

THE UTTAR PRADESH COMMISSION FOR THE SCHEDULED
CASTES AND SCHEDULED TRIBES ACT, 1995¹

[U. P. Act No. 16 of 1995]

Amended by

U. P. Act no. 1 of 1998

U. P. Act no. 29 of 2001

U. P. Act no. 4 of 2002

U. P. Act no. 41 of 2007

U.P. Act No. 26 of 2024

[As passed by the Uttar Pradesh Legislature, assented to by the
Governor on August 7, 1995 and published in U.P. Gazette
extraordinary on August 11, 1995.]

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 Forth-sixth Year of the Republic of
India as follows :—

CHAPTER-1

Preliminary

**Short title
extent and
commencement**

1. (1) This Act 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. (1) The State Government shall constitute a body to be
known as the Uttar Pradesh Commission for Scheduled Castes and
Scheduled Tribes to exercise the powers conferred on, and to perform
the functions assigned to, it under this Act.

**Composition
of the
Commission**

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

1. For SOR see at the end of this Act.

2. [Sub. by sec. 2 of U. P. Act No. 41 of 2007.](#)

- (a) a Chairman ;
- (b) two Vice-Chairman
- (c) seventeen other members.]¹

(2) The Member 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.

**Term of
office and
conditions of
service of
Member**

5. ²[(1) (a) The tenure of the Chairman, Vice-Chairman or member, shall be one year from the date of his assuming office.

(b) The Chairman, Vice-Chairman or member shall hold his office during the pleasure of the State Government.

(c) The Chairman shall not be eligible for reappointment as a member].

³[(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.]

(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 officer 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 absent from 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 ;

[1. Sub. by sec. 2 of U.P. Act No. 41, 2007.](#)

[2. Sub. by sec. 2 of U. P. Act No. 26 of 2024.](#)

[3. Ins. by sec. 2 by of U.P. Act No. 29, 2001.](#)

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.

Officers and other employees of the Commission

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.

(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.

Vacancies etc. not to invalidate proceedings of the Commission

8. No act or proceeding 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

9. (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) 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, be order; direct.

(5) 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 this behalf.

State Government 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-economics 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 along with 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 commission for the examination of witness and documents ; and

(f) any other matter that may be prescribed.

¹[Provided that no person who is holding the office of the Chief Secretary, Principal Secretary of 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.]¹

CHAPTER — IV

Finance, Accounts and Audit

Grants by the State Government

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 utilized 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).

Account and audit

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.

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

Annual Report

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 and audit report to be laid before the State Legislature

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.

CHAPTER-V

Miscellaneous

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

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 ;

Penalty

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.

¹. [*Ins. by s. 2 of U.P. Act No. 1, 1998.*](#)

Cognizance of offences	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 authorized by the Commission in this behalf.
Protection of action taken in good faith	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) Act or the rules made thereunder.
Power of the State Government to issue directions	1[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.]
Power to make rules	<p>21. (1) The State Government may, by notification, make rules for carrying out the purposes of this (Ordinance) Act.</p> <p>(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 :—</p> <ul style="list-style-type: none"> (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 which and the time at which the annual report shall be prepared under Section 15 ; (e) any other matter which is required to be, or may be prescribed.
Power to remove difficulties	<p>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.</p> <p>(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.</p> <p>(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 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.</p>
Repeal and saving	23. (1) The Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes Ordinance, 1995 is hereby repealed.

1. Ins. by sec. 3 of U. P. Act No. 1 of 1998.

(2) Notwithstanding such repeal, anything done or any section 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.

STATEMENT OF OBJECTS AND REASONS

The Commissioner, Scheduled Castes and Scheduled Tribes, was appointed by an executive order of the State Government to safeguard the interests of the Scheduled Castes and Scheduled Tribes in the State but for want of legal status, the Commissioner could not function effectively. It was, therefore, decided to enact a law to provide for the establishment of a Commission for the Scheduled Castes and Scheduled Tribes in the State, on the pattern of the National Commission for Scheduled Castes and Scheduled Tribes. The functions of the Commission, *inter alia* are to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the constitutions or under any other law or under any order of the State Government and to make recommendations to the State Government for the effective implementation of those safeguards and other measures for the proportion welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes.

Since the State Legislature was not in session and immediate legislative action to implement the aforesaid decision was necessary, the Uttar Pradesh Commission for Scheduled Castes and Scheduled Tribes Ordinance, 1994 (U.P. Ordinance no. 14 of 1994) was promulgated by the Governor on August 8, 1994.

This Bill is introduced accordingly to replace the aforesaid Ordinance.

