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Message

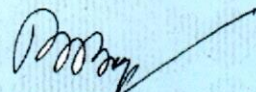
The present publication is the second volume of "Compendium of Government Orders and Circulars" of the Backward Classes Welfare and Tribal Development Departments. This volume contains all relevant orders and circulars and amendments to Acts and Rules updated until April 2016 with regard to the 'Prevention of Atrocities Act' the 'Protection of Civil Rights Act' the 'Forest Rights Act', etc.

The second volume also covers the Acts, Rules and Regulations pertaining to Corporations under the Backward Classes Welfare and Tribal Development Departments of the Government of West Bengal and also that of 'Societies' constituted for the development of certain identified communities under the said departments.

As in case of the previous volume, this effort aims at publicizing the legal entitlements of all communities classified to receive benefits and the modalities for obtaining the same.

Shri Sanjay K. Thade, IAS, Principal Secretary, Backward Classes Welfare and Tribal Development Departments and his team have put in hard work for the compilation, for which I wish to record my appreciation.

I am confident that this compilation and the earlier volume will be of great help in ensuring social justice to large sections of the population of our State.


(Basudeb Banerjee)



सत्यमेव जयते



Sanjay K. Thade, IAS

Principal Secretary
Backward Classes Welfare Department
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FOREWARD

The First Volume of "Compendium of Government Orders and Circulars" of Backward Classes Welfare and Tribal Development Department has already been published. This is the second volume and a sequel to that compilation. This volume, contains the relevant orders and circulars, amendments of Acts and rules updated till April 2016, in regard to 'Prevention of Atrocities', 'Protection of Civil Rights', 'Individual and Community Forest Rights', and Acts covering West Bengal Government undertakings under the Backward Classes Welfare Department and the Tribal Development Department.

The compilation also incorporate the details of the societies set up for welfare and development of particular 'Tribal' and 'Backward' communities under the aegis of these two Departments. This endeavour, only underlines the two Department's initiative to assist the officials to deal with subject matter in judicious and reasonable manner and to connect with the populace to enable them to leverage their legitimate entitlements.

I compliment Shri Manatosh Pandit, WBCS (Executive-Retd), Secretary West Bengal commission for Backward Classes, Shri Atonu Chatterjee, WBCS (Exe) Special Secretary, Backward Classes Welfare Department and Smt. Sharmistha Banerjee, WBCS (Exe) Project Officer, Head Quarter, Backward Classes Welfare and Tribal Development Directorate for putting hard work for the compilation. Here, I have to especially mention the contribution of Sri Biswajit Dey (Computer Assistant) Sri Kaushik Naskar (Computer Assistant) and Sri Sibnath Ghosal (Senior Personal Secretary) in Compiling this important document.

I am confident that the compilation will be of great help to the citizens aspiring for benefits and services meant for them and also help the officials to deal with the subject matter in systematic manner to achieve the social justice.

S. K. Thade

Principal Secretary

BCW & TD Department, Govt. West Bengal



Manatosh Pandit

Member Secretary

West Bengal Commission for Backward Classes

PREFACE

The Constitution of India has guaranteed some rights to the backward classes of citizens including the Scheduled Castes and the Scheduled Tribes. Accordingly, both the Central Government and the State Governments have framed different acts and rules and also has issued orders/ circulars for proper implementation of the policies of the Government as manifested in the Constitution. For better understanding of the policies and procedures and also for availing the benefits granted under the Constitution, it is imperative that both the beneficiaries and the functionaries have easy access to the information as to the entitlements and the delivery mechanism to ensure those entitlements.

With this end in view, it was decided that a Compendium of Government Orders and circulars pertaining to the Scheduled Castes, Scheduled Tribes and Other Backward Classes would be compiled. Considering the volume of the materials required to be compiled, it was felt wise to divide the materials into two volumes. The First Volume of such compilation has already been published. In that Volume, the relevant Acts, Rules and Orders in regard to identification of castes, issuance of caste certificate, reservation in services and posts and reservation in admission to educational institutions have been included. The present volume (second volume) covers Acts and Rules on Prevention of Atrocities, Protection of Civil Rights, Forest Rights, acts covering various Corporations under the Backward Classes Welfare Department and the Tribal Welfare Department. This volume also contains details of the societies set up by these two Departments for welfare and development of particular communities.

In the annexure amendment of Constitutional Order and an illustrative note on the maintenance of Register of Appointments (ROA) have been included for the benefit of users. As in case of Volume –I, Shri Atonu Chatterjee, Special Secretary, Backward Classes Welfare Department and Smt. Sharmistha Banerjee, P.O., HQ, Backward Classes Welfare were closely associated with me in this work also. In fact, three of us together completed the work. Other Officers and staff who helped in compilation of Volume –I were also similarly involved in compilation of this volume.

The chief aim of the compilation is, on one hand, to provide ready guidance to the functionaries involved in the process of implementation of the Government policies towards welfare of the Scheduled Castes, Scheduled Tribes and Other Backward Classes, and on the other hand to equip the backward classes of citizens with knowledge about their entitlements and the ways and means to receive such entitlements.

Due care has been taken to include all the relevant materials up to April, 2016. However, there may be some errors and omissions. Any suggestion from any corner in this regard will be highly appreciated.

In fine, we sincerely hope that the compilation will come in handy for those who would seek the benefits of their entitlements and also for those who work to ensure delivery of such benefits.



Manatosh Pandit

Member Secretary

West Bengal Commission for Backward Classes

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CHAPTER - I

POA & PCR Act

A. Act and Rules

The Protection of Civil Rights Act, 1955

[Formerly known as Untouchability (Offences) Act, 1955]***

(Act no. 22 of 1955)

[8th May, 1955]

An Act to prescribe punishment for the ¹[the preaching and practice of "Untouchability"] for the enforcement of any disability arising therefrom and of matters connected therewith.

Be it enacted by Parliament in the Sixth Year of The Republic of India as follows:

1. (1) This Act may be called ²[the Protection of Civil Rights Act], 1955
- (2) It extends³ to the whole of India
- (3) It shall come into force on such date⁴ as the Central Government may, by notification in the Official Gazette, appoint.

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

Short title, extent
and commencement

⁵[(a) "civil rights" means any right accruing to a person by reason of the abolition of "Untouchability" by article 17 of the Constitution;]

Definitions

⁶ [(aa) "hotel" includes a refreshment room, a boarding house, a lodging house, a coffee house and a cafe;

⁷[(b) "place" includes a house, building and other structure and premises; and also includes a tent, vehicle and vessel;]

(c) "place of public entertainment" includes any place to which the public are admitted and in which an entertainment is provided or held.

Explanation.—"Entertainment" includes any exhibition, performance, game, sport and any other form of amusement;

(d) "place of public worship" means a place, by whatever name known, which is used as a place of public religious worship or which is dedicated generally to, or is used generally by, persons professing any

*** The Act came into force on 15th June 1955.

1 Subs. by Act 106 of 1976, s. 2, for "practice of Untouchability" (w.e.f. 19-11-1976)

2 Subs. by s. 3, *ibid.*, for "the Untouchability (Offences) Act" (w.e.f. 19-11-1976)

3 Extended to Goa, Daman and Diu with modification by Regulation 12 of 1962, section 3 and Schedule to Dadra and Nagar Haveli by Regulation 6 of 1963, section 2 and Schedule I (with effect from 1st July, 1965) and to Pondichery by regulation 7 of 1963, section 3 and Schedule I (with effect from 1st October, 1963).

4 1st June, 1955, vide Notification No. S.R.O. 1109, dated the 23rd May, 1955. Gazette of India, 1955, Extraordinary, Part II, Section 3, Page 1971.

5 Ins. By Act 106 of 1976, s. 4 (w.e.f. 19-11-1976).

6 Clause (a) was relettered as clause (aa) by s. 4, *ibid.*, (w.e.f. 19-11-1976).

7 Subs. by s. 4 *ibid.*, for cl. (b) (w.e.f. 19-11-1976).

religion or belonging to any religious denomination or any section thereof, for the performance of any religious service, or for offering prayers therein;¹ [and includes-

- (i) all lands or subsidiary shrines appurtenant or attached to any such place.
- (ii) a privately owned place of worship which is, in fact, allowed by the owner thereof to be used as a place of public worship, and
- (iii) such land or subsidiary shrine appurtenant to such privately owned place of worship as is allowed by the owner thereof to be used as a place of public religious worship;]

²[(da) "prescribed" means prescribed by rules made under this Act;

(db) "Scheduled Castes" has the meaning assigned to it in clause (24) of article 366 of the Constitution;]

(e) "shop" means any premises where goods are sold either wholesale or by retail or both wholesale and by retail '[and includes-

- (i) any place from where goods are sold by a hawker or vendor or from a mobile van or cart,
- (ii) a laundry and a hair cutting saloon,
- (iii) any other place where services are rendered to customers].

Punishment for
enforcing
religious
disabilities

3. Whoever on the ground of "Untouchability" prevents any person—

- (a) from entering any place of public worship which is open to other persons professing the same religion ^{3***} of any section thereof, as such person; or
- (b) from worshipping or offering prayers or performing any religious service in any place of public worship or bathing in, or using the waters of, any sacred tank, well, spring or watercourse ⁴[river or lake or bathing at any ghat of such tank, water-course, river or lake] in the same manner and to the same extent as is permissible to the other persons professing the same religion ^{3***} or any section thereof, as such person;

⁵ [shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

Explanation—For the purposes of this section and section 4 persons professing the Buddhist, Sikh or Jaina religion or persons professing the Hindu religion in any of its forms or developments including Virshaivas, Lingayats, Adivasis, followers of Brahmo, Prarthana, Arya Samaj, and the Swaminarayan Sampraday shall be deemed to be Hindus.

4. Whoever on the ground of "Untouchability" enforces against any person any disability with regard to-

1 Subs. by Act 106 of 1976, s. 4 for certain words (w.e.f. 19.11.1976).

2 Ins. by Act 106 of 1976; s.4 (w.e.f. 19.11.1976).

3 The words "or belonging to the same religious denomination" omitted by s. 5, *ibid*, w.e.f. from 19-11-1976.

4 Ins. by s. 5, *ibid*., (w. e. f. 19-11-1976).

5 Subs. by s. 5, *ibid*., for certain words (w. e. f. 19-11-1976).

Punishment for
enforcing social
disabilities

- (i) access to any shop, public restaurant, hotel or place of public entertainment;
- (ii) the use of any utensils, and other articles kept in any public restaurant, hotel, *dharmshala*, *sarai* or *musafirkhana* for the use of the general public or [any section thereof]; or
- (iii) the practice of any profession or the carrying on of any occupation, trade or business ¹[or employment in any job]; or
- (iv) the use of, or access to, any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, burial or cremation ground, any sanitary convenience, any road, or passage, or any other place of public resort which other members of the public, or [any section thereof, have a right to use or have access to; or
- (v) the use of, or access to, any place used for a charitable or a public purpose maintained wholly or partly out of State funds or dedicated to the use of the general public or [any section thereof]; or
- (vi) the enjoyment of any benefit under a charitable trust created for the benefit of the general public or of [any section thereof]; or
- (vii) the use of, or access to, any public conveyance; or
- (viii) the construction, acquisition, or occupation of any residential premises in any locality, whatsoever; or
- (ix) the use of any *dharmshala*, *sarai* or *musafirkhana* which is open to the general public, or to ²[any section thereof]; or
- (x) the observance of any social or religious custom, usage or ceremony or ³[taking part in, or taking out, any religious, social or cultural procession]; or
- (xi) the use of jewellery and finery;

⁴[shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

⁵ [Explanation—For the purposes of this section, "enforcement of any disability" includes any discrimination on the ground of "Untouchability".]

5. Whoever on the ground of "Untouchability"—

- (a) refuses admission to any person to any hospital, dispensary, educational institution or any hostel ^{6***} if such hospital, dispensary,

1 Ins. by s. 6 *ibid.*, (w.e.f. 19.11.1976).

2 Subs. by Act 106 of 1976, s. 6 for certain words (w.e.f. 19.11.1976).

3 Subs. by s. 6 *ibid.*, for "taking part in any religious procession" (w.e.f. 19.11.1976).

4 Subs. by s. 7, *ibid.*, for certain words (w.e.f. 19.11.1976).

5 Ins. by s.6, *ibid.*, (w.e.f. 19.11.1976).

6 The words "attached thereto" omitted by s.7, *ibid.*, (w.e.f. 19.11.1976).

Punishment for refusing to admit persons in hospitals etc.

educational institution or hostel is established or maintained for the benefit of the general public or any section thereof; or

- (b) does any act which discriminates against any such person after admission to any of the aforesaid institutions;

¹ [shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

Punishment for refusing to sell goods or render services.

6. Whoever on the ground of "Untouchability" refuses to sell any goods or refuses to render any service to any person at the same time and place and on the same terms and conditions at or which such goods are sold or services are rendered to other persons in the ordinary course of business [shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

Punishment for other offences arising out of "untouchability"

7. (1) Whoever-

- (a) prevents any person from exercising any right accruing to him by reason of the abolition of "Untouchability" under article 17 of the Constitution; or

- (b) molests, injures, annoys, obstructs or causes or attempts to cause obstruction to any person in the exercise of any such right or molests, injures, annoys or boycotts any person by reason of his having exercised any such right; or

- (c) by words, either spoken or written, or by signs or by visible representations or otherwise, incites or encourages any person or class of persons or the public generally to practise "Untouchability" in any form whatsoever; ²[or]

³[(d) insults or attempts to insult, on the ground of "Untouchability" a member of a Scheduled Caste],

⁴[shall be punishable with imprisonment for a term of not less than one month and not more than six months, and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

⁵[*Explanation 1*]. —A person shall be deemed to boycott another person who—

- (a) refused to let to such other person or refuses to permit such other

¹ Subs. by Act 106 of 1976, s. 7, for certain words (w.e.f. 19.11.1976).

² Subs. by s. 8, *ibid.*, for certain words (w.e.f. 19.11.1976).

³ Ins. By s. 9, *ibid.*, (w.e.f. 19.11.1976).

⁴ Subs. by *ibid.*, s. 9 for certain words (w.e.f. 19.11.1976).

⁵ Renumbered by s. 9, *ibid.*, (w.e.f. 19.11.1976).

person, to use or occupy any house or land or refuses to deal with, word for hire for, or do business with, such other person or to render to him or receive from him any customary service, or refuses to do any of the said things on the terms on which such things would be commonly done in the ordinary course of business; or

- (b) abstains from such social, professional or business relations as he would ordinarily maintain with such other person.

¹[*Explanation II* —For the purpose of clause (c) a person shall be deemed to incite or encourage the practice of "Untouchability"-

- (i) if he, directly or indirectly, preaches "Untouchability" or its practice in any form; or
- (ii) if he justifies, whether on historical, philosophical or religious grounds or on the ground of any tradition of the caste system or on any other ground, the practice of "Untouchability" in any form.]

¹[(IA) Whoever commits any offence against the person or property of any individual as a reprisal or revenge for his having exercised any right accruing to him by reason of the abolition of "Untouchability" under article 17 of the Constitution, shall, where the offence is punishable with imprisonment for a term exceeding two years, be punishable with imprisonment for a term which shall not be less than two years and also with fine.]

(2) Whoever-

- (i) denies to any person belonging to his community or any section thereof any right or privilege to which such person would be entitled as a member of such community or section, or
- (ii) takes any part in the ex-communication of such person, on the ground that such person has refused to practise 'untouchability' or that such person has done any act in furtherance of the objects of this Act,

²[shall be punishable with imprisonment for a term of not less than one month and not more than six months, and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

³[7A.(1) Whoever compels any person on the ground of "untouchability", to do any scavenging or sweeping or to remove any carcass or to flay any animal or to remove the umbilical cord or to do any other job of a similar nature, shall be deemed to have enforced a disability arising out of "untouchability"

Un-lawful
compulsory
labour when to
be deemed to be
a practice of
"untouchability"

¹ Ins. by Act 106 of 1976. s. 11 (w. e. f. 19-11-1976)

² for certain words (w. e. f. 19.11.76)

³ (w. e. f. 19-11-1976)

- (2) Whoever is deemed under sub-section (1) to have enforced a disability arising out of "untouchability" shall be punishable with imprisonment for a term which shall not be less than three months and not more than six months and also with fine which shall not be less than one hundred rupees and not more than five hundred rupees.

Explanation. — For the purposes of this section, "compulsion" includes a threat of social or economic boycott.]

Cancellation or suspension of licenses in certain cases

8. When a person who is convicted of an offence under section 6 holds any licence under any law for the time being in force in respect of any profession, trade, calling or employment in relation to which the offence is committed, the court trying the offence may, without prejudice to any penalty to which such person may be liable under that section, direct that the license shall stand cancelled or be suspended for such period as the court may deem fit, and every order of the court so canceling or suspending a license shall have effect as if it had been passed by the authority competent to cancel or suspend the license under any such law.

Explanation. — In this section, "license" includes a permit or a permission.

Resumption or suspension of grants made by government.

9. Where the manager or trustee of a place of public worship ¹[or any educational institution or hostel] which is in receipt of a grant of land or money from the Government is convicted of an offence under this Act and such conviction is not reversed or quashed in any appeal or revision, the Government may, if in its opinion the circumstances of the case warrant such a course, direct the suspension or resumption of the whole or any part of such grant.

Abetment of offence

10. Whoever abets any offence under this Act shall be punishable with the punishment provided for the offence.

²[*Explanation.* — A public servant who will fully neglects the investigation of any offence punishable under this Act shall be deemed to have abetted an offence punishable under this Act]

Power of State Government to impose collective fine

- ³[10A. (1) If, after an enquiry in the prescribed manner, the State Government is satisfied that the inhabitants of an area are concerned in, or abetting the commission of, any offence punishable under this Act, or harbouring persons concerned in the commission of such offence or failing to render all the assistance in their power to discover or apprehend the offender or offenders or suppressing material evidence of the commission of such offence, the State Government, may by notification in the Official Gazette, impose a collective fine on such

¹ Ins. by Act 106 of 1976. s. 11 (w. e. f. 19-11-1976)

² Ins. by s. 12, *ibid.*, (w. e. f. 19-11-1976).

³ Ins. by s.13, *ibid.*, (w. e. f. 19-11-1976)

inhabitants and apportion such fine amongst the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the State Government's judgment of the respective means of such inhabitants and in making any such apportionment the State Government may assign a portion of such fine to a Hindu undivided family to be payable by it:

Provided that the fine apportioned to an inhabitant shall not be realised until the petition, if any, filed by him under sub-section (3) is disposed of.

- (2) The notification made under sub-section (1) shall be proclaimed in the area by beat of drum or in such other manner as the State Government may think best in the circumstances to bring the imposition of the collective fine to the notice of the inhabitants of the said area.

- (3) (a) Any person aggrieved by the imposition of the collective fine under sub section (1) or by the order of appointment, may, within the prescribed period, file a petition before the State Government or such other authority as that Government may specify in this behalf for being exempted from such fine or for modification of the order of appointment:

Provided that no fee shall be charged for filing such petition.

- (b) The State Government or the authority specified by it shall, after giving to the petitioner a reasonable opportunity of being heard, pass such order as it may think fit:

Provided that the amount of the fine exempted or reduced under this section shall not be releasible from any person, and the total fine imposed on the inhabitants of an area under sub-section (1) shall be deemed to have been reduced to that extent.

- (4) Notwithstanding anything contained in sub-section (3), the State Government may exempt the victims of any offence punishable under this Act or any person who does not, in its opinion, fall within the category of persons specified in sub-section (1), from the liability to pay the collective fine imposed under sub-section (1) or any portion thereof.

- (5) The portion of collective fine payable by any person (including a Hindu undivided family) may be recovered in the manner provided by the Code of Criminal Procedure, 1973, for the recovery of fines imposed by a Court as if such portion were a fine imposed by a Magistrate.]

11. Whoever having already been convicted of an offence under this Act or of an abetment of such offence is again convicted of any such offence or abetment. ¹[shall, on conviction' be punishable—

- (a) for the second offence, with imprisonment for a term of not less than six months and not more than one year, and also with fine which

Enhanced
penalty on
subsequent
conviction

¹ Subs. by Act 106 of 1976, s. 14, for certain words (w.e.f. 19.11.1976).

shall be not less than two hundred rupees and not more than five hundred rupees;

- (b) for the third offence or any offence subsequent to the third offence, with imprisonment for a term of not less than one year and not more than two years, and also with fine which shall be not less than five hundred rupees and not more than one thousand rupees].

Presumption by
courts in
certain cases

12. Where any act constituting an offence under this Act is committed in relation to a member of a Scheduled Caste ^{1***}, the court shall presume, unless the contrary is proved, that such act was committed on the ground of "untouchability"

Limitation of
jurisdiction of
civil courts

- 13.(1) No civil court shall entertain or continue any suit or proceeding or shall pass any decree or order or execute wholly or partially any decree or order if the claim involved in such suit or proceeding or if the passing of such decree or order or if such execution would in anyway be contrary to the provisions of this Act.

- (2) No court shall, in adjudicating any matter or executing any decree or order, recognise any custom or usage imposing any disability on any person on the ground of "untouchability".

offence by
companies

14. (1) If the person committing an offence under this Act is a company, every person who at the time the offence was committed was a charge of, and was responsible to, the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed with the consent of any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. —For the purposes of this section, --

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm means a partner in the firm.

¹ The words "as defined in clause (2A) of article 366 of Constitution" omitted by s.15, *ibid.*, (w.e.f. 19.11.1976).

¹14.A. (l) No suit, prosecution or other legal proceeding shall lie against the Central Government or a State Government for anything which is in good faith done or intended to be done under this Act.

Protection of
action taken in
good faith

(2) No suit or other legal proceeding shall lie against the Central Government or a State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.]

²[15. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be cognizable and every such offence, except where it is punishable with imprisonment for a minimum term exceeding three months, may be tried summarily by a Judicial Magistrate of the first class or in a metropolitan area by a Metropolitan Magistrate in accordance with the procedure specified in the said Code.

Offences to be
cognizable and
triable summarily

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, when any public servant is alleged to have committed the offence of abetment of an offence punishable under this Act, while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence of abetment except with the previous sanction—

- (a) of the Central Government, in the case of a person employed in connection with the affairs of the Union; and
- (b) of the State Government, in the case of a person employed in connection with the affairs of a State.

15A (1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for ensuring that the rights arising from the abolition of "untouchability" are made available to, and are availed of by, the persons subjected to any disability arising out of "untouchability".

Duty of State
Government to
ensure that rights
accruing from the
abolition of
"untouchability"
may be availed of
by the concerned
person

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include—

- (i) the provision of adequate facilities, including legal aid, to the persons subjected to any disability arising out of "untouchability" to enable them to avail themselves of such rights;
- (ii) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;
- (iii) the setting up of special courts for the trial of offences under this Act;

¹ Subs by Act. 106 of 1976, s. 14, for certain words (w.e.f. 19.11.1976).

² The words "as defined in clause (2A) of article 366 of Constitution" omitted by s.15, ibid., (w.e.f. 19.11.1976).

- (iv) the setting up of Committees at such appropriate levels as the State Government may think fit to assist the State Government in formulating or implementing such measures;
- (v) provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provisions of this Act;
- (vi) the identification of the areas where persons are under any disability arising out of "untouchability" and adoption of such measures as would ensure the removal of such disability from such areas.
- (3) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under sub-section (1).
- (4) The Central Government shall, every year, place on the Table of each House of Parliament, a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.]

16. Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom or usage or any instrument having effect by virtue of any such law or any decree or order of any court or other authority.

Act to override
other Laws

Probation of
Offenders Act,
1958, not to apply
to persons above
the age of
fourteen years.

¹[16A. The provisions of the Probation of Offenders Act, 1958, shall not apply to any person above the age of fourteen years who is found guilty of having committed any offence punishable under this Act.

Power to make
rules

16B. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree 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.]

Repeal

17. The enactments specified in the Schedule are hereby repealed to the extent to which they or any of the provisions contained therein correspond or are repugnant to this Act or to any of the provisions contained therein.

¹ Ins. by Act 106 of 1976, s. 18(w.e.f. 19.11.1976).

The Schedule

(See Section 17)

1. The Bihar Harijan (Removal of Civil Disabilities) Act, 1949 (Bihar Act XIX of 1949).
2. The Bombay Harijan (Removal of Social Disabilities) Act, 1946 (Bombay Act X of 1947).
3. The Bombay Harijan Temple Entry Act, 1947 (Bombay Act XXXV of 1947)
4. The Central Provinces and Berar Scheduled Castes (Removal of Civil Disabilities) Act, 1947 (Central Provinces and Berar Act XXIV of 1947).
5. The Central Provinces and Berar Temple Entry Authorisation Act, 1947 (Central Provinces and Berar Act XLI of 1947).
6. The East Punjab (Removal of Religious and Social Disabilities) Act, 1948 (East Punjab Act XVI of 1948).
7. The Madras Removal of Civil Disabilities Act, 1938 (Madras Act XXI of 1938).
8. The Orissa Removal of Civil Disabilities Act, 1946 (Orissa Act XI of 1946).
9. The Orissa Temple Entry Authorisation Act, 1948 (Orissa Act XI of 1948).
10. The United Provinces Removal of Social Disabilities Act, 1947 (U.P. Act XIV of 1947).
11. The West Bengal Hindu Social Disabilities Removal Act, 1948 (West Bengal Act XXXVII of 1948).
12. The Hyderabad Harijan Temple Entry Regulations, 1358F (No. LV of 1358 Fasli).
13. The Hyderabad Harijan (Removal of Social Disabilities) Regulation, 1358F (No. LVI of 1358 Fasli).
14. The Madhya Bharat Harijan Ayogta Nivaran Vidhan, Samvat 2005 (Madhya Bharat Act No. 15 of 1949).
15. The Removal of Civil Disabilities Act, 1943 (Mysore Act XLII of 1943).
16. The Mysore Temple Entry Authorisation Act, 1948 (Mysore Act XIV of 1948).
17. The Saurashtra Harijan (Removal of Social Disabilities) Ordinance (No. XL of 1948).
18. The Travancore-Cochin Removal of Social Disabilities Act, 1125 (Travancore-Cochin Act VIII of 1125).
19. The Travancore-Cochin Temple Entry (Removal of Disabilities) Act, 1950 (Travancore-Cochin Act XXVII of 1950).
20. The Coorg Scheduled Castes (Removal of Civil and Social Disabilities) Act, 1949 (Coorg Act I of 1949).
21. The Coorg Temple Entry Authorisation Act, 1949 (Coorg Act II of 1949).

The Protection of Civil Rights Rules, 1977

***SO 3006,**

Dated the 15th September, 1977.

In exercise of the powers conferred by section 16B of the Protection of Civil Rights Act, 1955 (22 of 1955), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement- (1) These rules may be called the Protection of Civil Rights Rules, 1977.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. Definitions.- In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Protection of Civil Rights Act, 1955 (22 of 1955);
 - (b) "section" means a section of the Act.
3. Manner of inquiry under sub-section (1) of section 10A.- (1) The State Government may appoint an officer not below the rank of a Sub-divisional Magistrate for the purpose of making an inquiry referred to in sub-section (1) of section 10A.
(2) The officer appointed under sub-rule (1) (hereinafter in this rule referred to as the inquiry officer) shall issue a public notice specifying the date, time, place and the purpose of such inquiry and calling upon all the residents of the area in respect of which the inquiry is to be held to furnish such information and materials, including documents in their possession as may be relevant for the purposes of the inquiry.
(3) The Public notice referred to in sub-rule (2) shall be in the local language or languages of the area and the same shall be-
 - (i) Published on the notice board in the offices of the District Magistrate, the District Superintendent of Police, the Village Panchayat or Municipal Committee of the area and such other places as the inquiry officer deems fit and at least in one daily newspaper circulating in the area; and
 - (ii) Proclaimed in the area by beat of drum or in such other manner as the inquiry officer may think best in the circumstances to bring the contents of the public notice to the notice of inhabitants of the area.
(4) The inquiry officer, while making such inquiry shall follow as nearly as practicable, the procedure for summary trials including the recording of evidence as laid down in Chapter XXI of the Code of Criminal Procedure, 1973 (2 of 1974).

- (5) The inquiry officer shall complete the inquiry as expeditiously as possible and submit his report to the State Government within such period, not exceeding six weeks, as may be specified by the State Government in the order appointing the inquiry officer:

Provided that the State Government may, having regard to the nature of the inquiry, extend the period of submission of the report by such period, not exceeding two months in total, as it may consider necessary.

4. Period for filing a petition under sub-section (3) of section 10A.- (1) Any person aggrieved by the imposition of a collective fine under sub-section (I) of section 10A or by the order of appointment, may within a period of thirty days from the date of proclamation of the notification, under sub-section (2) of that section file a petition before the State Government or the authority specified by it;

Provided that where the State Government or the authority, as the case may be, may entertain the petition after the expiry of the said period if it is satisfied that the petitioner was prevented by sufficient cause from filing the petition in time.

- (2) The State Government or the authority before which the petition is filed shall dispose of the petition as expeditiously as possible.
5. Reports by the State Governments—Every State Government shall, for the purpose of enabling the Central Government to place the report referred to in sub-section (4) of section 15A, on the Table of each House of Parliament, furnish to that Government before the 15th day of February, each year, a summary of the measures taken by it under sub-section (1) and (2) of that section during the preceding calendar year and shall also furnish such other information as may be required by the Central Government from time to time.

Ministry of Home Affairs, No. BC.12013/2/76-SCT-V]

The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Act No. 33 of 1989)

An Act to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows: -

CHAPTER I

PRELIMINARY

Short title, extent
and commence-
ment

- 1.(1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition

2. (1) In this Act, unless the context otherwise requires. -
 - (a) "Atrocity" means an offence punishable under Section 3;
 - (b) "Code" means the Code of Criminal Procedure, 1973;
 - (c) "Scheduled Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under clause (24) and clause (25) of Article 366 of the Constitution;
 - (d) "Special Court" means a Court of Session specified as a Special Court in section 14;
 - (e) "Special Public Prosecutor" means a Public Prosecutor specified as a Special Public Prosecutor or an advocate referred to in section 15;
 - (f) Words and expressions used but not defined in this Act and defined in Code or the Indian Penal Code shall have the meanings assigned to them respectively in the Code, or as the case may be, in the Indian Penal Code.
- (2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER-II

OFFENCES OF ATROCITIES

3. (1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe: -

Punishments
for offences of
atrocities

- (i) forces a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substance;
- (ii) acts with intent to cause injury, insult or annoyance to any member of Scheduled Caste or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighborhood;
- (iii) forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity;
- (iv) wrongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred;
- (v) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water;
- (vi) compels or entices a member of a Scheduled Caste or a Scheduled Tribe to '*begar*' or other similar forms of forced or bonded labour other than any compulsory service for public purposes instructed by Government;
- (vii) forces or intimidates a member of a Scheduled caste or a Scheduled Tribe not to vote or to vote a particular candidate or to vote in a manner other than that provided by law;
- (viii) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;
- (ix) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled caste or a Scheduled Tribe;
- (x) intentionally insults or intimidates with intent to humiliate a member of a Scheduled caste or a Scheduled Tribe in any place within public view;

- (xi) assaults or uses force to any woman belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonour or outrage her modesty;
- (xii) being in a position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribe and uses that position to exploit her sexually, to which she would not have otherwise agreed;
- (xiii) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;
- (xiv) denies a member of a Scheduled Caste or Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any section thereof have a right to use or access to;
- (xv) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house village or other place of residence

shall be punishable with imprisonment for term which shall not be less than six months but which may extend to five years and with fine.

