



The Uttar Pradesh Commission for The Scheduled Castes and Scheduled Tribes Act, 1995
Act 16 of 1995

Keyword(s):
Commission, Member

Amendments appended: 1 of 1998, 29 of 2001

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Dated Lucknow, August 11, 1995

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 Uttar Pradesh Anusuchit Jati Aur Anusuchit Janjati Aayog Adhiniyam, 1995 (Uttar Pradesh Adhiniyam Sankhya 16 of 1996) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 7, 1995.

Amended by

29/2007

41/2007

THE UTTAR PRADESH COMMISSION FOR THE SCHEDULED
CASTES AND SCHEDULED TRIBES ACT, 1995

(U. P. Act No. 16 of 1995)

(As passed by the Uttar Pradesh Legislature)

AN
ACT

to establish a Commission for the Scheduled Castes and Scheduled Tribes and for the matters connected therewith and incidental thereto.

IT IS HEREBY enacted in the Forty-sixth Year of the Republic of India as follows :—

CHAPTER I
Preliminary

Short title,
extent and
commencement

1. (1) This Ordinance may be called the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes Act, 1995.
- (2) It extends to the whole of Uttar Pradesh.
- (3) It shall be deemed to have come into force on August 8, 1994.

Definitions

2. In this Act,—
 - (a) 'Commission' means the Commission constituted under section 3;
 - (b) 'Member' means a member of the Commission and includes the Chairman and the Vice-Chairman of the Commission.

CHAPTER II

The Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes

Constitution of
the Commission

3. The State Government shall constitute a body to be known as the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

4. (1) The Commission shall consist of the following members appointed by the State Government :

Composition of the Commission

- (a) a Chairman from amongst persons belonging to the Scheduled Caste;
- (b) a Vice-Chairman from amongst persons belonging to the Scheduled Castes or Scheduled Tribes;
- (c) other members out of which one shall be from amongst persons belonging to the Scheduled Tribes; and
- (d) other member from amongst women.

(2) The members shall be appointed from amongst persons of ability, integrity and standing who have had a record of selfless service to the cause of justice for the Scheduled Castes and Scheduled Tribes.

(3) The appointments under sub-section (1) shall be made by a notified order.

Subs by 29/2001

5. (1) Every Member shall hold office for a term of three years from the date he assumes office.

Term of office and conditions of service of Members

(2) 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 undischarged 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) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Commission after three consecutive meetings of the Commission; or
- (f) has, in the opinion of the State Government, so abused the position of Chairman or Member as to render that person's continuance in office detrimental to the interests of the Scheduled Castes or 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.

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.

Officers and other employees 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.

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

Vacancies etc. not to invalidate proceedings of the Commission

9. (1) The Commission shall meet as and when necessary at such time and place as the Chairman may think fit.

Procedure to be regulated by the Commission

(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 the new Chairman assumes office or the existing Chairman resumes his office, as the case may be, be discharged by the Vice-Chairman.

(4) 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.

(5) 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.

State Govern-
ment to consult
Commission

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

CHAPTER—III

Functions and Powers of the Commission

Duties and
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 Castes and 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 Castes and Scheduled Tribes;

(c) to participate and advice on the planning process of socio-economic development of the Scheduled Castes and 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 recommendations 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 and Scheduled Tribes; and

(f) to discharge such other functions in relation to the protection, welfare, development and advancement of the Scheduled Castes and Scheduled Tribes as may be referred to it by the State Government.

(2) The State Government shall cause the reports of the Commission to be laid before each House of the State Legislature alongwith 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.

Powers of the
Commission

12. 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 discovery 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 commissions 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
State Govern-
ment

13. (1) The State Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Ordinance, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

14. (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.

Accounts and audit

(2) A copy of the annual statement of accounts shall be forwarded to the State Government which shall cause it to be audited.

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

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 each House of the State Legislature.

Annual report and audit report to be laid before the State Legislature

CHAPTER—V
Miscellaneous

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.

Chairman, Members and employees of the Commission to be public servant

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, as the case may be.

Penalty

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.

Cognizance of offences

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 Ordinance or the rules made thereunder.

Protection of action taken in good faith

21. (1) The State Government may, by notification, make rules for carrying out the purposes of this Ordinance.

