GOVERNMENT OF GOA

The Goa Commission for Scheduled Castes and Scheduled Tribes Act, 2010

(Act No. 9 of 2010)

The Goa Commission for Scheduled Castes and Scheduled Tribes Act, 2010

CONTENTS

Sections		Pg. No.
1.	Short title, extent and commencement	1
2.	Definitions	1
3.	Constitution of the Goa Commission for Scheduled Castes and Scheduled Tribes	2
4.	Meetings of the Commission	2
5.	Composition of the Commission	2
6.	Term of office and conditions of service of Chairperson	2
7.	Appointment of officers and other employees of the Commission	3
8.	Salaries and allowances to be paid out of grants	3
9.	Procedure to be regulated by the Commission	3
10.	Powers of the Commission	4
11.	Functions of the Commission	4
12.	Annual Report	6
13.	Accounts and Audit	6
14.	Grants by the Government	7
15.	Protection for actions taken in good faith	7
16.	Constitution of Cells	7
17.	Chairperson and other employees to be public servants	7
18.	Power to make rules	7
19.	Power to remove difficulties	7

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

7/6/2010-LA

The Goa Commission for Scheduled Castes and Scheduled Tribes Act, 2010 (Goa Act 9 of 2010), which has been passed by the Legislative Assembly of Goa on 26-03-2010 and assented to by the Governor of Goa on 28-05-2010, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 1st June, 2010.

The Goa Commission for Scheduled Castes and Scheduled Tribes Act, 2010

(Goa Act 9 of 2010) [28-5-2010]

to provide for the establishment of the Goa Commission for Scheduled Castes and Scheduled Tribes to safeguard the interests of the Scheduled Castes and the Scheduled Tribes in the State of Goa and for matters connected therewith and incidental thereto.

Be it enacted by the Legislative Assembly of the State of Goa in the Sixty-first Year of the Republic of India as follows:—

CHAPTER–I

Preliminary

1. Short title, extent and commencement.— (1) This Act may be called the Goa Commission for Scheduled Castes and Scheduled Tribes Act, 2010.

(2) It extends to the whole of the State of Goa.

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

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

(c) "civil rights" means any right accruing to a person by reason of the abolition of untouchability by Article 17 of the Constitution of India;

(d) "disabilities" means those as provided in Article 15(2) of the Constitution of India;

(e) "Government" means the Government of Goa;

(f) "Notification" means a notification published in the Official Gazette of Goa and the word 'notified' shall be construed accordingly;

(g) "prescribed" means prescribed by rules made, by the Government under this Act;

(h) "Scheduled Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under clauses (24) and (25) of Article 366 of the Constitution of India.

CHAPTER–II

Goa Commission for Scheduled Castes and Scheduled Tribes

3. Constitution of the Goa Commission for Scheduled Castes and Scheduled Tribes.— (1) The Government may, by notification, constitute a body to be known as the Goa Commission for Scheduled Castes and Scheduled Tribes to exercise the powers conferred on, and to perform the functions assigned to it by or under this Act.

(2) The Commission shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act and rules made thereunder, to acquire, hold and dispose of property and to enter into contracts and shall in the said name sue and be sued.

(3) The Headquarters of the Commission shall be at Panaji and the Government may, by notification, specify such other place to be the Headquarters of the Commission as may be necessary from time to time.

4. Meetings of the Commission.— The Commission shall hold ordinary meetings at such places and at such intervals as the Chairperson may think fit for the transaction of any urgent business.

5. Composition of the Commission.— (1) The Commission shall consist of an eminent person of rank not less than Secretary to Government of India or person who has distinguished himself for working for welfare of Scheduled Tribes and Scheduled Castes or retired High Court Judge of ability, integrity and having outstanding record of selfless service to the cause of Justice; to be appointed by the Government as Chairperson of the

office for a term of three years from the date he assumes office or until he attains the age of sixty-seven years whichever is earlier and shall be eligible for re-appointment for a second term.

(2) The Chairperson may by writing under his hand addressed to the Government resign from the office, but he shall continue in office till his resignation is accepted by the Government or his Successor is appointed.

(3) The Successor so appointed under sub-section (2) shall hold office for the remainder of the term of his predecessor or until he attains the age of sixty-five years, whichever is earlier.

(4) The Government may remove Chairperson from the office 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) without obtaining leave of absence from the Government, absents himself from three consecutive meetings of the Commission;

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

Provided that no person shall be removed under this clause until that person has been given an opportunity of being heard in the matter.

7. Appointment of officers and other employees of the Commission.— (1) The Government may appoint such 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.

8. Salaries and allowances to be paid out of grants.— (1) The salaries and allowances payable to the Chairperson should be commensurate to the status and dignity of the office and the administrative expenses including salaries, allowances as determined by the Government.

(2) The officers and other employees referred to in section 7 shall be paid such salaries

(2) The Commission shall regulate its own procedure.

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

(4) The Commission shall have the power to requisition such information, document and such assistance as may be required from any Department of the Government for the effective implementation of the provisions of this Act.

CHAPTER–III

Powers and functions of the Commission

10. Powers of the Commission.— (1) The Commission shall, while performing its functions under section 11, have the powers of a Civil Court trying a suit and in particular, in respect of the following matters, namely:—

(i) summoning and enforcing the attendance of any person from any part of the State and examining him on oath;

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

(iii) receiving evidence on affidavits;

(iv) requisitioning any public record or copy thereof from any Court or office;

(v) issuing Commissions for the examination of witnesses or documents; and

(vi) any other matter which may be prescribed.