(2) Whoever, not being a member of a Scheduled Caste or Scheduled Tribe: -

- (i) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a Scheduled caste or Scheduled Tribe be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death;
- (ii) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine;
- (iii) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of a Scheduled Caste or a

Scheduled Tribe, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;

- (iv) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for life and with fine;
- (v) commits any offence under the Indian Penal Code punishable with imprisonment for a term of ten years or more against a person or property on the ground that such person is a member of a Scheduled caste or Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine;
- (vi) knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence; or
- (vii) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term, which shall not be less than one year but which may extend to the punishment provided for that offence.

Punishment for neglect of duties

4. Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

Enhanced punishment of or subsequent conviction

5. Whoever having already been convicted of an offence under this Chapter is convicted for the second offence or any offence subsequent to the second offence, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

Application of certain provisions of Indian Penal Code.

6. Subject to the other provisions of this Act, the provisions of section 34, Chapter III, Chapter IV, Chapter V, Chapter VA, section 149 and Chapter XXIII of the Indian Penal Code, shall, so far as may be, apply for the purposes of this Act as they apply for the purposes of the Indian Penal Code.

- Forfeiture of property of certain persons
7. (1) Where a person has been convicted of any offence punishable under this Chapter, the Special Court may, in addition to awarding any punishment, by order in writing, declare that any property, moveable or immovable or both, belonging to the person, which has been used for the commission of that offence, shall stand forfeited to Government.
- (2) Where any person is accused of any offence under this Chapter, it shall be open to the Special Court trying him to pass an order that all or any of the properties, moveable or immovable or both, belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the property so attached shall be liable to forfeiture to the extent it is required for the purpose of realisation of any fine imposed under this Chapter.
- Presumption or to offences
8. In a prosecution for an offence under this Chapter, if it is proved that—
- (a) the accused rendered any financial assistance to a person accused of, or reasonably suspected of, committing an offence under this Chapter, the Special Court shall presume, unless the contrary is proved, that such person had abetted the offence;
- (b) a group of persons committed an offence under this Chapter and if it is proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object.
- Conferment or powers
9. (1) Notwithstanding anything contained in the Code or in any other provision of this Act, the State Government may, if it considers it necessary or expedient so to do- (a) for the prevention of and for coping with any offence under this Act, or (b) for any case or class or group of cases under this Act, in any district or part thereof, confer, by notification in the Official Gazette, on any officer of the State Government, the powers exercisable by a police officer under the Code in such district or part thereof or, as the case may be, for such case or class or group of cases, and in particular, the powers of arrest, investigation and prosecution of persons before any Special Court,
- (2) All officers of police and all other officers of Government shall assist the officer referred to in sub-section (1) in the execution of the provisions of this Act or any rule, scheme or order made thereunder.
- (3) The provisions of the Code shall, so far as may be, apply to the exercise of the powers by an officer under sub-section (1).

CHAPTER- III

EXTERNMENT

Removal of
persons likely to
commit offence

10. (1) Where the Special Court is satisfied, upon a complaint or a police report that a person is likely to commit an offence under Chapter II of this Act in any area included in the 'Scheduled Areas' or 'Tribal areas', as referred to in article 244 of the Constitution, it may, by order in writing, direct such person to remove himself beyond the limits of such area, by such route and within such time as may be specified in the order, and not to return to that area from which he was directed to remove himself for such period, not exceeding two years, as may be specified in the order.

(2) The Special Court shall, along with the order under sub-section (1), communicate to the person directed under that sub-section the grounds on which such order has been made.

(3) The Special Court may revoke or modify the order made under sub-section (1), for the reasons to be recorded in writing, on the representation made by the person against whom such order has been made or by any other person on his behalf within thirty days from the date of the order.

11. (1) If a person to whom a direction has been issued under section 10 to remove himself from any area—

Procedure on
failure of person
to remove himself
from an area and
enter thereon
after removal

(a) fails to remove himself as directed; or

(b) having so removed himself enters such area within the period specified in the order, otherwise than with the permission in writing of the Special Court under sub-section (2), the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

(2) The Special Court may, by order in writing, permit any person in respect of whom an order under section 10 has been made, to return to the area from which he was directed to remove himself for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observance of the conditions imposed.

(3) The Special Court may at any time revoke any such permission.

(4) Any person who, with such permission returns to the area from which he was directed to remove himself shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to return, or on the revocation of such permission before the expiry of such temporary period, shall remove himself

outside such area and shall not return thereto within the unexpired portion specified under section 10 without a fresh permission.

- (5) If a person fails to observe any of the conditions imposed or to remove himself accordingly or having so removed himself enters or returns to such area without fresh permission the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

Taking measurements and photographs etc., of persons against whom orders u/s 10 is made.

- 12.(1) Every person against whom an order has been made under section 10 shall, if so required by the Special Court, allow his measurements and photographs to be taken by a police officer.

- (2) If any person referred to in sub-section (1), when required to allow his measurements or photographs to be taken, resists or refuses to allow the taking of such measurements or photographs, it shall be lawful to use all necessary means to secure the taking thereof.

- (3) resistance to or refusal to allow the taking of measurements or photographs under sub-section (2) shall be deemed to be an offence under section 186 of the Indian Penal Code.

- (4) Where an order under section 10 is revoked, all measurements and photographs (including negatives) taken under sub-section (2) shall be destroyed or made over to the person against whom such order is made.

Penalty for non-compliance of orders u/s 10.

13. Any person contravening a order of the Special Court made under section 10 shall be punishable with imprisonment for a term which may extend to one year and with fine.

CHAPTER-IV

SPECIAL COURTS

14. For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for each district a Court of Session to be a Special Court¹ to try the offences under this Act.

15. For every Special Court, the State Government shall by notification in the *Official Gazette*, specify a Public Prosecutor or appoint an advocate who has been in Special practice as an advocate for not less than seven years, as a Special Public Prosecutor² for the purpose of conducting cases in that Court.

Special Public prosecutor

¹ Declared by the State Govt vide Notification No. 2974-J dated, Calcutta the 15th Feb, 1990 of Judicial Department.

² Specified by the State Govt. vide Notification No. 3280-J dated the 16th Feb, 1990 of Judicial Department

CHAPTER-V

MISCELLANEOUS

- 16.** The provisions of section 10A of the Protection of Civil Rights Act, 1955 shall, so far as may be, apply for the purpose of imposition and realisation of collective fine and for all other matters connected therewith under this Act.
- Powers of state Govt to impose collective fine
- 17.** (1) A District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of a Deputy Superintendent of Police may, on receiving information and after such inquiry as he may think be taken necessary, has reason to believe that a person or a group of persons belonging to the Scheduled Castes or the Scheduled Tribes, residing in or frequenting any place within the local limits of his jurisdiction is likely to commit an offence or has threatened to commit any offence under this Act and is of the opinion that there is sufficient ground for proceeding, declare such an area to be an area prone to atrocities and take necessary action for keeping the peace and good behaviour and maintenance of public order and tranquility and may take preventive action.
- Preventive action to be taken by the law and order machinery
- (2) The provisions of Chapters VIII, X and XI of the Code shall, so far as may be, apply for the purposes of sub-section (1).
- (3) The State Government may, by notification in the Official Gazette, make one or more schemes specifying the manner in which the officers referred to in sub-section (1) shall take appropriate action specified in such scheme or schemes to prevent atrocities and to restore the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes.
- Section 438 not to apply to persons committing an offence under the Act.
- 18.** Nothing in section of the Code 438 shall apply in relation to any case i.e., involving the arrest of any person on an accusation of having committed an offence under this Act.
- Section 360 of the Act or the Probation of Offender's Act not to apply to persons guilty of an offence under that Act
- 19.** The provisions of section of the Code 360 and the provisions of the Probation of Offences Act, 1958 shall not apply to any person above the age of eighteen years who is found guilty of having committed an offence under this Act.
- 20.** Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.
- Act to override other laws

21. (1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for the effective implementation of this Act.
- Duty of State Government to ensure that rights accruing from the abolition of "untouchability " may be protected
- (2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may include, -
- (i) the provision for adequate facilities, including legal aid, to the persons subjected to atrocities to enable them to avail themselves of justice;
 - (ii) the provisions for travelling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offences under this Act;
 - (iii) the provisions for the economic and social rehabilitation of the victims of the atrocities;
 - (iv) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;
 - (v) the setting up of committees at such appropriate levels as the State government may think fit to assist that Government in formulation or implementation of such measures;
 - (vi) provisions for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provisions of this Act;
 - (vii) the identification of the areas where the members of the Scheduled Castes and the Scheduled Tribes are likely to be subjected to atrocities and adoption of such measures so as to ensure safety for such members.
- (3) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under sub-section (1).
- (4) The Central Government shall, every year, place on the table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.
- Protection of 22. No suit, prosecution or other legal proceedings shall lie against the Central Government or against the State Government or any officer or authority of Government or any other person for anything, which is in good faith done or intended to be done under this Act.
- Power to make 23. (1) The Central Government may, by notification in the Official Gazette, rules make rules for carrying out the purposes of this Act.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session

or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree 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.

The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Rules, 1995

GOVT. OF INDIA
MINISTRY OF WELFARE
New Delhi, the 31st March 1995

NOTIFICATION

G.S.R. 316(E).—In exercise of the powers conferred by sub-section (1) of Section 23 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), the Central Government hereby makes the following rules, namely :—

1. **Short title and commencement.**—(1) These rules may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.** —In these rules, unless the context otherwise requires :—
 - (a) "Act" means the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989);
 - (b) "dependent", with its grammatical variations and cognate expressions, includes wife, children, whether married or unmarried, dependent parents, widowed sister, widow and children of pre-deceased son of a victim of atrocity;
 - (c) "identified area," means such area where State Government has reason to believe that atrocity may take place or there is an apprehension of reoccurrence of an offence under the Act or an area prone to victim of atrocity;
 - (d) "Non-Government Organisation" means a voluntary organisation engaged in the welfare activities relating to the Scheduled Castes and the Scheduled Tribes and registered under the Societies Registration Act, 1866 (21 of 1960) or under any law for the registration of documents or such organisation for the time being in force;
 - (e) "Schedule" means the Schedule annexed to these rules;
 - (f) "Section" means section of the Act;
 - (g) "State Government", in relation to a Union Territory, means the Administrator of that Union Territory appointed by the President under Article 239 of the Constitution;
 - (h) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Precautionary and Preventive Measures. -

- (1) With a view to prevent atrocities on the Scheduled Castes and the Scheduled Tribes, the State Government shall: —
 - (i) identify the area where it has reason to believe that atrocity may take place or there is an apprehension of reoccurrence of an offence under the Act;
 - (ii) order the District Magistrate and Superintendent of Police or any other officer to visit the identified area and review the law and order situation;
 - (iii) if deem necessary, in the identified area cancel the arms licences of the persons, not being member of the Scheduled Castes or Scheduled Tribes, their near relations, servants or employees and family friends and get such arms deposited in the Government Armoury;
 - (iv) seize all illegal fire arms and prohibit any illegal manufacture of fire arms
 - (v) with a view to ensure the safety of person and property, if deemed necessary, provide arms licences to the members of the Scheduled Castes and the Scheduled Tribes;
 - (vi) constitute a high power State-level committee, district and divisional level committees or such number of other committees as deem proper and necessary for assisting the Government in implementation of the provisions of the Act;
 - (vii) set-up a vigilance and monitoring committee to suggest effective measures to implement the provisions of the Act;
 - (viii) set-up Awareness Centres and organise workshops in the identified area or at some other place to educate the persons belonging to the Scheduled Castes and the Scheduled Tribes about their rights and the protection available to them under the provisions of various Central and State enactments or rules, regulations and schemes framed thereunder;
 - (ix) encourage Non-Government Organisations for establishing and maintaining awareness centres and organising workshops and provide them necessary financial and other sort of assistance;
 - (x) deploy special police force in the identified area;
 - (xi) by the end of every quarter, review the law and order situation, functioning of different committees, performance of Special Public Prosecutors, Investigating Officers and other Officers responsible for implementing the provisions of the Act and the cases registered under the Act.

4. Supervision of Prosecution and Submission of Report: -

- (1) The State Government on the recommendation of the District Magistrate shall prepare for each District a panel of such number of eminent senior advocates who has been in practice for not less than seven years, as it may deem necessary for conducting cases in the Special Courts. Similarly, in consultation with the

Director Prosecution in-charge of the prosecution, a panel of such number of Public Prosecutors as it may deem necessary for conducting cases in the Special Courts, shall also be specified. Both these panels shall be notified in the Official Gazette of the State and shall remain in force for a period of three years.

- (2) The District Magistrate and the Director of Prosecution in-charge of the prosecution shall review at least twice in a calendar year, in the month of January and July, the performance of Special Public Prosecutors so specified or appointed and submit a report to the State Government.
- (3) If the State Government is satisfied or has reason to believe that a Special Public Prosecutor so appointed or specified has not conducted the case to the best of the ability and with due care and caution, his name may be, for reasons to be recorded in writing, denotified.
- (4) The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review the position of cases registered under the Act and submit a monthly report on or before 20th day of each subsequent month to the Director of Prosecution and the State Government. This report shall specify the actions taken/proposed to be taken in respect of investigation and prosecution of each case.
- (5) Notwithstanding anything contained in sub-rule (1) the District Magistrate or the Sub-Divisional Magistrate may, if deem necessary or if so desired by the victims of atrocity engage an eminent Senior Advocate for conducting cases in the Special Courts on such payment of fee as he may consider appropriate.
- (6) Payment of fee to the Special Public Prosecutor shall be fixed by the State Government on a scale higher than the other panel advocates in the State.

5. Information to Police Officer-in-charge of A Police Station :

- (1) Every information relating to the commission of an offence under the Act, if given orally to an officer-in-charge of a police station shall be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the persons giving it, and the substance thereof shall be entered in a book to be maintained by that police station.
- (2) A copy of the information as so recorded under sub-rule (1) above shall be given forthwith, free of cost, to the informant.
- (3) Any person aggrieved by a refusal on the part of an officer in-charge of a police station to record the information referred to in sub-rule (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who after investigation either by himself or by a police officer not below the rank of Deputy Superintendent of Police, shall make an order in writing to the officer in-charge of the concerned police station to enter the substance of that information to be entered in the book to be maintained by that police station.

6. Spot inspection by officers.-

- (1) Whenever the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of Deputy Superintendent of Police receives an information from any person or upon his own knowledge that an atrocity has been committed on the members of the Scheduled Castes or the Scheduled Tribes within his jurisdiction, he shall immediately himself visit the place of occurrence to assess the extent of atrocity, loss of life, loss and damage to the property and submit a report forthwith to the State Government.
- (2) The District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate and the Superintendent of Police/Deputy Superintendent of Police after inspecting the place or area shall on the spot :—
 - (i) draw a list of victims, their family members and dependents entitled for relief;
 - (ii) prepare a detailed report of the extent of atrocity loss and damage to the property of the victims;
 - (iii) order for intensive police patrolling in the area;
 - (iv) take effective and necessary steps to provide protection to the witnesses and other sympathisers of the victims;
 - (v) provide immediate relief to the victims.

7. Investigating Officers :

- (1) An offence committed under the Act shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police. The investigating officer shall be appointed by the State Government/Director General of Police/ Superintendent of Police after taking into account his past experience, sense of ability and justice to perceive the implications of the case and investigate it along with right lines within the shortest possible time.
- (2) The investigating officer so appointed under sub-rule (1) shall complete the investigation on top priority within thirty days and submit the report to the Superintendent of Police who in turn will immediately forward the report to the Director General of Police of the State Government.
- (3) The Home Secretary and the Social Welfare Secretary to the State Government, Director of Prosecution, the officer in-charge of Prosecution and the Director General of Police shall review by the end of every quarter the position of all investigations done by the investigating officer.

8. Setting up of The Scheduled Castes and The Scheduled Tribes Protection Cell :

- (1) The State Government shall set up a Scheduled Castes and the Scheduled Tribes Protection Cell at the State head quarter under the charge of Director of Police/ Inspector General of Police. This Cell shall be responsible for: —
 - (i) conducting survey of the identified area;
 - (ii) maintaining public order and tranquility in the identified area;

- (iii) recommending to the State Government for deployment of special police force or establishment of special police post in the identified area;
- (iv) making investigations about the probable causes leading to an offence under the Act;
- (v) restoring the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes;
- (vi) informing the nodal officer and special officer about the law and order situation in the identified area;
- (vii) making enquiries about the investigation and spot inspections conducted by various officers;
- (viii) making enquiries about the action taken by the Superintendent of Police in the cases where an officer in-charge of the police station has refused to enter an information in a book to be maintained by that police station under sub-rule (3) of rule 5;
- (ix) making enquiries about the wilful negligence by a public servant;
- (x) reviewing the position of cases registered under the Act; and
- (xi) submitting a monthly report on or before 20th day of each subsequent month to the State Government/nodal officer about the action taken/proposed to be taken in respect of the above.

9. Nomination of Nodal Officer :

The State Government shall nominate a nodal officer of the level of a Secretary to the State Government preferably belonging to the Scheduled Castes or the Scheduled Tribes, for coordinating the functioning of the District Magistrates and Superintendents of Police or other officers authorised by them investigating officers and other officers responsible for implementing the provisions of the Act. By the end of the every quarter, the nodal officer shall review: —

- (i) the reports received by the State Government under sub-rule (2) and (4) of rule 4, rule 6, clause (xi) of rule 8;
- (ii) the position of cases registered under the Act;
- (iii) law and order situation in the identified area;
- (iv) various kinds of measures adopted for providing immediate relief in cash or kind or both to the victims of atrocity or his or her dependents;
- (v) adequacy of immediate facilities like rationing, clothing, shelter, legal aid, travelling allowance, daily allowance and transport facilities provided to the victim of atrocity or his/her dependents;
- (vi) performance of non-Governmental organizations, the Scheduled Castes and the Scheduled Tribes Protection Cell, various committees and the public servants responsible for implementing the provisions of the Act.

10. Appointment of A Special Officer :

In the identified area a Special Officer not below the rank of an Additional District Magistrate shall be appointed to co-ordinate with the District Magistrate, Superintendent of Police or other officers responsible for implementing the provisions of the Act, various committees and the Scheduled Castes and the Scheduled Tribes Protection Cell.

The Special Officer shall be responsible for:-

- (i) providing immediate relief and other facilities to the victims of atrocity and initiate necessary measures to prevent or avoid re-occurrence of atrocity;
- (ii) setting up an awareness centre and organising workshop in the identified area or at the district head quarters to educate the persons belonging to the Scheduled Castes and the Scheduled Tribes about their rights and the protection available to them under the provisions of various Central and State enactments or rules and schemes etc. framed therein;
- (iii) coordinating with the Non-Governmental Organisations and providing necessary facilities and financial and other type of assistance to Non-Governmental Organisation for maintaining centers or organising workshops;

11. Travelling Allowance, Daily Allowance, Maintenance Expenses and Transport Facilities to The Victim of Atrocity, His or Her Dependents and Witnesses :

- (1) Every victim of atrocity or his/her dependents and witnesses shall be paid to and fro rail fare by second class in express/mail/passenger train or actual bus or taxi fare from his or her place of residence or place of stay to the place of investigation or hearing of trial of an offence under the Act.
- (2) The District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall make necessary arrangements for providing transport facilities or reimbursement of full payment thereof to the victims of atrocity and witnesses for visiting the investigating officer, Superintendent of Police/Deputy Superintendent of Police, District Magistrate or any other Executive Magistrate.
- (3) Every woman witness, the victim of atrocity or her dependent being a woman or a minor, a person more than sixty years of age and a person having 40 percent or more disability shall be entitled to be accompanied by an attendant of her/ his choice. The attendant shall also be paid travelling and maintenance expenses as applicable to the witness or the victim of atrocity when called upon during hearing, investigation and trial of an offence under the Act.
- (4) The witness, the victims of atrocity or his/her dependent and the attendant shall be paid daily maintenance expenses, for the days he/she is away from the place of his/her residence or stay during investigation, hearing and trial of an offence,

at such rates but not less than the minimum wages, as may be fixed by the State Government for the agricultural labourers.

- (5) In addition to daily maintenance expenses the witness, the victim of atrocity (or his/her dependent) and the attendant shall also be paid diet expenses at such rates as may be fixed by the state Government from time to time.
- (6) The payment of travelling allowance, daily allowance, maintenance expenses and reimbursement of transport facilities shall be made immediately or not later than three days by the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate to the victims and their dependents/attendants and witnesses for the days they visit the investigating officer or in-charge police station or hospital authorities or Superintendent of Police/Deputy Superintendent of Police or District Magistrate or any other officer concerned or the Special Court.
- (7) When an offence has been committed under Section 3 of the Act, the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall reimburse the payment of medicines, special medical consultation, blood transfusion, replacement of essential clothing, meals and fruits provided to the victim(s) of atrocity.

12. Measures to be taken by the District Administration :

- (1) The District Magistrate and the Superintendent of Police shall visit the place or area where the atrocity has been committed to assess the loss of life and damage to the property and draw a list of victims, their family members and dependents entitled for relief.
- (2) Superintendent of Police shall ensure that the First Information Report is registered in the book of the concerned police station and effective measures for apprehending the accused are taken.
- (3) The Superintendent of Police, after spot inspection, shall immediately appoint an investigation officer and deploy such police force in the area and take such other preventive measures as he may deem proper and necessary.
- (4) The District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall make arrangements for providing immediate relief in cash or in kind or both to the victims of atrocity, their family members and dependents according to the scale as in the schedule annexed to these Rules (Annexure-I read with Annexure-II). Such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items necessary for human beings.
- (5) The relief provided to the victim of the atrocity or his/her dependent under

sub-rule (4) in respect of death, or injury to, or damage to property shall be in addition to any other right to claim compensation in respect thereof under any other law for the time being in force.

- (6) The relief and rehabilitation facilities mentioned in sub-rule (4) above shall be provided by the District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate in accordance with the scales provided in the Schedule annexed to these rules.
- (7) A report of the relief and rehabilitation facilities provided to the victims shall also be forwarded to the Special Court by the District Magistrate or the Sub-Divisional Magistrate or the Executive Magistrate or Superintendent of Police. In case the Special Court is satisfied that the payment of relief was not made to the victim or his/her dependents in time or the amount of relief or compensation was not sufficient or only a part of payment of relief or compensation was made, it may order for making in full or part the payment of relief or any other kind of assistance.

13. Selection of Officers and Other Staff Members for Completing the Work Relating to Atrocity :

- (1) The State Government shall ensure that the administrative officers and other staff members to be appointed in an area prone to atrocity shall have the right aptitude and understanding of the problems of the Scheduled Castes and the Scheduled Tribes.
- (2) It shall also be ensured by the State Government that person from the Scheduled Castes and the Scheduled Tribes are adequately represented in the administration and in the police force at all levels, particularly at the level of police posts and police station.

14. Specific Responsibility of The State Government :

The State Government shall make necessary provisions in its annual budget for providing relief and rehabilitation facilities to the victims of atrocity. It shall review at least twice in a calendar year, in the month of January and July the performance of the Special Public Prosecutor specified or appointed under Section 15 of the Act, various reports received, investigation made and preventive steps taken by the District Magistrate, Sub-Divisional Magistrate and Superintendent of Police, relief and rehabilitation facilities provided to the victims and the reports in respect of lapses on behalf of the concerned officers.

15. Contingency Plan by The State Government :

- (1) The State Government shall prepare a model contingency plan for implementing the provisions of the Act and notify the same in the Official Gazette of the State Government. It should specify the role and responsibility of various departments and their officers at different levels, the role and responsibility of Rural/Urban

Local Bodies and Non-Government Organizations. Inter alia, this plan shall contain a package of relief measures including the following: -

- (a) scheme to provide immediate relief in cash or in kind or both;
 - (b) allotment of agricultural land and house sites;
 - (c) the rehabilitation packages;
 - (d) scheme for employment in Government or Government undertaking to the dependent or one of the family members of the victim;
 - (e) pension scheme for widows, dependant children of the deceased, handicapped or old age victims of atrocity;
 - (f) mandatory compensation for the victims;
 - (g) scheme for strengthening the socio-economic condition of the victim;
 - (h) provisions for providing brick/stone masonry house to the victims;
 - (i) such other elements as health care, supply of essential commodities, electrification, adequate drinking water facility, burial/cremation ground and link roads to the Scheduled Castes and the Scheduled Tribes habitats.
- (2) The State Government shall forward a copy of the contingency plan or a summary thereof and a copy of the scheme, as soon as may be, to the Central Government in the Ministry of Welfare and to all the District Magistrates, Sub-Divisional Magistrates, Inspectors General of Police and Superintendents of Police.

16. Constitution of State-level Vigilance and Monitoring Committee :

- (1) The State Government shall constitute a high power vigilance and monitoring committee of not more than 25 members consisting of the following:
 - (i) Chief Minister/Administrator/Governor (In case of a State under President's Rule)—Chairman
 - (ii) Home Minister, Finance Minister, Welfare Minister and Advisors. (In case of a State under President's Rule)—Members;
 - (iii) All elected members of Parliament and State Legislative Assembly and Legislative Council from the State belonging to the Scheduled Castes and the Scheduled Tribe—Members
 - (iv) The Chief Secretary, the Home Secretary, the Director General of Police, Director/Deputy Director, National Commission for the Scheduled Castes and the Scheduled Tribes—Members;
 - (v) The Secretary in-charge of the Welfare and Development of the Scheduled Castes and the Scheduled Tribes—Convener
- (2) The high power vigilance and monitoring committee shall meet at least twice in a calendar year, in the month of January and July to review the implementation of the

provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the State Government.

17. Constitution of District Level Vigilance and Monitoring Committee :

- (1) In each district within the State, the District Magistrate shall set up a vigilance and monitoring committee in his district to review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the District Administration.
- (2) The district level vigilance and monitoring committee shall consist of the elected Members of the Parliament and State Legislative Assembly and Legislative Council, Superintendent of Police, three group 'A' Officers/Gazetted officers of the State Government belonging to the Scheduled Castes and the Scheduled Tribes, not more than 5 non-official members belonging to the Scheduled Castes and the Scheduled Tribes and not more than 3 members from the categories other than the Scheduled Castes and the Scheduled Tribes having association with Non-Government Organisations. The District Magistrate and District Social Welfare Officer shall be Chairman and Member- Secretary respectively.
- (3) The district level committee shall meet at least once in three months.

18. Material for Annual Report :

The State Government shall every year, before the 31 st March, forward the report to the Central Government about the measures taken for implementing provisions of the Act and various schemes/plans framed by it during the previous calendar year.

ANNEXURE - I**Schedule****[See Rule 12(4)]****Norms for Relief Amount**

Name of offence	Minimum amount of relief
1. Drink or eat inedible or obnoxious substance [Section 3(l)(i)]. 2. Causing injury insult or annoyance [Section 3(l)(ii)]. 3. Derogatory Act [Section 3(i)(iii)].	Rs. 25,000 or more depending upon the nature and gravity of the offence to each victim and also commensurate with the indignity, insult, injury and defamation suffered by the victim. Payment to be made as follows: I. 25% when the charge sheet is sent to the court. II. 75% when accused are convicted by the lower court.
4. Wrongful occupation or cultivation of land, etc. [Section 3(l)(iv)]. 5. Relating to land, premises and water [Section 3(l)(v)].	At least Rs. 25,000 or more depending upon the nature and gravity of the offence. The land/premises/water supply shall be restored where necessary at Government cost. Full payment to be made when charge sheet is sent to the Court.
6. Beggar or forced or bonded labour [Section 3(l)(vi)].	At least Rs. 25,000 to each victim, payment of 25% at FIR stage and 75% on conviction in the lower court.
7. Relating to right to franchise [Section 3(1)(vii)].	Up to Rs. 20,000 to each victim depending upon the nature and gravity of the offence.
8. False, malicious or vexatious legal proceedings [Section 3(l)(viii)]. 9. False and frivolous information [Section 3(l)(ix)].	Rs. 25,000 or reimbursement of actual legal expenses and damages or whichever is less after conclusion of the trial of the accused.

10. Insult, intimidation and humiliation [Section 3(l)(x)].	Up to Rs. 25,000 to each victim depending upon the nature of the offence. Payment of 25% when charge sheet is sent to the court and rest on conviction.
11. Outraging the modesty of a woman [Section 3(l)(xi)].	Rs. 50,000 to each victim of the offence. 50% of the amount may be paid after medical examination and remaining 50% at the conclusion of the trial.
12. Sexual exploitation of a woman [Section 3(l)(xii)].	
13. Fouling of water [Section 3(l)(xiii)].	Up to Rs. 1,00,000 or full cost of restoration of normal facility, including cleaning when the water is fouled. Payment may be made at the stage as deemed fit by District Administration.
14. Denial of customary rights of passage [Section 3(l)(xiv)].	Up to Rs. 1,00,000 or full cost of restoration of right of passage and full compensation of the loss suffered, if any. Payment of 50% when charge sheet is sent to the court and 50% on conviction in lower court.
15. Making one desert place of residence [Section 3(l)(xv)].	Restoration of the site/right to stay and compensation of Rs. 25,000 to each victim and reconstruction of the house at Govt. cost, if destroyed, to be paid in full when charge sheet is sent to the lower court.
16. Giving false evidence [Section 3(2)(i) and (ii)].	At least Rs. 1,00,000 or full compensation of the loss or harm sustained. 50% to be paid when charge sheet is sent to court and 50% on conviction by the lower court.
17. Committing offences under the Indian Penal Code punishable with imprisonment for a term of 10 years or more [Section 3(2)].	At least Rs. 50,000 depending upon the nature and gravity of the offence to each victim and or his dependents. The amount would vary if specifically otherwise provided in the Schedule.
18. Victimization at the hands of a public servant [Section 3(2)(vii)].	Full compensation on account of damages or loss or harm sustained. 50% to be paid when charge sheet is sent to the Court and 50% on conviction by lower court.

<p>19. Disability. The definitions of physical & mental disabilities are contained in the Ministry of Welfare, G.O.I. notification No. 4-2/83—HW.III dated 06.08.1986 as amended from time to time. A copy of the notification is at Annexure - II.</p> <p>(a) 100% incapacitation.</p> <p>(i) Non-earning Member of a family.</p> <p>(ii) Earning Member of a family.</p> <p>(b) Where incapacitation is less than 100%.</p>	<p>a.(i) At least Rs. 1,00,000 to each victim of offence. 50% on FIR and 25% at charge sheet and 25% on conviction by the lower court.</p> <p>a.(ii) At least Rs. 2,00,000 to each victim of offence, 50% to be paid on FIR/Medical examination stage, 25% when charge sheet sent to court and 25% at conviction in lower court.</p> <p>b. The rates as laid down in a(i) and (ii) above shall be reduced in the same proportion, the stages of payments also being the same. However, not less than Rs. 15,000 to non-earning member and not less than Rs. 30,000 to an earning member of a family.</p>
<p>20. Murder/Death</p> <p>(a) Non-earning Member of a family.</p> <p>(b) Earning Member of a family.</p>	<p>At least Rs. 1,00,000 to each case. Payment of 75% after postmortem and 25% on conviction by the lower court. At least Rs. 2,00,000 to each case. Payment of 75% after postmortem and 25% on conviction by the lower court.</p>
<p>21. Victim of murder, death, massacre, rape, mass rape and gang rape, permanent incapacitation and dacoity.</p>	<p>In addition to relief amounts paid under above items, relief may be arranged within three months of date of atrocity as follows: -</p> <p>(i) Pension to each widow and/or other dependents of deceased SC and ST @ Rs. 1,000- per month, or Employment to one member of the family of the deceased, or provision of agricultural land, and house, if necessary by outright purchase.</p> <p>(ii) Full cost of the education and maintenance of the children of the victims. Children may be admitted to Ashram Schools/ residential schools.</p> <p>(iii) Provision of utensils, rice, wheat, dals, pulses, etc. for a period of three months.</p>
<p>22. Complete destruction/burnt houses.</p>	<p>Brick/stone masonry house to be constructed or provided at Government cost where it has been burnt or destroyed.</p>

ANNEXURE-II**No.4-2/83-HW.III****GOVERNMENT OF INDIA****MINISTRY OF WELFARE****New Delhi, the 6th August 1986.***Subject: Union Definitions of the Physically Handicapped.*

At present, different definitions for various categories of handicapped are adopted in various schemes/programmes of the Central and State Governments. In order to have a standard set of definitions, authorized certification authorities and standard tests for purpose of objective certification, government of India in Ministry of Welfare set up three committees under the Chairmanship of Director General of Health Services-one each in the area of visual handicaps, speech and hearing disorders and locomotor disabilities and a separate Committee for mental handicaps.

