



The Andhra Pradesh State Commission for Scheduled Castes Act, 2019

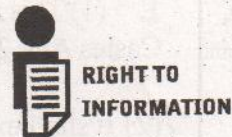
Act No. 09 of 2021

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ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 9]

AMARAVATI, FRIDAY, 6th AUGUST, 2021.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature which was reserved by the Governor on the 9th February, 2020 for the consideration and assent of the President, received the assent of the president on the 22nd July, 2021 and the said assent is here by first published on the 6th August, 2021 in the Andhra Pradesh Gazette for general information :-

ACT No. 9 of 2021.

AN ACT TO CONSTITUTE THE ANDHRA PRADESH STATE COMMISSION FOR SCHEDULED CASTES TO SAFEGAURD THE INTERESTS OF THE SCHEDULED CASTES IN THE STATE AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

Whereas Article 338 of the Constitution of India was amended by the 65th Amendment Act, 1990 to provide for the setting up of the National Commission for Scheduled Castes and Scheduled Tribes.

Whereas the Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes Act, 2003 received the assent of the President of India on 25th May, 2003 and was brought into force with effect on and from 3rd June, 2003.

Whereas the Constitution 89th Amendment Act, 2003 inserted new Article 338A in the Constitution of India, which provides for setting up a separate National Commission for the Scheduled Tribes in addition to the National Commission for the Scheduled Castes;

Now, therefore, the State Government intends to constitute a separate commission for the Scheduled Castes in consonance with Article 338 of the Constitution and a separate commission for the Scheduled Tribes in consonance with Article 338A of the Constitution by repealing the Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes Act, 2003.

Be it enacted by the Legislature of the State of Andhra Pradesh in the seventy second year of the Republic of India as follows :-

CHAPTER - I PRELIMINARY

Short title, extent, commencement and application.

1. (1) This Act may be called the Andhra Pradesh State Commission for Scheduled Castes Act, 2019.

(2) It shall extend 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.

Definitions.

2. In this Act, unless the context otherwise requires:-

(a) "Chairman" means the Chairman of the Andhra Pradesh State Commission for Scheduled Castes appointed under section 4;

(b) "Commission" means the Andhra Pradesh State Commission for Scheduled Castes 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 of India;

(d) "Disabilities" means those provided in article 15 (2) of the Constitution of India;

(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) "Scheduled Castes" shall have the meanings assigned to them under clause (24) of Article 366 of the Constitution of India.

CHAPTER - II ANDHRA PRADESH STATE COMMISSION FOR SCHEDULED CASTES

Constitution of the Andhra Pradesh State Commission for Scheduled Castes

3. (1) The Government may, by notification, constitute a body to be known as the Andhra Pradesh State Commission for Scheduled Castes 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 Vijayawada/ Amaravati 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 (1) The Commission shall consist of the following members: -

(a) A Chairman who shall be an eminent person belonging to Scheduled Caste 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 belonging to Scheduled Castes out of which one member shall be woman.

Composition of
the Commission.

5 (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.

Meetings of the
Commission.

(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.

(3) The Secretary shall convene the meetings of the Commission from time to time.

6. (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/she assumes office or until he/she attains the age of sixty five years, whichever is earlier and shall be eligible for re-appointment for a second term only.

Term of Office
and conditions of
service of
Chairman and
Member

(2) The Chairman or a Member may by writing under his/her hand addressed to the Government resign from the office, but he shall continue in office till his/her resignation is accepted by the Government or his /her successor is appointed.

(3) The successors so appointed under sub-section (2) shall hold office for the remainder of the term of his/her predecessor or until he/she attains the age of sixty five years, whichever is earlier.

(4) The Government may 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 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 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.

Appointment of Officers and other employees of the Commission.

7. (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.

Salaries and allowances to be paid out of grants.

8. 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.

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

9. 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.

Procedure to be regulated by the Commission.

10. (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

Powers of the Commission.

11. (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, 1860 and the Commission shall be deemed to be a Court for the purpose of section 195 of the Code of Criminal Procedure, 1973.

