

THE UTTARAKHAND COMMISSION FOR SCHEDULED CASTES {*}³
ACT, 2003**

[UTTARAKHAND ACT NO. 08 OF 2003] as amended by amendment act no. 02 of 2004 and 17 of 2015)

to constitute a commission for Scheduled Castes {***}³ of Uttarakhand and to provide for matters connected there with or incidental thereto:

**AN
ACT**

Be it enacted in the Fifty-fourth Year of the Republic of India as follows:-

**CHAPTER-1
PRELIMINAY**

Short title, Extent and Commencement	1	(1) This Act may be called the Uttarakhand Commission for the Scheduled Castes {***} ³ Act, 2003. (2) It extends to the whole of Uttarakhand. (3) It shall be deemed to have come into force on the date of publication.
Definition	2	In this Act --- (a) “Commission” means the Commission constituted under section 3 ; (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 [and Vice-Chairman] ¹ is also included. (f) “The Scheduled Castes” {***} ⁴ means the Scheduled Castes {***} ⁴ 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 UTTARAKHAND COMMISSION FOR THE SCHEDULED CASTES {***}⁴
Constitution of the Commission	3	The State Government shall constitute a body to be known as the Uttarakhand Commission for the Scheduled Castes {***} ⁴ to exercise the powers conferred on and to perform the function assigned to it under this Act.
Composition of the Commission	4	[(1) The Commission shall consist of a Chairman, a Vice-Chairman and five Members, Chairman, Vice-Chairman and all Members of the Commission, will be from amongst Scheduled Castes {***} ⁴ including one woman member. Any male or female member belonging to Scheduled Castes {***} ⁴ shall be eligible for the post of Chairman and Vice-Chairman.] ²

1. Insertion by section 2 of Uttarakhand Act No. 02 of 2004.
2. Subs. by section 3 ibid.
3. Repealed words by section 2 of Uttarakhand Act no. 17 of 2015.
4. Repealed words by section 3,4,5 and 6(a) of the Uttarakhand Act no. 17 of 2015.

		<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 {***}².</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> <ol style="list-style-type: none"> becomes an un discharged insolvent; is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude; becomes of unsound mind and stands so declared by a competent court; refused to act or becomes incapable of acting; is, without obtaining leave of absence from the Commission, absent from three consecutive meeting of the commission; or has, in the opinion of the State Government so abused the position of Chairman, [Vice-Chairman]¹ of Member as to render that person's continuance in office detrimental to the interests of the Scheduled Castes {***}² or the public interest. <p>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>
Officers and other employees of the Commission	6	<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>
Salaries and allowances to be paid out of grant	7	<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 of the grants referred to in sub-section (1) of section 13.</p>
Vacancies etc. not to invalidate proceedings of the Commission	8	<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>

1. Subs. by section 4 of Uttarakhand Act No. 02of 2004.

2. Repealed words by section 6(b) and 7 of the Utrakhand Act no. 17 of 2015.

<p>Procedure to be regulated by the 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, as the case may be, be discharged by the [Vice-Chairman]¹ as directed by the State Government.</p> <p>(4) All orders and decisions of the commission shall be authenticated to the Secretary or any other officer of the Commission duly authorized by the Secretary in this behalf.</p> <p>[(5) 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.]²</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 {***}³.</p>
<p>CHAPTER-III FUNCATIONS AND POWER OF THE COMMISSION</p>		
<p>Duties and the 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 {***}³ 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 {***}³.</p> <p>(c) to participate and advice on the planning process of socio-economic development of the Scheduled Castes {***}³ and to evaluate the progress of their development.</p> <p>(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.</p> <p>(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 {***}³.</p> <p>(f) to discharge such other functions in relation to the protection welfare, development and advancement of the Scheduled Castes {***}³ as may be referred to it by the State Government.</p> <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 the such recommendations.</p>

1. Substituted by section 5 of Uttarakhand Act No. 02of 2004.
2. Added by section 6 ibid.
3. Repealed words by section 8 and 9 of the Utrkhand Act no. 17 of 2015

Powers of the Commission	12	<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 11 have all the powers of a Civil court trying a suit and in particular in respect of the following 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 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 purposes 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 sums 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 form 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	<p>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.</p>
Annual Report and Audit Report to be laid before the State Legislature	16	<p>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>
		<p>CHAPTER-V MISCELLANEOUS</p>
Chairman, [Vice-Chairman]¹ Members and Employees of Commission to be public servant	17	<p>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.</p>

1. Subs. by section 4 of Uttarakhand Act No. 02 of 2004.

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, [Vice-Chairman] ¹ or a Member or of an officer authorized 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 there under.
Power to make Rules	21	(1) The State Government may, by notification, make rules for carrying out the purposes of this Act. (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 sub-section (3) of section 6; (b) any other matter under clause (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.
Power to remove difficulties.	22	If any -- (1) 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 Uttarakhand Act.
Repeal and savings Repealing of Uttarakhand Commission for Scheduled Castes, Scheduled Tribes and Other Backward Classes Act, 2001	23	(1) The Uttarakhand Scheduled Castes, Scheduled Tribes and Other Backward Classes Act, 2001 is hereby repealed. (2) 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 or taken under the provisions of this Act as if the provisions of this Act were in force at all material times.

1. Subs. by section 4 of Uttarakhand Act No. 02 of 2004.