

CHHATTISGARH RAJYA ANUSUCHIT JANJATI AYOG ADHINIYAM, 1995

122 (qq.q.) fr7, 11. 12. 13. 14. 15. 16. 24 1995 1995 24 1995 g\$1 29 1995 (1) 1995 l. ZT(T, (IT) 342 (l) 3. (2) 37T7*1T QaT (2) (3) zrq, 3€-*d ft-q.ft.--AT q•rq-ä (4) 3QT(T (2) IO. (2) 12. (1) (2) zrq, 31TårtT 15. a-q-rt tra 9 1860 (1860 æi. 45) 21 16. 3F:q 18. (1) 19. 1983 t t 00 29 qq, 1995 ".ø-€R7RM/09/2013-2015." 38 RT. Q. 30-05-2001. " 17 2018 —Tiu 28, 1939 2018 646/€r. 11/21-3-T/AF./Ø.7(/18. 08-01-2018 33 34 1. 2. 3. 4. 5. 6. 7. 4 æft2018) (2017 1995 (n 24 (2) 1995 (n 24 2 ü,) ä, '794T zqtzra" "7QT üT" 6 " ,urtna" GAT 15 ü, ", zqrtzra" 1 (2) ü, (Äf)ü, •qltAa" 2018 646/€r. 11 / 21 /ø. q./ 18.— (3) 2018 CHHATTISGARH ACT (No. 4 of 2018) THE CHHATTISGARH RAJYA ANUSUCHIT JANJATI AYOG (SANSKODHAN) ADHINIYAM, 2017 An Act to amend the Chhattisgarh Rajya Anusuchit Janjati Ayog Adhiniyam, 1995 (No. 24 of 1995). Be it enacted by the Chhattisgarh Legislature in the Sixty-eighth Year of the Republic of India, as follows :- 1. 2. 3. 4. 5. 6. 7. (1) This Act may be called the Chhattisgarh Rajya Anusuchit Janjati Ayog (Sanskodhan) Adhiniyam, 2017. (2) It shall come into force from the date of its publication in the Official Gazette. In Section 2 of the Chhattisgarh Rajya Anusuchit Janjati Ayog Adhiniyam, 1995 (No. 24 of 1995), (hereinafter referred to as the Principal Act), in clause (b), after the words "the chairperson", the words "and Vice Chairperson" shall be inserted. In Section 3 of the Principal Act, in sub-section (2), in clause (a), after the words 'the chairperson', the words "and one shall be Vice Chairperson" shall be inserted. In Section 4 of the Principal Act, after the word "Chairperson", wherever it occurs, the punctuation and word ", Vice Chairperson" shall be inserted. In Section 6 of the Principal Act, after the word "Chairperson", the punctuation and word ", Vice Chairperson" shall be inserted. In Section 15 of the Principal Act, after the words "The Chairperson", the punctuation and word ", Vice Chairperson" shall be inserted. In Section 17 of the Principal Act, in sub-section (2), in clause (a), after the words "the Chairperson", the punctuation and word ",Vice Chairperson" shall be inserted. - 2018. 34 (1) Short title and commencement. Amendment of Section 2. Amendment of Section 3. Amendment of Section 4. Amendment of Section 6. Amendment of Section 15. Amendment of Section 17. 2. 3. 22 2020 () 2020 1995 (n 24 1995) (1) (<ü+-T7) 2020 (2) (3) Ä-q-qlfi-zii Ä-q-€TTfä 342 (I) -q-a-q-lfi *TTT I (2) 1995 (n 06 Gh-q-r, fr--* 3+44-1 (((1) 4. (q) (3) (1) 5. 07 6. 7. 8. (2) (3) 9. (1950 08 (2) 10. a-ft (1) 11. (2) (1) 12. (2) 09 13. 15. 16. 1860 (1860 æi.45) 21 I 37TZiBT (1) (2) 12 (1) (TD 13 10 (3) 18. 19. 1983 31 1983) afi, 15 2020 7834M. 155/21 -w 348 (3) 3-1ülÄ 11 CHHATTISGARH ACT (No. 22 OF 2020) The Chhattisgarh Rajya Anusuchit Janjati Ayog An Act further to amend the Chhattisgarh Rajya Anusuchit Janjati Ayog Adhiniyam, 1995 (No. 24 of 1995) Be it enacted by the Chhattisgarh Legislature in the Seventy-First year of the Republic of India as follows : Chapter I - Preliminary Short tile Extent and commencement. (1) This Act may be called the Chhattisgarh Rajya Anusuchit Janjati Ayog 1. (Sanskodhan) Adhiniyam, 2020. (2) It shall extend to the whole State of Chhattisgarh. (3) It shall come into force from the date of its publication in the Official Gazette. Definitions In The Act, Unless the context otherwise requires,- 2. (a) "Commission" means the Chhattisgarh 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 Chhattisgarh under article 342 of the Constitution or India. Chapter 11 - The State Commission for Anusuchit Janjati Constitution of State Commission forAnusuchit Janjati 3. (1) (2) (a) The State Government shall constitute a body to be known as the Chhattisgarh Rajay anusuchit Janjati Ayog to excercise the power conferred on and to perform the functions assigned to it under this Act. The Commission shall consist of the following members :- "Six non official members who have special knowledge in the matters relating to 12 Scheduled Tribes of whom one shall be the chairperson and one shall be the vice chairperson to be appointed by the State Government : Provided that at least four members including the Chairperson and vice Chairperson, Shall be from amongst the Scheduled Tribes. " (b) Commisisoner, Tribal Development, Chhattisgarh Term of office and conditions ofService of Chairperson and Members (1) 4. (2) (3) (a) (b) (c) (d) (f) (4) (5) "The Chirperson, Vice Chairperson and every member shall hold office, from the date on which he assumes the office, during the pleasure of the state Government. " A member may, be 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. The State Government shall