Central Act 45
of 1860.

Central Act 2
of 1974.

(3) The Commission shall have the power to requisition such information, documents and such assistance as may be required from any department of the Government for the effective implementation of the provisions of this Act.

12. The Commission shall perform the following functions, namely:-

Functions of the
Commission.

(a) inquire, suo-motu or on a petition presented to it by a victim or by any person on his behalf, into complaint of,-

(i) violation of any rights provided in the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and rules thereon or abetment thereof in respect of Scheduled Castes;

Central Act 22 of 1955.

Central Act 33 of 1989.

(ii) negligence in the Prevention of such violation, by a public servant;

(iii) inquire 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;

(b) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under the Constitution of India 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 any other laws and orders passed by the Union and State Governments, to investigate and monitor all matters relating to safeguards provided for the Scheduled Castes under the Constitution of India or under any other law;

(d) to make recommendations with a view to ensure effective implementation and enforcement of all safeguards provided to the Scheduled Castes under the 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;

(f) to look into specific complaints regarding deprivation of rights and safeguards in the interest of the Scheduled Castes;

(g) to enquire into any unfair practice, 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;

(j) to suggest appropriate legal and welfare measures in respect of Scheduled Castes to be undertaken by the Government;

(k) to inquire into any unfair practice,-

(i) on receiving a written complaint from any Scheduled Caste woman 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 of Social Welfare on issues of importance concerning Scheduled Castes particularly 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 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 non-governmental organizations and institutions working in the field of human rights and for the upliftment and betterment of Scheduled Castes;

(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 will prevail in case of conflicting recommendations on the same issue by the Andhra Pradesh State Commission for Scheduled Castes and the National Commission for Scheduled Castes.

Annual Report.

13. 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 year and copies thereof shall be forwarded to the Government and the Government shall cause the same to be laid before the Legislature 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. (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.

Accounts and
Audit.

(2) The accounts of the Commission shall be audited by the Accountant General, Andhra Pradesh or any other Auditor appointed by him.

15. (1) The Government shall, after due appropriation made by the Andhra Pradesh Legislature 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.

Grants by the
Government.

(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. 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.

Constitution of
Cells.

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.

public servants.
Central Act No.45
of 1860.

18. (1) The Government may, by notification, make rules for carrying out all or any of the purpose of this Act.

Power to make
rules.

(2) Every rule made under this Act shall immediately after it is made, be laid before the Legislature 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 Legislature 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.

19. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order, published in the Andhra Pradesh Gazette, make such provisions not inconsistent with the provisions of this Act as appears to them to be necessary or expedient for removing the difficulty:

Power to remove
difficulties.

Repeals and Savings. 20. (1) The Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes Act, 2003, hereby repealed.

Act No.9 of 2003 (2) On such repeal the provisions of sections 8 and 18 of the Andhra Pradesh General Clauses Act, 1891 shall apply.

VADDADI SUNITHA,

Secretary to Government (FAC),
Legal and Legislative Affairs & Justice.
Law Department.



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No. 14] AMARAVATI, MONDAY, 1st MAY, 2023.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 20th April, 2023 and the said assent is hereby first published on the 1st May, 2023 in the Andhra Pradesh Gazette for general information :

ACT No. 14 of 2023

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH STATE
COMMISSION FOR SCHEDULED CASTES ACT, 2019.**

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy-fourth Year of the Republic of India as follows, -

- (1) This Act may be called the Andhra Pradesh State Commission for Scheduled Castes (Amendment) Act, 2023. Short title and commencement.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.
- In the Andhra Pradesh State Commission for Scheduled Castes Act, 2019, in sub-section (1) of section 6, for the words "three years", the words "two years" shall be substituted and for the words "shall be eligible for re-appointment for a second term only", the words "further term may be extended for a maximum period of two years" shall be substituted. Amendment of section 6.
Act No. 9 of 2021.

G. SATYA PRABHAKARA RAO,
Secretary to Government,
Legal and Legislative Affairs & Justice,
Law Department.