(2) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section 192 and 228 of the Indian Penal Code, 1860 (Central Act 45 of 1860) and the Commission shall be deemed to be a Court for the purpose of section 195 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

11. Functions of the Commission.— (1) The Commission shall perform the following functions, namely:—

(a) Inquire, *suo motu* or on a petition presented to it by a victim or by any person on his behalf, into complaint of:—

(i) Violation of any rights provided in the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955) and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989) and rules framed thereon or abetment thereof;

(ii) negligence in the prevention of such violation, by a public servant;

(b) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and the Scheduled Tribes 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;

(c) to evaluate the working of various safeguards and civil rights accruing to a person as stipulated in the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955) and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989) for the Protection of Scheduled Castes and Scheduled Tribes and in laws and regulations and any other orders passed by the Union and Governments, to investigate and monitor all matters relating to safeguards provided for the Scheduled Castes and the Scheduled Tribes under the Constitution of India or under any other law;

(d) to make recommendations with a view to ensure effective implementation and enforcement of all safeguards under the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955) and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989) and other laws and the rules;

(e) to undertake a review of the implementation of the policies pursued by the Government with respect to the Scheduled Castes and Scheduled Tribes;

(f) to look into specific complaints regarding deprivation of rights and safeguards in the interest of the Scheduled Castes and Scheduled Tribes;

(g) to enquire into any unfair practice, take decision thereon and recommend to the Government the action to be taken in that matter;

(h) to spread literacy among various section of the society regarding the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955) and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989) and to promote awareness of the safeguards available for the protection of these rights through publications in the media, seminars and other available means;

(i) to conduct studies, research and analysis on the question of avoidance of discrimination against the Scheduled Castes and the Scheduled Tribes;

(j) to suggest appropriate legal and welfare measures in respect of Scheduled Castes and Scheduled Tribes to be undertaken by the Government;

(k) to discharge such other functions in relation to welfare, development and advancement of Scheduled Castes and Scheduled Tribes;

(l) on receiving a written complaint from any Scheduled Caste and Scheduled

particularly SC/ST women and issues concerning unfair practice and to report thereon to the Government on the corrective measures to be taken.

(l) the monitoring of the working of laws in force concerning the Scheduled Castes and the Scheduled Tribes women with a view to identifying the areas where the enforcement of laws is not adequately effective or has not been streamlined and recommending executive or legislative measures to be taken;

(m) to invite one or more prominent persons to participate in the meetings of the Commission to advise on such matters as may be necessary;

(n) to encourage the efforts of non-governmental organizations and institutions working in the field of human rights and for the upliftment and betterment of Scheduled Castes and Scheduled Tribes;

(o) to make periodical reports at prescribed intervals to the Government;

(p) to exercise such other powers and perform such other functions as may be conferred or enjoined upon it by this Act or the Rules made thereunder; and

(q) the recommendations of National Commission for Scheduled Castes and Scheduled Tribes will prevail in case of conflicting recommendations on the same issue by the Goa Commission for Scheduled Castes and Scheduled Tribes and the National Commission for Scheduled Castes and Scheduled Tribes.

12. Annual Report.— The Commission shall prepare once in every year, in such form and at such time as may be prescribed, an Annual Report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Government and the Government shall cause the same to be laid before the Legislative Assembly of the State alongwith a Memorandum explaining the action taken or proposed to be taken on its recommendations and the reasons for the non-acceptance, if any of such recommendations.

CHAPTER–IV

Finance, Accounts and Audit

13. Accounts and Audit.— (1) The Commission shall maintain proper accounts of income and expenditure of the Commission and other relevant records and prepare an annual statement of accounts in such form and in such manner as may be prescribed.

(2) The accounts of the Commission shall be audited by such authority at such times and in such manner as may be prescribed.

14. Grants by the Government.— (1) The Government shall, after due appropriation made by the Legislative Assembly 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 utilized 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 sub-section (1) thereof.

15. Protection for actions taken in good faith.— No suit, prosecution or other proceedings shall lie against the Government or this Commission or any officer of Government or Secretary or Officer or other employees of the Commission or any public servant for anything done or in good faith purporting to be done under this Act or the rules made thereunder.

CHAPTER–V

Miscellaneous

16. Constitution of Cells.— The Government may, on the recommendations of the Commission, establish a library, an Information Cell, Research Cell or such other Cells as may be necessary from time to time.

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

18. Power to make rules.— The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

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

Provided that no such order shall be made under this section 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 be laid as soon as may be after it is made, before the Legislative Assembly.

GOVERNMENT OF GOA

Department of Social Welfare

Directorate of Social Welfare

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Notification

50-354-2004-05-HC/Part/1736

In exercise of the powers conferred under sub-section (3) of Section 1 of the Goa Commission for Scheduled Castes and Scheduled Tribes Act, 2010 (Goa Act 9 of 2010) (hereinafter referred to as the "said Act"), the Government of Goa hereby appoints 1st July, 2010 as the date on which the said Act shall come into force.

By order and in the name of the Governor of Goa.

N. B. Narvekar, Director & ex officio Jt. Secretary (SW).

Panaji, 29th June, 2010.

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