

Government of Himachal Pradesh  
Department of Social Justice and Empowerment

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No: SJE-B-B(12)-4/2014

Dated Shimla-2

20-04-2016.

**NOTIFICATION**

The Governor of Himachal Pradesh is pleased to set up the Commission, namely "The Himachal Pradesh State Commission for Scheduled Castes" in the State of Himachal Pradesh with its Headquarter at Shimla to safeguard the interest of the Scheduled Castes in the State of Himachal Pradesh and to ensure effective implementation of policies, programmes and legislations intended for social-economic development of Scheduled Castes, to recommend remedial measures for their welfare and development. The constitution of the Commission, its term of office and powers and functions shall be as under, namely:-

**1. Constitution of the Commission.-** The State Government shall, by notification, constitute the Himachal Pradesh State Commission for Scheduled Castes with effect from such date as may be specified therein.

**2. Composition of the Commission.-** (1) *The Commission shall consist of the following Members, namely:-*

- (a) Chairperson, to be nominated by the State Government;
- (b) three Non-Official Members, to be nominated by the State Government, out of which one shall be a woman and other shall be from the legal profession; and
- (c) the Director, Scheduled Castes, Other Backward Classes and Minority Affairs, Himachal Pradesh shall be the Member-Secretary.

**3. Term of office and conditions of service of the Chairperson and the Members.-** (1) The term of office of the Non-Official Members including Chairperson shall be three years:

*Provided that* no Chairperson or a Non Official Member shall hold office for more than two terms:

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*Provided further that no Chairperson or Non-Official Member shall hold office after attaining the age of sixty five years. If the Chairperson attains the age of sixty five years before expiry of the term of three years, he shall vacate the office on the date he attains such age.*

(2) Any of the Members including Chairperson of the Commission may, at any time, by writing to the State Government, resign from his office.

(3) The State Government may remove Chairperson or Member from the Commission, if he -

- (a) becomes an undischarged insolvent;
- (b) is convicted and sentenced to imprisonment for an offence which in the opinion of the 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) 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 public interest or of the Scheduled Castes;

Provided that no Member shall be removed under this Sub-clause until he has been given an opportunity of being heard;

- (f) without obtaining leave of absence from the Commission, absents himself from three consecutive meetings of the Commission; and
- (g) conducts himself in manner which is prejudicial to the public interest or against the established norms.

(4) In the event of casual vacancy occurring by reason of death, resignation or removal of a Member including Chairperson or otherwise, shall be filled by fresh nomination and any person so nominated shall hold office for the remainder of the term in whose place he is so nominated.

**4. Qualifications for nomination as Chairperson and Non-Official Members.-**

(1) The Chairperson and Non-Official Members shall be nominated from, amongst persons of ability, integrity and standing in society and who have served for the welfare and upliftment of the Scheduled Castes, having educational qualifications not below that of a graduate.

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(2) Subject to the provisions of clause (1),-

(a) the Chairperson shall be from the Scheduled Castes categories having eminence in public life or a retired Government servant not below the rank of Principal Secretary to the State Government belonging to the Scheduled Castes categories; and

(b) Non-Official Members of the Commission shall be eminent persons of ability, integrity and standing, who have served for the welfare and upliftment of Scheduled Castes and having atleast graduation degree in any stream:

Provided that the Non-Official Member from the legal profession must have at least ten years standing as an Advocate or must have at least ten years experience in dealing with legal matters:

Provided further that atleast two Non-Official Members including Chairperson shall be from Scheduled Castes categories.

**5. Conditions of service of Chairperson and Non-Official Members.**- The salaries and allowances payable to and other terms and conditions of service of the Chairperson and Non-Official Members shall be such as may be determined by the State Government for which necessary budgetary provisions shall be made by the State Government.

**6. Offices and other employees of the Commission and their terms and conditions of service.**- (1) The State Government shall provide the Commission with such officers and employees, as may be necessary for the efficient performance of the Commission.

