

[Translation in English of “ 2007-ലെ പട്ടികജാതികൾക്കും പട്ടികവർഗ്ഗങ്ങൾക്കും വേണ്ടിയുള്ള കേരള സംസ്ഥാന കമ്മീഷൻ ആക്ട് ” published under the authority of the Governor]

ACT 20 OF 2007

THE KERALA STATE COMMISSION FOR THE SCHEDULED CASTES AND THE SCHEDULED TRIBES ACT, 2007*

An Act to constitute a Commission for the Scheduled Castes and the Scheduled Tribes in the State of Kerala and to provide for matters connected therewith or incidental thereto.

Preamble.—WHEREAS, it is expedient to constitute a Commission for the Scheduled Castes and the Scheduled Tribes in the State of Kerala and to provide for matters connected therewith or incidental thereto.

BE it enacted in the Fifty-eighth Year of the Republic of India as follows:—

CHAPTER 1 PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Kerala State Commission for the Scheduled Castes and the Scheduled Tribes Act, 2007.

(2) It shall come into force on such date as the Government may, by ¹notification in the Gazette, appoint.

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

(a) "Commission" means the Kerala State Commission for the Scheduled Castes and the Scheduled Tribes constituted under section 3;

*Received the assent of the Governor on the 5th day of October, 2007 and published in the Kerala Extraordinary Gazette No. 1820 dated 6th October, 2007.

1. Vide S.R.O. No. 1008/2007 dated 30th November, 2007 and published in the Kerala Extraordinary Gazette No. 2187 dated 3rd December, 2007 (w.e.f. 01-01-2008).

(b) "Government" means the Government of Kerala;

(c) "Member" means a member of the Commission and includes the Chairperson;

(d) "prescribed" means prescribed by rules made under this Act.

(e) "Scheduled Castes" shall have the meaning assigned to it in clause (24) of Article 366 of the Constitution of India;

(f) "Scheduled Tribes" shall have the meaning assigned to it in clause (25) of Article 366 of the Constitution of India;

CHAPTER II

STATE COMMISSION FOR THE SCHEDULED CASTES AND THE SCHEDULED TRIBES

3. *Constitution of the Commission for the Scheduled Castes and the Scheduled Tribes.*—(1) The State Government shall, as soon as may be, after the commencement of this Act constitute a body to be known as the “Kerala State Commission for the Scheduled Castes and the Scheduled Tribes” to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Commission shall consist of the following members, namely:—

(a) a Chairperson, from among the Scheduled Caste-Scheduled Tribes, who has special knowledge in matters relating to the Scheduled Castes and the Scheduled Tribes, to be nominated by the Government;

(b) two members who have special knowledge in matters relating to the Scheduled Castes and the Scheduled Tribes, to be nominated by the Government;

(c) the Secretary to Government of the Scheduled Castes and Scheduled Tribes Development Department of the Government, *ex-officio*, who shall be Member-Secretary of the Commission.

4. *Term of Office and Conditions of service of the Chairperson and Members.*—(1) Every member shall hold office for a term of three years from the date he assumes office.

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

(3) The Government shall remove a person from the Office of the Chairperson or of a member if that person,—

(a) becomes an undischarged insolvent; or

(b) has been 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) without obtaining leave of absence from the Commission, absents himself from three consecutive meetings of the Commission; or

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

Provided that no person shall be removed under this clause unless 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 within a period of three months.

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

5. *Staff of the Commission.*—(1) The Government shall provide the Commission with such officers and employees, as may be required for the proper functioning of the Commission.

(2) The salary and allowances payable to, and the terms and conditions of services of the officers and other employees appointed for the purpose of the Commission shall be, such as may be prescribed.

6. *Salary, allowances and administrative expenses to be paid out of grants.*—The salary and allowances payable to the Chairperson and the members, and the administrative expenses, including salary, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 12.

7. *Vacancies etc., not to invalidate proceedings of the Commission.*—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.

8. *Procedure to be regulated by the Commission.*—(1) The Commission shall meet as and when necessary, at such time and place as the Chairperson may think fit:

Provided that it shall meet at least once in three months.

(2) The Commission shall have power to 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 authorised by the Member-Secretary in this behalf.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

9. *Functions of the Commission.*—The Commission shall have the following functions, namely:—

(a) 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 and the Scheduled Tribes of Kerala;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and the Scheduled Tribes in Kerala and to take up such matters with the appropriate authorities;

(c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and the Scheduled Tribes and to evaluate the progress of their development in the State;

(d) to make recommendations as to the measures that should 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 the Scheduled Tribes and to make report to the Government annually and at such other time, as the Commission may deem fit;

(e) to discharge such other functions in relation to the protection, welfare, development and advancement of the Scheduled Castes and the Scheduled Tribes, as may be prescribed:

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

10. *Laying of Report*—The State Government shall cause such reports referred to in clause (d) of section 9 to be laid before the Legislative Assembly explaining the action taken or proposed to be taken and the reasons, if any, for non-acceptance of the recommendations.

11. *Powers of the Commission*.—The Commission shall, while performing its functions under section 9, 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 from any part of the State 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 which may be prescribed.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

12. *Grants by the Government.*—(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 utilised for the purposes of this Act.

(2) The Commission may spend such sums, out of the grants, 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).

13. *Accounts and Audit.*—(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) The accounts of the Commission shall be audited annually by such auditor, as the Government may appoint in this behalf.

(3) All the accounts and other records should be made available to the auditor for the purpose of the Audit.

14. *Audit report to be laid before the Legislature.*—The Government shall cause the audit reports to be laid, as soon as may be after they are received, before the Legislative Assembly.

CHAPTER-V

MISCELLANEOUS

15. *Chairperson, Members and employees of the Commission to be public servants.*—The Chairperson, members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

16. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act, either prospectively or retrospectively.

(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) salary and allowances payable to, and the other terms and conditions of service of the Chairperson and the members under sub-section (5) of section 4 and of the officers and other employees under sub-section (2) of section 5;

(b) the form in which the annual report shall be prepared under clause (d) of section 9;

(c) the form, in which the annual statement of accounts shall be maintained under sub-section (1) of section 13; and

(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 Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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

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 Legislative Assembly.

18. *Repeal and Saving.*—(1) The Kerala State Commission for the Scheduled Castes and the Scheduled Tribes Ordinance, 2007 (56 of 2007) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Act.