remove a person from the office of member if that person. becomes an undischarged insolvent. is convicted and sentenced to imprisonment for an offence which, in the opinion of the state Government, involves moral turpitude, becomes of unsound mind and stands so declared by a competent court. refuses to act or become incapable of acting. is without obtaining leave of absence from the Commission, absent from three consecutive meeting of the Commission, or. has in the opinion of the State Government, so abused the position of Chairperson of 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. 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. 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. 13 Officers and other employees of the Commission (1) The State Government shall a Secretary of the Commission and provided the 4. Commission with such other officers and employees and 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. Salaries and allowances to the paid out a grant

6. 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 to the grants referred to in sub-section (1) of Section 11. Vacancies, etc., not to invalidate proceedings of the Commission 7. No act pre 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. (1) 8. (2) (3) The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit. The Commission shall regulate its own procedure. 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 III-Functions and Powers of the Commission Functions of the Commission (1) 9. (a)

(b) It shall be function of the Commission- 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, to recommend to the state Government to take steps to add particular tribes or tribal communities or parts of or groups within tribes or tribal communities in the Constitution (Scheduled Tribes) Order, 1950 14 (c) (d) (e) (2) 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. to tender advice regarding reservation for Scheduled Tribes in public services and admission in educational institutions. to perform such other functions as may be assigned to it by the State Government. 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 there for. Power of the Commission 10. (a) (b) (c) (d) (f) The Commission shall, while performing its functions under sub-section (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:- summoning and enforcing the attendance of any person from any part of the state and examining him on oath. requiring the discovery and production of any document. Receiving evidence on affidavits, requisitioning any public record or copy thereof from any court or office. issuing commission for the examination of witness and documents and. any other matter which may be prescribed. Chapter IV - Finance, Accounts and audit Grants by the State Government (1) The Government shall, after due appropriation made by Legislative Assembly by 11. 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 think 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) Accounts and audit (1) The Commission shall maintain proper accounts and other relevant records and 12. prepare an annual statement of accounts in such form as may be prescribed by the State Government. 15 (2) The Accounts of the Commission shall be audited by the Accountant General of Chhattisgarh 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. Annual Report 13. 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. Annual report and audit report to be laid before the Legislative Assembly- 14. 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 V- Miscellaneous Chairperson, Member, Officers and employees of the Commission to be public Servants

15. The Chairperson, Members, Officers and employees of the Commission shall be deemed to be public servants within the meaning of Sections 21 of the Indian Penal Code, 1860 (45 of 1860) Protection of action taken in good faith

16. 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.

Powers to make rules. (1) 17. (2) (a) The State Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act. 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 "- 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 16 (b) (c) (d) (3) Secretary, officers and other employees under sub-section (2) of Section 5, the form in which the annual statement of accounts shall be prepared under sub-section (1) of Section 12 : the form in and the time at, which the annual report shall be prepared under Section 13. any other matter which is required to be, or may be prescribed. 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. **Power to remove difficulties.** 18. (1) (2) Saving 19. 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 provision, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing 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. 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. Notwithstanding the repeal of the Chhattisgarh Anusuchit Jati, Anusuchit Janjati Tatha Pichhada Varg Adhiniyam, 1983, 1983 (No. 34 of 1983) anything done or any action taken in respect of Scheduled Tribes by the Commission constituted under the said Act or by the State Government in pursuance of its recommendation shall be deemed to have been done or taken under the corresponding provision of this Act. 17