

**Madhya Pradesh Rajya Anusuchit Janjati Ayog Adhiniyam,
1995**

24 of 1995

[24 May 1995]

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Madhya Pradesh Rajya Anusuchit Janjati Ayog Adhiniyam,

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An Act to constitute a State Commission for Scheduled Tribes and to provide for matters connected therewith or incidental thereto. Be it enacted by the Madhya Pradesh Legislature in the Forty Sixth Year of the Republic of India as follows:-- 1. Received the assent of the Governor on the 24th May, 1995; assent first published in the "Madhya Pradesh Gazette (Extraordinary)" dated the 29th June, 1995.

CHAPTER 1
PRELIMINARY

1. Short Title And Commencement :-

- (1) This Act may be called The Madhya Pradesh Rajya Anusuchit Janjati Ayog Adhiniyam, 1995.
- (2) It extends to the whole of the State of Madhya Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,

- (a) "Commission" means the Madhya Pradesh Rajya Anusuchit Janjati Ayog constituted under Section 3;
- (b) "Member" means a member of the Commission and includes the chairperson;
- (c) "Scheduled Tribes" means such tribes, tribal Communities or parts of, or groups within such tribes or tribal Communities specified as Scheduled Tribes with respect to the State of Madhya Pradesh under Article 342 of the Constitution of India.

CHAPTER 2
THE STATE COMMISSION FOR ANUSUCHIT JANJATI

3. Constitution Of State Commission For Anusuchit Janjati :-

- (1) The State Government shall constitute a body to be known as the Madhya Pradesh Rajya Anusuchit Janjati Ayog 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:--

(a) Three non official members who have special knowledge in the matters relating to Scheduled Tribes of whom one shall be the Chairperson to be appointed by the State Government:

Provided that atleast two members shall be from amongst the Scheduled Tribes.

(b) Commissioner, Tribal Development, Madhya Pradesh.

4. Term Of Office And Conditions Of Service Of Chairperson And Members :-

(1) Every non-official member of the Commission shall hold office for a term of three years from the date he assumes charge of his office.

(2) A member may, by writing under his hand addressed to the State Government, resign from the office of Chairperson or as the case may be, of member at any time.

(3) The State Government shall remove a person from the office 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 become 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 Chairperson or Member as to render his continuance in office detrimental to the interests of Scheduled Tribes or the public interest:

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

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

5. Officers And Other Employees Of The Commission :-

(1) The State Government shall appoint a Secretary to the Commission and provided the Commission with 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 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.

6. Salaries And Allowances To Be Paid Out Of Grants :-

The salaries and allowances payable to the Chairperson and members and the administrative expenses including salaries, allowance and pensions payable to the Secretary, officers and other employees referred to in Section 5 shall be paid out of the grants referred to in sub-section (1) of Section 11.

7. Vacancies, Etc. Not To Invalidate Proceedings Of The Commission :-

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.

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.

(2) The Commission shall regulate its own procedure.

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

CHAPTER 3

FUNCTIONS AND POWERS OF THE COMMISSION

9. Functions Of The Commission :-

(1) It shall be the function of the Commission--

(a) to act as watch-dog Commission for the protection afforded to the members of the Scheduled Tribes under the Constitution and under any other law for the time being in force;

(b) to recommend to the State Government to take steps to add particular tribes or parts of or groups within tribes or tribal communities in the Constitution (Scheduled Tribes) Order, 1950.

- (c) to watch the proper and timely implementation of programmes meant for welfare of Scheduled Tribes and to suggest improvement in such programmes of the State Government or any other body or authority responsible for such programmes;
 - (d) to tender advice regarding reservation for Scheduled Tribes in public services and admission in educational institutions;
 - (e) to perform such other functions as may be assigned to it by the State Government.
- (2) The advice of the Commission shall, ordinarily be binding upon the State Government, where, however, the Government does not accept the advice, it shall record its reason therefor.

10. Powers Of The Commission :-

The Commission shall, while performing its functions under subsection (1) of 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 4

FINANCE, ACCOUNTS AND AUDIT

11. Grants By The State Government :-

(1) The State Government shall, after due appropriation made by Legislative Assembly 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 utilised for the purposes of this Act.

(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 subsection (1).

12. 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 by the State Government.

(2) The Accounts of the Commission shall be audited by the Accountant General of Madhya 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 to the Accountant General.

13. Annual Report :-

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 accounts of its activities during the previous financial year and forward a copy thereof to the State Government.

14. Annual Report And Audit Report To Be Laid Before The Legislative Assembly :-

The State Government shall cause the annual report, together with a memorandum of action taken on the advice tendered by the Commission under Section 9 and the reason for the non-acceptance, if any, of any such advice, and the audit report to be laid as soon as may be after they are received before the Legislative Assembly.

CHAPTER 5

MISCELLANEOUS

15. Chairperson, Members, Officers And Employees Of The Commission To Be Public Servants :-

The Chairperson, Members, Officers and employees of the Commission shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (45 of 1860).

16. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceeding 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.

17. Power To Make Rules :-

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(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 service of the Chairperson and Members under sub-section (5) of Section 4 and the Secretary, officers, and other employees under sub-section (2) of Section 5;

(b) the form in which the annual statement of accounts shall be prepared under sub-section (1) of 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 on the table of the Legislative Assembly.

18. Power To Remove Difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the State 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:

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 on the table of the Legislative Assembly.

19. Saving :-

Notwithstanding the repeal of the Madhya Pradesh Anusuchit Jati, Anusuchit Janjati Tatha Pichhada Varg Ayog Adhiniyam, 1983 (No. 31 of 1983) anything done or any action taken in respect of Scheduled Tribes by the Commission constituted under the said repealed Act or by the State Government in pursuance of its recommendation shall be deemed to have been done or taken under the corresponding provisions of this Act.