

PART - I

HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 30th November, 2018

No. Leg. 24/2018.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 5th November, 2018 and is hereby published for general information:-

HARYANA ACT NO. 34 OF 2018

THE HARYANA STATE COMMISSION FOR SCHEDULED CASTES ACT, 2018

AN

ACT

to provide for the constitution of the Commission for Scheduled Castes in the State of Haryana and for matter connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Haryana State Commission for Scheduled Castes Act, 2018. Short title and commencement.
- (2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,- Definitions.
 - (a) "Chairperson" means the Chairperson of the Commission;
 - (b) "Commission" means the Haryana State Commission for Scheduled Castes constituted under section 3;
 - (c) "Government" means the Government of the State of Haryana;
 - (d) "Member" means a Member of the Commission and includes the Chairperson, Vice-Chairperson and Member-Secretary;
 - (e) "prescribed" means prescribed by rules made under this Act;
 - (f) "Scheduled Castes" means such castes, races or tribes or parts of or groups within such castes, races or tribes specified as Scheduled Castes with respect to the Haryana State under article 341 of the Constitution of India;
 - (g) "Vice-Chairperson" means the Vice-Chairperson of the Commission.
3. (1) The Government, by notification in the Official Gazette, shall constitute a body to be known as the Haryana State Commission for Scheduled Castes to exercise the powers conferred on, and to perform the functions assigned to it under this Act. Constitution of Commission.
- (2) The Commission shall consist of the following Members to be nominated by the Government, namely:-
 - (a) Chairperson and Vice-Chairperson, who shall be an eminent person belonging to any of the Scheduled Castes, having wide experience in social life and who has worked, contributed in Government activities or a retired officer of the Government belonging to the Scheduled Castes. The Vice-Chairperson shall be designated from amongst the Members;
 - (b) a Member-Secretary, who is or has been an officer of the Government, not below the rank of Special Secretary;
 - (c) not more than four Members, belonging to the Scheduled Castes, from amongst the persons of ability, integrity and standing who has worked and served for the welfare and uplift of the Scheduled Castes and at least one of them shall be a woman.

Term and conditions of appointment of Members.

4. (1) The Chairperson, Vice-Chairperson and Members shall hold office for a term of three years from the date he assumes office:

Provided that where the Chairperson or Vice-Chairperson or a Member attains the age of sixty-five years before the expiry of the aforesaid term of three years, he shall vacate his office on the day on which he attains the such age.

(2) The Chairperson, Vice-Chairperson or Members may, at any time, by writing and addressed to the Government, resign from the office.

(3) The Government shall remove a Member, if he-

- (a) becomes an undischarged insolvent; or
- (b) is convicted and sentenced to imprisonment for an offence which in the opinion of the Government, involves moral turpitude; or
- (c) becomes of unsound mind and stands so declared by a competent court; or
- (d) refuses to act or becomes incapable of acting; or
- (e) is, without obtaining leave of absence from the Commission, absents from three consecutive meetings of the Commission; or
- (f) has, in the opinion of the Government, so abused the position of Member as to render that person's continuance in office detrimental to the interests of Scheduled Castes or public interest;

Provided that no such person shall be removed under this clause until that person 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 nomination and the person so nominated shall hold office for the remainder term of his predecessor.

(5) The salary and allowances payable to, and the other terms and conditions of service of the Chairperson, Vice-Chairperson and Members shall be such, as may be prescribed.

Officers and other employees of Commission.

5. (1) The Government shall provide the Commission with such officers and employees, as may be necessary, for the efficient performance of the functions of the Commission.

(2) The salary and allowances payable to, and the 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.

6. The salary and allowances payable to the Members and the administrative expenses, including salary, allowances and pensions payable to the officers and other employees shall be paid out of the grants referred to in sub-section (1) of section 11.

Vacancy not to invalidate proceedings.

7. 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 Commission.

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

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission, duly authorized by the Member-Secretary in this behalf.

Functions and powers of Commission.

9. (1) The Commission shall exercise the following powers and perform the following functions, namely:-

- (i) to investigate and examine the working of various safeguards provided in the Constitution of India or under any other law for the time being in force or under any order of the Government for the welfare and protection of the Scheduled Castes;

- (ii) to inquire into specific complaints with respect to the deprivation of rights and safeguard of the Scheduled Castes and to take up such matter with the appropriate authorities;
 - (iii) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and to evaluate the progress of their development;
 - (iv) to make recommendations as to the measures to be taken by the Government for the effective implementation of safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and to make report to the Government annually and at such other time, as the Commission deems fit;
 - (v) to discharge such other functions in relation to the protection, welfare, development and advancement of the Scheduled Castes, as may be prescribed.
- (2) The Commission shall, while performing its functions under sub-section (1), have all 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 India 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 and documents; and
 - (vi) any other matter which is or may be prescribed.
10. (1) The Government may, at any time, and shall, at the expiration of ten years from the coming into force of this Act and every succeeding period of ten years thereafter, undertake revision of the Scheduled Castes in the State. Periodic revision of Scheduled Castes.
- (2) The Government while acting under sub-section (1) shall consult the Commission.
11. (1) The 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 Government may think fit for being utilized for the purposes of this Act. Grants by 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).
12. The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form and manner, as may be prescribed. Accounts.
13. (1) The Commission shall prepare, in such form and manner 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 Government. Annual report.
- (2) The Government shall cause the annual report to be placed on the table of the State Legislature.
14. The 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 (Central Act 45 of 1860). Members and employees of Commission to be public servants.
15. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter arising out or concerned with the provisions of this Act. Bar of jurisdiction.
16. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act. 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 appointment of Members;
- (b) the form in which the annual statement of accounts shall be prepared under section 12;
- (c) the form in, and the time at, which the annual report shall be prepared under section 13;
- (d) any other matter which is required to be, or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the State Legislature.

Power to
remove
difficulties.

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

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

Protection of
action taken in
good faith.

18. No suit, prosecution or other legal proceedings shall lie against any Member, officer or employee of the Commission for anything which is in good faith done or intended to be done under this Act or rules made thereunder.

KULDIP JAIN,
Secretary to Government, Haryana,
Law and Legislative Department.