes and Other Backward Classes Ordinance, 2001	23.	<p>(1) The Uttarakhand Commission for the Scheduled Castes, Scheduled Tribes and Other Backward Classes Ordinance 2001 is hereby repealed.</p> <p>(2) Notwithstanding such repeal anything done or any action taken under the provisions of the ordinance referred to in sub section (1) shall be deemed to have been done or taken under the provisions of the Act.</p>