Power to make rules

(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 reports all be prepared under Section 15;

(e) any other matter which is required to be, or may be prescribed.

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.

Power to remove difficulties

(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 both Houses of 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 Uttar Pradesh Act.

Repeal and
saving

23. (1) The Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes Ordinance, 1995 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Ordinance referred to in sub-section (1) or of the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes Ordinance, 1994 or the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes (Second) Ordinance, 1994 shall be deemed to have been done or taken under the provisions of this Act as if the provisions of this Ordinance were in force at all material times.

By order,
N. K. NARANG,
Pramukh Sachiv.

U. P.
Ordinance
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No. 236 (2)/XVII-V-1-1 (KA) 35-1997

Dated Lucknow, February 2, 1998

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 Uttar Pradesh Anusuchit Jati Aur Anusuchit Janjati Aayog (Sanshodhan) Adhiniyam, 1998 (Uttar Pradesh Adhiniyam Sankhya 1 of 1998) as passed by the Uttar Pradesh Legislature and assented to by the Governor on January 31, 1998.

THE UTTAR PRADESH COMMISSION FOR THE SCHEDULED
CASTES AND SCHEDULED TRIBES (AMENDMENT)
ACT, 1998

(U.P. ACT No. 1 OF 1998)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to amend the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes Act, 1995.

IT IS HEREBY enacted in the Forty-ninth Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes (Amendment) Act, 1998.

(2) It shall be deemed to have come into force on September 19, 1997.

2. In section 12 of the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes Act, 1995 hereinafter referred to as the principal Act, the following provisos shall be *inserted* at the end, namely:—

Amendment of section 12 U. P. Act no. 16 of 1995

“Provided that no person who is holding the office of the Chief Secretary, Principal Secretary or Secretary to the State Government or is Head of the Department employed in connection with the affairs of the State Government shall be summoned or required to attend in person under clause (a) unless prior approval of the State Government has been obtained and such person shall be deemed to have complied with the summons if he causes a person not below the rank of Deputy Secretary or, as the case may be, a person holding a post equivalent thereto to attend the Commission in compliance with the summons instead of attending in person ;

Provided further that the summons issued under clause (a) shall clearly indicate the purpose for which the person concerned has been summoned and when any person is summoned to produce a document without being summoned to give evidence, he shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.”

3. After section 20 of the principal Act the following section shall be *inserted*, namely:—

Insertion of new section 20-A

“20-A. The State Government may issue such directions to the Commission as may be considered necessary or proper for carrying out the purposes of the Act and the Commission shall be bound to comply with such directions.”

4. (1) The Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes (Amendment) Ordinance, 1997 is here by repealed.

Repeal and savings

(2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principle Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
R. D. MATHUR,
Pramukh Sachiv.

U.P. Ordinance no. 11 of 1997

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NO. 2439(2)/XVII-V-1—1(KA)27/2001

Dated Lucknow: October 6, 2001

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 Uttar Pradesh Anusuchit Jati Aur Anushuchit Janjati Ayog (Sanshodhan) Adhiniyam, 2001 (Uttar Pradesh Adhiniyam Sankhya 29 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 5, 2001:

THE UTTAR PRADESH COMMISSION FOR THE SCHEDULED CASTES AND
SCHEDULED TRIBES (AMENDMENT) ACT, 2001

(U. P. Act No. 29 of 2001)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

Further to amend the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes Act, 1995.

IT IS HEREBY enacted in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes (Amendment) Act, 2001.

Short title and commencement

(2) It shall be deemed to have come into force on June 8, 2001.

2. In section 5 of the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes Act, 1995, hereinafter referred to as the principal Act, for sub-section (1) the following sub-sections shall be substituted, namely:—

Amendment of section 5 of U.P. Act No. 16 of 1995

“(1) The Chairman, Vice-Chairman or every other Member shall hold office for a term of three years from the date he assumes office:

Provided that no Chairman, Vice-Chairman or other Member shall hold office as such after he has attained the age of sixty-five years:

Provided further that the Chairman shall not be eligible for re-appointment as Member.

(1-A) The provisions of sub-section (1) as amended by the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes (Amendment) Act, 2001 shall apply also to the Chairman, Vice-Chairman and every other Member holding office immediately before the commencement of the said Act.