2. After having considered the reports of these committees and with the concurrence of the State Governments/UTs and the concerned Ministries /Departments undersigned is directed to convey the approval of the President of notify the definitions of the following categories of physically handicapped :-

1. Visually handicaps.
2. Locomotor handicaps.
3. Speech and hearing handicaps.
4. Mental handicaps.

Report of the Committee as indicated in the Annexure -I

3. Each category of handicapped persons has been divided into four groups viz. mild, moderates, severe and profound/total. It has been decided that various concessions/benefits would in future be available only to the moderate, severe and profound/total groups; and not to the mild groups. The minimum degree of disability should be 40 per cent in order to be eligible for any concession / benefits.
4. It has been decided that the authorized certifying authority will be a medical board at the district level. The board will consist of the Chief Medical Officer/Sub-Divisional Medical Officer in the District and another expert in the specified field viz. ophthalmic surgeon in case of visual handicaps, either an ENT Surgeon or an audiologist in case of speech and hearing handicaps; an orthopaedic surgeon or a specialist in physical medicine and rehabilitation in case of locomotor handicaps, a psychiatrist or a clinical psychologist or a teacher in special education in case of mental handicaps.

5. Specified tests as indicated in Annexure should be conducted by the medical board and recorded before a certificate is given.
6. The certificate would be valid for a period of three years.
7. The State Government / UT Administration may constitute the medical boards indicated in Para 4 above immediately.

M. C. Narsimhan

Jt. Secy. to the Govt. of India.

ORDER

Ordered that the above notification be published in the Gazette of India for general information. Copies of the Gazette notification may be sent to all Ministries/Deptt. of the Central Govt., all State Govts. /UT Admn., President Sectt., P.M.'s Office, Lok Sabha, Rajya Sabha Sectt. for information and necessary action.

M. C. NARSIMHAN,

Jt. Secy. to the Govt. of India.

**Combined Report of Three Committees Recommending Uniform Set of Definitions,
Authorities for Certification and Standard Tests for Visual,
Hearing and Speech and Locomotor Disabilities.
*List of the Members of the Committees at Annexure I.***

Introduction

India is a vast country with variable social, cultural, geographical and economic background. Despite breakthrough in health services, a number of disabilities continue to appear due to polio communicable and congenital diseases, increased industrialisation and mechanisation vehicular traffic leading to locomotor disabilities; vitamin-A deficiency, cataract and infectious injuries, nutritional deficiency leading to visual loss; ear infection, external injuries, noise pollution contributing to hearing loss. These are the major disabilities which manifest themselves as a result of one or more of such factors.

2. Government of India are providing a large number of facilities and concessions to disabled persons. In order to provide these facilities and concessions it is imperative that standard definition of these disabilities is decided upon. Consequent to recommendation of the National Council for Handicapped Welfare the Committees under the chairmanship of Director General of Health Services met for the adoption of standard set of definitions, which should be uniformly applicable through out the country.

The exercise of evolving a uniform set of definition should not be however construed to mean that no definitions have been set forth at present. Definitions of these three major disabilities, which are prevalent at present for extending various concessions and facilities to handicapped are given in Annexure II.

Recommended Definitions

Physical impairment leads to functional limitation and functional limitation leads to disability. Physical impairment, functional limitation and disability have been defined by WHO and this Committee would recommend adopting this classification, which is as follows: -

- (i) **Impairment:** An impairment is a permanent or transitory psychological or anatomical loss and/or abnormality. For example, a missing or effective part, tissue organ or "Mechanism" of the body such as an amputated limb, paralysis after polio, myocardial infarction, cerebra vascular thrombosis, restricted pulmonary capacity, diabetes myopia, disfigurement, mental retardation, hypertension, perceptual disturbance.
- (ii) **Functional Limitation:** Impairment may cause functional limitations which are the partial or total inability to perform those activities necessary for motor, sensory, or mental functions within the range and manner of which a human being is normally capable such as walking, lifting loads, seeing, speaking, hearing, reading, writing, counting, taking interest in and making contact with surroundings. A functional limitation may last for a short time, a long time, be permanent or reversible. It should be quantifiable whenever possible. Limitations may be described as "Progressive" or "regressive".
- (iii) **Disability:** Disability is defined as an existing difficulty in performing one or more activities which, in accordance with the subject's age, sex and morative social role, are generally accepted as essential, basic components of daily living, such as self-care, social relations and economic activity. Depending in part on the duration of the functional limitation disability may be short-term, long-term or permanent.

Medically, disability is physical impairment and inability to perform physical functions normally. Legally, disability is a permanent injury to body for which the person should or should not be compensated.

The disability can be divided into 3 periods.

- (i) Temporary total disability is that period in which the affected person is totally unable to work. During this time he may receive orthopaedic, ophthalmological, auditory or speech or any other medical treatment.
- (ii) Temporary partial disability is that period when recovery has reached the stage of improvement so that person may begin some kind of gainful occupation.
- (iii) Permanent disability applies to permanent damage or loss of use of some part/parts of the body after the stage of maximum improvement from any medical treatment has been reached and the condition is stationary.

The classifications & various concessions being recommended are for the permanent disability only.

Evaluation and Assessment of Visual Disabilities.

The group recommended the classification of visual impairment/disability may be categorised in four groups for considering various concessions to visually handicapped.

The question regarding one-eyed person was considered at length. The Committee is of the view that the guidelines recommended for evaluation of visual loss of persons who have lost one eye but have the other eye normal should be totally unambiguous. The Committee

feels that such persons may not be clubbed with other visually handicapped so that facilities/concessions available to severely/profoundly visually handicapped and totally blind are not eroded. If one eyed persons are clubbed with severely/profoundly visually handicapped and totally blind persons, the Committee feels that most of the concessions especially jobs reserved for the blind persons shall go to one-eyed persons as their visual loss is minimal compared to other 2 categories and in this manner most of the Government offices/public sector undertakings will be fulfilling the quota but in actual practice will not be giving jobs to totally blind and persons with severe visual loss. The Committee, however, feels that it should be made clear that loss of one eye will not be considered as a disqualification on medical grounds unless a particular post is of such a technical nature that it requires of a person the use of both the eyes or 3 dimensional visions. The Committee also recommends that if a person has been declared unfit due to some temporary visual loss/defect, it should not be construed to mean as disabled if such a temporary impairment in the opinion of a Medical Board can be overcome with treatment or visual aids.

Guidelines for evaluation & categorization of visual disabilities are given in Appendix III

2. Evaluation & Assessment of Hearing & Speech Disability.

The Committee recommended that the definitions, which are internationally accepted and have been adopted by W.H.O., may be adopted in this country also for evaluation and categorisation of hearing & speech loss.

The recommended classification and guidelines for evaluation of hearing loss are given in Appendix II. The Committee also considered various facilities/concessions, which may be given to hearing handicapped persons, and suggestions of the facilities, which may be offered, to the hearing handicapped for rehabilitation are also given in Appendix II.

3. Evaluation & Assessment of Orthopaedic Disabilities.

The Committee recommends that Kessler's method may be taken as a general guideline for evaluating orthopaedic disability. Since issues have been raised regarding the quantification of degree of disability the authorised Medical Board may also consult any other suitable method and use Kessler's method as a basic guideline.

The Committee is aware that there are other methods of quantification, which are at variance with the Kessler's guidelines. However, Kessler's guidelines for evaluation of various degrees of disability, it is expected, would hold good for most of the time. The individual Medical Board could take into consideration other methods, which may help the board in evaluating disability in an individual case.

The Authorities to give Certification.

A permanent disability certificate will be issued by a board duly constituted by the Central and the State Governments. It is recommended that a Medical Board for evaluation of disability

should be available minimum at the district level. It is also recommended to have at least 3 members in the board, out of which at least one should be a specialist in the particular field for assessing locomotor/visual/hearing & speech disability as the case may be.

It is also recommended that the competent authority may also appoint an appellate medical board to resolve any dispute.

Concessions/Facilities, which may be offered to Disabled Persons

Keeping in view the set of definitions and the categorisation being recommended, various Ministries/Departments and the State Governments shall have to also specify the facilities and concessions, which would be available to different categories of the handicapped. The Committee recommends that if a person has the degree of disability below 40 per cent in a particular category, no such benefits/concessions may be given to such a person. All other categories may be extended concessions/facilities like scholarships, job reservation, aids and appliances either free of cost or at concessional rates, conveyance allowance etc. For hearing handicapped, the Committee recommends that 3-language formula may be revised so that the hearing handicapped have to study one language only.

Ministry of Social & Women's Welfare may make out proposals based on these recommendations with the appropriate Ministry for necessary modifications in the policy of 3 language formula.

The Committee also recommended that Ministry of Health and Family Welfare may also take up amending medical standards for necessary relaxations in respect of mild handicapped in all the categories so that on account of their mild disability, they are not put in a position that neither they are able to get the facility of job reservations nor are eligible otherwise for entering into services in the general category. The medical rules may also indicate in clear terms that loss of one eye will not be considered a disqualification unless the particular post is of such a technical nature that it requires of a person the use of both the eyes or three-dimensional vision. The same medical board at the district level may examine suitability or otherwise of a one eyed person for a particular post.

The degree and extent of disability of the 3 types, namely visual, hearing and orthopaedic will be indicated as follows: -

- (a) Mild-less than 40 per cent.
- (b) Moderate--40 per cent & above.
- (c) Severe-75 per cent & above.
- (d) Profound/total-100 per cent.

For persons suffering from cardio pulmonary diseases, there may be no reservations in

jobs. These persons may, however, be considered for extending other concessions such as exemption in typing etc.

The Director General of Health Services, Ministry of Health and Family Welfare will be the final authority, should there arise any controversy/doubt regarding the interpretation of the definitions/classifications/evaluation tests etc.

Only those persons who have disability more than 40 per cent and above shall be eligible for registration in Employment Exchanges in the category of handicapped and considered against jobs in public sector reserved for the physically handicapped.

ANNEXURE-I

COMPOSITION OF COMMITTEES TO RECOMMEND STANDARD DEFINITIONS OF DISABILITIES

Dr. D.B.Bisht,

Director General of Health Services
Ministry of Health & Family Welfare,
Nirman Bhavan, New Delhi.

Chairman

(of all the three Committees)

On Visually Handicapped

- | | |
|---|--------|
| 1. Dr. Madan Mohan
Head Deptt. of Ophthalmology,
All India Institute of Medical Sciences,
New Delhi. | Member |
| 2. Dr. G.H.Gidwani,
Assistant Director General of Health Services,
Ministry of Health & Family Welfare,
Nirman Bhavan, New Delhi. | Member |
| 3. Shri R. S. Srivastava,
Joint Director,
Director General of Employment & Training,
Ministry of Labour,
Sharam Shati Bhavan, New Delhi | Member |
| 4. Director,
National Institute for the Visually Handicapped,
Rajpur Road, Dehradun,
(Represented by Shri S.R. Shukla, Asstt. Director). | Member |
| 5. Dr. G. Venkataswami,
Arvind Eye Hospital,
Madurai, Tamilnadu. | Member |
| 6. Dr. J.M. Pahwa,
Chief Medical Officer,
Gandhi Eye Hospital,
Aligarh. | Member |

- | | | |
|----|---|-------------------|
| 7. | Shri Harcharanjit Singh,
Under Secretary,
Ministry of Social & Women's Welfare. | Member- Secretary |
|----|---|-------------------|

On Hearing Handicapped

- | | | |
|----|--|-------------------|
| 1. | Dr. G. H. Gidwani,
Assistant Director General of Health Services,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi. | Member |
| 2. | Shri R. S. Srivastava,
Joint Director,
Director General of Employment & Training,
Ministry of Labour,
Sharam Shahti Bhavan, New Delhi. | Member |
| 3. | Dr. S. K. Kacher,
All India Institute of Medical Sciences,
New Delhi. | Member |
| 4. | Dr. M. Nithya Seelan,
Director,
All India Institute of Speech & Hearing,
Mysore. | Member |
| 5. | Dr. N. Rathna,
Director,
Ali Yavar Jung Institute of Hearing Handicapped,
Haji Ali Parh, Mahalaxmi,
Bombay-400034.
(Represented by Dr. M. N. Nagaraja, Dy. Director
in the meeting on 25.06.1984). | Member |
| 6. | Shri Harcharanjit Singh,
Under Secretary,
Ministry of Social & Women's Welfare,
New Delhi. | Member- Secretary |

On Orthopaedically Handicapped

- | | | |
|----|--|--------|
| 1. | Dr. G.H. Gidwani,
Assistant Director General of Health Services,
Ministry of Health & Family Welfare,
Nirman Bhavan, New Delhi. | Member |
|----|--|--------|

2. Shri R.S.Srivastava,
Joint Director,
Director General of Employment & Training,
Ministry of Labour,
Sharam Shahti Bhavan, New Delhi. Member
3. Dr. Narendra Kumar,
Indian Council of Medical Research,
Ansari Nagar, New Delhi. Member
4. Director,
National Institute of Orthopaedically Handicapped,
B.T.Road, Bon Hooghly,
Calcutta. Member
5. Dr. A. K. Mukherjee,
Director,
All India Institute of Physical Medicine and
Rehabilitation,
Haji Ali Parh, Bombay. Member
6. Dr. S. K. Varma,
Head of Deptt. of Physical Medicine and Rehabilitation,
All India Institute of Medical Sciences,
New Delhi. Member
7. Dr. B. P. Yadav,
Head, Rehabilitation Department,
Safdarjung Hospital,
New Delhi. Special Invitee
8. Dr. J. S. Guleria,
Prof. & Head of Deptt. of Medicine,
Dean, All India Institute of Medical
Sciences, New Delhi. Special Invitee
9. Shri Harcharanjit Singh,
Under Secretary,
Ministry of Social & Women's Welfare. Member- Secretary

ANNEXURE II

(1) Visually Handicapped

The definition adopted for visual handicapped for extending the concession, Scholarships, admission to Integrated education system, reservation in jobs, assistance for purchase/fitting of aids and appliances: -

The blind are those who suffer from either of the following conditions. -

- (a) Total absence of sight.
- (b) Visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses.
- (c) Limitation of the field of vision subtending an angle of degree or worse.

Definition of Hearing Handicapped under various Schemes

Scholarships

The deaf are those in whom the sense of hearing is non-functional for ordinary purposes of life. They do not hear/understand sound at all even with amplified speech. The cases included in this category will be those having hearing loss more than 70 decibels in the better ear (profound impairment) or total loss of hearing in both ears.

Assistance to Disabled Persons for Purchase/Fitting of Aids/Appliances

The partially hearing are those falling under anyone of the categories indicated below:—

Category	Hearing equity
Mild impairment	More than 30 but not more than 45 decibels in better ear.
Serious impairment	More than 45 but not more than 60 decibels in better ear.
Severe impairment	More than 60 but not more than 90 decibels in the better ear.

Reservation Orders Issued by Department of Personnel and Administration Reforms

The deaf are those in whom the sense of hearing is non-functional for ordinary purposes of life. They do not hear/understand sounds at all events with amplified speech. The cases

included in this category will be those having loss more than 90 decibels in the better ear (profound impairment) or total loss of hearing in both ears.

Locomotor Handicapped

Similarly the definition adopted for orthopaedically handicapped is not uniform as all orthopaedically handicapped are eligible for getting a scholarship but only those orthopaedically handicapped persons can get the facility of reservation in jobs as have a minimum of 40% disability.

Situation in State Governments

Various State Governments have also adopted different sets of definition. For example, Govt. of Tamil Nadu declared one-eyed persons in the same category as blind persons and have extended various concessions including the reservation in jobs under the State Government to one-eyed person also. The Central Government on the other hand has declared that a one-eyed person with one eye good vision is not medically unfit and can be considered for jobs which do not require a three dimensional vision to the specific requirement of the jobs.

ANNEXURE-III

Visual Impairment disability Categories based on its severity and proposed disability percentages.

	<i>All with corrections</i>		<i>Percentage impairment</i>
	<i>Better eye</i>	<i>Worse eye</i>	
Category O	6/9—6/18	6/24 to 6/36	20%
Category I	6/18—6/36	6/60 to Nil	40%
Category II	6/60—4/60	3/60 to Nil	75%
	or		
	Field of vision		
	110-20		
Category III	3/60 to 1/60	F.C. at 1 ft. to Nil	100%
	or		
	Field of vision 100		
Category IV	F.C. at 1ft. to Nil	F.C. at 1 ft. to Nil	100%
	or		
	Field of vision 100	Field of vision 100	
One eyed persons	6/6	F.C. at 1 ft. to Nil	30%

The method of evaluation shall be the same as recommended in Hand Book of Medical examination. Impairment of 20%- 40% or less may only be entitled to aids and appliances.

ANNEXURE-IV**A. Recommendations about the Categories and the Tests Required****1. Recommended classification**

Sl. No.	Category	Type of Impairment	DB level and/or	Speech discrimination	Percentage of Impairment
1.	I.	Mild Hearing Impairment	dB 26 to 40 dB in better ear	80 to 100% in better ear	Less than 40%
2.	II	Moderate hearing Impairment	41 to 55 dB in better ear	50 to 80% better ear	40%-50%
3.	III	Severe hearing impairment in better ear	56 to 70 dB Hearing Impairment in better ear	40 to 50%	50 to 75%
4.	IV	(a) Total deafness (b) Near total deafness (c) Profound hearing impairment	No hearing 91 dB and above in better ear 71 to 90 dB	No discrimination -do- Less than 40% in better ear	100% 100% 75%- 100%

(Pure tone average of hearing in 500, 1000 and 2000 Hz by air conduction should be taken as basis for consideration as per the test recommendations).

Further it should be noted that —

- (a) When there is only an Island of hearing present in one or two frequencies in better ear, it should be considered as total loss of hearing.
- (b) Wherever there is no response (NR) at any of the 3 frequencies (500,1000,2000 Hz), it should be considered as equivalent to 130 dB loss for the purposes of classification of disability and in arriving at the average. This is based on the fact that maximum intensity limits in most of the Audiometers is 110 dB's and some audiometers has additional facilities for +20 dB for testing.

II. Recommendations about the categories of disability (Hearing Impairment- Physical aspect only—Test recommended).

- (a) Pure tone audiometry (ISO R 382-1970 at present, is being used as Audiometric Standard in most of the audiometers. Hence the audiometers used in testing should be accordingly calibrated). Three-frequency average at 500, 1000 and 2000 Hz by Air Conditions (A.C.) will be used for categorisation.

- (b) Wherever possible the pure tone audiometric results should be supplemented by the Speech discrimination score-Tested at Sensation Level (S.L.) i.e. the speech discriminations test is conducted at -dB above the patient's hearing threshold. The stimuli used be either phonetically balance words (Pb) of the particular language or its equivalent material. At present only a few Indian languages have standard speech material for testing. Hence wherever the standardised test material is not available, either standardised Indian English test could be made use of, with English knowing population or equivalent material to Pb be used.
- (c) Wherever children are tested and pure tone audiometry becomes not possible free field-testing should be employed.

Suggestions of the Facilities to be Offered to the Disabled for Rehabilitation

Category I.	No special benefits.
Category II.	Considered for Hearing Aids at Free or concessional costs only.
Category III.	Hearing aids free of cost or at concessional rates Job reservation-benefit of special Employment Exchange. Scholarships at School: Single language formula.
Category IV.	Hearing Aids—facilities of reservation—special employment exchange. Special facilities in schools like Scholarships. Hearing aids—Exemption from 3-language formula (to study in recommended single language).

It is felt that for consideration of admission under special category for courses conducted by institutions like Indian Institute of Technology (IIT), Industrial Training Institute (ITI) and others, categories 1 & 2 only should be considered for reservation of seats, provided they fulfill the other educational stipulations for the course.

We have considered the different type of hearing affection, i.e. conductive VS Sensory neural, and agree that the disability will be judged by the conditions prevalent in the patient at the time of referral and examination. In case of failure of surgery or other therapeutic interventions, the patient will be considered and categorized on the basis of the recommended tests.

ANNEXURE-V

1. Guidelines for Evaluation of Various Disabilities

i. Locomotor Disability

1.1. UPPER LIMB

- 1. The estimation of permanent impairment depends upon the measurement of functional impairment and is not expression of a personal opinion.

2. The estimation and measurement must be made when the clinical condition is fixed and unchangeable.
3. The upper extremity is divided into two component parts, the arm component and the hand component.
4. Measurement of the loss of function of arm component consists in measuring the loss of motion, muscle strength and co-coordinated activities.
5. Measurement of the loss of function of hand component consists in determining the Prehension, Sensation & Strength. For estimation of Prehension Opposition, lateral pinch, cylindrical grasp, spherical grasp and hook grasp have to be assessed as shown in the column of 'prehension component' in the proforma.
6. The impairment of the entire extremity depends on the combination of the functional impairment of both components.

ARM COMPONENT

Total value of arm component is 90%.

Principles of Evaluation of range of motion of joints —

1. The value of maximum R.O.M. in the arm component is 90%.
2. Each of the three joints of the arm is weighed equally (30%).

Example :

A fracture of the right shoulder joint may affect range of motion so that active abduction is 90%. The left shoulder exhibits a range of active abduction of 180%. Hence there is loss of 50% of abduction movement of the right shoulder. The percentage loss of arm component in the shoulder is 50×0.30 or 15 per cent loss of motion for the arm component.

If more than one joint is involved, same method is applied and the losses in each of the affected joints are added. Say,

Loss of abduction of the shoulder	= 60%
Loss of extension of the wrist	= 40%
Then, Loss of range of motion	
For the arm =	
$(60 \times 0.30) + (40 \times 0.30)$	= 30%

Principles of Evaluation of Strength of muscles

1. Strength of muscles can be tested by manual testing like 0—5 grading.
2. Manual muscle gradings can be given percentages like—

0.	-	100%
1.	-	80%
2.	-	60%
3.	-	40%
4.	-	20%
5.	-	0%

3. The mean percentage of muscle strength loss is multiplied by 0.30.
4. If there has been a loss of muscle strength of more than one joint, the values are added as has been described for loss of range of motion.

Principles of Evaluation of co-ordinated activities

1. The total value for co-ordinated activities is 90%.
2. Ten different co-ordinated activities are to be tested as given in the Proforma.
3. Each activity has a value of 9%.

Combining value for the Arm Component

1. The value of loss of function of arm component is obtained by combining the value of range of movement, muscle strength & coordinated activities, using the combining formula—

$$a = b(90 - a) \div 90$$

where, a = higher value

& b = lower value

Example :

Let us assume that an individual with a fracture of the right shoulder joint has in addition to 16.5% of motion his arm, 8.3% loss of strength of muscles, and 5% loss of co-ordination. We combine these values as :

Range of motion: 16.5%

| Strength of Muscles: 8.3% |

$$16.5 + \{[8.3(90 - 16.5) \div 90]\} = 23.3\%$$

$$\text{Coordination: } 5\% \quad 23.3 + \{[5(90 - 23.3) \div 90]\} = 27.0\%$$

So, total value of arm component = 27.0%.

Hand Component

Total value of hand component is 90%.

The functional impairment of hand is expressed as loss of prehension, loss of sensation, loss of strength.

Principles of Evaluation of Prehension.

Total value of Prehension is 30%. It includes :

- (A) Opposition (8%). Tested against
Index finger (2%), Middle finger (2%)
Ring finger (2%) & Little finger (2%)
- (B) Lateral Pinch (5%). Tested by asking the patient to hold a key.
- (C) Cylindrical Grasp (6%). Tested for (a) Large object of 4 inch size (3%) (b) Small object of 1-inch size (3%).
- (D) Spherical Grasp (6%). Tested for (a) Large object 4 inch size (3%) (b) Small object 1-inch size (3%).
- (E) Hook Grasp (5%). Tested by asking the patient to lift a bag.

Principles of Evaluation of Sensations

Total value of sensation is 30%. It includes :

- 1. Radial side of thumb (4.8%)
- 2. Ulnar side of thumb (1.2%)
- 3. Radial side of each finger (4.8%)
- 4. Ulnar side of each finger (1.2%)

Principles of Evaluation of Strength

Total value of strength is 30%. It includes:

- 1. Grip Strength (20%)
- 2. Pinch Strength (10%)

Strength will be tested with hand dynamometer or by clinical method (Grip Method).

10% additional weightage to be given to the following factors:

- 1. Infection
- 2. Deformity
- 3. Malalignment
- 4. Contractures
- 5. Abnormal Mobility
- 6. Dominant Extremity (4%)

Combining value of the hand component

The final value of loss of function of hand component is obtained by summing up values of loss of prehension, sensation and strength.

Combining Values for the Extremity

Values of impairment of arm component and impairment of hand component are combined by using the combining formula.

Example:

Impairment of the arm = 27.0%

Impairment of the hand = 64%

$$64 + \left[\frac{27(90 - 64)}{90} \right] = 71.8\%$$

Guidelines for Evaluation of Permanent Physical Impairment in Lower Limbs

The lower extremity is divided into two component Mobility Component and Stability component.

Mobility Component

Total value of mobility component is 90 per cent. It includes range of movement and muscle strength.

Principal of Evaluation of Range of Movement

1. The value of maximum range of movement in the mobility component is 90 per cent.
2. Each of the three joints i.e. hip, knee, foot-ankle component, is weighed equally—0.30.

A fracture of the right hip joint may affect range of motion so that active abduction is 27 degree. The left hip exhibits a range of active abduction of 54 degree. Hence, there is loss of 50 per cent of abduction movement of the right hip. The percentage loss of mobility component in the hip is 50×0.30 or 15 per cent loss of motion for the mobility component.

If more than one joint is involved, same method is applied and the losses in each of the affected joints are added.

For Example: -

Loss of abduction of the hip = 60%

Loss of extension of the

Knee = 40%

Loss of range of motion

For mobility component $(60 \times 0.30) + (40 \times 0.30) = 30\%$

Principles of Evaluation of Muscle Strength

1. The value for maximum muscle strength in the leg is 90 per cent.
2. Strength of muscles can be tested by manual testing like 0-5 grading.

3. Manual muscle gradings can be given percentages like

Grade 0	= 100%
Grade 1	=80%
Grade 2	=60%
Grade 3	=40%
Grade 4	=20%
Grade 5	=0%

4. Mean percentage of muscle strength loss is multiplied by 0.30
5. If there has been a loss of muscle strength of more than one joint, the values are added as has been described for loss of range of motion.

Combining Values for the Mobility Component

Let us assume that the individual with a fracture of the right hip joint has in addition to 16 per cent loss of motion, 8 per cent loss of strength of muscles.

Combining Values

Motion 16%

Strength 8% $16 + \{[8(90-16) \div 90]\} = 22.6\%$

where a = higher value

b = lower value

Stability Component

1. Total value of stability component is 90 per cent.
2. It is tested by 2 methods.
 - (i) Based on scale method.
 - (ii) Based on clinical method.

Three different readings (in kilograms) are taken measuring the total body weight (W). Scale 'A' reading and scale 'B' read.

Guidelines for Evaluation of Permanent Physical Impairment of Trunk (Spine)

The local effects of lesions of spine can be divided into traumatic and non-traumatic lesions.

TRAUMATIC LESIONS

Cervical Spine Fracture

Percent Whole Body Permanent Physical Impairment and Loss of Physical Function to Whole Body

- | | |
|--|----|
| A. Vertebral compression 25 per cent, one or two vertebral adjacent bodies, no fragmentation, no involvement of posterior elements, no nerve root involvement, moderate neck rigidity and persistent soreness. | 20 |
| B. Posterior elements with X-ray evidence or moderate partial dislocation. | |
| (a) No nerve root involvement, healed | 15 |
| (b) With persistent pain, with mild motor and sensory manifestations | 25 |
| (c) With fusion, healed, no permanent motor or sensory changes. | 20 |
| C. Severe Dislocation, fair to good reduction with surgical fusion. | |
| (a) No residual motor or sensory changes. | 25 |
| (b) Poor reduction with fusion, persistent radicular pain, motor involvement only slight weakness and numbness. | 35 |
| (c) Same as (b) with partial paralysis, determine additional rating for loss of use of extremities and sphincters. | |

Cervical Intervertebral Disc

- | | |
|---|----|
| 1. Operative, successful removal of disc, with relief of acute pain, no fusion, no neurological residual. | 10 |
| 2. Same as (1) with neurological manifestations, persistent pain, numbness, weakness in fingers. | 20 |

Thoracic and Dorsolumbar Spine Fracture

Percent Whole Body Permanent Physical Impairment and Loss of Physical Function to Whole Body

- | | |
|---|----|
| A. Compression 25 percent, involving one or two vertebral bodies, mild, no fragmentation, healed, no neurological manifestations. | 10 |
| B. Compression 50 percent, with involvement posterior elements, healed, no neurological manifestations, persistent pain, and fusion, indicated. | 20 |
| C. Same as (B) with fusion, pain only on heavy use of back. | 20 |

- D. Total paraplegia 100
- E. Posterior elements, partial paralysis with or without fusion, should be rated for loss of use of extremities and sphincters.

Low Lumber

1. Fracture

- A. Vertebral compression 25 percent one or two adjacent vertebral bodies little or fragmentation, no definite pattern or neurological changes. 15
- B. Compression with fragmentation posterior elements, persistent pain, Weakness and stiffness, healed, no fusion, no lifting over 25 pounds. 40
- C. Same as (B), healed with fusion, mild pain. 25
- D. Same as (B), nerve root involvement to lower extremities, determine additional rating for loss of industrial function to extremities.
- E. Same as (C), with fragmentation of posterior elements, with persistent pain after fusion, no neurological findings. 35
- F. Same as (C), with nerve root involvement to lower extremities, rate with functional loss to extremities.
- G. Total paraplegia. 100
- H. Posterior elements, partial paralysis with or without fusion, should be rated for loss of use of extremities and sphincters.

2. Neurogenic Low Back Pain-Disc Injury

- A. Periodic acute episodes with acute pain and persistent body list, test, tests for sciatic pain positive, temporary recovery 5 to 8 weeks. 5
- B. Surgical excision of disc, no fusion, good results, no persistent sciatic Pain 10
- C. Surgical excision of disc, no fusion, moderate persistent pain and stiffness aggravated by heavy lifting with necessary modification of activities. 20
- D. Surgical excision of disc with fusion, activities of lifting moderately modified. 15
- E. Surgical excision of disc with fusion, persistent pain and stiffness aggravated by heavy lifting, necessitating modification of all activities requiring heavy lifting. 25

Non-Traumatic Lesions

Scoliosis

The whole Spine has been given rating of 100 per cent and regionwise the following percentages are given:

Dorsal Spine—50 per cent

Lumbar Spine—30 per cent

Cervical Spine—20 per cent

Kobb's method for measurement of angle of curve in standing position is to be used. The curves have been divided into three sub groups.

