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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 588-L.—1st June, 2017.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons and the Financial Memorandum which accompany it, in the *Kolkata Gazette*, the Bill, the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information:—

Bill No. 28 of 2017

**THE WEST BENGAL SCHEDULED CASTES ADVISORY
COUNCIL BILL, 2017.**

**A
BILL**

to constitute an Advisory Council for the Scheduled Castes and to provide for matters connected therewith or incidental thereto.

WHEREAS it is expedient to constitute an Advisory Council for the Scheduled Castes and to provide for matters connected therewith or incidental thereto;

It is hereby enacted in the Sixty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

*The West Bengal Scheduled Castes Advisory
Council Bill, 2017.*

(Chapter I.—Preliminary.—Clauses 1, 2.—Chapter II.—West Bengal Scheduled
Castes Advisory Council.—Clause 3.)

CHAPTER I

Preliminary

Short title and
commencement.

1. (1) This Act may be called the West Bengal Scheduled Castes Advisory Council Act, 2017.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) “Chairperson” means the Chairperson of the Council;
- (b) “Council” means the West Bengal Scheduled Castes Advisory Council;
- (c) “member” means a member of the Council and includes the Chairperson and the Vice-Chairperson;
- (d) “notification” means a notification published in the *Official Gazette*;
- (e) “regulations” means the regulations made by the Council under section 14;
- (f) “rules” means the rules made by the State Government under section 13;
- (g) “Scheduled Castes” shall have the same meaning as defined in clause (24) of article 366 of the Constitution;
- (h) “Secretary” means the Secretary of the Council.
- (i) “State Government” means the Government of West Bengal in the Backward Classes Welfare Department;
- (j) “Vice-Chairperson” means the Vice-Chairperson of the Council.

CHAPTER II

West Bengal Scheduled Castes Advisory Council

Constitution of
the Council.

3. (1) The State Government shall, by notification in the *Official Gazette*, constitute a body to be known as the West Bengal Scheduled Castes Advisory Council, to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Council shall consist of a Chairperson, a Vice-Chairperson and not more than seventeen other members.

(3) The Chief Minister of the State of West Bengal shall be the *ex officio* Chairperson and Member of the Council.

(4) The Minister-in-charge, Backward Classes Welfare Department, shall be the *ex officio* Vice-Chairperson and member of the Council. In the absence of the Chairperson, the Vice-Chairperson shall preside over the meeting.

(5) In addition to Chairperson and Vice-Chairperson, there shall be—

- (a) one Member of Parliament from a Scheduled Castes constituency in West Bengal;
- (b) not more than ten Scheduled Castes representatives of the West Bengal Legislative Assembly;

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*(Chapter II.—West Bengal Scheduled Castes Advisory
Council.—Clauses 4, 5.)*

(c) not more than four members having special knowledge and experience of the needs and problems of the Scheduled Castes; and

(d) not more than two members.

to be nominated by the State Government, by notification in the *Official Gazette*.

(6) The Commissioner of the Backward Classes Welfare and Tribal Development Directorate, shall be the Secretary to the Council.

(7) (a) The Chief Secretary, West Bengal and the Principal Secretary, Backward Classes Welfare Department, shall be permanent invitee members in the Council.

(b) The Chairperson may invite persons to participate in the deliberations of the meetings.

(c) The Council shall, unless earlier dissolved by the Governor, be coterminous with the tenure of the West Bengal Legislative Assembly and shall be re-constituted as soon as possible after each General Election.

Terms of office and conditions of service and determination of allowances of Chairperson, Vice-Chairperson and other members.

4. (1) The Chairperson, Vice-Chairperson and every member shall hold office for such period not exceeding five years.

(2) The Chairperson, the Vice-Chairperson and every member may, by writing under his hand addressed to the State Government, resign from the office of the Chairperson, the Vice-Chairperson and member, as the case may be.

(3) The State Government shall remove a person from the office of the Chairperson, the Vice-Chairperson or a member, if such 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 an unsound mind and so declared by a competent court;

(d) refuses to act or becomes incapable of acting;

(e) is, without obtaining leave of absence from the Council, absent from three consecutive meetings of the Council;

(f) has, in the opinion of the State Government, so abused the position of Chairperson, Vice-Chairperson or member as to render that person's continuance in office detrimental to the public interest:

Provided that no person shall be removed under these clauses until such person has been given a reasonable opportunity of being heard.

(4) A vacancy caused due to removal of the Chairperson, Vice-Chairperson or member for any of the grounds mentioned in sub-section (3), shall be filled by fresh nomination and a person so nominated shall hold office for the un-expired period of the term for which his predecessors in office would have held office if such vacancy had not arisen.

Allowances.

5. For attending a meeting of the Council, the Chairperson, the Vice-Chairperson and other members shall be entitled to travelling and sitting allowances at such rate as may be specified in the regulations made by the Council.

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*(Chapter II.—West Bengal Scheduled Castes Advisory Council.—Clauses 6-8.—
Chapte III.—Functions and Powers of Council.—Clause 9.)*

Secretarial
Service to the
Council.

