

Annexure - A

HARYANA GOVERNMENT
WELFARE OF SCHEDULED CASTES AND BACKWARD CLASSES
DEPARTMENT
Notification
The 10th October, 2013

No.769 SW (1)-2013 The Governor of Haryana is pleased to accord assent to set up Commission for Scheduled Castes known as “Haryana State Commission for Scheduled Castes” in the State of Haryana as under:-

1. Constitution of the Commission:

(a) The Commission shall consist of total of four members including the Chairperson.

The Chairperson shall be an eminent person belonging to any of the Scheduled Castes having wide experience in social life;

Not more than three non-official members belonging to the Scheduled Castes, may be appointed by the Government from amongst the persons of ability, integrity and standing having special knowledge in matters relating to the Scheduled Castes :

Provided that the, Chairperson or one out of the three members of the Commission shall be a person having a law degree with at least seven year’s standing:

Provided further that one out of the four non official members of the Commission shall be a woman.

(b) The Director, Department of Welfare of Scheduled Castes and Backward Classes, Haryana, shall be the ex-officio member.

(c) There shall be a Secretary to the Commission who shall be appointed by the Government from amongst the officers of the Haryana Civil Service, not below the rank of Joint Secretary.

2. Term of Office and Conditions of service of the Chairperson and Members:

(a) The Chairperson and members shall hold office for a term not exceeding three years, except the ex-officio member.

(b) The Chairperson or a member of the Commission may at any time by writing under his hand, addressed to the State Government, resign his office.

(c) The State Government may remove a person from the office of the Chairperson or of a member if that person --

(i) becomes an insolvent; or

(ii) has been convicted and sentenced to imprisonment for a period of one year or more for any offence; or

(iii) becomes of unsound mind and stands so declared by a competent Court; or

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

(v) without obtaining leave of absence from the Commission, absents from three consecutive meetings of the Commission; or

(vi) has in the opinion of the Government, so abused the position as Chairperson or Member so as to render that person's continuance in office detrimental to the interest of the Scheduled Castes:

Provided that no person may be removed under this clause unless that person has been given an opportunity of being heard in the matter by the Administrative Secretary to Government of Haryana, Department of Welfare of Scheduled Castes and Backward Classes with the prior concurrence of the State Government.

(d) A vacancy caused under forgoing provisions or otherwise may be filled by a fresh appointment by the Government and the person so appointed shall hold office for the remainder of the term of office of the person in whose vacancy such person has been appointed, would have held office, if the vacancy had not occurred :

Provided that, if the vacancy of a member other than that of the Chairperson occurs within six months preceding the date on which the term of office of the member expires, then such a vacancy shall not be filled in.

(e) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and allowance payable to the Members may be such, as may be specified by the Government.

3. Functions of the Commission :

The Commission shall perform the following functions, namely:-

- (a) (i) on a reference from the government, to investigate, examine 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 ;
- (ii) to participate and advise on the planning process of socio-economic and educational development of the Scheduled Castes and to evaluate the progress of their development ;
- (iii) to advise the Government on legislative and developmental policies affecting the Scheduled Castes ;
- (iv) to monitor the implementation of laws and welfare measures concerning the Scheduled Castes and initiate action for legal and administrative reforms to improve socio-economic and educational status of the Scheduled Castes ;
- (v) to inquire into specific complaints with respect to the deprivation of rights and safe guards of the Scheduled Castes ;
- (vi) to conduct studies and research into the problems of Scheduled Castes and report the same to the Government for appropriate action ;
- (vii) to undertake public interest litigation on behalf of an individual or a group of Scheduled Castes who, in opinion of the Commission, based on facts and evidence brought before it, have suffered injustice or discrimination or to intervene in any pending judicial or quasi-judicial proceeding before a court or authority relating to such matter as also to provide legal aid and rehabilitation in deserving cases.
- (viii) to present to the Government, annually and at such other times as the Commission may deem fit, reports upon the working of the safeguards referred to in the preceding clauses ;

(ix) to review the existing provisions of the laws affecting the Scheduled Castes and making recommendations qua remedial legislative measures to overcome any lacunae or shortcomings.

(x) to suggest and recommend the measures for protection, welfare, socio-economic and educational development of Scheduled Castes and any other matter, which may be considered necessary and proper by the Commission for the welfare of Scheduled Castes or which may be referred to it by the Government.

(b) The Government shall consult the Commission on all major policy matters affecting the Scheduled Castes :

Provided that if any matter specified in this Section is dealt with by the National Commission for Scheduled Castes established under Article 338 of the Constitution of India, the State Commission for Scheduled Castes shall cease to have jurisdiction on such matter.

(c) An advice of Commission on matters referred to in clause 3 (a) above shall have persuasive value and would ordinarily be accepted by the Government subject to financial limitations, policy constraints, administrative exigencies and statutory obligations.

4 Meeting and Disposal of Business :

(a) The place of meeting of the Commission shall be the Headquarter of the Commission at Chandigarh/Panchkula and at such places as the Chairperson may think fit.

(b) The quorum for a meeting of the Commission shall be at least three members including the Chairperson.

(c) The Commission shall meet as and when necessary but at least once every two months.

(d) The Commission shall have the authority to transact any business through circulation among the members.

(e) All decisions of the Commission shall be by majority with Chairperson having a second or casting vote in case of equal division.

(f) In the absence of the Chairperson, Members present may elect a Member from amongst them to preside over the meeting and the proceedings of such meetings shall be deemed to be proper and legal.

(g) All meetings of the Commission shall be convened by the Secretary with the approval of the Chairperson. A meeting shall also be convened by the Secretary if 1/3rd members of the Commission demand in writing for a meeting to be convened.

(h) No proceedings of the Commission shall be invalidated by reason only of any defect in its constitution or on the ground of existence of any vacancy in the office of any members.