	Cervical Spine	Thoracic Spine	Lumbar Spine
Less than 30 degree (Mild)	2%	5%	5%
31 degree-60 degree (Moderate)	3%	15%	12%
Above 60 degree (Severe)	5%	25%	33%

In the curves ranging above 60 degree, cardiopulmonary complications are to be graded separately. The junctional curves are to be given that rating depending upon level of apex of curve. For example, if apex of dorso-lumbar curve falls in the dorsal spine the curve can be taken as a dorsal curve. When the scoliosis is adequately compensated, 5 per cent reduction is to be given from final rating (for all assessment primary curves are considered for rating).

Kyphosis

The same total rating (100 per cent) as that suggested for scoliosis is to be given for kyphosis. Region-wise percentages of physical impairment are:

Dorsal	50 per cent
Cervical Spine	30 per cent
Lumbar Spine	20 per cent

For dorsal spine the following further grading are:

Less than 20 degree	10 per cent
21 degree—40 degree	15 per cent
41 degree—60 degree	20 per cent
Above 60 degree	25 per cent

For kyphosis of lumbar and cervical spine 5 per cent and 7 per cent respectively have been allocated.

Paralysis of Flexors and Extensors of Dorsal and Lumbar Spine.

The motor power of these muscles to be grouped as follows: -

Normal	—
Weak	5 per cent
Paralysed	10 per cent

Paralysis of Muscles of Cervical Spine

For cervical spine the rating of motor power is as follows:

	Normal	Weak	Paralysed
Flexors	0	5%	10%
Extensors	0	5%	10%
Rotators	0	5%	10%
Side bending	0	5%	10%

Miscellaneous

Those conditions of the spine which cause stiffness and pain etc., are rated as follows:

	% Physical Impairment
A. Subjective symptoms of pain. No involuntary muscle spasm. Not substantiated by demonstrable structural pathology.	0%
B. Pain, Persistent muscle spasm and stiffness of spine, substantiated by demonstrable mild radiological changes.	10%
C. Same as B, with moderate radiological changes.	15%
D. Same as B, with severe radiological changes involving and one of the region of spine (cervical, dorsal or lumbar).	20%
E. Same as D, involving whole spine.	30%

In kypho-scoliosis, both curves to be assessed separately and then percentage of disability to be summed.

Guidelines for Evaluation of Permanent Physical Impairment in Amputees

Basic Guidelines

1. In case of multiple amputees, if the total sum of percentage permanent physical impairment is above 100 per cent, it should be taken as 100 per cent.
2. Amputation at any level with uncorrectable inability to wear and use prosthesis, should be given 100 per cent permanent physical impairment.
3. In case of amputation in more than one limb percentage of each limb is counted and another 10 per cent will be added, but when only toes or fingers are involved only another 5 per cent will be added.

4. Any complication in form of stiffness, neuroma, infection etc. has to be given a total of 10 per cent additional weightage.
5. Dominant upper limb has been given 4 per cent extra percentage.

Upper Limb Amputations

	Percent Permanent Physical Impairment and <u>Loss of physical function of each limb</u>
1. Fore-quarter amputation	100 per cent
2. Shoulder Disarticulation	90 per cent
3. Above Elbow up to upper 1/3 of arm	85 per cent
4. Above Elbow up to lower 1/3 of arm	80 per cent
5. Elbow disarticulation	75 per cent
6. Below Elbow up to upper 1/3 of forearm	70 per cent
7. Below Elbow up to lower 1/3 of forearm	65 per cent
8. Wrist disarticulation	60 per cent
9. Hand through carpal bones	55 per cent
10. Thumb through C.M. or through 1 st M.C. Joint	30 percent
11. Thumb disarticulation through metacarpophalangeal Joint or through proximal phalanx	25 per cent
12. Thumb disarticulation through inter phalangeal Joint or through distal phalanx	15 per cent

	Index Finger	Middle Finger	Ring Finger	Little Finger
13. Amputation through proximal phalanx or disarticulation through M.P. joint.	15%	5%	3%	2%
14. Amputation through middle phalanx or disarticulation through PIP joint.	10%	4%	2%	1%

15.	Amputation through distal phalanx or disarticulation through DIP joint.	5%	2%	1%	1%
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Lower Limb Amputations

1.	Hind quarter	100 per cent
2.	Hip Disarticulation	90 per cent
3.	Above knee upto upper 1/3 of thigh	85 per cent
4.	Above knee up to lower 1/3 of thigh	80 per cent
5.	Through knee	75 per cent
6.	B.K. up to 8 cm.	70 per cent
7.	B.K. up to lower 1/3 of leg	60 per cent
8.	Through Ankle	55 per cent
9.	Syme's	50 per cent
10.	Up to mid-foot	40 per cent
11.	Up to fore-foot	30 per cent
12.	All toes	20 per cent
13.	Loss of first toe	10 per cent
14.	Loss of second toe	5 per cent
15.	Loss of third toe	4 per cent
16.	Loss of fourth toe	3 per cent
17.	Loss of fifth toe	2 per cent

Guidelines for Assessment of Physical Impairment in Neurological Conditions

1. Assessment in neurological conditions is not the assessment of disease but it is the assessment of the effects, i.e. clinical manifestations.
2. Any neurological assessment has to be done after six months of onset.
3. These guidelines will only be used for central and upper motor neurone lesions.
4. Proforma A & B will be utilised for assessment of lower motor neurone lesions, muscular disorders and other locomotor conditions.
5. Total percentage of physical impairment in neurological conditions will not exceed 100 per cent.

6. In the mixed cases the highest score will be taken into consideration. The lower score will be added to it and calculations will be done by the formula:

$$a + \frac{b(100 - a)}{100}$$

7. Additional rating of 4 per cent will be given for dominant upper extremity.
8. Additional 10 per cent has been given for sensation in each extremity, but the maximum total physical impairment will not exceed 100 per cent.

Motor System Disability

	<u>Disability Rate</u>
Monoparesis	25 per cent
Monoplegia } Hemiparesis }	50 per cent
Para paresis	75 per cent
Paraplegia	100 per cent
Hemiplegia } Quadriparesis }	75 per cent
Quadriplegia	100 per cent

Sensory System Disability

Anesthesia } Rypoaesthesia } Paraesthesia }	Each Limb 10 per cent
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FOR INVOLVEMENT

For involvement of hand/hands foot/feet	25 per cent
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Guidelines for Assessment of Physical Impairment in Neurological Conditions

1. Assessment in neurological conditions is not the assessment of disease but it is the assessment of the effects, i.e. clinical manifestation.
2. Any neurological assessment has to be done after six months of onset.
3. These guidelines will only be used for Central and upper motor neurone lesions.
4. Proforma A & B will be utilized for assessment of lower motor neurone lesions, muscular disorders and other locomotor conditions.

5. Total percentage of physical impairment in neurological conditions will not exceed 100 per cent.
6. In the mixed cases the highest score will be taken into consideration. The lower score will be added to it and calculations will be done by the formula:

$$a + \frac{b(100 - a)}{100}$$

7. Additional rating of 4 per cent will be given for dominant upper extremity.
8. Additional 10 per cent has given for sensation in each extremity, but the maximum total physical impairment will not exceed 100 per cent.

Speech disability

Disability Rate

Mild	25 per cent
Moderate	50 per cent
Severe	75 per cent
Very Severe	100 per cent

Tested by a 100 word text. Ability to read (in educated), comprehend when read out, answer question on text clearly and ability to write a synopsis (in educated).

Guidelines for Evaluation of Physical Impairment due to Cardio Pulmonary Diseases

Basic Guidelines

1. Modified New York Heart Association subjective classification should be utilized to assess the functional disability.
2. The physician should be alert to the fact that patients who come for disability claims are likely to exaggerate their symptoms. In case of any doubt patients should be referred for detailed physiological evaluation.
3. Disability evaluation of cardio-pulmonary patients should be done after full medical, surgical and rehabilitative treatment available, because most of these diseases are potentially treatable.
4. Assessment of a cardio-pulmonary impairment should also be done in diseases which might have associated cardio-pulmonary problems, e.g. amputees, myopathes etc.

The proposed modified classification is as follows: -

Group 0: A patient with cardio-pulmonary disease who is asymptomatic (i.e. has no symptoms of breathlessness, palpitation, fatigue or chest pain).

Group 1: A patient with cardio-pulmonary disease who becomes symptomatic during his ordinary physical activity but has mild restriction (25 per cent) of his ordinary physical activities.

Group 2: A patient with cardio-pulmonary disease who becomes symptomatic during his ordinary physical activity and has 25-50 per cent restriction of his ordinary physical activity.

ANNEXURE-V

Mental Disorders

Source: Glossary and Guide to their Classification.

A Publication by W.H.O.

"Mental Retardation" : A condition of arrested or incomplete development of mind, which is especially characterized by sub-normality of intelligence. The coding should be made on the individual's current level of functioning without regard to its nature of causation- such as psychosis, cultural deprivation. Down's syndrome etc., where there is a specific cognitive handicap-such as in speech-the four digit coding should be based on assessments of cognition outside the area of specific handicap. The assessment of intellectual level should be based on whatever information is available, including clinical evidence, adaptive behaviour and psychometric findings. The IQ levels given are based on a test with a mean of 100 and a standard deviation of 15-such as the Wechsle scales. They are provided only as a guide and should not be applied rigidly. Mental retardation often involves psychiatric disturbances and may often develop as a result of some physical disease or injury. In these cases, an additional code or codes should be used to identify an associated condition, psychiatric or physical. The impairment and Handicap codes should also be consulted.

(b) Mild Mental Retardation

Feeble-minded	Moron
High Grade defect	IQ 50—70
Mild mental sub normality	

(C) Other Specified Mental Retardation

- (i) Moderate mental retardation. Imbecile IQ 35-49-Moderate mental sub normality.
- (ii) Severe mental retardation IQ 20-34-Severe mental sub normality.
- (iii) Profound mental retardation. Idiocy IQ under 20-Profound mental sub normality.

(d) Unspecified Mental Retardation

Mental deficiency NOS Mental subnormality NOS.

The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) (Amendment) Rules, 2011

Ministry of Social Justice and Empowerment

NOTIFICATION

New Delhi the 23rd December, 2011

G.S.R. 896(E).—In exercise of the powers conferred by sub-section (1) of Section 23 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), the Central Government hereby makes the following rules to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, namely :

1. (1) These rules may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (Amendment) Rules, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (hereinafter referred to as the principal rules), in clause (iv) of sub-rule (1) of rule 16, for the words and figure "Director/Deputy Director National Commission for the Scheduled Castes and the Scheduled Tribes", the words, "representatives of the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes" shall be substituted.

3. In the principal rules, for the schedule and Annexure-1, the following shall be substituted, namely :

"SCHEDULE"

ANNEXURE-1

(see rule 12(4))

NORMS FOR RELIEF AMOUNT

Sl. No.	Name of the Offence	Minimum amount of Relief
(1)	(2)	(3)
1	Drink or eat inedible or obnoxious substance [section 3 (1) (i)]	Rs. 60,000/- or more depending upon the nature and gravity of the offence to each victim and also commensurate with the indignity, insult, injury and defamation suffered by the victim. Payment to be made as follows : I. 25% when the charge sheet is sent to the Court II. 75% when accused are convicted by the lower court.
2.	Causing injury insult or annoyance [Section 3(1) (ii)]	
3.	Derogatory act [Sec. 3(1) (iii)]	

Sl. No.	Name of the Offence	Minimum amount of Relief
4.	Wrongful occupation or cultivation of land, etc. [Section 3(1) (iv)]	At least Rs. 60,000/- or more depending upon the nature and gravity of the offence. The land/premises/ water supply shall be restored where necessary at Government cost, Full payment to be made when charge-sheet is sent to the court.
5.	Relating to land, premises and water [Section 3(1) (v)]	
6.	Begar or forced or bonded labour [Section 3(1) (vi)]	Atleast Rs. 60,000/- to each victim, payment of 25% at FIR stage and 75% on conviction in the lower court.
7.	Relating to right to franchise {Section 3(1) (vii)}	Upto Rs. 50,000/- to each victim depending upon the nature and gravity of the offence.
8.	False, malicious or vexatious legal proceedings [section 3(1) (viii)]	Rs. 60,000/- or reimbursement of actual legal expenses and damages or whichever is less after conclusion of the trial of the accused.
9.	False and frivolous information [Section 3 (1) (ix)]	
10.	Insult, intimidation and humiliation [Section 3 (1) (x)]	Upto Rs. 60,000/- to each victim depending upon the nature of the offence. Payment of 25% when charge-sheet is sent to the court and rest on conviction.
11.	Outraging the modesty of a woman [Section 3 (1) (xi)]	Rs. 1,20,000/- to each victim of the offence. 50% of the amount may be paid after medical examination and remaining 50% at the conclusion of the trial.
12.	Sexual exploitation of a woman [Section 3(1) (xii)]	
13.	Fouling of water [Section 3(1) (xiii)]	Upto Rs. 2,50,000/- or full cost of restoration of normal facility, including cleaning when the water is fouled. Payment may be made at the stage as deemed fit by District Administration.
14.	Denial of customary rights of passage [Section 3(1) (xiv)]	Upto Rs. 2,50,000/- or full cost of restoration of right of passage and full compensation of the loss suffered, if any, Payment of 50% when charge sheet is sent to the court and 50% on conviction in lower court.
15.	Making one desert place of residence [Section 3(1) (xv)]	Restoration of the site/right to stay and compensation of Rs. 60,000/- to each victim and reconstruction of the house at Govt. cost, if destroyed. To be paid in full when charge sheet is sent to the lower court.

Sl. No.	Name of the Offence	Minimum amount of Relief
16.	Giving false evidence [Section 3(2) (i) and (ii)]	At least Rs. 2,50,000/- or full - compensation of the loss or harm sustained. 50% to be paid when charge sheet is sent to Court and 50% on conviction by the lower court.
17.	Committing offences under the Indian Penal Code punishable with imprisonment for a term of 10 years or more [Section 3 (2)]	At least Rs. 1,20,000/- depending upon the nature and gravity of the offence to each victim and or his dependents. The amount would vary if specifically otherwise provided in the Schedule.
18.	Victimization at the hands of a public servant [Section 3(2) (vii)]	Full compensation on account of damages or loss or harm sustained. 50% to be paid when charge-sheet is sent to the Court and 50% on conviction by lower court.
19.	<p>Disability. The definition of disability shall be as given in Section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and guidelines for their assessment shall be as contained in the Ministry of Social Justice & Empowerment, G.O.I. Notification No. 154, dated 01.6.2001, as amended from time to time. A copy of the Notification is at Annexure - II to the Schedule.</p> <p>(a) 100% incapacitation</p> <p>(i) Non-earning Member of a family</p>	<p>At least Rs. 2,50,000/- to each victim of offence. 50% on FIR and 25% at charge sheet and 25% on conviction by the lower court.</p>

Sl. No.	Name of the Offence	Minimum amount of Relief
	<p>(ii) Earning Member of a family</p> <p>(b) Where incapacitation is less than 100%</p>	<p>At least Rs. 5,00,000/- to each victim of offence, 50% to be paid on FIR/Medical examination stage, 25% when charge-sheet sent to court and 25% at conviction in lower court.</p> <p>The rates as laid down in a (i) and (ii) above shall be reduced in the same proportion, the stages of payments also being the same. However, not less than Rs. 40,000/- to non earning member and not less than Rs. 80,000/- to an earning member of a family.</p>
20	<p>Murder/Death</p> <p>(a) Non-earning Member of a family</p> <p>(b) Earning Member of a family</p>	<p>At least Rs. 2,50,000/- to each case, Payment of 75% after post-mortem and 25% on conviction by the lower court.</p> <p>At least Rs. 5,00,000/- to each case. Payment of 75% after post-mortem and 25% on conviction by the lower Court.</p>
21.	Victim of murder, death, massacre, rape mass rape and gang rape, permanent incapacitation and dacoity	<p>In addition to relief amounts paid under above items, relief may be arranged within three months of date of atrocity as follows :</p> <p>(i) Pension to each widow and/or other dependents of deceased SC and ST @ Rs. 3000/- per month, or Employment to one member of the family of the deceased, or provision of agricultural land, a house, if necessary by outright purchase.</p> <p>(ii) Full cost of the education and maintenance of the children of the victims. Children may be admitted to Ashram Schools/residential schools.</p> <p>(iii) Provision of utensils, rice, wheat, dals, pulses, etc. for a period of three months.</p>
22.	Complete destruction/burnt house	Brick/stone masonry house to be constructed or provided at Government cost where it has been burnt or destroyed.

4. In the principal rules, for the existing Annexure-II, the following Annexure-II, shall be substituted, namely :

ANNEXURE. II

(See rules 12(4) & 19)

Ministry of Social Justice and Empowerment

NOTIFICATION

New Delhi, the 1st JUNE, 2001

Subject : Guidelines for evaluation of various Disabilities and procedure for certification.

No. 16-18/97-NI. I.- In order to review the guidelines for evaluation of various disabilities and procedure for certification as given in the Ministry of Welfare's O.M. No. 4-2/83-HW.-III, dated the 6th August, 1986 and to recommend appropriate modifications/alterations keeping in view the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 Government of India in Ministry of Social Justice and Empowerment, vide Order No. 16-18/97-NI. I, dated 28-8-1998, set up four committees under the Chairmanships of Director General of Health Services-one each in the area of mental retardation, Locomotor/Orthopaedic disability, Visual disability and Speech & Hearing disability. Subsequently, another Committee was also constituted on 21-7-1999 for evaluation, assessment or multiple disabilities and categorization and extent of disability and procedures for certification.

2. After having considered the reports of these committees the undersigned is directed to convey the approval of the President to notify the guidelines for evaluation of following disabilities and procedure for certification :

1. Visual impairment
2. Locomotor/Orthopaedic disability
3. Speech & hearing disability
4. Mental retardation
5. Multiple Disabilities.

Copy of the Report is enclosed herewith as **Annexure.**

3. The minimum degree of disability should be 40% in order to be eligible for any concessions/benefits.
4. According to the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996 notified on 31.12.1996 by the Central Government in exercise of the powers conferred by sub-section (1) and (2) of section 73 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), authorities to give disability Certificate will be a Medical Board duly

constituted by the Central and the State Government. The State Government may constitute a Medical Board consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing locomotor/visual including low vision/hearing and speech disability, mental retardation and leprosy cured, as the case may be.

5. Specified test as indicated in **Annexure** should be conducted by the medical board and recorded before a certificate is given.
6. The certificate would be valid for a period of five years for those whose disability is temporary. For those who acquire permanent disability, the validity can be shown as 'Permanent'.
7. The State Governments/UT Administrations may constitute the medical boards indicated in para 4 above immediately, if not done so far.
8. The Director General of Health Services, Ministry of Health and Family Welfare will be the final authority, should there arise any Controversy/doubt regarding the interpretation of the definitions/classifications/evaluations/tests etc.

Gauri Chatterji,

Joint Secretary

ANNEXURE

Reports of the Committee set up to review the guidelines for evaluation of various disabilities and procedure for certification and to recommend appropriate modifications/ alternations keeping in view the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995.

In order to review the definitions of various types of disability, the guidelines for evaluation of various disabilities and procedure for certification as given in the Ministry of Welfare's O.M.No. 4.2/83.HW.III, dated the 6th August, 1986 and to recommend appropriate modifications/alterations keeping in view the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, five Sub-Committees were constituted in the areas of Mental Retardation, Orthopedic/Locomotor Disability, Visual Disability, Speech & Hearing and Multiple Disabilities under the Chairmanship of Dr S.P.Agarwal, Director General of Health Services, vide the Ministry of Social Justice & Empowerment's Order No. 16-18/97-NI.I. dated 28.8.1998 and 21.7.1999. A copy each of the Order is at **Appendix.I.**

2. These Sub-Committees, after detailed deliberations, have submitted their reports. List of participants of the meetings taken by the Committee is at **Appendix.II.**

The reports of the Committees set up to review the guidelines for evaluation of various disabilities and procedure for certification on each of the area of the disabilities are given in **Appendix.III.**

APPENDIX. I

No 16-18/97-NI.I

**Government of India
Ministry of Social Justice & Empowerment**

New Delhi dated 28th August 1998

ORDER

In order to review the definitions of various types of disability, the guidelines for evaluation of various disabilities and procedure for certification as given in the Ministry of Welfare's O.M.No 4-2/83-HW.III, dated the 6th August. 1986 and to recommend appropriate modifications/alterations keeping in view the Persons with disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the following. Sub-Committees are hereby constituted in the areas of Mental Retardation, Orthopedic/Locomotor Disability, Visual Disability and Speech & Hearing disability :

I. Sub-Committee on Mental Retardation :

- | | |
|--|-----------------------|
| 1. Dr. S P Aggarwal,
Director General,
Health Services,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi-11. | <i>Chairperson</i> |
| 2. Dr. R. Srinivastava Murthy,
Prof. & Head,
Deptt. of Psychiatry,
NIMHANS,
Bangalore-22. | <i>Co-Chairperson</i> |
| 3. Dr. G. G. Prabhu,
Workchil Court,
Mysore. | <i>Member</i> |
| 4. Dr. (Mrs.) NeenaVohra,
Consultant & HOD,
Psychiatry,
Dr. R.M. L. Hospital, New Delhi. | <i>Member</i> |

5. Dr Anand Pandit,
Hony. Prof & Director,
KEM Hospital, Pune-11.

Member

6. Dr. D.K.Menon,
Director,
National Instt. for Mentally Handicapped, Secunderabad.

Member-Secretary

II. Sub-Committee on Locomotor / Orthopaedic Disability :

1. Dr. S P Aggarwal,
DGHS,
Ministry of Health, Nirman Bhavan, New Delhi-11.

Chairperson

2. Dr. K. K. Singh,
Prof & Head,
AHMS, New Delhi.

Co-Chairperson

3. Dr. Balu Sankaran,
FX-DOHS, FX-Chairman
ALIMCO, New Delhi.

Member

4. Dr. Suranjan Bhattacharji,
HOD., Deptt. of PMR,
CMC Hospital, Vellore.

Member

5. Dr. R K Srivastava
Medical Superintendent,
Safdarjung Hospital, New Delhi.

Member

6. Dr. B P Yadav,
Ex-Chairman,
Rehab-Council of India,
New Delhi,

Member

7. Dr. B R Avadhani,
Director IPH,
New Delhi,

Member-Secretary

III. Sub-committee on Visual Disability.

1. Dr. S P Aggarwal,
D.G.H.S.,
Ministry of Health,
New Delhi.

Chairperson

2. Dr.V.K.Dada.,
Head, Dr R. P. Centre,
AIIMS, New Delhi. *Co-Chairperson*
3. Dr. Hari Mohan,
Director,
Mohan Eye Institute,
Rajender Nagar,
New Delhi. *Member*
4. Shri Lal Advani,
Consultant,
Saket, New Delhi. *Member*
5. Dr. Bhushan Punani,
Blind Men's Association,
Ahmedabad. *Member*
6. Shri S A Datrange,
National Association for the Blind,
Mumbai. *Member*
7. Dr. S. R. Shukla,
Director,
NIVH,
Dehradun. *Member-Secretary*

IV. Sub-Committee on Speech & Hearing Disability :

1. Dr. S. P. Aggarwal,
D. G. H. S., Ministry of Health,
New Delhi. *Chairperson*
2. Dr. S. K. Kacker,
Ex-Director,
AIIMS, New Delhi. *Co-Chairperson*
3. Dr. S Nikam,
Director,
AIIMS, Mysore. *Member*
4. Dr. J. M. Hans,
Sr. ENT Surgeon,
Dr. RML Hospital,
New Delhi. *Member*

5. Dr. M Raghunath,
Professor in Audiology,
PGIMER, Chandigarh.

Member

6. Dr. (MRS) Rekha Roy,
Director,
Ex-AYJNIHH, Mumbai-400050.

Member-Secretary

2. The terms of reference for the Committees are as follows :

- (a) Providing uniform definitions and categorisation of degree and extent of the disability.
- (b) Recommending authorities competent to give certification.
- (c) The Committees will submit their report in two months.

3. TA/DA to the members of the Committee will be borne by the concerned Institute whose Director included as Member-Secretary of the Sub-Committee.

Gauri Chatterjee

Joint Secretary to Govt. of India

Tele No. 3381641

To.

All Members of the Committees.

Copy for information to :

PSs to Secretary (SJ &E)/AS(SJ & E), JS (DD)

No. 16-18-97-NI.I

**Government of India
Ministry of Social Justice & Empowerment**

New Delhi, Dated 21st July, 1999

ORDER

It has been decided to constitute a Sub-Committee in the Sector of Multiple Disability, in order to have standard definitions and guidelines for evaluation and procedure for certification, and to make appropriate recommendations, keeping in view the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act. 1995. Accordingly, a sub-Committee is hereby constituted in the sector of multiple disability, with the following Members :

- | | |
|--|-----------------|
| 1. Dr. S. P. Aggarwal,
<i>Director General of Health Services,</i>
Ministry of Health & Family Welfare,
Nirman Bhavan, New Delhi. | <i>Chairman</i> |
| 2. Smt. Aloka Guha,
<i>Director,</i>
Spastics Society of Tamil Nadu,
Opp. TTTI, Taramani Road,
Chennai-13. | <i>Member</i> |
| 3. Dr. H. C. Goyal,
<i>Consultant,</i>
Rehabilitation Department Safdarjung Hospital,
New Delhi. | <i>Member</i> |
| 4. Dr. Uma Tuli,
<i>General Secretary,</i>
Amar Jyoti Charitable Trust, N-192, Greater
Kailash-1, New Delhi-110048. | <i>Member</i> |

5. Dr. D. K. Menon,
Director,

National Institute for the Mentally Handicapped,
Manovikasnagar, Secunderabad-500 009,

Member-Secretary

3. The terms of reference for the Committee are as follows :

- (a) Providing uniform definitions and categorisation of degree and extent of the disabilities.
- (b) Recommending authorities competent to give certification.
- (c) The Committee will submit its report in two months.

4. TA/DA to the members of the Committee will be borne by the National Institute for the Mentally Handicapped, Secunderabad.

Gauri Chatterji

Joint Secretary to the Government of India.

Tele No. 338 1641

To :

All Members of the Committees

Copy for information to :

PSS to Secretary (SJ & E)/AS (SJ & E)/JS(DD).

APPENDIX II

List of participants of the meeting held on 29.2.2000 under the Chairmanship of Dr. S. P. Agarwal. Director General of Health Services with the Members of Sub-committee constituted Vide Order No. 16-18/96-NI. I (PW) Dated 28-8-1998 of Ministry of Social Service, Justice & Empowerment :

1. Dr. R. K. Srivastava, Addl. Director General of Health Services.
2. Dr. V. K. Dada, Head, R.P. Centre, AIIMS, New Delhi.
3. Dr. R. Srinivasa Murthy, Prof. & HOD, Deptt. of Psychiatry, NIMHANS, Bangalore.
4. Dr. O. K. Menon, Director, NIMH, Hyderabad.
5. Dr. Rekha Roy, Director, NIHH, Mumbai.
6. Dr. S. R. Shukla, Director, NIVH, Dehradun.
7. Dr. Dharmendra Kumar, Officiating Director, NIRTAR, Cuttack.
8. Dr. A. S. Bais, Deputy Director General (Medical).
9. Dr. S. Chug, Consultant in Medicine & Chairman, Medical Board, Dr. RML Hospital.
10. Dr. L. S. Chauhan, ADG (IH),
11. Dr. A. N. Sinha, CMO (HA).

List of participants of the meeting held on 17.8.2000 under the Chairmanship of Dr. S. P. Agarwal. Director General of Health Services with the Members of Sub-Committee constituted vide Order No. 16-18/96-NI.I (PWD) dated 21.7.1999 of Ministry of Social Justice & Empowerment.

1. Dr. R. K. Srivastava. Addl., Director General of Health Services
2. Dr. H. C. Goyal, Consultant & HOD, Rehabilitation, S. J. Hospital, New Delhi.
3. Dr. O. K. Menon, Director, National Institute for the Mentally Handicapped, Secunderabad.
4. Smt. Alok Guha, Director, Spastic Society of Tamil Nadu, Opp. TTTI, Taramani Road, Chennai-13.
5. Dr. A. N. Sinha, CMO (HA).

APPENDIX III

A. MENTAL RETARDATION

1. **Definition :** Mental retardation is a condition of arrested or incomplete development of the mind, which is especially characterised by impairment of skills manifested during the development period which contribute to the over all level of intelligence, i.e., cognitive, language, motor and social abilities.
2. **Categories of Mental Retardation :**
 - 2.1 Mild Mental retardation : The range of 50 to 69 (standardised IQ test) is indicative of mild retardation. Understanding and use of language tend to be delayed to a varying degree and executive speech problems that interfere with the development of independence may persist into adult life.
 - 2.2 Moderate Mental Retardation : The IQ is in the range of 35 to 49. Discrepant profiles of abilities are common in this group with some individuals achieving higher levels in visual-spatial skills than in tasks dependent on language while others are markedly clumsy by enjoy social interaction and simple conversation. The level of development of language is variable : some of those affected can take part in simple conversations while others have only enough language to communicate their basic needs.
 - 2.3 Severe Mental Retardation : The IQ is usually in the range of 20 to 34. In this category, most of the people suffer from a marked degree of motor impairment or other associated deficits indicating the presence of clinically significant damage to or maldevelopment of the central nervous system.
 - 2.4 Profound Mental Retardation : The IQ in this category estimated to be under 20. The ability to understand or comply with requests or instructions are severely limited. Most of such individuals are immobile or severely restricted in mobility, incontinent and capable at most of only very rudimentary forms of non-verbal communication. They possess little or no ability to care for their own basic needs and require constant help and supervision.
3. **Process of Certifications :**
 - 3.1 A disability certificate shall be issued by a Medical Board consisting of three members duly constituted by the Central/State Government. At least, one shall be a specialist in the area of mental retardation, namely. Psychiatrist, Paediatrician and clinical Psychologist.
 - 3.2 The examination process will consist of three components, namely, clinical assessment, assessment of adaptive behaviour and intellectual functioning.

B. Visual Disability

1. Definition : Blindness refers to a condition where a person suffers from any of the condition, namely,
 - (i) total absence of sight ; or
 - (ii) visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with best correcting lenses ; or
 - (iii) limitation of field of vision subtending an angle of 20 degree or worse ;
2. Low Vision : Persons with low vision means a person with impairment of vision of less than 6/18 to 6/60 with best correction in the better eye or impairment of field in any one of the following categories :
 - (a) reduction of fields less than 50 degrees
 - (b) Hemianopsia with macular involvement
 - (c) Attitudinal defect involving lower fields.

Categories of Visual Disability

All with correction

Category	Better eye	worse eye	% age impairment
Category 0	6/9-6/18	6/24 to 6/36	20%
Category I	6/18-6/36	6/60 to Nil	40%
Category II	6/40-4/60 or field of vision 10°-20°	3/60 to Nil	75%
Category III	3/60 to 1/60 or field of vision 10°	F.C. at 1 ft. to Nil	100%
Category IV	F.C. at 1 ft. to Nil or field of vision 10°	F.C. at 1 ft. to Nil	100%
One eyed persons	6/6	F.C. at 1 ft. to Nil or field of vision 10°	30%

Note : F.C. means Finger Court

4. Process of Certification

A disability certificate shall be issued by a Medical Board duly constituted by the Central/ State Government having, at least three members, Out of which, at least one member shall be a specialist in ophthalmology.