6. The Backward Classes Welfare and Tribal Development Directorate shall provide the secretarial support to the Council for its functioning.

Vacancy, etc. not
to invalidate the
proceedings of
the Council.

7. No act or proceedings of the Council shall be invalid merely on the ground of the existence of any vacancy or defect in the constitution of the Council.

Procedure to be
regulated by the
Council.

8. (1) The Council shall meet as and when necessary and shall meet at such time and place as the Chairperson may decide but there shall be at least one meeting of the Council in every six months.

(2) The Council shall regulate its own procedures.

(3) The agenda of the meeting shall be finalised by the Secretary of the Council in consultation with the Chairperson. A notice containing such agenda for each meeting of the Council shall be circulated by the Secretary amongst the members ordinarily for a period of seven days before the date fixed for the hearing.

(4) Seven (1/3rd) members shall form a quorum, and if, at any time there is no quorum, the meeting shall be adjourned. The adjourned meeting shall be held on time and date in accordance with sub-section (1) of section 8 and the agenda shall remain unchanged.

(5) The final decision of the Council shall be made by a unanimous decision of the members present in the meeting of the Council.

(6) The invitee members can participate in the deliberations of the meeting.

(7) A record of the proceedings of the meetings shall be drawn up and entered in a book. This shall be signed by the Secretary of the Council and copy of such proceedings shall be sent to the State Government.

CHAPTER III

Functions and powers of Council

Functions and
Powers of
Council.

9. (1) The Council shall render advice to the State Government on—

- (a) formulating specific action plans for comprehensive socio-economic development of the Scheduled Castes in West Bengal;
- (b) various ways to address the shortcomings of the Scheduled Castes communities in availing the opportunities in education and employment and facilitate them in availing these opportunities;
- (c) existence of specific geographical and special disadvantages faced by the villages and habitats with dominant Scheduled Castes population and the ways to address these through the concerned Departments;
- (d) the livelihood opportunities for the Scheduled Castes communities and how to harness these opportunities;
- (e) the proper ways and means for convergence of activities of various Departments of the State Government and pooling of resources for holistic development of Scheduled Castes communities;
- (f) activities under special component plan by various Departments for addressing specific developmental needs of the Scheduled Castes communities;
- (g) promotion and development of specific cultural practice of Scheduled Castes communities, their traditional folksongs and dance forms;

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(Chapter IV.—Miscellaneous.—Clauses 10-15.)

- (h) protection and preservation of historical and cultural landmarks, objects, structures, festivals of Scheduled Castes communities;
- (i) any other matters which may be referred to it by the State Government.

(2) In the discharge of its functions under sub-section (1), the Council shall have power to call for any information with respect to any matter specified in that sub-section from the State Government, local or any other authority.

CHAPTER IV

Miscellaneous

Chairperson,
Vice-Chairperson,
and Members and
staff of the
Council to be
Public Servant.

10. The Chairperson, the Vice-Chairperson and other members, shall be deemed to be the public servant within the meaning of section 21 of the Indian Penal Code.

Delegation of
powers.

11. The Council may, by general or specific order delegate to the Chairperson, the Vice-Chairperson or any member or to the Secretary of the Council subject to such conditions and limitations, if any, as may be specified therein, such of its powers and duties under this Act as it may deem fit.

Protection of
action taken in
good faith.

12. No suit, prosecution or other legal proceeding shall lie against the State Government, the Council, the Chairperson, the Vice-Chairperson, other members or the Secretary of the Council for anything which is done in good faith or intended to be done under this Act.

Power to make
rules.

13. (1) The State Government may, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which under any provision of this Act are required to be prescribed or to be provided for by rules.

(3) Every order made under this section shall, as soon as may be after it is made, be laid before the West Bengal Legislative Assembly.

Power to make
regulations by the
Council.

14. The Council may, in consultation with the State Government, make regulations to regulate its own procedures and allowances to the Chairperson, Vice-Chairperson and other members.

Power to remove
difficulties.

15. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make provisions not inconsistent with the provisions of the Act as appear to it to be necessary or expedient for removing such difficulties;

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the West Bengal Legislative Assembly.

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Council Bill, 2017.*

STATEMENT OF OBJECTS AND REASONS.

With a view to facilitate the development and advancement of the Scheduled Castes in West Bengal (22.8% of the total population), it is considered necessary and expedient to enact a legislation to constitute a Council, namely, the West Bengal Scheduled Castes Advisory Council, with representatives of the Scheduled Castes and the official of the State Government.

2. The Bill has been framed with the above object in view.

Kolkata,
The 29th May, 2017.

CHURAMANI MAHATA,
Member-in-Charge.

FINANCIAL MEMORANDUM.

There shall be an additional expenditure involved in giving effect to the provisions of the Bill and accordingly, necessary budgetary provisions shall be made in due course.

Kolkata,
The 29th May, 2017.

CHURAMANI MAHATA,
Member-in-Charge.

By order of the Governor,

MADHUMATI MITRA,
*Secy. to the Govt. of West Bengal,
Law Department.*