(i) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized by the Secretary in his behalf.

5. Powers of the Commission:-

The Commission shall, while performing its functions under Section 3, 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 the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or seek a copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses and documents; and
- (f) any other matter by notification by the State Government.

6. Powers of the Commission to utilize the services of certain officers and investigation agencies for conducting investigation:

- (a) The Commission may, for the purpose of conducting investigation utilize the services of;
 - (i) Any officer or investigation agency of the State of Haryana

(ii) Any other specialized agency/authority/person subject to permission of the State Government.

(b) For the purpose of conducting an investigation, any officer or agency referred to in clause (i) of Sub-Section (a) of Section 6 may, subject to the direction and control of the Commission:-

(i) Summon and enforce the attendance of any person and examine him;

(ii) require the discovery and production of any document; and

(iii) requisition any public record or copy thereof from any office.

(c) Such officer or agency shall investigate into the matter as directed by the Commission and submit a report thereon to the Commission within such period, as may be specified by the Commission.

(d) The Commission shall satisfy itself about the correctness of the facts and the conclusion, if any; arrived at in the investigation report submitted to it under Sub-Section (c) and for this purpose, the Commission may make such inquiry including the examination of the person or persons, who conducted or assisted in the investigation, as it considers appropriate.

7. Protection of acts done in good faith.

No suit, prosecution or other legal proceedings shall lie against any member of the Commission or any person acting under the direction either of the Government or of the Commission, in respect of anything which is in good faith done or intended to be done in pursuance of this notification or any rule made there under.

8. Appointment of Staff of the Commission :-

(a) The Commission shall have staff preferably drawn on deputation from the Government and from the surplus posts available in the various Administrative Departments without sanctioning new posts and the instructions issued from time to time from Chief Secretary shall be followed.

(b) The number of posts and service conditions of the staff of the Commission shall be such, as may be specified by the Government.

9. The Chairperson members and staff of the Commission to be public servants:-

The Chairperson, members, officers and other employees of the Commission shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

10. Finances, Accounts and Audit :-

- (a) The State Government shall pay to the Commission by way of grants such sums of money as the State Government may think fit.
- (b) The Commission may spend such sums out of the grants as it thinks fit for performing its functions and such sums shall be treated as expenditure payable out of the grants referred to in Sub-Section (a).
- (c) Accounts of income and expenditure of the Commission shall be kept in accordance with such rules, as may be specified.
- (d) The Commission shall prepare an annual statement of accounts in such form as may be specified.
- (e) The accounts of the Commission shall be audited annually by such auditor as the State Government may appoint.
- (f) The auditor shall, for the purpose of the audit, have access to all the accounts and other records of the Commission.
- (g) The Commission shall pay from its grants such charges for the audit, as may be specified.
- (h) The Commission shall send a copy of the annual statement of accounts together with a copy of the report of the auditor to the State Government and shall cause to be published the annual statement of accounts in such manner, as may be specified.
- (i) The State Government may, after perusal of the report of the auditor give such directions, as it thinks fit to the Commission and the Commission shall comply with such directions.

11. Annual Report :-

- (a) The Commission shall prepare an annual report on its activities.

(b) The Commission may submit as many reports as necessary or as required by the Government from time to time.

12. Involvement of Non- Government Organizations:-

(a) The Commission shall, as far as possible, operate in association and consultation with Non-Government organizations in State particularly Scheduled Castes organizations besides government departments and agencies in the discharge of its functions.

(b) For purpose of involving the Non-Government Organizations, the Commission may evolve and notify norms and standards in consultation with Non-Government organizations on the basis of which it may identify and empanel the organizations in the State.

(c) A list of such empanelled organizations shall be maintained by the Commission and made available to the Government, if sought.

(d) The norms and standards for identification/empanelment of Non-Government organization shall be reviewed by the Commission from time to time.

(e) The Commission may entrust specific tasks for which the Commission has jurisdiction to any of the empanelled Non-Government organization and reimburse its expenses for executing the project successfully within the allocated budget in consultation with Administrative Department.

13. Committees of the Commission :-

(a) The Commission may constitute such Committees thereof as may be necessary for dealing with such issues as may be taken up by the Commission from time to time.

(b) The Commission shall have the power to co-opt as members of any committee who are not Members of the Commission, as it may think fit and the

persons so co-opted shall have the right to attend the meetings of the Committee and take part in the proceedings but shall not have the right to vote.

(c) The persons so co-opted shall be entitled to receive such allowances for attending the meetings of the Committee as may be specified by the Commission.

Dated The Chandigarh
10-10-2013

P.K Das,
Principal Secretary to Government, Haryana,
Welfare of Scheduled Castes and
Backward Classes Department.

Subject : Setting-up of Haryana State Government for Scheduled Castes.

The matter for setting up of Haryana State Commission for Scheduled Castes was placed before the Council of Minister in its meeting held on 20.02.2013. **The proposal was approved in principle.** However, a Cabinet Sub-Committee was constituted. The Sub-Committee in its first meeting which was held on 9.04.2013 and second meeting on 06.06.2013 gave its suggestions which have been incorporated in the original draft and was got approved by the Hon'ble C.M. on 16.07.2013.

In due course, the department held informal discussions with the legal department and few semantic changes were made and few points which were repetitive in nature have been deleted. And final draft is annexed alongwith annotated form showing the changes made from the original notification submitted to the Cabinet on 20.02.2013.

Fair draft of notification has been prepared and placed at **Flag 'A'**. Annotated form showing the changes made from the original notification has been placed at **Flag 'B'**. Memorandum for the same purpose has also been prepared in English and exemption may be given for Hindi version. Memorandum has been placed at **Flag 'C'**.

Submitted for approval of Hon'ble C.M. please