B. Speech & Hearing Disability

1. Definition of Hearing : A person with hearing impairment having difficulty of various degrees in hearing sounds is an impaired person.

2. Categories of Hearing Impairment.

Category	Type of Impairment	D B Level Discrimination	Speech Discrimination	% age of Impairment
I	Mild hearing Impairment	DB 26 to 40 dB in better ear	80 to 100% in better ear	Less than 40% to 50%
II (a)	Moderate Hearing	41 to 60 dB in better ear	50 to 80% in better ear	40% to 50%
II (b)	Severe Hearing Impairment	61 to 70 dB Hearing Impairment in better ear	40 to 50% in better ear	51 % to 70%
III	(a) Profound Hearing Impairment	71 to 90 dB	Less than 40% in better ear	71% to 100%
	(b) Total deafness	91 dB and above/in better ear/to hearing	very poor discrimination	100%

- (i) Pure tone average of hearing in 500, and 2000 HZ and 4000 HZ by conduction (AC and BC) should be taken as basis for consideration as per the test recommendations.
- (ii) When there is only an island of hearing present in one or two frequencies in better ear, it should be considered as total loss of hearing.
- (iii) Wherever there is no response (NR) at any of the 4 frequencies (500, 1000, 2000 and 4000 HZ), it should be considered as equivalent to 100 DB loss for the purpose of classification of disability and in arriving at the average.

3. Process of Certification

A disability certificate shall be issued by a Medical Board duly constituted by the Central and the State Government. Out of which, at least, one member shall be a specialist in the field of ENT.

C. LOCOMOTOR DISABILITY

1. Definition :

- (i) Impairment : An impairment in any loss or abnormality of psychological, physiological or anatomical structure or function in a human being.
- (ii) Functional Limitations : Impairment may cause functional limitations which are partial or total inability to perform those activities, necessary for motor, sensory or mental function within the range or manner of which a human being is normally capable.

- (iii) Disability : A disability, is any restriction or lack, (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being.
- (iv) Locomotor disability : Locomotor disability is defined as a persons inability to execute distinctive activities associated with moving both himself and objects, from place to place and such inability resulting from affliction of musculoskeletal and/or nervous system.

2. Categories of Locomotor Disability

The categories of locomotor disabilities are enclosed at **Annexure-A**.

3. Process of Certification

A disability certificate shall be issued by a Medical Board of three members duly constituted by the Central and the State Government, out of which, at least, one member shall be a specialist from either the field of Physical Medicine and Rehabilitation or Orthopaedics.

Two specimen copies of the disability certificate for mental retardation and others (visual disability, speech and hearing disability and locomotor disability) are enclosed at

Annexure-B.

It was also decided that whenever required the Chairman of the Board may co-opt other experts including that of the members constituted for the purpose by the Central and the State Government.

On representation by the applicant, the Medical Board may review its decision having regard to all the facts and circumstances of the case and pass such order in the matter as it thinks fit.

ANNEXURE - A

Locomotor Disability Revised Guidelines For Evaluation of The Permanent Physical Impairment

1.1 Guidelines for Evaluation of Permanent Physical Impairment of Upper Limb

1. The estimation of permanent impairment depends upon the measurement of functional impairment and is not expression of a personal opinion.
2. The estimation and measurement should be made when the clinical condition has reached the stage of maximum improvement from the medical treatment. Normally the time period is to be decided by the medical doctor who is evaluating the case for issuing the PPI Certificate as per standard format of the certificate.
3. The upper limb is divided into two component parts ; the arm component and the hand component.
4. Measurement of the loss of function of arm component consists of measuring the loss of motion, muscle strength and co-ordinated activities.
5. Measurement of loss of function of hand component consists of determining the prehension, sensation and strength. For estimation of prehension opposition, lateral pinch, cylindrical grasp, spherical grasp and hook grasp have to be assessed as shown in Hand Component of Form A Assessment Proforma for upper extremity.
6. The impairment of the entire extremity depends on the combination of the functional impairments of both components.

1.2 ARM Component

Total value of arm component is 90%

1.2.1 Principles of evaluation of range of motion (ROM) of joints

1. The value of maximum ROM in the arm component is 90%
2. Each of the three joints of the arm is weighed equally (30%)

Example :

The intra articular fractures of the bones of right shoulder joint may affect range of motion even after healing. The loss of ROM should be calculated in each are of motion as Envisaged in the Assessment Form A (Assessment Proforma for Upper Extremity).

Arc of ROM	Normal value	Active ROM	Loss of ROM
Shoulder Flexion	0-220	110	50%
Rotation	0-180	90	50%
Abduction-Adduction	0-180	90	50%

Hence the mean loss of ROM of shoulder will be
 $50 + 50 + 50/3 = 150/3 = 50\%$

Shoulder movements constitute 30% of the motion of the arm component, therefore the loss of motion for arm component will be $50 \times 0.3 = 15\%$ If more than one joint of the arm is involved the loss of percentage in each joint is calculated separately as above and then added together.

1.2.2. Principles of evaluation of strength of muscles :

1. Strength of muscles can be tested by manual method and graded from 0-5 as advocated by Medical Research Council of Great Britain depending upon the strength of the muscles.
2. Loss of muscle power can be given percentages as follows :

Manual muscle Strength grading	Loss of Strength in percentage
0	100%
1	80%
2	60%
3	40%
4	20%
5	0%

3. The mean percentage of loss of muscle strength around a joint is multiplied by 0.30.
4. If loss of muscle strength involves more than one joint the mean loss of percentage in each joint is calculated separately and then added together as has been described for loss of motion.

1.2.3 Principles of evaluation of co-ordinated activities :

1. The total value for co-ordinated activities is 90%
2. Ten different co-ordinated activities should be tested as given in

From A. (Appendix. I of Annexure-A)

3. Each activity has a value of 9%

1.2.4 Combining values for the Arm component :

The total value of loss of function of arm component is obtained by combining the value of loss of ROM, muscle strength and coordinated activities, using the combining formula.

$$a + \frac{b(90 - a)}{90}$$

90

where a = higher value

b = lower value

Example

Let us assume that an individual with an intra articular fracture of bones of shoulder joint in addition to 16.5% loss of motion in arm has 8.3% loss of strength of muscles and 5% loss of coordination. These values should be combined as follows :

Loss of Rom - 16.5%

$$16.5 + \frac{8.3(90-16.5)}{90}$$

90

Loss of strength of muscles-8.3%

$$= 23.33\%$$

To add

Loss of coordination-5%

$$23.3 + \frac{5(90-23.3)}{90} = 27.0\%$$

90

So the total value of loss of function in Arm component will be 27.0%

1.3 HAND COMPONENT :

1. Total value of hand component is 90%
2. The functional impairment of hand is expressed as loss of prehension, loss of sensation and loss of strength.

1.3.1 Principles of evaluation of prehension :

1. Total value of prehension is 30%

it includes

(a) Opposition-8%

Tested against - Index finger -2%

- Middle finger -2%

- Ring -2%

- Little finger -2%

- (b) Lateral pinch - 5% - Tested by asking the patient to hold a key between the thumb and lateral side of index finger.
- (c) Cylindrical grasp - 6% Tested for
 - (i) Large object of 4 inches size - 3%
 - (ii) Small object of 1 inch size - 3%
- (d) Spherical grasp - 6% Tested for
 - (i) Large object of 4 inches size - 3%
 - (ii) Small object of 1 inch size - 3%
- (e) Hook grasp - 5% - Tested by asking the patient to lift a bag.

1.3.2. Principles of Evaluation of sensation :

1. Total value of sensation in hand is 30%
2. It should be assessed according to the distribution given below :
 - (i) Complete loss of sensation
 - Thumb ray 9%
 - Index finger 6%
 - Middle finger 5%
 - Ring finger 5%
 - Little finger 5%
 - (a) Partial loss of sensation : Assessment should be made according to percentage of loss of sensation in thumb/finger(s)

1.3.3. Principles of Evaluation of strength

1. Total value of strength is 30%
2. It includes :
 - (i) Grip strength 20%
 - (ii) Pinch strength 10%

Strength of hand should be tested with hand dynamometer or by clinical method (grip method).

Additional weightage - A total of 10% additional weightage can be given to following accompanying factors if they are continuous and persistent despite treatment.

1. Pain
2. Infection
3. Deformity
4. Mal-alignment

5. Contractors
6. Cosmetic disfiguration
7. Dominant extremity-4%
8. Shortening of upper limb

First 1" - No weightage

For each 1" beyond first 1" -2%

The extra points should not exceed 10% of the total Arm Component and total PPI should not exceed 100% in any case.

1.3.4. Combining values of hand component :

The final value of loss of function of hand component is obtained by summing up values of loss of prehension, sensation and strength.

1.3.5. Combining values for the Extremity :

Values of impairment of arm component and impairment of hand component should be added by using combining formula :

$$a + b \frac{(90-a)}{90} \quad \begin{array}{l} a = \text{higher value} \\ b = \text{lower value} \end{array}$$

Example :

$$\begin{array}{ll} \text{Impairment of Arm - 27\%} & 64 + \frac{27(90-64)}{90} \end{array}$$

$$\begin{array}{ll} \text{Impairment of hand - 64\%} & = 71.8\% \end{array}$$

The total value can also be obtained by using the Ready Recliner table for combining formula given at **Appendix. II of Annexure. A**

2. Guidelines for Evaluation of permanent physical Impairment in Lower Limb.

The measurement of loss of function in lower extremity is divided into two components : Mobility and Standing components.

2.1 Mobility Component :

1. Total value of mobility component is 90%.
2. It includes range of movement (ROM) and muscle strength.

2.1.1. Principles of Evaluation of Range of Movement :

1. The value of maximum range of movement in mobility component is 90%.
2. Each of three joints i.e. hip, knee and foot-ankle component is weighed equally-30%.

Example :

A fracture of right trip joint bones may affect range of motion of the hip joint. Loss of ROM

of the affected trip in different arc should be assessed as given in Form B (Assessment Proforma for lower extremity). **(Appendix.I of Annexure.A)**

Affected Joint-Rt. Hip :

Arc of Movement	Normal ROM	Active ROM	Loss in Percentage
Flexion-Extension	0-140	70	50%
Abduction-Adduction	0-90	60	33%
Rotations	0-90	30	66%

$$\text{Mean loss of ROM of Rt Hip} = \frac{50 + 33 + 66}{3} = 50\%$$

Since the hip constitute 30% of the total mobility component of the lower limb the loss of motion in relation to the lower limb will be $50 \times 0.30 = 15\%$

If more than one joint of the limb is involved the mean loss of ROM in percentage should be calculated in relation to individual joint separately and then added together as follows to calculate the loss of mobility component in relation to that particular limb.

For Example :

Mean loss of ROM of Rt. Hip 50%

Mean loss of ROM Rt. Knee 40%

Loss of mobility component of Rt. Lower Limb will be

$$(50 \times 0.30) + (40 \times 0.30) = 27\%$$

2.1.2. Principle of Evaluation of Muscle Strength :

1. The value for maximum muscle strength in the limb is 90%
2. Strength of muscles can be tested by Manual Method and graded 0-5 as advocated by MRC of Great Britain depending upon the residual strength in the muscle group.
3. Manual muscle grading can be given percentage like below :

Power grade of Ms	Loss of strength in percentage
0	100%
1	80%
2	60%
3	40%
4	20%
5	0%

4. Mean percentage of muscle strength loss around a joint is multiplied by 0.30 to calculate loss in relation to limb.
5. If there has been a loss of muscle strength involving more than one joint the values are added as has been described for loss of ROM.

2.1.3. Combining values for mobility component :

1. The values of loss of ROM and loss of muscle strength should be combined with the help of combining formula : $a + \frac{b(90-a)}{90}$

90

(a = higher value, b = lower value)

Example : Let us assume that the individual with a fracture of right hip bones has in addition to 16% loss of motion, 8% loss of muscle strength also.

Combined values

$$\begin{aligned} \text{Motion-16\%} & \quad 16 + \frac{8(90-16)}{90} \\ \text{Strength-8\%} & \quad = 22.6\% \end{aligned}$$

2.2 Stability component :

1. Total value of the stability component is 90%
2. It should be tested by clinical method as given in Form B (Assessment Proforma for lower extremity). There are nine activities, which need to be tested, and each activity has a value of ten per cent (10%). The percentage valued in relation to each activity depends upon the percentage of loss stability in relation to each activity.

2.3 Extra points :

Extra points have been given for pain, deformities, contractures, loss of sensations and shortening. Maximum points to be added are 10% (excluding shortening). Details are as following.

(i) Deformity	In functional position	3%
	In non-functional position	6%
(ii) Pain	Severe (grossly interfering with function)	9%
	Moderate (moderately interfering with function)	6%
	Mild (mildly interfering with function)	3%
(iii) Loss of sensation	Complete Loss	9%
	Partial Loss	6%

(iv) Shortening	First 1/2"	Nil
	Every 1/2" beyond first 1/2"	4%
(v) Complications	Superficial complications	3%
	Deep complications	

3. Guidelines for Evaluation of Permanent Physical Impairment of Trunk (Spine) Basic guidelines :

1. As permanent physical impairment caused by spinal deformity tends to change over the years, the certificate issued in relation to spine should be reviewed as per the standard format of the certificate given at **Annexure-B of Appendix. III.**
2. Permanent physical impairment should be awarded in relation to spine and not in relation to whole body.
3. Permanent physical impairment due to neurological deficit in addition to spinal impairment should be added by combining formula. The local effects of the lesions of the spine can be conventionally divided into traumatic and non-traumatic. The percentage of PPI in relation to each situation should be valued as follows :

3.1 TRAUMATIC LESIONS :

3.1.1 Cervical spine injuries

Percentage of PPI in relation to Spine

- | | |
|---|-----|
| (i) 25% or more compression of one or two adjacent vertebral bodies with no involvement of posterior elements, no nerve root involvement, moderate neck rigidity and persistent soreness. | 20% |
| (ii) Posterior element damage with radiological evidence of moderate parties dislocation/subluxation including whiplash injury. | |
| (a) With fusion healed, no permanent motor or sensory changes. | 10% |
| (b) Persistent pain with radiologically demonstrable instability. | 25% |
| (iii) Severe Dislocation : | |
| (a) Fair to good reduction with or without fusion with no residual motor or sensory involvement ; | 10% |
| (b) Inadequate reduction with fusion and persistent radicular pain | 15% |

3.1.2. Cervical Intervertebral Disc Lesions

Percentage of PPI in relation to Spine

- | | |
|--|-----|
| (i) Treated case of disc lesion with persistent pain and no neurological deficit | 10% |
| (ii) Treated case with pain and instability | 15% |

3.1.3. Thoracic and Thoracolumbar Spine Injuries :

- | | |
|--|-----|
| (i) Compression of less than 50% involving one vertebral body with no neurological manifestation | 10% |
| (ii) Compression of more than 50% involving single vertebra or more with involvement of posterior elements, healed, no neurological manifestations persistent pain, fusion indicated | 20% |
| (iii) same as (b) with fusion, pain only on heavy use of back | 15% |
| (iv) Radiologically demonstrable instability with fracture or fracture dislocation with persistent pain. | 30% |

3.1.4 Lumbar and Lumbosacral Spine : Fracture

(a) Compression of 25% or less on one or two adjacent Vertebral bodies, No definite pattern or neurological Deficit	15%
(b) Compression of more than 25% with disruption of Posterior elements, persistent pain and stiffness, healed with or without fusion, inability to lift more than 10 kgs.	30%
(c) Radiologically demonstrable instability in low lumbar or Lumbosacral spine with pain	35%

3.1.5 Disc lesion :

(a) Treated case with persistent pain	15%
(b) Treated case with pain and instability	20%
(c) Treated case of disc disease with pain activities of lifting moderately modified	25%
(d) Treated case of disc disease with persistent pain and stiffness, aggravated by heavy lifting necessitating modification of all activities requiring heavy weight lifting	30%

3.2. NON-TRAUMATIC LESIONS :

3.2.1 Scoliosis :

Basic guidelines - following modification is suggested.

- The largest structural curve should be accounted for while calculating the PPI and not the compensatory curve or both structural curves.

3.2.2 Measurement of Spine Deformity :

Cobb's method for measurement, of angle of curve in the radiograph taken in standing position should be used. The curves have been divided into following groups depending upon the angle of major structural scoliotic deformity.

	Group	Cobb's Angle	PPI in relation to spine
	I	0-20	NIL
	II	21-50	10%
	III	51-100	20%
	IV	101 & above	30%

3.2.3 Torso Imbalance :

In addition to the above PPI should also be evaluated in relation the torso imbalance. The torso imbalance should be measured by dropping a plumb line from CA spine and measuring the distance of plumb line from gluteal crease.

Deviation of Plumb line	PPI
Upto 1.5 Cm	4%
1.6-3.0 Cm	8%
3.1-5.0 Cm	16%
5.1 and above	32%

3.2.4 Head Tilt over CA spine PPI

Upto 15	4%
More than 15	10%

3.2.5 Cardiopulmonary Test

In cases with scoliosis of severe type cardiopulmonary function tests and percentage deviation from normal should be assessed by one of the following method whichever seems more reliable clinically at the time of assessment. The value thus obtained may be added by combining formula.

a. Chest Expansion	PPI
4-5 Cm.	Normal
Less than 4 cm	5% for each cm
reduction in Chest expansion	
No expansion	25%
b. Counting in one breathe :	
Breathe Count	PPI
More than 40	Normal
0-40	5%
0-30	10%
0-20	15%
0-10	20%
Less than 5	25%

3.2.6 Associated Problems : To be added directly but the total value of PPI in relation to spine should not exceed 100%.

(a) Pain

-mildly interfering with ADL	4%
-moderately restricting ADL	6%
-severely restricting ADL	10%

(b) Cosmetic Appearance :

-No obvious disfiguration with clothes on	Nil
-mild disfigurement	2%
-severe disfigurement	4%

(c) Leg Length Discrepancy :

-First $\frac{1}{2}$ " shortening	Nil
-Every $\frac{1}{2}$ " beyond first $\frac{1}{2}$ "	4%

(d) Neurological deficit-Neurological deficit should be calculated as per established method of evaluation of PPI in such cases. Value thus obtained should be added telescopically using combining formula.

3.3 KYPHOSIS

Evaluation should be done on the similar guidelines as use for scoliosis with the following modifications :

3.3.1 Spinal Deformity	PPI
Less than 20	Nil
21-40	10%
41-60	20%
Above 60	30%

3.3.2 Torso Imbalance-Plumb line dropped from external ear normally falls at ankle level. The deviation from normal should be measured from ankle anterior joint line to the plumb line.

Less than 5 cm in front of ankle	4%
5 to 10 cm in front of ankle	8%
10 to 15 cm in front of ankle	16%
More than 15 cm in front of ankle	32%

(add directly)

Miscellaneous conditions :

Those conditions of the spine which cause stiffness and pain etc. are rated as follows.

	Conditions	Percentage PPI
A	Subjective symptoms of pain, no involuntary muscle spasm, not substantiated by demonstrable structural pathology	-0%
B	Pain, persistent muscles spasm and stiffness of spine, substantiated by mild radiological change.	-20%
C	Same as B with moderate radiological changes	-25%
D	Same as B with severe radiological changes involving any one of the regions of spine	-30%
E	Same as D involving whole spine	-40%

4. Guidelines for Evaluation of PPI in cases of Short Stature/Dwarfism :

1. Recumbent length or longitudinal height below 3rd percentile or less than 2 Standard Deviation from the mean is considered to have short stature.
2. The evaluation of a Short Statured person should be considered only when it is of disproportionate variety and is accompanied by an underlying pathological conditions, e.g., Achondroplasia, Chondrodysplasia Punctuate, spondyloepiphyseal dysplasia, mucopolysaccharidosis, etc.

3. The ICMR norms as enclosed at Appendix III of Annexure. A should be used as a guideline for the height.
4. Every 1" vertical height reduction should be valued as 4% permanent physical impairment.
5. Associated skeletal deformities should be evaluated separately and total percentage of both should be added by combining formula.

5. Guidelines for Evaluation of Permanent Physical Impairment in Amputees :

Basic Guidelines :

1. In cases of multiple amputees if the total sum of permanent physical impairment is above 100%, it should be taken as 100% only.
2. If the stump is unfit for fitting the prosthesis additional weightage of 5% should be added to the value.
3. In case of amputation in more than one limb percentage of each limb is added by combining formula and another 10% will be added but when only toes or fingers are involved only 5% will be added.
4. Any complication in form of stiffness of proximal joint, neuroma infection, etc., should be given upto a total of 10% additional weightage.
5. Dominant upper extremity should be given 4% additional weightage.

	Upper Limb Amputations	PPI & loss of physical function of each limb
1.	Fore-quarter amputations	100%
2.	Shoulder Disarticulation	90%
3.	Above Elbow upto upper 1/3 of arm	85%
4.	Above Elbow upto lower 1/3 of forearm	80%
5.	Elbow disarticulation	75%
6.	Below Elbow upto upper 1/3 of forearm	70%
7.	Below Elbow upto lower 1/3 of forearm	65%
8.	Wrist disarticulation	60%
9.	Hand through carpal bones	55%
10.	Thumb through C.M. or through 1 st MC joint	30%
11.	Thumb disarticulation through metacarpophalangeal joint or through proximal phalanx.	25%
12.	Thumb disarticulation through inter phalangeal joint or through distal phalanx.	15%

		Index Finger 15%	Middle Finger 5%	Ring Finger 3%	Little Finger 2%
13.	Amputation through Proximal phalanx or Disarticulation through M.P. Joint.	15%	5%	3%	2%
14.	Amputation through Middle phalanx or Disarticulation through PP joint.	10%	4%	2%	1%
15.	Amputation through Distal phalanx or Disarticulation through DIP joint.	5%	2%	1%	1%

6. 1.3 Low Limb Amputations :

1.	Hind quarter	100%
2.	Hip disarticulation	90%
3.	Above knee upto upper 1/3 of thigh	85%
4.	Above knee upto lower 1/3 of thigh	80%
5.	Through knee	75%
6.	B.K. upto 8 cm	70%
7.	B.K. upto lower 1/3 of leg	60%
8.	Through ankle	55%
9.	Syme's	50%
10.	Upto mid-foot	40%
11.	Upto fore-foot	30%
12.	All toes	20%
13.	Loss of first toe	10%
14.	Loss of second toe	5%
15.	Loss of third toe	4%
16.	Loss of fourth toe	3%
17.	Loss of fifth toe	2%

6. Guidelines for Evaluation of Permanent Physical Impairment of Congenital deficiencies of the limbs.

6.1 Transverse Deficiencies-

1. Functionally congenital transverse limb deficiencies are comparable to acquired amputations and can be called synonymously as congenital amputation, however, in some cases revision of amputation is required to fit in a prosthesis.
2. The transverse limb deficiencies therefore should be assessed on basis of the guidelines applicable to the evaluation of PPI in cases of amputees as given in the preceding chapter.

For example :	PPI
Transverse deficiency Rt. Arm complete (shoulder disarticulation)	90%
Transverse deficiency at thigh complete (hip disarticulation)	90%
Transverse deficiency Proximal Upper arm (Above elbow Amp.)	85%
Transverse deficiency at lower thigh (Above knee Amp. Lower 1/3)	80%
Transverse deficiency forearm complete (elbow disarticulation)	75%
Transverse deficiency lower forearm (Below Elbow Amp.)	65%
Transverse deficiency carpal complete (wrist disarticulation)	60%
Transverse deficiency Metacarpal complete (Disarticulation through carpal bones)	55%

6.2 Longitudinal Deficiencies :

6.2.1 Basic Guidelines

1. In cases of longitudinal deficiencies of limbs due consideration should be given to functional impairment.
2. In upper limb, loss of ROM, loss of muscular strength and hand functions like prehension, etc. should be tested while assessing the case for PPI.
3. In lower limb clinical method of stability component and shortening of lower limb should be given due weightage.
4. Apart from functional assessment the lost joint/part of body should also be valued as per distribution given in chapter "Guidelines for Evaluation of PPI in upper extremity and lower extremity". The values so obtained should be added with the help of combining formula.

Example :

Congenital Absence of humerus where forearm bones directly articulate with scapula.

There will be marked reduction in ROM and strength of muscles in the existing joints apart from loss of body part.

Loss of shoulder joint can be given - 30%

Loss of ROM of Elbow/Shoulder & Wrist

All the components should be added together by the combining formula of $a + \frac{b(90-a)}{90}$

6.2.2. In cases of loss of single bone in forearm the evaluation should be based on the principles of evaluation of Arm component which include Evaluation of ROM, Muscle strength and coordinated activities. The values so obtained should be added together with the help of combining.

6.2.3. In cases of loss of single bone in leg the evaluation should be based on the principles of evaluation of mobility component and stability components of the lower extremity. The values obtained should be added together with the help of combining formula.

7. Guidelines for Evaluation of Physical Impairments in Neurological conditions.

1.1 Basic Guidelines :

1. Assessment in neurological conditions is not the assessment of disease but the assessment of its effects, i.e. clinical manifestations.
2. These guidelines should only be used for central and upper motor neurone lesions.
3. Proformas (form A & B) will be utilized for assessment of lower motor neurone lesions, muscular disorders and other locomotor conditions.
4. Normally any neurological assessment for the purpose of certification has to be done six months after the onset of disease however exact time period is to be decided by the Medical Doctor who is evaluating the case and has to recommend the review of certificate as given in the standard format of certificate.
5. Total percentage of physical impairment in any neurological condition should not exceed 100%.
6. In mixed cases the highest score will be taken into consideration. The lower score will be added telescopically to it by the help of combining formula $a + \frac{b(90-a)}{90}$
7. Additional rating of 4% will be given for dominant upper extremity.
8. Additional weightage up to 10% can be given for loss of sensation in each extremity but the total physical impairment should not exceed 100%.

7.2 Table-I

Neurological Status	Physical Impairment
Altered sensorium	100%

7.3 Table-II

Intellectual Impairment (to be assessed by Clinical Psychologist)

Degree of Mental Retardation	<i>IQ Range</i>	<i>Intellectual Impairment</i>
Border line	70-79	25%
Mild	50-69	50%
Moderate	35-49	75%
Severe	20-34	90%
Profound	Less than 20	100%

7.4 Table - III

Speech defect	Physical Impairment
Mild dysarthria	Nil
Moderate dysarthria	25%
Severe dysarthria	50%

7.5 Table - IV

Type of Cranial Nerve Involvement	Physical Impairment
Motor cranial nerve	20% for each nerve
Sensory cranial nerve	10% for each nerve

7.6 Table - V

Motor system Disability

Neurological Involvement	Physical Impairment
Hemiparesis :	
- Mild	25%
- Moderate	50%
- Severe	75%

7.7 Table - VI**Sensory System Disability**

<i>Extent of Sensory Deficit</i>	<i>Physical Impairment</i>
Anaesthesia	Upto 10% for each limb
Hypesthesia Depending upon % of	
Paraesthesia	Loss of sensation up to 30% depending
Hands/feet sensory loss	Upon % of loss sensation

7.8 Table - VIII**Bladder disability due to neurogenic Involvement**

<i>Bladder Involvement</i>	<i>Physical Impairment</i>
Mild (Hesitancy/Frequency)	25%
Moderate (Precipitancy)	50%
Severe (occasional but recurrent incontinence)	75%
Very Severe (Retention/Total Incontinence)	100%

7.9 Table - VII**Post Head Injury Fits and Epileptic Convulsions**

<i>Frequency/Severity of Convulsions</i>	<i>Physical Impairment</i>
Mild - occurrence of one convulsion only	Nil
Moderate 1-5 Convulsions/month on Adequate - Medication	25%
Severe 6-10 Convulsions/month on Adequate medication	50%
Very Severe more than 10 fits/months On adequate - Medication	75%

7-10 Table - IX**Ataxia (Sensory or Cerebellar)**

<i>Severity of Ataxia</i>	<i>Physical Impairment</i>
Mild (Detected on examination)	25%
Moderate	50%
Severe	75%
Very Severe	100%

8. Guidelines for Evaluating Physical Impairment due to Cardiopulmonary Diseases.

8.1 Basic Guidelines :

1. Modified New York Heart Association subjective classification should be utilised to assess the functional disability.
2. The assessing physician should be alert to the fact that patients who come for disability claims are likely to exaggerate their symptoms. In case of any doubt patients should be referred for detailed physiological evaluation.
3. Disability evaluation of cardiopulmonary patients should be done after full medical, surgical and rehabilitative treatment available, because most of these diseases are potentially treatable.
4. Assessment of cardiopulmonary impairment should also be done in diseases which might have associated cardiopulmonary problems, e.g., amputees, myopathies, etc.
5. For respiratory assessment, routine respiratory functions test should be done, however, in cases of interstitial lung diseases, diffusion studies may be done.
6. In cases of Angina pectoris (chest pain) base line studies in resting EGG should be done. When there is persistence of symptoms, exercise or stress test should be done.

8.2 The proposed classification with loss of function is as follows :

- Group 0 : A patient with cardiopulmonary disease who is asymptomatic (i.e. has no symptoms of breathlessness, palpitation, fatigue or chest pain).
- Group 1 : A patient with cardiopulmonary disease who becomes symptomatic during his ordinary physical activity but has mild restriction (25%) of his physical activities.
- Group 2 : A patient with cardiopulmonary disease who becomes symptomatic during his ordinary physical activity and has 25-50% restriction of his ordinary physical activities.
- Group 3 : A patient with cardiopulmonary disease who becomes symptomatic during less than ordinary physical activity so that his ordinary physical activities are 50-75% restricted.
- Group 4 : A patient with cardiopulmonary disease who is symptomatic even at rest or on mildest exertion so that his ordinary physical activities are severely or completely restricted (75-100%).
- Group 5 : A patient with cardiopulmonary disease who gets intermittent symptoms at rest (i.e. patients with bronchial asthma, paroxysmal nocturnal dyspnoea, etc.)

1. Definition of Multiple Disabilities :

Multiple disabilities means a combination of two or more disabilities as defined in clause (1) of Section (2) of the Persons with Disabilities. (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, namely—

- I. Locomotor disability including leprosy cured
- II. Blindness/low vision
- III. Speech and hearing impairment
- IV. Mental retardation
- V. Mental illness.

2. Guidelines for Evaluation :

In Order to evaluate the multiple disability, the same guidelines shall be used as have been developed by the respective sub-committees of various single disability, viz. Mental retardation, locomotor disability, visual disability and speech and hearing disability and recommended in the meeting held on 29.2.2000 under the Chairmanship of Dr. S. P. Agarwal, Director General of Health Services, Government of India, with reference of Order No.16-18/96-NI.I, dated 28th August, 1998 and communicated to Ministry of Social Justice & Empowerment Government of India, vide letter No. S-13020/4/98-MH, dated 16th March, 2000.

However, in order to arrive at the total percentage of multiple disability, the combining formula $a + \frac{b(90-a)}{90}$ as given in the "Manual for Doctors to Evaluate Permanent Physical

Impairment, Developed by Expert Group meeting on Disability Evaluation", shall be used, where "a" will be the higher score and "b" will be the lower score. However, the maximum total percentage of multiple disabilities shall not exceed 100%.

