

- कठिनाईयों को दूर करने की शक्ति 22. (1) यदि इस अधिनियम के उपबन्धों के कार्यान्वयन में कोई कठिनाई उत्पन्न हो तो राज्य सरकार, अधिसूचित आदेश द्वारा ऐसे उपबन्ध, जो इस अधिनियम के उपबन्धों से असंगत न हो, कर सकती है, जो कठिनाईयों को दूर करने के लिए आवश्यक या समीचीन प्रतीत हो।
- (2) उपधारा (1) के अधीन कोई आदेश इस अधिनियम के प्रारम्भ के दिनांक से दो वर्ष की अवधि की समाप्ति के पश्चात नहीं किया जायेगा।
- (3) उपधारा (1) के अधीन किया गया प्रत्येक आदेश, उसके किये जाने के पश्चात यथाशक्य शीघ्र राज्य विधान सभा के समक्ष रखा जायेगा।

आज्ञा से,

जय देव सिंह,
प्रमुख सचिव।

No. 98/XXXVI(3)/2015/15(1)/2015

Dated Dehradun, April 06, 2015

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of **‘the Uttarakhand Commission for the Scheduled Tribes Bill, 2015’** (Adhiniyam Sankhya 16 of 2015).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 01 April, 2015.

THE UTTARAKHAND COMMISSION FOR THE SCHEDULED TRIBES ACT, 2015

(Uttarakhand Act No. 16 of 2015)

An

Act

to provide for the establishment of a State Commission for the Scheduled Tribes for matters connected therewith or incidental thereto.

Be it enacted in the Sixty-Sixth Year of the Republic of India as follows:-

CHAPTER-1 PRELIMINARY

Short title, Extent and Commencement

1. (1) This Act may be called the Uttarakhand Commission for the Scheduled Tribes Act, 2015.

(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, and the context otherwise requires -

(a) "Commission" means the Uttarakhand Commission for the Scheduled Tribes 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 and its include the Chairman and Vice-Chairman also;

(f) "The Scheduled Tribes" means the Scheduled Tribes as notified in the Constitution of India;

(g) "Schedule" means Schedule -I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994(Act no. 4 of 1994) (as applicable to the State of Uttarakhand) and as amended from time to time.

CHAPTER-II

THE STATE COMMISSION FOR THE SCHEDULED TRIBES

Constitution of
the State
Commission for
the Scheduled
Tribes

3. The State Government shall constitute a body to be known as the Uttarakhand Commission for the Scheduled Tribes 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. Only two persons of each Scheduled Tribe will be in the Commission. Such male or female member belonging to Scheduled Tribes shall be eligible for the post of Chairman and Vice-Chairman, such as may be prescribed.
- (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 Tribes.
- (3) The appointments under sub-section (1) shall be made notified.

Terms of office
and conditions of
service of the
Chairman, Vice-
chairman and
members

5. (1) Every member of the Commission shall hold office for a term of three years from the date he assumes office.
- (2) The Chairman, Vice-chairman or 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 un discharged 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) refused to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meeting of the commission; or
- (f) has, in the opinion of the State Government so abused the position of Chairman, Vice-Chairman or Member as to render that person's continuance in office detrimental to the interests of the 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 service of, the members shall be such as may be prescribed.

Officers and other employees of the Commission

- 6. (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 the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

Salaries and allowances to be paid out of grants

- 7. 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.

Vacancies etc. not to invalidate proceedings of the Commission

- 8. 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.

Procedure to be regulated by the Commission

9. (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 he or the new Chairman assumes office, as the case may be, be discharged by the Vice-Chairman as directed by the State Government.
- (4) All orders and decisions of the commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized.
- (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.

State Government to consult Commission

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

CHAPTER-III

FUNCTIONS AND POWERS OF THE COMMISSION

Functions of the Commission

11. (1) It shall be the duty of the Commission:
 - (a) to investigate and monitor all matters relating to the safeguards provided for the 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 Tribes.
 - (c) to participate and advice on the planning process of socio-economic development of the 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 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 Tribes.

(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.

**Powers of the 12.
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 disclosure 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 summons for the examination of witnesses and documents; and
- (f) any other matter that may be prescribed.

CHAPTER-IV

FINANCE, ACCOUNTS AND AUDIT

**Grants by the 13.
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 the way of grants such sums of money as the State Government may think fit for being utilized for the purpose of this Act.

- (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).

Accounts and
Audit

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- (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.

Annual Report

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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

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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

Chairman, Vice-Chairman, Members and Employees of Commission to be public servant

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The Chairman, Vice-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, Vice-Chairman 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) eligibility for the Chairman, Vice-chairman and members under sub-section (1) of section 4, salaries and allowances payable to, and the other terms and conditions of service of the Chairman, Vice-chairman and Members under sub-section (5) of section 5 and the officers and other employees under sub-section (2) 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. (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 Legislative Assembly.

By Order,

JAI DEO SINGH,
Principal Secretary.