(1-B) The Chairman, Vice-Chairman or other Member, who has attained the age of sixty-five years, on or before the commencement of the Act referred to in sub-section (1-A), shall cease to hold office as such on such commencement.”

3. (1) The Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes (Amendment) Ordinance, 2001 is hereby repealed.

Repeal and savings

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if this Act were in force at all material times.

U.P.
Ordinance
no. 12 of
2001

By order
Y. R. TRIPATHI,
Pranukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes Act, 1995 (U.P. Act no. 16 of 1995) has been enacted to establish Commission for the Scheduled Castes and Scheduled Tribes and for the matters connected therewith and incidental thereto. The said Act through provided for the constitution of the Commission and term of office of its Chairman, Vice-Chairman and other members but it did not provide their maximum age limit till when they could hold then respective office. It was, therefore, decided to amend the said Act to fix as the maximum age of the Chairman, Vice-Chairman and the other members of the Commission as sixty five years and to provide that the Chairman, the Vice-Chairman or other members who have already attained the age of 65 years shall cease to hold their office as such.

Since the State Legislature was not in session and immediate legislative measure was necessary to implement the aforesaid decision, the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes (Amendment) Ordinance, 2001 (U. P. Ordinance no. 12 of 2001) was promulgated by the Governor on June 8, 2001.

This Bill is introduced to replace the aforesaid Ordinance.

No. 1611(2)/XVII-V-1-1(KA)-14-2002

Dated Lucknow, September 4, 2002

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Anusuchit Jati Aur Anusuchit Jan Jati Ayog (Sanshodhan) Adhiniyam, 2002 (Uttar Pradesh Adhiniyam- Sankhya 4 of 2002) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 3, 2002 :-

THE UTTAR PRADESH COMMISSION FOR SCHEDULED CASTES AND
SCHEDULED TRIBES (AMENDMENT) ACT, 2002

(U. P. ACT NO. 4 OF 2002)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Commission for Scheduled Castes and Scheduled Tribes Act, 1995.

IT IS HEREBY enacted in the Fifty-third year of the Republic of India as follows:-

1. (1) This Act may be called the Uttar Pradesh Commission for Scheduled Castes and Scheduled Tribes (Amendment) Act, 2002.

Short title and commencement

(2) It shall be deemed to have come into force on June 21, 2002.

2. In section 4 of the Uttar Pradesh Commission for Scheduled Castes and Scheduled Tribes Act, 1995, in sub-section (1) for clauses (b) and (c) the following clause shall be substituted, namely:-

Amendment of section 4 of U.P. Act No. 16 of 1995

“(b) a Vice Chairman from amongst persons belonging to the Scheduled Castes;

(c) three other members out of which atleast one shall be from amongst persons belonging to the Scheduled Castes; or Scheduled Tribes; and”

3. (1) The Uttar Pradesh Commission for Scheduled Castes and Scheduled Tribes (Amendment) Ordinance, 2002 is hereby repealed.

Repeal and saving

(2) Notwithstanding such repeal, any thing done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provision of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

U.P.
Ordinance
no. 5 of
2002

By order,
A. B. SHUKLA,
Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes Act, 1995 has been enacted to establish a commission for the Scheduled Castes and Scheduled Tribes and for the matters connected therewith and incidental thereto. Section 4 of the said Act provided that the appointment to the office of Vice-Chairman should be made from amongst the persons belonging to the Scheduled Castes or Scheduled Tribes and that one member out of three other members should be from amongst persons belonging to the Scheduled Tribes consequent upon the constitution of the Uttaranchal State the population of persons belonging to the Scheduled Tribes has been reduced to a negligible number in the State of Uttar Pradesh and as such the said provision for the appointment of persons belonging to the Scheduled Tribes to

the offices of the Vice-Chairman and one member out of three other members was not reasonable. It was, therefore, decided to amend the said Act to provide for the appointment of persons belonging to the Scheduled Castes to the office of the Vice-Chairman and from amongst persons belonging to the Scheduled castes or scheduled Tribes to the office of one member out of three other members of the said Commission.

Since the State legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes (Amendment) Ordinance, 2002 (U. P. Ordinance no. 5 of 2002) was promulgated by the Governor on June 21, 2002.

This Bill introduced to replace the aforesaid Ordinance.

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