For example, if the percentage of hearing disability is 30% and visual disability is 20%, then by applying the combining formula given above, the total percentage of multiple disability will be calculated as follows :

$$30 + \frac{20(90-30)}{90} = 43\%$$

3. Procedure for Certification of Multiple Disability :

The procedure will remain the same as has been developed by the respective sub-committees on various single disabilities and finalized in a meeting under the Chairpersonship of Dr. S. P. Agarwal held on 29.2.2000. The final disability certificate for multiple disability will be issued by Disability Board which has given higher score of disability by combining the score of different disabilities using the combining formula, i.e. $a + \frac{b(90-a)}{90}$. In case, where

two scores of disability are equal, the final certificate of multiple disability will be issued by any one of them as decided by Local authority.

The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) [Amendment] Rules, 2013

**Ministry of Social Justice and Empowerment
(Department of Social Justice and Empowerment)**

NOTIFICATION

[F. No. 11012/2/2008-PCR (Desk)]

New Delhi, the 8th November, 2013

G.S.R.725 (E).—In exercise of the powers conferred by sub-section (1) of Section 23 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), the Central Government hereby makes the following rules to amend The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Rules, 1995, namely:-

1. (1) These rules may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2013.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (hereinafter referred to as the said rules), in clause (iv) of sub-rule (1) of rule 16, after the words "Scheduled Tribes" the words "not more than three social workers nominated by the Central Government" shall be inserted.
3. In the said rules after sub-rule (2) of rule 17, the following sub-rule shall be inserted, namely:—“(2 A) Not more than three social workers nominated by the Central Government - members”.
4. In the said rules after rule 17, the following rule shall be inserted, namely:—
“17A. CONSTITUTION OF SUB-DIVISION LEVEL VIGILANCE AND MONITORING COMMITTEE,—(1) In each Sub Division within the State, the Sub-Divisional Magistrate shall set up a vigilance and monitoring committee in his sub-division to review the implementation of the provisions of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers/agencies responsible for implementing the provisions of the Act and various reports received by the Sub-Division Administration.
(2) The Sub-Division level vigilance and monitoring committee shall consist of the elected Members of Panchayati Raj Institutions belonging to Scheduled Castes and Scheduled Tribes, Deputy Superintendent of Police, Tehsildar, Block Development

Officer, not more than two non-official members belonging to the Scheduled Castes and the Scheduled Tribes and not more than two members from the categories other than the Scheduled Castes and the Scheduled Tribes, having association with Non-Government Organizations. The Sub-Divisional Magistrate shall be the Chairperson and the Block Development Officer, the Member Secretary respectively,

- (3) Not more than three social workers nominated by the Central Government - members”.

Sanjeev Kumar,
Joint Secretary

Note: The principal rules were published in the Gazette of India, Extraordinary, Vide Notification number G.S.R. 316(E), dated the 31st March, 1995.

The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) [Amendment] Rules, 2014

**Ministry of Social Justice and Empowerment
(Department of Social Justice and Empowerment)**

NOTIFICATION

**[F. No. 11012/2/2008-PCR (Desk)]
New Delhi, the 5th November, 2014**

G.S.R. 774(E),—In exercise of the powers conferred by Sub-section (1) of Section 23 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), the Central Government hereby makes the following rules further to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, namely

1. (1) These rules may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2014.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (hereinafter referred to as the said rules) in rule 17, sub-rule (2A) shall be omitted,
3. in the said rules, in rule 17A,—
 - (a) for sub-rule(2), the following sub-rule shall be substituted, namely :—

“(2) The sub-division level vigilance and monitoring committee shall consist of members of State Legislative Assembly and State Legislative Council from the sub-division, elected members of Panchayati Raj Institutions belonging to the Scheduled Castes and the Scheduled Tribes, Deputy Superintendent of Police, Tehsildar, Block Development Officer, not more than two non-official members belonging to the Scheduled Castes and the Scheduled Tribes and not more than two members from the categories other than the Scheduled Cases and the Scheduled Tribes having association with non-Government organisations.”;
 - (b) for sub-rule(3), the following sub-rule shall be substituted, namely:—

“(3) The Sub-Divisional Magistrate shall be the Chairperson and the Block Development Officer, the Member Secretary, respectively of the sub-division level vigilance and monitoring committee.”;
 - (c) after sub-rule(3), the following sub-rule shall be inserted, namely :—

“(4) The sub-division level vigilance and monitoring committee shall meet at least once in three months”.

Sanjeev Kumar,
Joint Secretary

The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) [Amendment] Act, 2015

Ministry of Law and Justice
(Legislative Department)

New Delhi, the 1st January, 2016/Pausa 11, 1937 (Saka)

The following Act of Parliament received the assent of the President on the 31st December, 2015, and is hereby published for general information:—

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) AMENDMENT, ACT, 2015

No. 1 of 2016 [31st December, 2015.]

An Act to amend the Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989.

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

- | | | | |
|-------------------------|----|--|-------------------------------|
| | 1. | <p>(1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.</p> <p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p> | Short title and commencement. |
| 33 of 1989. | 2. | <p>In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the principal Act), in the long title, for the words "Special Courts", the words "Special Courts and the Exclusive Special Courts" shall be substituted.</p> | Amendment of long title |
| Amendment of section 2. | 3. | <p>In section 2 of the principal Act, in sub-section (1), —</p> <p>(i) after clause (b), the following clauses shall be inserted, namely:—</p> <p>“(bb) “dependent” means the spouse, children, parents, brother and sister of the victim, who are dependent wholly or mainly on such victim for his support and maintenance;</p> <p>“(bc) “economic boycott” means-</p> <p>(i) a refusal to deal with, work for hire or do business with other person; or</p> <p>(ii) to deny opportunities including access to services or contractual opportunities for rendering service for consideration; or</p> | |

- (iii) to refuse to do anything on the terms on which things would be commonly done in the ordinary course of business; or
- (iv) to abstain from the professional or business relations that one would maintain with other person;
- (bd) "Exclusive Special Court" means the Exclusive Special Court established under sub-section (l) of section 14 exclusively to try the offences under this Act;
- (be) "forest rights" shall have the meaning assigned to it in sub-section (1) of section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; 2 of 2007
- (bf) "manual scavenger" shall have the meaning assigned to it in clause (g) of sub-section (1) of section 2 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. 25 of 2013
- (bg) "public servant" means a public servant as defined under section 21 of the Indian Penal Code, as well as any other person deemed to be a public servant under any other law for the time being in force and includes any person acting in his official capacity under the Central Government or the State Government, as the case may be; 45 of 1860
- (ii) after clause (e), the following clauses shall be inserted, namely:—
 - (ea) "Schedule" means the Schedule appended to this Act;
 - (eb) "social boycott" means a refusal to permit a person to render to other person or receive from him any customary service or to abstain from social relations that one would maintain with other person or to isolate him from others;
 - (ec) "victim" means any individual who falls within the definition of the "Scheduled Castes and Scheduled Tribes" under clause (c) of sub-section (1) of section 2, and who has suffered or experienced physical, mental, psychological, emotional or monetary harm or harm to his property as a result of the commission of any offence under this Act and includes his relatives, legal guardian and legal heirs;
 - (ed) "witness" means any person who is acquainted with the facts and circumstances, or is in possession of any information or has knowledge necessary for the purpose of investigation, inquiry or trial of any crime involving an offence under this

Act, and who is or may be required to give information or make a statement or produce any document during investigation, inquiry or trial of such case and includes a victim of such offence;

- (iii) for clause (f), the following clause shall be substituted, namely:—

“(f) the words and expressions used but not defined in this Act and defined in the Indian Penal Code, the Indian Evidence Act, 1872 or the Code of Criminal Procedure, 1973, as the case may be, shall be deemed to have the meanings respectively assigned to them in those enactments.”.

Amendment of
section 3.

45 of 1860
1 of 1872
2 of 1974.

4. In section 3 of the principal Act,—

- (i) for sub-section, the following sub-section (I) shall be substituted, namely:—

(I) ‘Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

- (a) puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance;
- (b) dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe;
- (c) with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighbourhood;
- (d) garlands with footwear or parades naked or semi-naked a member of a Scheduled Caste or a Scheduled Tribe;
- (e) forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removing clothes from the person, forcible tonsuring of head, removing moustaches, painting face or body or any other similar act, which is derogatory to human dignity;
- (f) wrongfully occupies or cultivates any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred;

- (g) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce therefrom.

Explanation.—For the purposes of clause (l) and this clause, the expression “wrongfully” includes—

- (A) against the person’s will;
- (B) without the person’s consent;
- (C) with the person’s consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or
- (D) fabricating records of such land;
- (h) makes a member of a Scheduled Caste or a Scheduled Tribe to do “*begar*” or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;
- (i) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;
- (j) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;
- (k) performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a *devadasi* or any other similar practice or permits aforementioned acts;
- (l) forces or intimidates or prevents a member of a Scheduled Caste or a Scheduled Tribe—
 - (A) not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law;
 - (B) not to file a nomination as a candidate or to withdraw such nomination; or
 - (C) not to propose or second the nomination of a member of a Scheduled Caste or a Scheduled Tribe as a candidate in any election;
- (m) forces or intimidates or obstructs a member of a Scheduled

Caste or a Scheduled Tribe, who is a member or a Chairperson or a holder of any other office of a Panchayat under Part IX of the Constitution or a Municipality under Part IXA of the Constitution, from performing their normal duties and functions;

- (n) after the poll, causes hurt or grievous hurt or assault or imposes or threatens to impose social or economic boycott upon a member of a Scheduled Caste or a Scheduled Tribe or prevents from availing benefits of any public service which is due to him;
- (o) commits any offence under this Act against a member of a Scheduled Caste or a Scheduled Tribe for having voted or not having voted for a particular candidate or for having voted in a manner provided by law;
- (p) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;
- (q) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;
- (r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;
- (s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;
- (t) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes.

Explanation.—For the purposes of this clause, the expression “object” means and includes statue, photograph and portrait;

- (u) by words either written or spoken or by signs or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes;
- (v) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;

- (w) (i) intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent;
- (ii) uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe.

Explanation.—For the purposes of sub-clause (i), the expression “consent” means an unequivocal voluntary agreement when the person by words, gestures, or any form of non-verbal communication, communicates willingness to participate in the specific act :

Provided that a woman belonging to a Scheduled Caste or a Scheduled Tribe who does not offer physical resistance to any act of a sexual nature is not by reason only of that fact, is to be regarded as consenting to the sexual activity:

Provided further that a woman's sexual history, including with the offender shall not imply consent or mitigate the offence;

- (x) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;
- (y) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to;
- (z) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence:

Provided that nothing contained in this clause shall apply to any action taken in discharge of a public duty;

- (za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to—
 - (A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing *ghat*, any public conveyance, any road, or passage;

- (B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions:
- (C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including *jatras*:
- (D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public; or
- (E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to;
- (zb) causes physical harm or mental agony of a member of a Scheduled Caste or a Scheduled Tribe on the allegation of practicing witchcraft or being a witch; or
- (ZC) imposes or threatens a social or economic boycott of any person or a family or a group belonging to a Scheduled Caste or a Scheduled Tribe,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.;

(ii) in sub-section (2), —

- (a) in clause (v), for the words “on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member”, the words “knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member” shall be substituted;
- (b) after clause (v), the following clause shall be inserted, namely: —
- “(va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs

to such member, shall be punishable with such punishment as specified under the Indian Penal Code for such offences and shall also be liable to fine.”

Substitution of
new section for
section 4.

Punishment for
neglect of
duties.

5. For section 4 of the principal Act, the following section shall be substituted, namely: —

“4. (1) Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act and the rules made thereunder, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

(2) The duties of public servant referred to in sub-section (1) shall include —

(a) to read out to an informant the information given orally, and reduced to writing by the officer in charge of the police station, before taking the signature of the informant;

(b) to register a complaint or a First Information Report under this Act and other relevant provisions and to register it under appropriate sections of this Act;

(c) to furnish a copy of the information so recorded forthwith to the informant;

(d) to record the statement of the victims or witnesses:

(e) to conduct the investigation and file charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days, and to explain the delay if any, in writing;

(f) to correctly prepare, frame and translate any document or electronic record:

(g) to perform any other duty specified in this Act or the rules made thereunder:

Provided that the charges in this regard against the public servant shall be booked on the recommendation of an administrative enquiry.

(3) The cognizance in respect of any dereliction of duty referred to in sub-section (2) by a public servant shall be taken by the Special Court or the Exclusive Special Court and shall give direction for penal proceedings against such public servant.”

6. In section 8 of the principal Act,—

(i) in clause (a), for the words “any financial assistance to a person

accused of", the words "any financial assistance in relation to the offences committed by a person accused of" shall be substituted;

Amendment of section 8.

(ii) after clause (b), the following clause shall be inserted, namely:—

"(c) the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved."

7. In section 10 of the principal Act, in sub-section (I),—

Amendment of section 10.

(a) after the words and figures "article 244 of the Constitution", the words, brackets and figures "or any area identified under the provisions of clause (vii) of sub-section (2) of section 21" shall be inserted;

(6) for the words "two years", the words "three years" shall be substituted.

8. For section 14 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 14.

"14. (1) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, establish an Exclusive Special Court for one or more Districts:

Special Court and Exclusive Special Court.

Provided that in Districts where less number of cases under this Act is recorded, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for such Districts, the Court of Session to be a Special Court to try the offences under this Act:

Provided further that the Courts so established or specified shall have power to directly take cognizance of offences under this Act.

(2) It shall be the duty of the State Government to establish adequate number of Courts to ensure that cases under this Act are disposed of within a period of two months, as far as possible.

(3) In every trial in the Special Court or the Exclusive Special Court, the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Special Court or the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing:

Provided that when the trial relates to an offence under this Act, the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet.”

9. After section 14 of the principal Act, the following section shall be inserted, namely:-

Insertion of new
section 14A.

2 of 1974

Appeals.

“14A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law.

- (2) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973, an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

2 of 1974

- (3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

- (4) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.”

Substitution of
new section for
section 15.

10. For section 15 of the principal Act, the following section shall be substituted, namely:—

Special Public
Prosecutor and
Exclusive Public
Prosecutor

“15. (1) For every Special Court, the State Government shall, by notification in the Official Gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

- (2) For every Exclusive Special Court, the State Government shall, by notification in the Official Gazette, specify an Exclusive Special Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as an

Exclusive Special Public Prosecutor for the purpose of conducting cases in that Court.”.

11. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of
new Chapter
IVA

“CHAPTER IVA

RIGHTS OF VICTIMS AND WITNESSES

Rights of
victims and
witnesses.

- 15A. (1) It shall be the duty and responsibility of the State to make arrangements for the protection of victims, their dependents, and witnesses against any kind of intimidation or coercion or inducement or violence or threats of violence.
- (2) A victim shall be treated with fairness, respect and dignity and with due regard to any special need that arises because of the victim's age or gender or educational disadvantage or poverty.
- (5) A victim or his dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Act.
- (4) A victim or his dependent shall have the right to apply to the Special Court or the Exclusive Special Court, as the case may be, to summon parties for production of any documents or material, witnesses or examine the persons present..
- (5) A victim or his dependent shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.
- (6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Special Court or the Exclusive Special Court trying a case under this Act shall provide to a victim, his dependent, informant or witnesses—
- (a) the complete protection to secure the ends of justice;
 - (b) the travelling and maintenance expenses during investigation, inquiry and trial;
 - (c) the social-economic rehabilitation during investigation, inquiry and trial; and

(d) relocation.

- (7) The State shall inform the concerned Special Court or the Exclusive Special Court about the protection provided to any victim or his dependent, informant or witnesses and such Court shall periodically review the protection being offered and pass appropriate orders.
- (8) Without prejudice to the generality of the provisions of subsection (6), the concerned Special Court or the Exclusive Special Court may, on an application made by a victim or his dependent, informant or witness in any proceedings before it or by the Special Public Prosecutor in relation to such victim, informant or witness or on its own motion, take such measures including—
 - (a) concealing the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to the public;
 - (b) issuing directions for non-disclosure of the identity and addresses of the witnesses;
 - (c) take immediate action in respect of any complaint relating to harassment of a victim, informant or witness and on the same day, if necessary, pass appropriate orders for protection:

Provided that inquiry or investigation into the complaint received under clause (c) shall be tried separately from the main case by such Court and concluded within a period of two months from the date of receipt of the complaint:

Provided further that where the complaint under clause (c) is against any public servant, the Court shall restrain such public servant from interfering with the victim, informant or witness, as the case may be, in any matter related or unrelated to the pending case, except with the permission of the Court.

- (9) It shall be the duty of the Investigating Officer and the Station House Officer to record the complaint of victim, informant or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, and a photocopy of the First Information Report shall be immediately given to them at free of cost.
- (10) All proceedings relating to offences under this Act shall be video recorded.
- (11) It shall be the duty of the concerned State to specify an

appropriate scheme to ensure implementation of the following rights and entitlements of victims and witnesses in accessing justice so as—

- (a) to provide a copy of the recorded First Information Report at free of cost;
- (b) to provide immediate relief in cash or in kind to atrocity victims or their dependents;
- (c) to provide necessary protection to the atrocity victims or their dependents, and witnesses;
- (d) to provide relief in respect of death or injury or damage to property;
- (e) to arrange food or water or clothing or shelter or medical aid or transport facilities or daily allowances to victims;
- (f) to provide the maintenance expenses to the atrocity victims and their dependents;
- (g) to provide the information about the rights of atrocity victims at the time of making complaints and registering the First Information Report;
- (h) to provide the protection to atrocity victims or their dependents and witnesses from intimidation and harassment;
- (i) to provide the information to atrocity victims or their dependents or associated organisations or individuals, on the status of investigation and charge sheet and to provide copy of the charge sheet at free of cost;
- (j) to take necessary precautions at the time of medical examination;
- (k) to provide information to atrocity victims or their dependents or associated organisations or individuals, regarding the relief amount;
- (l) to provide information to atrocity victims or their dependents or associated organisations or individuals, in advance about the dates and place of investigation and trial;
- (m) to give adequate briefing on the case and preparation for trial to atrocity victims or their dependents or associated organisations or individuals and to provide the legal aid for the said purpose;
- (n) to execute the rights of atrocity victims or their dependents

or associated organisations or individuals at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights.

- (12) It shall be the right of the atrocity victims or their dependents, to take assistance from the Non-Government Organisations, social workers or advocates.”.

Insertion of
new
Schedule

12. After section 23 of the principal Act, the following Schedule shall be inserted, namely:—

“THE SCHEDULE

[See section 3(2) (va)]

<i>Section under the Indian Penal Code</i>	<i>Name of offence and punishment</i>
120A	Definition of criminal conspiracy.
120B	Punishment of criminal conspiracy.
141	Unlawful assembly.
142	Being member of unlawful assembly
143	Punishment for unlawful assembly.
144	Joining unlawful assembly armed with deadly weapon.
145	Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.
146	Rioting.
147	Punishment for rioting.
148	Rioting, armed with deadly weapon.
217	Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.
319	Hurt.
320	Grievous hurt.
323	Punishment for voluntarily causing hurt.
324	Voluntarily causing hurt by dangerous weapons or means.

325	Punishment for voluntarily causing grievous hurt.
326B	Voluntarily throwing or attempting to throw acid.
332	Voluntarily causing hurt to deter public servant from his duty.
341	Punishment for wrongful restraint.
354	Assault or criminal force to woman with intent to outrage her modesty.
354A	Sexual harassment and punishment for sexual harassment.
354B	Assault or use of criminal force to woman with intent to disrobe.
354C	Voyeurism.
354D	Stalking.
359	Kidnapping.
363	Punishment for kidnapping.
365	Kidnapping or abducting with intent secretly and wrongfully to confine person.
376B	Sexual intercourse by husband upon his wife during separation.
376C	Sexual intercourse by a person in authority.
447	Punishment for criminal trespass.
506	Punishment for criminal intimidation.
509	Word, gesture or act intended to insult the modesty of a woman.”.

Repeal and
Saving

13. (1) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014 is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

Dr. G. Narayanaraju

Secretary to the Govt. of India

The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Amendment] Rules, 2016

**Ministry of Social Justice and Empowerment
(Department of Social Justice and Empowerment)**

NOTIFICATION

New Delhi, the 14th April, 2016

G.S.R. 424 (E).—In exercise of the powers conferred by sub-section (1) of section 23 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), the Central Government hereby makes the following rules further to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, namely:-

1. (1) These rules may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (hereinafter referred to as the said rules), in rule 2, for clause (b), the following clause shall be substituted, namely :-
'(b) "dependent" means the spouse, children, parents, brother and sister of the victim, who are dependent wholly or mainly on such victim for support and maintenance; '
3. In the said rules, in rule 4, —
 - (a) for sub-rule (1) , the following shall be substituted, namely:-
 - (1) The State Government, on the recommendation of the District Magistrate , shall prepare for each District a panel of such number of eminent senior advocates who have been in practice for not less than seven years, as it may deem necessary for conducting cases in the Special Courts and Exclusive Special Courts.
 - (1A) The State Government in consultation with the Director Prosecution or in charge of the prosecution, shall also specify a panel of such number of Public Prosecutors and Exclusive Special Pubic Prosecutors, as it may deem necessary for conducting cases in the Special Courts and Exclusive Special Courts, as the case may be.
 - (1B) Both the panels referred to in sub-rule (1) and sub-rule (1A) shall be notified in the Official Gazette of the State and shall remain in force for a period of three years. " ;
 - (b) in sub-rule (2) , for the words " Special Public Prosecutors", the words "Special Public Prosecutors and Exclusive Special Public Prosecutors" shall be substituted;
 - (c) in sub-rule (3) , for the words " a Special Public Prosecutor", the words " a Special Public Prosecutor or an Exclusive Special Public Prosecutor" shall be substituted;
 - (d) for sub-rule (4) of rule 4, the following sub-rule shall be substituted, namely:-

“(4) The District Magistrate and the officer-in-charge of the prosecution at the District level, shall review,—

(a) the position of cases registered under the Act ;

(b) the implementation of the rights of victims and witnesses, specified under the provisions of Chapter IV A of the Act,

and submit a monthly report on or before 20th day of each subsequent month to the Director of Prosecution and the State Government, which shall specify the actions taken or proposed to be taken in respect of investigation and prosecution of each case. “;

(c) in sub-rule (5), for the words “ conducting cases in the Special Courts”, the words “ conducting cases in the Special Courts or Exclusive Special Courts” shall be substituted;

(d) in sub-rule (6) , for the words “ Special Public Prosecutor”, the words “Special Public Prosecutor and Exclusive Special Public Prosecutor “ shall be substituted.

4. In the said rules, in rule 7, —

(a) for sub-rule (2), the following shall be substituted, namely:-

(2) The investigating officer so appointed under sub-rule (1) shall complete the investigation on top priority, submit the report to the Superintendent of Police, who in turn shall immediately forward the report to the Director General of Police or Commissioner of Police of the State Government, and the officer in- charge of the concerned police station shall file the charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days (the period is inclusive of investigation and filing of charge-sheet).

(2A) The delay, if any, in investigation or filing of charge-sheet in accordance with sub-rule (2) shall be explained in writing by the investigating officer.”;

(b) for sub-rule (3), the following sub-rule shall be substituted, namely:-

“(3) The Secretary, Home Department and the Secretary, Scheduled Castes and Scheduled Tribes Development Department (the name of the Department may vary from State to State) of the State Government or Union territory Administration, Director of Prosecution, the officer in-charge of Prosecution and the Director General of Police or the Commissioner of Police in-charge of the concerned State or Union territory shall review by the end of every quarter the position of all investigations done by the investigating officer. “.

5. In the said rules, in rule 8, in sub-rule (1), after clause (vi), the following clause shall be inserted, namely:-

“(via) informing the nodal officer and the concerned District Magistrates about implementation of the rights of victims and witnesses specified under the provisions of Chapter IV A of the Act;”.

6. In the said rules, in rule 9, after clause (vi), the following clause shall be inserted namely:-

“(vii) implementation of the rights of victims and witnesses specified under the provisions of Chapter IVA the Act”.

7. In the said rules, in rule 10, after clause (iii), the following clause shall be inserted, namely:-

“(iv) implementation of the rights of victims and witnesses specified under the provisions of Chapter IVA of the Act, in the identified areas”.

8. In the said rules, in rule 12, —

(a) for sub-rule (4), the following shall be substituted, namely:-

“(4) The District Magistrate or the Sub- Divisional Magistrate or any other Executive Magistrate shall make necessary administrative and other arrangements and provide relief in cash or in kind or both within seven days to the victims of atrocity, their family members and dependents according to the scale as provided in Annexure-I read with Annexure-II of the Schedule annexed to these rules and such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items.

(4A) For immediate withdrawal of money from the treasury so as to timely provide the relief amount as specified in sub-rule (4), the concerned State Government or Union territory Administration may provide necessary authorisation and powers to the District Magistrate.

(4B) The Special Court or the Exclusive Special Court may also order socio-economic rehabilitation during investigation, inquiry and trial, as provided in clause (c) of sub-section 6 of section 15A of the Act”.

(b) in sub-rule (7), for the words “Special Court” at both the places where they occur, the words “Special Court or Exclusive Special Court” shall respectively be substituted.

9. In the said rules, for rule 14, the following rule shall be substituted, namely:-

“14. SPECIFIC RESPONSIBILITY OF STATE GOVERNMENT.—(1) The State Government shall make necessary provisions in its annual budget for providing relief and rehabilitation facilities to the victims of atrocity, as well as for implementing an appropriate scheme for the rights and entitlements of victims and witnesses in accessing justice as specified in sub-section (11) of section 15A of Chapter IV A of the Act.

(2) The State Government shall review at least twice in a calendar year, in the month of January and July the performance of the Special Public Prosecutor and Exclusive Special Public Prosecutor specified or appointed under section 15 of the Act, various reports received, investigation made and preventive steps taken by the District Magistrate, Sub-Divisional Magistrate and Superintendent of Police, relief and rehabilitation facilities provided to the victims and the reports in respect of lapses on behalf of the concerned officers. “.

10. In the said rules, in rule 15, —

(i) in sub-rule (1),—

(A) for the words “shall prepare a model contingency plan for implementing”, the words “shall frame and implement a plan to effectively implement” shall be substituted;

(B) after clause (a), the following clause shall be inserted, namely:-

“(aa) an appropriate scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15 A of Chapter IV A of the Act;

(ii) in sub-rule (2), for the words “ to the Central Government in the Ministry of Welfare”, the words “ to the Central Government in the Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment” shall be substituted.

11. In the said rules , for rule 16, the following rule shall be substituted, namely:-

16. CONSTITUTION OF STATE-LEVEL VIGILANCE AND MONITORING COMMITTEE:

(1) The State Government shall constitute high power vigilance and monitoring committee of not more than twenty-five members consisting of the following, namely:—

(i) Chief Minister or Administrator – Chairman (in case of a State under President’s Rule, the Governor shall be the Chairman);

(ii) Home Minister, Finance Minister and Minister(s) in-charge of welfare and development of the Scheduled Castes and the Scheduled Tribes - Members (in case of a State under the President’s Rule, the Advisors shall be Members);

(iii) all elected Members of Parliament and State Legislative Assembly and Legislative Council from the State belonging to the Scheduled Castes and the Scheduled Tribes shall be Members;

(iv) Chief Secretary, the Home Secretary, the Director General of Police, Director/Deputy Director, the National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes shall be Members;

(v) the Secretary in-charge to the welfare and development of the Scheduled Castes and the Scheduled Tribes shall be Convener.

(2) The high power vigilance and monitoring committee shall meet at least twice in a calendar year, in the month of January and July to review the implementation of the provisions of the Act, scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15A of Chapter IV A of the Act, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under the Act, role of different officers or agencies responsible for implementing the provisions of the Act and review of various reports received by the State Government including that of the nodal officer and special officer.

12. In the said rules in rule 17, in sub-rule (1), after the words “review the implementation of the provisions of the Act, ”, the words “ scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15A of Chapter IV A of the Act, ” shall be inserted.

13. In the said rules, in rule 17A, in sub-rule(1), after the words, “ review the implementation of the provisions of the Act”, the words “scheme for the rights and entitlements of victims and witnesses in accessing justice, as specified in sub-section (11) of section 15A of Chapter IV A of the Act, ”, shall be inserted.

14. In the said rules, in the Schedule, for Annexure-I, the following Annexure shall be substituted, namely:-

ANNEXURE-I**[See rule 12(4)]****NORMS FOR RELIEF AMOUNT**

Sr. No.	Name of the offence	Minimum amount of relief
1.	Putting any inedible or obnoxious substance [Section 3(1)(a) of the Act]	One lakh rupees to the victim. Payment to then victim be made as follows:
2.	Dumping excreta, sewage, carcasses or any other obnoxious substance [Section 3(1)(b) of the Act]	(i) 10 per cent at First Information Report (FIR) stage for serial numbers (2) and (3) and 25 percent at FIR stage for serial numbers (1), (4) and (5);
3.	Dumping excreta, waste matter, carcasses with intent to cause injury, insult or annoyance [Section 3(1)(c) of the Act]	(ii) 50 per cent. when the charge sheet is sent to the court;
4.	Garlanding with footwear or parading naked or semi-naked[Section 3(1)(d) of the Act]	(iii) 40 per cent. when the accused are convicted by the lower court for serial numbers (2) and (3) and likewise 25 percent for serial numbers (1), (4) and (5).
5.	Forcibly committing acts such as removing clothes, forcible tonsuring of head, removing moustaches, painting face or body [Section 3(1)(e) of the Act]	
6.	Wrongful occupation or cultivation of land [Section 3(1)(f) of the Act]	One lakh rupees to the victim. The land or premises or water supply or irrigation facility shall be restored where necessary at Government cost by the concerned State Government or Union territory Administration.
7.	Wrongful dispossession of land or premises or interfering with the rights, including forest rights. [Section 3(1)(g) of the Act]	Payment to the victim be made as follows: (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.

8. Begar or other forms of forced or bonded labour [Section 3(1)(h) of the Act]	One lakh rupees to the victim. Payment to be made as follows:
9. Compelling to dispose or carry human or animal carcasses, or to dig graves [Section 3(1)(i) of the Act]	(i) Payment of 25 per cent. First Information Report (FIR) stage;
10. Making a member of the Scheduled Castes or the Scheduled Tribes to do manual scavenging or employing him for such purpose [Section 3(1)(j) of the Act]	(ii) 50 per cent. when the charge sheet is sent to the court;
11. Performing, or promoting dedication of a Scheduled Caste or a Scheduled Tribe woman as a devadasi [Section 3(1)(k) of the Act]	(iii) 25 per cent. when the accused are convicted by the lower court.
12. Prevention from voting, filing nomination [Section 3(1)(l) of the Act]	Eighty-five thousand rupees to the victim. Payment to be made as follows:
13. Forcing, intimidating or obstructing a holder of office of Panchayat or Municipality from performing duties [Section 3(1)(m) of the Act]	(i) 25 per cent. at First Information Report (FIR) stage;
14. After poll violence and imposition of social and economic boycott [Section 3(1)(n) of the Act]	(ii) 50 per cent. when the charge sheet is sent to the court;
15. Committing any offence under this Act for having voted or not having voted for a particular candidate [Section 3(1)(o) of the Act]	(iii) 25 per cent. when the accused are convicted by the lower court.
16. Instituting false, malicious or vexatious legal proceedings [Section 3(1)(p) of the Act]	Eighty-five thousand rupees to the victim or reimbursement of actual legal expenses and damages, whichever is less. Payment to be made as follows:
	(i) 25 per cent. at First Information Report (FIR) stage;

	<ul style="list-style-type: none"> (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
17. Giving false and frivolous information to a public servant [Section 3(1)(q) of the Act]	<p>One lakh rupees to the victim or reimbursement of actual legal expenses and damages, whichever is less. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
18. Intentional insult or intimidation to humiliate in any place within public view [Section 3(1)(r) of the Act]	<p>One lakh rupees to the victim. Payment to be made as follows:</p>
19. Abusing by caste name in any place within public view [Section 3(1)(s) of the Act]	<ul style="list-style-type: none"> (i) 25 per cent. at First Information Report (FIR) stage;
20. Destroying, damaging or defiling any object held sacred or in high esteem [Section 3(1)(t) of the Act]	<ul style="list-style-type: none"> (ii) 50 per cent. when the charge sheet is sent to the court;
21. Promoting feelings of enmity, hatred or ill-will [Section 3(1)(u) of the Act]	<ul style="list-style-type: none"> (iii) 25 per cent. when the accused are convicted by the lower court.
22. Disrespecting by words or any other means of any late person held in high esteem [Section 3(1)(v) of the Act]	
23. Intentionally touching a Scheduled Caste or a Scheduled Tribe woman without consent, using acts or gestures, as an act of sexual nature, [Section 3(1)(w) of the Act]	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.