(2) The Commission shall have staff preferably on secondment basis from the State Government/Department and from the surplus pool of the State Government without sanctioning new posts and the instructions issued in this behalf from time to time by the State Government shall be followed.

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

(4) The State Government shall provide necessary budget for the payment of salaries and allowances to the officers and employees of the Commission.

**7. 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.

(2) The Commission shall regulate its own procedure.

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**8. Powers and functions of the Commission.**-The Commission shall examine and monitor all matters relating to the safeguards provided under the Constitution and other statutes for the protection, welfare and socio-economic development of the Scheduled Castes. The Commission shall also make recommendations to the State Government for the effective implementation of all safeguards for the members of Scheduled Castes community provided under different statutes and schemes.

**9. Annual report.**- The Commission shall prepare for each financial year its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the State Government.

**10. Finance, Accounts and Audit.**- (1) The Commission shall maintain proper accounts and other relevant records and prepare annual statement of accounts to be forwarded annually to the State Government in consultation with the Accountant General, Himachal Pradesh.

(2) The accounts of the Commission shall be audited by the Accountant General, Himachal Pradesh at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission.

(3) The Accountant General, Himachal Pradesh and any person appointed by him in connection with the audit of the accounts of the Commission shall have the same right and privileges and the authority in connection with such audit as the Accountant General, Himachal Pradesh generally has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of books, accounts connected vouchers and other documents and papers and to inspect any of the office of the Commission.

**11. Meeting and disposal of business.**- (1) The Commission shall conduct meetings at its headquarters at Shimla or at any such place, as the Chairperson may deem fit, but the time period between its two consecutive meeting shall not exceed three months.

(2) The Commission shall dispose of its business in the following manner:-

- (a) the minutes and proceedings of the meetings of the Commission shall be recorded by the Member-Secretary;

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- (b) the quorum for a meeting of the Commission shall be atleast three members including the Chairperson;
- (c) the Commission shall have the authority to transact any business through circulation among the members;
- (d) all decisions of the Commission shall be by majority with Chairperson having a second or casting vote in case of equal division;
- (e) 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 meeting shall be deemed to be proper and legal;
- (f) all meetings of the Commission shall be convened by the Member-Secretary with the approval of the Chairperson;
- (g) 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; and
- (h) all orders and decisions of the Commission shall be authenticated by the Member-Secretary.

**12. The Chairperson, member 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 Panel Code.

By Order

Anuradha Thakur  
Secretary (SJ&E) to the  
Government of Himachal Pradesh

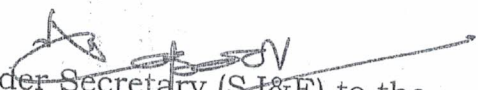
Endst: No: SJE-B-B(12)-4/2014 Dated Shimla-171002 20/4/2016.

Copy forwarded to:

1. All the Administrative Secretaries to the Government of Himachal Pradesh.
2. The Secretary to the Government of India, Minister of Social Justice and Empowerment, Shastri Bhawan, New Delhi-110115

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3. The Principal Secretary to the Chief Minister, Himachal Pradesh.
4. All the Heads of Department in Himachal Pradesh.
5. All the Deputy Commissioner/Divisional commissioner in Himachal Pradesh.
6. The Private Secretary to the Governor, Himachal Pradesh
7. The Private Secretary to the Chief Minister, Himachal Pradesh.
8. The Private Secretary to the Chief Secretary, Himachal Pradesh.
9. The Director, SCs, OBCs and Minority Affairs, Himachal Pradesh, SDA Complex, Kasumpti, Shimla-9.
10. All Private Secretaries to the Ministers/CPSS in H.P. Secretariat, Shimla-2
11. The Controller, Printing and Stationery, H.P, Shimla-5 for publishing in the Rajpatra.

  
Under Secretary (SJ&E) to the  
Government of Himachal Pradesh