<p>24. Section 326B of the Indian Penal Code (45 of 1860)—Voluntarily throwing or attempting to throw acid. [Section 3(2) (va) read with Schedule to the Act]</p>	<p>(a) Eight lakh and twenty-five thousand rupees to the victim with burns exceeding and 2 per cent and above burns on face or in case of functional impairment of eye, ear, nose and mouth and or burn injury on body exceeding 30 per cent;</p> <p>(b) four lakh and fifteen thousand rupees to the victim with burns between 10 per cent. to 30 per cent. on the body;</p> <p>(c) eighty-five thousand rupees to the victim with burns less than 10 per cent. on the body other than on face.</p> <p>In addition, the State Government or Union territory Administration shall take full responsibility for the treatment of the victim of acid attack.</p> <p>The payment in terms of items (a) to (c) are to be made as follows:</p> <p>(i) 50 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 50 per cent. after receipt of medical report.</p>
<p>25. Section 354 of the Indian Penal Code (45 of 1860) — Assault or criminal force to woman with intent to outrage her modesty. [Section 3(2) (va) read with Schedule to the Act]</p>	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>
<p>26. Section 354A of the Indian Penal Code (45 of 1860)—Sexual harassment and punishment for sexual harassment. [Section 32) (va) read with Schedule to the Act]</p>	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <p>(i) 50 per cent. at First Information Report (FIR) stage;</p> <p>(ii) 25 per cent. when the charge sheet is sent to the court;</p> <p>(iii) 25 per cent. on conclusion of trial by the lower court.</p>

<p>27. Section 354 B of the Indian Penal Code (45 of 1860)— Assault or use of criminal force to woman with intent to disrobe [Section 3(2)(va) read with Schedule to the Act]</p>	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 50 per cent. at First Information Report (FIR) stage; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. on conclusion of trial by the lower court.
<p>28. Section 354 C of the Indian Penal Code (45 of 1860)— Voyeurism. [Section 3(2)(va) read with Schedule to the Act]</p>	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 10 per cent. at First Information Report (FIR) stage (ii) 50 per cent. when the charge sheet is sent to the court. (iii) 40 per cent. when the accused are convicted by the lower court.
<p>29. Section 354 D of the Indian Penal Code (45 of 1860) — Stalking. [Section 3(2)(va) read with Schedule to the Act]</p>	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 10 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 40 per cent. when the accused are convicted by the lower court.
<p>30. Section 376B of the Indian Penal Code (45 of 1860)— Sexual intercourse by husband upon his wife during separation. [Section 3(2)(va) read with Schedule to the Act]</p>	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 50 per cent. after medical examination and confirmatory medical report; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
<p>31. Section 376C of the Indian Penal Code (45 of 1860) — Sexual intercourse by a person in authority. [Section 3(2)(va) read with Schedule to the Act]</p>	<p>Four lakh rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 50 per cent after medical examination and confirmatory medical report; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. on conclusion of trial by the lower court.

<p>32. Section 509 of the Indian Penal Code (45 of 1860)— Word, gesture or act intended to insult the modesty of a woman. [Section 3(2)(va) read with Schedule to the Act]</p>	<p>Two lakh rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
<p>33. Fouling or corrupting of water [Section 3(1)(x) of the Act]</p>	<p>Full cost of restoration of normal facility, including cleaning when the water is fouled, to be borne by the concerned State Government or Union territory Administration. In addition, an amount of eight lakh twenty-five thousand rupees shall be deposited with the District Magistrate for creating community assets of the nature to be decided by the District Authority in consultation with the Local Body.</p>
<p>34. Denial of customary right of passage to a place of public resort or obstruction from using or accessing public resort [Section 3(1)(y) of the Act]</p>	<p>Four lakh twenty-five thousand rupees to the victim and cost of restoration of right of passage by the concerned State Government or Union territory Administration. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
<p>35. Forcing of causing to leave house, village, residence desert place of residence [Section 3(1)(z) of the Act]</p>	<p>Restoration of the site or right to stay in house, village or other place of residence by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim and reconstruction of the house at Government cost, if destroyed. Payment to be made as follows:</p>

	<ul style="list-style-type: none"> (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
<p>36. Obstructing or preventing a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to—</p> <p>(A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, any public conveyance, any road, or passage [Section 3(1)(za)(A) of the Act]</p> <p>(B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions [Section 3(1)(za)(B) of the Act]</p>	<p>(A): Restoration of the right using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, any public conveyance, any road, or passage equally with others, by the concerned State Government or Union Territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court. <p>(B): Restoration of the right of mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions, equally with others by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) Payment of 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court;

(C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including *jatras* [Section 3(1)(za)(C) of the Act]

(D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public [Section 3(1)(za)(D) of the Act]

(E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which

(C): Restoration of the right of entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out any religious procession or *jatras*, as is open to the public or other persons professing the same religion, social or cultural processions including *jatras*, equally with other persons, by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:

- (i) 25 per cent. at First Information Report (FIR) stage
- (ii) 50 per cent. when the charge sheet is sent to the court.
- (iii) 25 per cent. when the accused are convicted by the lower court.

(D): Restoration of the right of entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public, equally with other persons by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:

- (i) 25 per cent. at First Information Report (FIR) stage;
- (ii) 50 per cent. when the charge sheet is sent to the court;
- (iii) 25 per cent. when the accused are convicted by the lower court.

(E): Restoration of the right of practicing any profession or the carrying on of any occupation, trade or business or

<p>other members of the public, or any section thereof, have a right to use or have access to [Section 3(1)(za)(E) of the Act]</p>	<p>employment in any job which other members of the public, or any section thereof, have a right to use or have access to, by the concerned State Government/ Union territory Administration and relief of one lakh rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
<p>37. Causing physical harm or mental agony on the allegation of being a witch or practicing witchcraft or being a witch [Section 3(1)(zb) of the Act]</p>	<p>One lakh rupees to the victim and also commensurate with the indignity, insult, injury and defamation suffered by the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
<p>38. Imposing or threatening a social or economic boycott. [Section 3(1)(zc) of the Act]</p>	<p>Restoration of provision of all economic and social services equally with other persons, by the concerned State Government or Union territory Administration and relief of one lakh rupees to the victim. To be paid in full when charge sheet is sent to the lower court.</p>
<p>39. Giving or fabricating false evidence [Section 3(2)(i) and (ii) of the Act]</p>	<p>Four lakh fifteen thousand rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.

<p>40. Committing offences under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more [Section 3(2) of the Act]</p>	<p>Four lakh rupees to the victim and or his dependents. The amount would vary, if specifically otherwise provided in this Schedule.</p> <p>Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
<p>41. Committing offences under the Indian Penal Code (45 of 1860) specified in the Schedule to the Act punishable with such punishment as specified under the Indian Penal Code for such offences[Section 3(2) (va) read with the Schedule to the Act]</p>	<p>Two lakh rupees to the victim and or his dependents. The amount would vary if specifically otherwise provided in this Schedule.</p> <p>Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court;
<p>42. Victimisation at the hands of a public servant[Section 3(2) (vii) of the Act]</p>	<p>Two lakh rupees to the victim and or his dependents. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 25 per cent. at First Information Report (FIR) stage; (ii) 50 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. when the accused are convicted by the lower court.
<p>43. Disability. Guidelines for evaluation of various disabilities and procedure for certification as contained in the Ministry of Social Justice and Empowerment Notification No. 16-18/97-NI, dated the 1st June, 2001. A copy of the notification is at Annexure-II.</p>	

<p>(a) 100 per cent. incapacitation</p> <p>(b) where incapacitation is less than 100 per cent. but more than 50 per cent.</p> <p>(c) where incapacitation is less than 50 per cent.</p>	<p>Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 50 per cent. after medical examination and confirmatory medical report; (ii) 50 per cent. when the charge sheet is sent to the court; <p>Four lakh and fifty thousand rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 50 per cent. after medical examination and confirmatory medical report; (ii) 50 per cent. when the charge sheet is sent to the court; <p>Two lakh and fifty thousand rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 50 per cent. after medical examination and confirmatory medical report; (ii) 50 per cent. when the charge sheet is sent to the court.
<p>44. Rape or Gang rape.</p> <p>(i) Rape [Section 375 of the Indian Penal Code (45 of 1860)]</p> <p>(ii) Gang rape [Section 376D of the Indian Penal Code (45 of 1860)]</p>	<p>Five lakh rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 50 per cent. after medical examination and confirmatory medical report; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. on conclusion of trial by the lower court. <p>Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows:</p> <ul style="list-style-type: none"> (i) 50 per cent. after medical examination and confirmatory medical report; (ii) 25 per cent. when the charge sheet is sent to the court; (iii) 25 per cent. on conclusion of trial by the lower court.
<p>45. Murder or Death.</p>	<p>Eight lakh and twenty-five thousand rupees to the victim. Payment to be made as follows:</p>

	<ul style="list-style-type: none"> (i) 50 per cent. after post mortem report; (ii) 50 per cent. when the charge sheet is sent to the court.
46. Additional relief to victims of murder, death, massacre, rape, gang rape, permanent incapacitation and dacoity.	<p>In addition to relief amounts paid under above items, relief may be arranged within three months of date of atrocity as follows:-</p> <ul style="list-style-type: none"> (i) Basic Pension to the widow or other dependents of deceased persons belonging to a Scheduled Caste or a Scheduled Tribe amounting to five thousand rupees per month, as applicable to a Government servant of the concerned State Government or Union territory Administration, with admissible dearness allowance and employment to one member of the family of the deceased, and provision of agricultural land, an house, if necessary by outright purchase; (ii) Full cost of the education up to graduation level and maintenance of the children of the victims. Children may be admitted to Ashram schools or residential schools, fully funded by the Government; (iii) Provision of utensils, rice, wheat, dals, pulses, etc., for a period of three months.
47. Complete destruction or burnt houses.	Brick or stone masonry house to be constructed or provided at Government cost where it has been burnt or destroyed."

[F. No. 11012/1/2016-PCR(Desk)]

AINDRI ANURAG, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, vide notification number G.S.R. 316(E), dated the 31st March, 1995 and last amended vide G.S.R. 774(E), dated the 5th November, 2014.

B. Notifications/Memoranda/Orders**Notification on constitution of the State Level Vigilance and Monitoring Committee****No. 3909/A-BCW/MR-31/05****Date: 29-11-2011****NOTIFICATION**

In exercise of the power conferred by the Clause (v) of sub-section (2) of section 21 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Act No. 33 of 1989), and in compliance with the provisions made under Rule 16 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, the Governor is pleased hereby to constitute, with immediate effect, the State-Level Vigilance and Monitoring Committee consisting of the following members:

Sl.	Designation	Status
1	The Chief Minister	Chairman
2	Minister-in-Charge Finance Department	Member
3	Minister-in-Charge Backward Classes Welfare Department	Member
4	Sri Gobinda Naskar (Member of Parliament)	Member
5	Shri Binay Krishna Barman (Member of Legislative Assembly)	Member
6	Shri Anil Adhikari (Member of Legislative Assembly)	Member
7	Shri Sankar Malakar (Member of Legislative Assembly)	Member
8	Shri Bahchu Hansda (Member of Legislative Assembly)	Member
9	Shri Sushil Biswas (Member of Legislative Assembly)	Member
10	Shri Abir Ranjan Biswas (Member of Legislative Assembly)	Member
11	Shri Biswajit Das (Member of Legislative Assembly)	Member
12	Smt. Usha Rani Mondal (Member of Legislative Assembly)	Member
13	Shri Jayanta Naskar (Member of Legislative Assembly)	Member

14	Shri Sital Kumar Sardar (Member of Legislative Assembly)	Member
15	Smt. Asima Patra (Member of Legislative Assembly)	Member
16	Shri Ranajit Mondal (Member of Legislative Assembly)	Member
17	Shri Shankar Dolai (Member of Legislative Assembly)	Member
18	Shri Ujjal Pramanick (Member of Legislative Assembly)	Member
29	Shri Bijoy Bagdi (Member of Legislative Assembly)	Member
20	Shri Gadadhar Hazra (Member of Legislative Assembly)	Member
21	Chief Secretary to the Government of West Bengal	Member
22	Home Secretary to the Government of West Bengal	Member
23	Director General & Inspector General of Police of West Bengal	Member
24	Director / Deputy Director / National Commission for the Scheduled Castes & Scheduled Tribes, State Office, Kolkata	Member
25	Secretary, Backward Classes Welfare Department, Government of West Bengal	Convener

The Committee shall meet at least twice in a calendar year, in the month of January and July to review the implementation of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, relief and rehabilitation facilities provided to the victims and other matters connected therewith, prosecution of cases under this Act, role of different officers/agencies responsible for implementing the provisions of the Act and various report of the State Government.

By Order of the Governor,

Sd/- Samar Ghosh

Chief Secretary to the Government of West Bengal

Appointment of Special Court to try cases under POA Act

NOTIFICATION

No. 284 - JL.

the 4th June. 2012.

In exercise of the power conferred by section 14 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. 1989 (33 of 1989) (hereinafter referred to as the said Act) and in partial modification of this department notification No. 2974-J, dated the 15th February, 1990, the Governor, with the concurrence of the Chief Justice of the Hon'ble High Court, Calcutta, is pleased hereby to specify, with immediate effect, the court mentioned in column (3) of the Table below against each of the districts mentioned in column (2) of the said Table, as the Special Court to try offences under the said Act:—

Table

Sl. No. (1)	Name of district (2)	Name of Special Court (3)
1.	South 24-Parganas	Court of First Additional Sessions Judge.
2	North 24-Parganas	Court of First Additional Sessions Judge.
3.	Howrah	Court of First Additional Sessions Judge.
4.	Hooghly	Court of First Additional Sessions Judge.
5.	Burdwan	Court of First Additional Sessions Judge.
6.	Birbhum	Court of First Additional Sessions Judge.
7.	Bankura	Court of First Additional Sessions Judge.
8.	Murshidabad	Court of First Additional Sessions Judge.
9.	Nadia	Court of First Additional Sessions Judge.
10.	Malda	Court of Sessions Judge.
11.	Purba-Midnapore	Court of First Additional Sessions Judge.

Sl. No. (1)	Name of district (2)	Name of Special Court (3)
12.	Paschim-Midnapore	Court of First Additional Sessions Judge.
13.	Uttar Dinajpur	Court of First Additional Sessions Judge.
14.	Dakshin Dinajpur	Court of First Additional Sessions Judge.
15.	Cooch Behar	Court of First Additional Sessions Judge.
16.	Purulia	Court of First Additional Sessions Judge.
17.	Jalpaiguri	Court of First Additional Sessions Judge.
18.	Darjeeling	Court of First Additional Sessions Judge.
19.	Calcutta	Judge, (NDPS), City Sessions Court. Bichar Bhawan, Calcutta.

By order of the Governor.

B. K. Srivastava,

Secy. to the Government of West Bengal

Appointment of Special Public Prosecutor to try cases under POA Act

NOTIFICATION

No. 285 - JL

the 4th June, 2012

In exercise of the power conferred by section 15 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989) (hereinafter referred to as the said Act) and in partial modification of this department notification No. 3280-J, dated the 16th February, 1990, the Governor, with the concurrence of the Chief Justice of the Hon'ble High Court, Calcutta, is pleased hereby to specify, with immediate effect, the Public Prosecutor mentioned in column (3) of the Table below against each of the Special Courts mentioned in column (2) of the said Table, to act as such under the said Act:—

Table

Sl. No. (1)	Name of Special Court (2)	Public Prosecutor (3)
1.	Court of First Additional Sessions Judge.	Public Prosecutor, South 24-Parganas
2.	Court of First Additional Sessions Judge.	Public Prosecutor, North 24-Parganas
3.	Court of First Additional Sessions Judge.	Public Prosecutor, Howrah
4.	Court of First Additional Sessions Judge.	Public Prosecutor, Hooghly
5.	Court of First Additional Sessions Judge.	Public Prosecutor, Burdwan
6.	Court of First Additional Sessions Judge.	Public Prosecutor, Birbhum
7.	Court of First Additional Sessions Judge.	Public Prosecutor, Bankura
8.	Court of First Additional Sessions Judge.	Public Prosecutor, Murshidabad
9.	Court of First Additional Sessions Judge.	Public Prosecutor, Nadia
10.	Court of Sessions Judge.	Public Prosecutor, Malda
11.	Court of First Additional Sessions Judge.	Public Prosecutor, Purba-Medinipur
12.	Court of First Additional Sessions Judge.	Public Prosecutor, Paschim-Medinipur
13.	Court of First Additional Sessions Judge,	Public Prosecutor, Uttar Dinajpur

Sl. No. (1)	Name of Special Court (2)	Public Prosecutor (3)
14.	Court of First Additional Sessions Judge.	Public Prosecutor, Dakshin Dinajpur
15.	Court of First Additional Sessions Judge.	Public Prosecutor, Cooch Behar
16.	Court of First Additional Sessions Judge.	Public Prosecutor, Purulia
17.	Court of First Additional Sessions Judge.	Public Prosecutor, Jalpaiguri
18.	Court of First Additional Sessions Judge.	Public Prosecutor, Darjeeling
19.	Judge, (NDPS), City Sessions Court Bichar Bhawan, Calcutta.	Public Prosecutor, Calcutta

By-order of the Governor,

B. K. Srivastava,

Secretary to the Government of West Bengal

Guidelines to Police Officers Investigating Cases under SC/ST (POA) Act, 1989 & PCR Act, 1955

Article 17 of the Constitution of India has abolished the practice of untouchability in all forms. To give effect to this Article, Parliament enacted the Untouchability (Offences) Act, 1955 and later renamed it as 'The Protection of Civil Rights' Act, 1955 and notified the Rules in 1977 to implement the Provisions of the Act. Later, the Parliament passed the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 which enable the police authorities for taking specific measures to prevent the atrocities. To carry out the provisions of this Act, the Government of India notified the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities). Rules in the year 1995. In view of the above, the Police Officers have been entrusted with the noble duty to implement all the provisions of the enactments and in right spirit. In this regard, certain measures which are needed to be taken by the Police Officers, who directly or indirectly deal with the incidents of atrocities or practice of untouchability in their respective jurisdiction are as under :-

- 1) To identify the atrocities prone areas / villages in order to enable themselves to take adequate preventing measures well in time.
- 2) They should visit the identified areas and review the Law and Order situation from time to time.
- 3) To cancel the Arms licenses of the persons who have misused a licensed firearms for committing atrocities or are likely to commit atrocities.
- 4) To organize Awareness Campaign in the identified areas to educate the SCs/STs about their rights and protections available to them under different enactments.
- 5) To deploy pickets in such identified areas, where there is an imminent danger of reprisal against SCs/ STs.
- 6) In extreme situations Arms licenses may be recommended to be issued to the SCs/ STs to enable them to protect their lives and properties
- 7) Any complaint of atrocity on SCs/STs by forcing them to eat any inedible substance, causing insult or annoyance, parading them naked / with painted face, wrongful occupation / dispossession from their land, house etc., forcing bonded labour, use of force in casting of vote, institution of false cases, intentional insult in public view, outraging modesty of SC/ST women, refusing access to a place of public resort, expelling SCs/STs from their houses /village etc. are covered under section 3 (1) of the SCs / STs (POA) Act.

Whereas, some of offences like fabricating false evidence, mischief by fire, attempt to cause disappearance of the evidence etc, for which the SC/ST person is likely to be

convicted of an offence which is not capital but punishable with imprisonment of (07) years or upwards, would fall u/s 3(2) of the SCs/STs (POA) Act.

- 8) All the cases of atrocities on SCs/STs by non SCs and STs should be registered under the provisions of the SCs/STs (POA) Act, 1989 only, while the cases of enforcing any disability on account of preaching and practicing untouchability should be booked under the provisions of PCR Act. All the concerned officers should clearly understand the provisions of these two enactments and their applicability.
- 9) If any offence under sec. 3 of SCs/STs (POA) Act & committed by a public servant, he is liable to be prosecuted u/s 3(2) (VII),
- 10) On receipt of a representation / complaint pertaining to any offence under the provisions of the SCs / STs (POA) Act, either in writing or orally at the Police Station, the Officers - in-charge shall register a case, as provided under Rule 5(1) of the POA Rules of 1995 R/W 154 Cr. PC and if the Officer-in-charge of the Police Stations fails to do so, it amounts to "willful neglect of duty". Which in itself is an offence u/s 4 of the said Act.
- 11) While registering FIR, it should be ensured that correct Sections and Sub Sections under the appropriate Act are applied. Any attempt of burking or minimizing the gravity of the offence shall be treated as "Willful neglect of duty".
- 12) All the cases of bogus caste certificates should be booked u/s 420 IPC.
- 13) The IOs should refrain from becoming parties to the compromises / out of court settlements in cases of specific accusations as defined under the Acts.
- 14) All the Cases referred u/s 156 (3) Cr. PC, by the court should be promptly registered and the FIR copies should be sent to court and other concerned officers without any delay. If there is any dereliction of duty on the part of the IO, he shall be liable for contempt of court and also for Departmental action.
- 15) FIR copy in every case should be sent to the District Magistrate, to enable him to take decision regarding sanction of relief and rehabilitation measures and a copy of the FIR should also be given to the complainant.
- 16) FIR copy should also be sent to the CP/ SP promptly with a "request to appoint the IO at the earliest, to enable the IO to commence investigation without any loss of time.
- 17) The investigation Officer i.e.an ACP/ DSP has to be appointed by the C.P. / SSP, to expeditiously investigate the case booked under (POA) Act, 1989 as envisaged under Rule 7(1) of SCs/STs (POA) Rules of 1995. Non-compliance of the above legal requirement would vitiate the entire investigation.
- 18) Rule 7(2) stipulates that the investigating officer so appointed under sub-rule (1) shall complete the investigation on top priority basis within thirty days.
- 19) In case the appointed IO is transferred out, any another Dy. SP is to be appointed as IO

and it has to be done by issuing a fresh Appointment Order by S.P./C.P. U/Rule 7(1) of SC/ST (POA) Rules, 1995.

- 20) On receipt of the appointment order from the S.P./C.P, the appointed IO should take up investigation from the stage of FIR. If the Initial investigation has been done by an incompetent officer, it is an irregular investigation and mere verification of such investigation by the Dy.SP is void and irregular under the Law.
- 21) In case, the incompetent officer has filed the charge sheet after his investigation, it is null and void and hence the specially appointed Dy. S.P. should seek permission of the court by filing petition u/s 173(8) Cr. PC and proceed with further investigation from the initial stage i.e from the FIR stage after obtaining the permission of the Court.
- 22) Since, the investigation in cases under POA Act need to be completed within 30 days, the IO must ensure that the witnesses to be examined u/s 164 Cr.PC are examined within the stipulated period. Tendency to get 164 Cr.Pc statement done after months together should be put to an end, as such practice is found to be against the interest of the victim / complainant.
- 23) The IOs should refrain from getting the statements of witnesses recorded u/s 164 Cr. PC if it is likely to weaken the case of prosecution. As per established Law, such statements only should be got recorded u/s 164 Cr., PC which are likely to strengthen the case.
- 24) In cases of bogus caste certificates, the IO should also invariably investigate into the conduct and character of the certificate issuing / inquiring authorities for their prosecution if so required and write to the concerned department for initiating departmental action against the accused officers, while furnishing the relevant material required to be relied upon by the appropriate authority.
- 25) The IO after recording the statements of witnesses u/s 161 Cr.PC must hand over a copy of the same to the concerned witnesses under acknowledgement on the original copy as it would help in ensuring the truthfulness of the statements and the witness may refer to the same prior to his examination in the court. It would also stop the IOs from doing table investigation and that too at his convenient time.
- 26) The IOs should not hesitate to arrest the accused promptly when they are likely to tamper with the evidence by way of threatening or winning over the witness or terrorise the complainant or they are likely to abscond etc. It should also be ensured that the non-arrest of the accused does not result into commission of series of offences against the victims. Hence, the timely arrest goes a long way in preventing the offence and to enthuse confidence in the victims and the community.
- 27) On knowing that Anticipatory Bail petition has been filed in the Sessions Court or High Court by the accused, the IO should immediately meet the concerned APP/Spl.PP/ PP and apprise him of the facts of the case, to enable him to oppose the bail. However, if

the court entertains such petition, the IO/Spl. PP/PP/ APP should rely upon Section 18 of SCs/STs (POA) Act.

- 28) The Investigation Officer should examine the important and relevant witnesses only, as that would help him to unearth the truth and complete the investigation within a period of 30 days.
- 29) It is noticed that some of the accused are getting counter cases registered against the SC/ST complainants. In this regard, the IOs must ensure that the investigation in both the cases is completed within 30 days and that the false case is closed. Undue delays in this regard are viewed with suspicion by the public and victim in particular.
- 30) Adequate care should be taken by the IO to complete the investigation within the stipulated period i.e. 30 days and submit the report, lest on this ground the entire investigation may be held as null and void by the court, being violation of Rule 7(2) of SCs/STs(POA) Rules.
- 31) In the cases booked against public servants, the concerned IOs should obtain permission of the Govt. to prosecute the accused u/s 197 Cr.PC before laying the charge sheet.
- 32) It is a well-established principle that the evidence of the complainant alone shall be sufficient for laying the charge sheet in the Court if it is capable of inspiring the confidence of the court. The tendency to close the cases as False/MF, on the basis of the evidence of unimportant witnesses while ignoring the evidence of the complainant needs to be put to an end.
- 33) The IO must furnish the required number of copies of the relevant material to the accused and promptly produce the accused in the court to get the charges framed early in the designated Sessions Court.
- 34) In these cases, the IO must make an attempt to gather evidence to the effect that the accused were aware of the victim's caste at the time of committing the offence.
- 35) After completion of investigation, the IO should file the charge sheet in the concerned ACJM Court for committal sake and not at all in the Special Court.
- 36) The IOs should send Memo of Evidence Incorporating List of Documents, List of Material Objects and also List of Witnesses along with Charge Sheet and obtain acknowledgement for the same.
- 37) The IO should enclose injury reports, FSL Report, Medical opinion etc. along with the Charge Sheet while filing in the Court.
- 38) Any attempt on the part of the accused to threaten the witnesses or to tamper with the evidence etc, the IO should bring it to the notice of the Court and seek denial or cancellation of the bail as the case may be.
- 39) The IO should proceed u/s 82 & 83 Cr.PC against the sureties, where the accused are absconding and NBWs issued against them.

- 40) The IO should take prompt and effective steps in consultation with the PP to get the stays vacated by approaching the Superior Courts.
- 41) The Investigating Officer should produce the witnesses before the APPs for refreshing their memory before they are produced before the court. The witnesses or whose 164 statements are already recorded must be warned of action u/s 193/IPC if they turn hostile in the court.
- 42) If the witnesses in attendance in courts are to be sent back without examination by the Court on the request or due to absence of the accused, the Prosecuting Officers should insist on the examination of such witnesses or insist on payment of cost to the witnesses by the accused, as provided under Rule 11 of SCs/STs (POA) Rules, 1995.
- 43) The SsP must ensure that the District Magistrate do prepare a panel of Senior Advocates for conducting cases in the Special Courts as Spl. PP and send the same to the Government for notification in the official Gazettee. The District Magistrate may also be requested to review the performance of the Special PP at least twice in a year and in case he has not conducted the cases with due care and caution, his name may be sent for de-notification.
- 44) The Commissioner of Police / Superintendents of Police Unit Officers may also recommend to the District Magistrate, if so desired by the victims, to engage an eminent Senior Advocate for conducting the cases in Special Court.
- 45) Summons on the Police Officers to give their evidence should be served promptly and it should be ensured by the supervisory officers that they do attend the Court to give their evidence.
- 46) Police should assist the Courts in bringing forward the witnesses / accused promptly to ensure smooth and expeditious trial of the case.
- 47) The dilatory tactics adopted by the accused should be effectively and honestly countered by way of formally opposing the applications for adjournments u/s 309 Cr.PC and also request the Court to go ahead with the trial as provided u/s 317 (1) Cr. PC.
- 48) The Commissioners of Police / Superintendents of Police should ensure that Special PPs are appointed in every Special Court meant for handling such cases.
- 49) The cases are getting abnormally delayed mainly due to non-attendance by the accused, non-attendance by the witnesses, lack of commitment on the part of the IOs / APP/Spl PP/PP. etc. It can be countered by formally opposing the exemption from attendance petitions and obtaining NBWs against such accused. The IOs should also sincerely execute the NBWs / BWs against the accused and witnesses to ensure speedy trial and also to proceed u/s 82 and 83 Cr.PC against them if situation so warrants.
- 50) In cases where some of the accused are not attending the court for a long time, the IO/ APP/Spl. PP/PP should get the case split up against the absconding accused, who are not likely to be arrested in near future, as provided u/s 317 (2) Cr.PC.

- 51) Where there is no likelihood to secure the presence of the accused in near future after framing of the charges, the IO/APP/Spl. PP/PP should request the court to examine the witnesses u/s 299 Cr. PC.
- 52) The Commissioners of Police / Superintendents of Police must initiate appropriate disciplinary action against the IOs for the lapses pointed out in the Judgment and in cases of lapses on the part of Special PPs the same may be addressed to the District Magistrate / Director of Prosecutions / Ld. Legal Remembrancer, Government of West Bengal.
- 53) The Commissioners of Police / Superintendents of Police, West Bengal must actively liaise with the District Magistrate for effective functioning of District Vigilance & Monitoring Committee by way of causing critical review of cases for their expeditious disposal, organizing Awareness Campaigns, seeking involvement of NGOs, review of relief and rehabilitation measures, formulation of Model Contingency Plans for preventing disputes and caste related social disturbances, etc.
- 54) The stringent provisions of the Act including neglect of duty by public servant, forfeiture of property, internment of persons from Scheduled and Tribal areas, imposition of collective fines, if judiciously implemented would create deterrent climate.
- 55) In all the acquittal cases, the judgment copies should be obtained from the court at the earliest to send the same to the concerned SP or Inspector General of Police-I, CID, West Bengal along with the opinion of APP/ Spl.PP/PP within (20) days for scrutiny and to enable them to take decision regarding filing an appeal or otherwise.
- 56) The Commissioners of Police / Superintendents of Police should personally review the Final Reports and take appropriate decision at their level keeping the following points in view among other things.
 - a) Whether the IO has explained the delay in lodging the complaint; if any.
 - b) Whether the IO has examined all the eye witnesses specially those who have been cited in the complaint.
 - c) Whether the IO has collected the Caste Certificate of the complainant and accused.
 - d) Whether valid appointment orders are placed in the CD file.
 - e) Whether opinion of the concerned A.P.P /Spl.PP/ PP has been obtained.
 - f) Whether the Investigation Officer so appointed under Rule 7 (1) of SC/ST (POA) Rules, 1995 had completed the investigation on top priority within 30 days as required under Rule 7(2) of SC/ST (POA) Rules, 1995.
- 57) The District Superintendents of Police/Commissioners of Police are requested to take action against any Police Officer u/s 4 of SCs/STs (POA) Act, 1989 who wilfully neglects his duties required to be performed by him under this Act.

- 58) The copies of Judgments in all acquitted / convicted cases also should be sent to Inspector General of Police-I, CID, West Bengal.

The above instructions should be communicated to all the Officers-in-charge of Police Stations (including I/Cs) and Investigating Officers.

This issues with the approval of DGP, CID, West Bengal.

*Addl. Director General of Police-II,
CID, Bhawani Bhaban, Alipore
Kolkata-700 027*

**Constitution of the Sub-Divisional Level Vigilance,
Monitoring Committee and enclosures**

No. 3200-BCW

Date: 13/08/2015

From : Sri A. Chatterjee WBCS(Exe).
Special Secretary to the Government of West Bengal.

To: Project Officer cum District Welfare Officer Malda

Sub: Clarification regarding formation of SDLVMC.

Sir,

I am directed to refer to your letter no. 1392/BCW(MLD) Dated 21/07/2015 on the above noted subject and to request you to follow the notification Vide No. G.S.R 774(E) dated 05/11/2014 for constitution of the said committee.

It is to say that the guideline for formation of the said committee has already been communicated to you vide letter no. 905(67)-BCW/MR-207/14 Dated 10/03/2015 (copy enclosed).

The relevant Gazette Notification of the amendment is enclosed for your guidance.

Enclo. As stated.

Yours faithfully

Special Secretary to the Government

Annexure to Memo No. 3200-BCW, Dated 13/8/2015

Memo No. 905(67)-BCW

Dated: 10 / 3 / 2015

From : Shri Atonu Chatterjee, WBCS (Exe),
Joint Commissioner for Reservation &
Ex-Officio Joint Secretary.

To : SDO.....(all)

Sub : Constitution of Sub-Division Level Vigilance and Monitoring Committee-thereof.

Sir/Madam,

Apropos above and pursuant to insertion of Rule 17 A in The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules 1995, I am directed to advice you that the said Sub-Division Level Vigilance and Monitoring Committee may be constituted in the manner as annexed.

I am further directed to request you to kindly issue a notification in this regard after constituting the committee and the same may be forwarded to the Department.

The relevant Gazette Notification of the amendment is enclosed for your guidance.

Annexure and Gazettes attached.

Yours faithfully,

*Joint Commissioner for Reservation
&
Ex-Officio Joint Secretary*

Annexure to Memo No- 3200- BCW/MR-207/14**Date : 13 / 8 / 2015**

Sl. No.	Designation of the officer	Posts to be held in the Committee
1.	Sub-Divisional Officer	Chairperson
2.	BDO of Headquarter block or BDO as selected by SDO	Member Secretary
3.	SDPO in outlying subdivision or any Dy. Supdt. of Police in Sadar Sub-Division as nominated by Supdt. of Police of the District	Member
4.	BDOs(all) within the jurisdiction of the Sub-Division	Member
5.	Elected member of the State Legislative Assembly from the Sub-division	Member
6.	Sabhapati / Sahakari Sabhapati / Karmadhyakshya Nari-O-Sishu Unnayan Janakalyan O Tran Sthayee Samity, (any one from each of the Panchayat Samity within the jurisdiction of the sub-division as per sequential priority belonging to SC or ST).	Member
7.	Two non-official members belonging to the Scheduled Caste and the Scheduled Tribes.	Member
8.	Two members from the categories other than the Scheduled Castes and Scheduled Tribes having association with Non-Government Organizations.	Member
9.	Three Social workers nominated by Govt. of India	Member

Annexure to Memo No- 3200- BCW/MR-207/14 Date : 13/8/2015

**Ministry of Social Justice and Empowerment
(Department of Social Justice and Empowerment)**

NOTIFICATION

[F. No. 11012/2/2008-PCR (Desk)]
New Delhi, the 5th November, 2014

G.S.R. 774(E).—In exercise of the powers conferred by Sub-section (1) of Section 23 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), the Central Government hereby makes the following rules further to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, namely:-

1. (1) These rules may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2014
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (hereinafter referred to as the said rules) in rule 17, sub-rule (2A) shall be omitted.
3. In the said rules, in rule 17A,—(a) for sub-rule (2), the following sub-rule shall be substituted, namely—

“(2) The sub-division level vigilance and monitoring committee shall consist of members of State Legislative Assembly and State Legislative Council from the sub-division, elected members of Panchayati Raj Institutions belonging to the Scheduled Castes and the Scheduled Tribes, Deputy Superintendent of Police, Tehsildar, Block Development Officer, not more than two non-official members belonging to the Scheduled Castes and the Scheduled Tribes, and not more than two members from the categories other than the Scheduled Castes and the Scheduled Tribes having association with non-Government organisations.”;

(b) for sub-rule(3), the following sub-rule shall be substituted, namely:-

“(3) The Sub-Divisional Magistrate shall be the Chairperson and the Block Development Officer, the Member Secretary, respectively of the sub-division level vigilance and monitoring committee.”

(c) after sub-rule(3), the following sub-rule shall be inserted, namely:-

“(4) The sub-division level vigilance and monitoring committee shall meet at least once in three months.”

Sanjeev Kumar,

Joint Secretary

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, section 3, Subsections vide notification number G.S.R. 316(E), dated the 31st March, 1995 and lastly amended vide notification G.S.R. No. 416(E), dated the 23rd June, 2014.

Payment of Compensation to Migrated Victims of Atrocities

No. 3293-BCW

Date: 19.8.2015

From : Sri Atonu Chatterjee,
Special Secretary

To: SDO Durgapur.

Sub : Payment of compensation to victims of atrocities who have migrated to West Bengal- thereof.

Ref - 530/BCW/ DGP/2015 dated 12/8/2015.

Madam,

In response to your letter I am directed to intimate that since payment of compensation to victims of atrocities does not entail any benefits of reservation, a person migrating to West Bengal with a caste certificate issued from his/her state of origin can be paid compensation provided-

- 1) the incident has occurred within territorial limit of West Bengal and is registered in any of the police stations in the state and
- 2) the person does not claim similar benefit from the state of origin.

Yours faithfully,

Sd/-

Special Secretary

CHAPTER - II

Forest Rights Act

A. Act and Rules

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

New Delhi, the 2nd January, 2007/Pausa 12, 1928 (Saka)

The following Act of Parliament received the assent of the President on the 29th December, 2006, and is hereby published for general information.

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

No. 2 of 2007

[29th December, 2006]

An Act to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and the other traditional forest dwellers who have been residing in such forest for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

Whereas the recognized rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers ;

And Whereas the forest rights on ancestral lands and their habitat were not adequately recognized in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest ecosystem ;

And Whereas it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to State development interventions.

Be it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows :

CHAPTER-I

Preliminary

Short title and
commencement

1. (1) This Act may be called the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise require, -

- (a) **“Community forest resource”** means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access ;
- (b) **“Critical wildlife habitat”** means such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purpose of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert Committee, which includes experts from the locality appointed by the government wherein a representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of Section 4 :
- (c) **“forest dwelling Scheduled Tribes”** means the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests or forests or forest lands for bona fide livelihood needs and includes the Scheduled Tribe pastoralist communities;
- (d) **“forest land”** means land of any description falling within any forest area and includes unclassified forests, undemarcated forest, existing or

deemed forests, protected forests, reserved, Sanctuaries and National Parks;

- (e) **“forest rights”** means the forest rights referred to in Section 3;
- (f) **“forest villages”** means the settlements which have been established inside the forests by the forest department of any State Government for forestry operations or which were converted into forest villages the forest reservation process and includes forest settlement villages, fixed demand holdings, all types of *taungya* settlements, by whatever name called, for such villages and includes lands for cultivation and other uses permitted by the Government ;
- (g) **“Gram Sabha”** means a village assembly which shall consist of all adult members of a village and in case of States having no panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women.
- (h) **“habitat”** includes the area comprising the customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling Scheduled Tribes;
- (i) **“minor forest produce”** all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots tubers and the like;
- (j) **“nodal agency”** means the nodal agency specified in Section 11;
- (k) **“notification”** means a notification published in the Official Gazette;
- (l) **“prescribed”** means prescribed by rules made under this Act;
- (m) **“scheduled Areas”** means the Scheduled Areas referred to in clause (l) of Article 244 of the Constitution;
- (n) **“sustainable use”** shall have the same meaning as assigned to it in clause (o) of Section 2 of the Biological Diversity Act, 2002;
- (o) **“other traditional forest dweller”** means any member or community who has for at least three generations prior to the 13th day of December, 2005 primarily resided in and who depend on the forest or forests land for bona fide livelihood needs.

Explanation, - For the purpose of this clause, “generation” means a period comprising of twenty-five years;

- (p) **“Village”** means —

40 of 1996

- (i) a village referred to in clause (b) of Section 4 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 ; or
- (ii) any area referred to as a village in any state law relating to panchayats other than the Scheduled Areas ; or
- (iii) forest villages, old habitation or settlements and unsurveyed villages, whether notified as village or not ; or
- (iv) in the case of States where there are no Panchayats, the traditional village, by whatever name called ;

53 of 1972

- (q) **“wild animal”** means any species of animal specified in Scheduled 1 to IV of the Wild Life (Protection) Act, 1972 and found wild in nature.

CHAPTER II

Forest Right

3. (1) For the purpose of this Act, the following rights, which secured individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled tribes and other traditional forest dwellers on all forest lands, namely :
- Forest rights of
Forest dwelling
Scheduled Tribes
and other
traditional forest
dwellers
- (a) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or member of forest dwelling Scheduled Tribe or other traditional forest dwellers;
 - (b) community rights such as instar, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes
 - (c) right of a ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries ;
 - (d) other community right of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities ;
 - (e) rights including community tenures of habitation for primitive tribal groups and pre-agricultural communities;
 - (f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;
 - (g) rights for conversion of Pattas or leases or grants issued by any local authority or any State Government on forest lands to titles ;
 - (h) rights of settlement and conversion of all forest villages, old habitation unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages ;
 - (i) rights of protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use ;
 - (j) rights which are recognized under any state law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State :

- (k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity.
 - (l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;
 - (m) right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.
- (2) Notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely :
- (a) schools;
 - (b) dispensary or hospital;
 - (c) anganwadis;
 - (d) fair price shops;
 - (e) electric and telecommunication lines;
 - (f) tanks and other minor water bodies ;
 - (g) drinking water supply and water pipelines;
 - (h) water or rain water harvesting structures ;
 - (i) minor irrigation canals;
 - (j) non-conventional source of energy;
 - (k) skill upgradation or vocational training centers ;
 - (l) roads; and
 - (m) Community Centers ;

Provided that such diversion of forest land shall be allowed only if, -

- (i) the forest land to be diverted for the purposes mentioned in this sub-section is less than one hectare in each case ; and
- (ii) the clearance of such development projects shall be subjected to the condition that the same is recommended by the Gram Sabha.

CHAPTER - III

Recognition, Restoration and Vesting of Forest Right and Related Matters

4. (1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognizes and vests forest right in -
- Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers.
- (a) the forest dwelling Scheduled Tribes in State or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3 ;
 - (b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3 ;
- (2) The forest rights recognised under this Act in critical wildlife habitats of National Park and Sactuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely : -
- (a) the process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration.
 - (b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat ;
 - (c) the State Government has concluded that other reasonable option, such as, co-existence are not available;
 - (d) a resettlement or alternative package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;
 - (e) the free informed consent of the Gram Sabhas in the areas concerned

to the proposed resettlement and to the package has been obtained in writing;

- (f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package ;

Provided that critical wildlife habitats from which right holders are thus relocated for purpose of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.

- (3) The recognition and vesting of forest right under this Act to the forest dwelling Scheduled Tribes and to other traditional forest dwellers in relation to any state or union territory in respect of forest land and their habitat shall be subject to the condition that such Scheduled tribes or tribal communities or other traditional forest dwellers had occupied forest land before the 13th day of December, 2005.
 - (4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next-of-kin.
 - (5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forestland under his occupation till the recognition and verification procedure is complete.
 - (6) Where the forest recognised and vested by sub-section (1) are in respect of land mentioned in clause (a) of sub-section (1) of section 3 such land shall be under the occupation of an individual or family or community on the date of commencement of this Act and shall be restricted to the area under actual occupation and shall in no case exceed an area of four hectares.
 - (7) The forest rights shall be conferred free of all encumbrances as procedural requirements, including clearance under the Forest (Conservation) Act, 1980, requirement of paying the 'net present value' 'compensatory afforestation for diversion of forest land, except those specified in this Act.
 - (8) The forest rights recognised and vested under this Act shall include the right of land to forest dwelling Scheduled Tribes and other traditional forest dwellers who can establish that they were displaced from their dwelling and cultivation without land compensation due to State Development interventions, and where the land has not been used for the purpose for which it was acquired within five years of the said acquisition.
5. The holders of any forest right, Gram Sabha and village level institutions in

Duties of
holders of
forest right.

areas where there are holders of any forest right under this Act are empowered to -

- (a) protect the wild life, forest and bio-diversity ;
- (b) ensure that adjoining catchments area, water source and other ecological sensitive areas are adequately protected;
- (c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form destructive practices affecting their cultural and natural heritage;
- (d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resource and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

CHAPTER - IV

Authorities and Procedure for Vesting of Forest Rights

Authorities to
vest forest in
forest dwelling
Scheduled Tribes
and other
traditional forest
dwellers and
procedure
thereof

6. (1) The Gram Sabha shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both that may be given to the forest dwelling Scheduled Tribes and other traditional forest dwellers within the local limits of its jurisdiction under this Act by receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim in such manner as may be prescribed for exercise of such rights and the Gram Sabha shall, then, pass a resolution to that effect and thereafter forward a copy of the same to the Sub-Divisional Level Committee.

- (2) Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub-Divisional Level Committee constituted under sub-section (3) and the Sub-Divisional Level committee shall consider and dispose of such petition.

Provided that every such petition shall be preferred within sixty days from the date of passing of the resolution by the Gram Sabha.

Provided further that no such petition shall be disposed of against the aggrieved person, unless he has been given a reasonable opportunity to present his case.

- (3) The State Government shall constitute a Sub-Divisional Level Committee to examine resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee for a final decision.
- (4) Any person aggrieved by the decision of the Sub-Divisional Level Committee may prefer a petition to the District Level Committee within sixty days from the date of decision of the Sub-Divisional Level Committee and the District Level Committee shall consider and dispose of such petition :

Provided that no petition shall be preferred directly before the District Level Committee against the resolution of the Gram Sabha unless the same has been preferred before and considered by the Sub-Divisional Level Committee.

Provided further that no such petition shall be disposed of against the

aggrieved person, unless he has been given a reasonable opportunity to present his case.

- (5) The State Government shall constitute a District Level Committee to consider and finally approve the record of forest rights prepared by the Sub-Divisional Level Committee.
- (6) The decision of the District Level Committee on the record of forest rights shall be final and binding.
- (7) The State Government shall constitute a State Level Monitoring Committee to monitor the process of recognition and vesting of forest rights and to submit to the nodal agency such returns and reports as may be called for by that agency.
- (8) The Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee shall consist of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government and three members of the Panchayati Raj Institutions at the appropriate level, appointed by the respective Panchayati Raj Institutions, of whom two shall be the Scheduled Tribe members and at least one shall be a woman, as may be prescribed.

CHAPTER-V

Offences and Penalties

7. Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made thereunder concerning recognition of forest rights, it, or they shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees.

Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

8. No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee has not, proceeded against such authority.

CHAPTER - VI

Miscellaneous

45 to 1860

9. Every member of the authorities referred to in Chapter IV and every other officer exercising any of the powers conferred by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Member of authorities etc. to be public servants.

Protection of action taken in good faith.

10. (1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act.
- (2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.
- (3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, member, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

Nodal agency

11. The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorised by the Central Government in this behalf shall be the nodal agency for the implementation of the provisions of this Act.
12. In the performance of its duties and exercise of its powers by or under this Act, every authority referred in Chapter IV shall be subject to such general or special directions, as the Central Government may, from time to time, give in writing.

Power of Central Government to issue directions

13. Save as otherwise provided in this Act and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, the provisions of this Act shall be in addition to and not derogation of the provision of the provisions of any other law for the time being in force.

Act not in derogation of any other law.

14. (1) The Central Government may by notification and subject to the condition of previous publication, 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) Procedural details for implementation of the procedure specified in section 6;
- (b) The procedure for receiving claims, consolidating and verifying them and preparing a map delineating the area of each recommended claim for exercise of forest right under sub-section (1) of section 6 and the manner of preferring a petition to the Sub-Divisional Committee under sub-section (2) of that section.
- (c) The Level of officers of the departments of Revenue, Forest and Tribal Affairs of the State Government to be appointed as members of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee under sub-section (8) of section 6;
- (d) The composition and functions of the Sub-Divisional Level Committee, the District Level Committee and the State Level Monitoring Committee and the procedure to be followed by them in the discharge of their functions under sub-section (9) of section 6 ;
- (e) Any other matter which is required to be, or may be prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each house of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both house agree in making any modification in the rule or both houses agree that the rule should not to 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.

K. N. Chaturvedi

Secretary to the Government of India

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007.

MINISTRY OF TRIBAL AFFAIRS

NOTIFICATION

New Delhi, the 1st January, 2008

G.S.R. 1(E). –Whereas the draft Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 were published, as required by sub-section (10 of Scheduled Tribes and other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006(2 of 2007)) under the notification of the Government of India in the Ministry of Tribal Affairs number G.S.R. 437 (E), dated the 19 June, 2007 in the Gazette of India, Part II, Section 3, Sub-section (i) of the same date, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of forty-five days from the date on which the copies of the Gazette containing the said notification are made available to the public ;

And whereas copies of the said Gazette were made available to the public on 25-06-2007;

And whereas the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the Central Government hereby makes the following rules for recognizing and vesting the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers residing in such forests, namely : -

1. Short title, extent and commencement. –(1) These rules may be called **The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest rights) Rules, 2007.**

(2) They shall extend to the whole of India except the State of Jammu and Kashmir.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. –(1) In these rules, unless the context otherwise requires, –

(a) “Act” means the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);

(b) “bonafide livelihood needs” means fulfillment of sustenance needs of self and family through production or sale of produce resulting from self-cultivation of forest land as provided under clauses (a), (c) and (d) of sub-section (1) of section 3 of the Act;

- (c) "claimant" means an individual, group of individuals, family or community making a claim for recognition and vesting of rights listed in the Act;
- (d) "disposal or minor forest produce" under clause (c) of sub-section (1) of section 3 of the Act shall include local level processing, value addition, transportation in forest area through head-loads, bicycle and handcarts for use of such produce or sale by the gatherer or the community for livelihood;
- (e) "Forest Rights Committee" means a committee constituted by the Gram Sabha under rule 3.
- (f) "section" means the section of the Act;

(2) The words and expression used and not defined in these rules but define in the Act, shall have the meanings respectively assigned to them in the Act.

3. Gram Sabha. -(1) The Gram Sabha shall be convened by the Gram Panchayat and in its first meeting it shall elect from amongst its members, a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee, where in at least one-third members shall be the Scheduled Tribes :

Provided that not less than one-third of such members shall be women:

Provided further that where there are no Scheduled Tribes, at least one-third of such members shall be women.

(2) The Forest Rights committee shall decide on a chairperson and a secretary and intimate it to the Sub-divisional Level Committee.

(3) When a member of the Forest Rights committee is also a claimant of individual forest right, he shall inform the Committee and shall not participate in the verification proceedings when his claim is considered.

4. Functions of the Gram Sabha. —(1) The Gram Sabha shall :

- (a) Initiate the process of determining the nature and extent of Forest Rights, receive and hear the claims relating thereto;
- (b) prepare a list of claimants of forest rights and maintain a register containing such details of claimants and their claims as the Central Government may by order determine ;
- (c) Pass a resolution and claims on forest rights after giving reasonable opportunity to interested persons and authorities concerned and forward the same to the Sub-Divisional Level Committee;
- (d) Consider resettlement packages under clause (e) of Sub-section (2) of section 4 of the Act and pass appropriate resolutions; and
- (e) Constitute Committee for the protection of wildlife, forest and biodiversity , from amongst its members, in order to carry out the provisions of section 5 of the Act.

(2) The quorum of the Gram Sabha meeting shall be not less than two-thirds of all members of such Gram Sabha:

Provided that where there is a heterogeneous population of Scheduled Tribes and non Scheduled Tribes in any village, the members of the Scheduled Tribe, Primitive Tribal Groups (PTGs) and pre-agricultural communities shall be adequately represented.

(3) The Gram Sabha shall be provided with the necessary assistance by the authorities in the State.

5. Sub-Divisional Level Committee—The State Government shall constitute Sub-Divisional Level Committee with the following members, namely –

- (a) Sub-Divisional Officer or equivalent officer —Chairperson ;
- (b) Forest Officer in charge of a Sub-division or equivalent officer –member;
- (c) Three members of the Block or Tahsil level Panchayats to be nominated by the District Panchayat of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belong to the primitive tribal groups and where there are no Scheduled Tribes, two members who are preferably other traditional forest dwellers, and one shall be a woman member, or in areas covered under the sixth Schedule to the Constitution, three members nominated by the Autonomous District Council or Regional Council or other appropriate zonal level, of whom at least one shall be a woman member; and
- (d) An officer of the Tribal Welfare Department in-charge of the Sub-division or where such officer is not available the officer in-charge of the tribal affairs.

6. Functions of the Sub-Divisional Level Committee—The Sub-Divisional Level Committee (SDLC) shall-

- (a) provide information to each Gram Sabha about their duties and duties of holder of forest rights and others towards protection of wildlife, forest and biodiversity with reference to critical flora and fauna which need to be conserved and protected;
- (b) provide forest and revenue maps and electoral rolls to the Gram Sabha or the Forest Rights Committee;
- (c) collate all the resolutions of the concerned Gram Sabha;
- (d) consolidate maps and details provided by the Gram Sabha;
- (e) examine the resolutions and the maps of the Gram Sabhas to ascertain the veracity of the claims;
- (f) hear and adjudicate disputes between Gram Sabhas on the nature and extent of any forest rights;
- (g) hear petitions from persons, including State agencies, aggrieved by the resolutions of the Gram Sabhas ;

- (h) co-ordinate with other sub-divisional level committees for inter sub-divisional claims;
- (i) prepare block or tahsil -wise draft record of proposed forest rights after reconciliation of Govt. Records ;
- (j) forward the claims with the draft record of proposed forest rights through the Sub-Divisional Officer to the District Level Committee for final decision.
- (k) raise awareness among forest dwellers about the objectives and procedures laid down under the Act and in the rules ;
- (l) ensure easy and free availability of proforma of claims to the claimants as provided in Annexure -I (Forms A and B) of these rules;
- (m) ensure that the Gram Sabha meetings are conducted in free, open and fair manner with requisite quorum.

7. District Level Committee—The State Government shall constitute District Level Committee (DLC) with the following members, namely: -

- (a) District Collector or Deputy Commissioner-Chairperson;
- (b) concerned Divisional Forest Officer or concerned Deputy Conservator of Forest-member;
- (c) three members of the district Panchayat to be nominated by the District Panchayat, of whom at least two shall be the Scheduled Tribes preferably those who are forest dwellers, or who belongs to members of the primitive tribal groups, and where there are no Scheduled Tribes, two members who are preferably other traditional Forest Dwellers, and one shall be a woman member, or in areas covered under the Sixth Schedule to the Constitution, three members nominated by the autonomous District Council or Regional Council of whom at least one shall be a women member; and
- (d) an officer of the Tribal Welfare Department in-charge of the district or where such officer is not available, the officer in-charge of the tribal affairs.

8. Functions of District Level Committee—The District Level Committee shall —

- (a) ensure that the requisite information under clause (b) of rule 6 has been provided to Gram Sabha or Forest Rights Committee ;
- (b) examine whether all claims, especially those of primitive tribal groups, pastoralists and nomadic tribes, have been addressed keeping in mind the objectives of the Act;
- (c) consider and finally approve the claims and record of forest rights prepared by the Sub-Divisional Level Committee;
- (d) hear petitions from persons aggrieved by the orders of the Sub-Divisional Level Committee;
- (e) co-ordinate with other districts regarding inter-district claims;

- (f) issue directions for incorporations of the forest rights in the relevant government records including record of rights.
- (g) ensure publication of the record of forest rights as may be finalized; and
- (h) ensure that a certified copy of the record of forest rights and title under the act, as specified in annexures II & III to this rules, is provided to the concerned claimant and the Gram Sabha respectively ;

9. State Level Monitoring Committee—The State Government shall constitute a State Level Monitoring Committee with the following members, namely :

- (a) Chief Secretary — Chairperson;
- (b) Secretary, Revenue Department — member;
- (c) Secretary, Tribal or Social Welfare Department — member;
- (d) Secretary, Forest Department — member;
- (e) Secretary, Panchayati Raj — member;
- (f) Principal Chief Conservator of Forests — member;
- (g) three Scheduled Tribes member of the Tribes Advisory Council, to be nominated by the Chairperson of the Tribes Advisory Council and where there is no Tribes Advisory Council, three Scheduled Tribes members to be nominated by the State Government ;
- (h) Commissioner, Tribal Welfare or equivalent who shall be the Member Secretary.

10. Functions of the State Level Monitoring Committee — The State Level Monitoring Committee shall —

- (a) devise criteria and indicators for monitoring the process of recognition and vesting of forest rights;
- (b) monitor the process or recognition, verification and vesting of forest rights in the State :
- (c) furnish a six monthly report on the process of recognition, verification and vesting of forest rights and submit to the nodal agency such returns and reports as may be called for by the nodal agency ;
- (d) on receipt of a notice as mentioned in section 8 of the act, take appropriate actions against the concerned authorities under the Act;
- (e) monitor resettlement under sub-section (2) of section 4 of the Act.

11. Procedure of filling, determination and verification of claims by the Gram Sabha.

—(1) The Gram Sabha shall —

- (a) call for claims and authorize the Forest Rights Committee to accept the claims in the

form as provided in Annexure -I of these rules and such claims shall be made within a period of three months from the date of such calling of claims along with at least two of the evidences mentioned in rule 13, shall be made within a period of three months :

Provided that the Gram Sabha may, if consider necessary, extend such period of three months after recording the reasons thereof in writing.

(b) fix a date for initiation the process of determination of its community forest resource and intimate the same to the adjoining Gram Sabhas where there are substantial overlaps, and the Sub-Divisional Level Committee.

(2) The Forest Rights Committee shall assist the Gram Sabha in its functions to-

- (i) receive, acknowledge and retain the claims in the specified form and evidence in support of such claims;
- (ii) prepare the record of claims and evidence including maps;
- (iii) prepare a list of claimants on forest rights ;
- (iv) verify claims as provided in these rules;
- (v) present their findings on the nature and extent of the claim before the Gram Sabha for its consideration.

(3) Every claim received shall be duly acknowledged in writing by the Forest Rights Committee.

(4) The Forest Rights Committee shall also prepare the claims on behalf of Gram Sabha for community forest rights in Form B as provided in Annexure I of these Rules.

(5) The Gram Sabha shall on receipt of the findings under clause (v) of sub-rule (2), meet with prior notice, to consider the findings of the Forest Rights Committee, pass appropriate resolutions, and shall forward the same to the Sub-Divisional Level Committee.

(6) The Secretary of Gram Panchayat will also act as Secretary to the Gram Sabhas in discharge of its functions.

12. Process of verifying claims by Forest Rights Committee —(1) The Forest Rights Committee shall, after due intimation to the concerned claimant and the Forest Department—

- (a) visit the site and physically verify the nature and extent of the claim and evidence on the site ;
- (b) receive any further evidence or record from the claimant and witnesses;
- (c) ensure that the claim from pastoralists and nomadic tribes for determination of their rights, which may either be through individual members, the community or traditional community institution, are verified at a time when such individuals, communities or their representatives are present.
- (d) ensure that the claim from member of a primitive tribal group or pre-agricultural

community for determination of their right to habitat, which may either be through their community or traditional community institution, are verified when such communities or their representatives are present; and

(e) prepare a map delineating the area of each claim indicating recognizable landmarks.

(2) The Forest Rights Committee shall then record its findings on the claim and present the same to the Gram Sabha for its consideration.

(3) If there are conflicting claims in respect of the traditional or customary boundaries of another village or if a forest area is used by more than one Gram Sabha, the Forest Rights Committees of the respective Gram Sabhas shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective Gram Sabhas in writing:

provided that if the Gram Sabhas are not able to resolve the conflicting claims, it shall be referred by the Gram Sabha to the Sub-Divisional Level Committee for its resolution.

(4) On a written request of the Gram Sabha or the Forest Rights Committee for information, records or documents, the concerned authorities shall provide an authenticated copy of the same to the Gram Sabha or Forest Rights Committee, as the case may be, and facilitate its clarification, if required, through an authorized officer.

13. Evidence for determination of forest rights. —(1) The evidence for recognition and vesting of forest rights shall, inter alia, include

- (a) public documents, Government records such as Gazetteers, Census, survey and settlement reports, maps, satellite imagery, working plans, management plans, micro -plans, forest enquiry reports, other forest records, record of rights by whatever name called, pattas or leases, reports of committees and commissions constituted by the Government, Government orders, notifications, circulars, resolutions;
- (b) Government authorized documents such as voter identity card, ration card, passport, house tax receipts, domicile certificates ;
- (c) physical attributes such as house, huts and permanent improvements made to land including leveling, bounds, check dams and the like;
- (d) quasi-judicial and judicial records including court orders and judgments;
- (c) research studies, documentation of customs and traditions that illustrate the enjoyment of any forest rights and having the force of customary law, by reputed institutions, such as Anthropological Survey of India;
- (f) any record including maps, record of rights, privileges, concessions, favours, from erstwhile princely States or provinces or other such intermediaries;
- (g) traditional structures establishing antiquity such as wells, burial grounds, sacred places;

(h) genealogy tracing ancestry to individuals mentioned in earlier land records or recognized as having been legitimate resident of the village at an earlier period of time;

(i) statement of elders other than claimants, reduced in writing.

(2) An evidence for Community Forest Rights shall, *inter alia*, include—

(a) community rights such as *nistar* by whatever name called;

(b) traditional grazing grounds; areas for collection of roots and tubers, fodder, wild edible fruits and other minor forest produce; fishing grounds; irrigation systems; sources of water for human or livestock use, medicinal plant collection territories of herbal practitioners;

(c) remnants of structures built by the local community, sacred trees, groves and ponds or riverine areas, burial or cremation grounds;

(3) The Gram Sabha, the Sub-Divisional Level Committee and the District Level Committee shall consider more than one of the above-mentioned evidences in determining the forest rights.

14. Petitions to Sub-Divisional Level Committee —(1) Any person aggrieved by the resolution of the Gram Sabha may within a period of sixty days from the date of the resolution file a petition to the sub-Divisional Level Committee.

(2) The Sub -Divisional Level Committee shall fix a date for the hearing and intimate the petitioner and the concerned Gram Sabha in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for the hearing.

(3) The Sub-Divisional Level Committee may either allow or reject or refer the petition to concerned Gram Sabha for its reconsideration.

(4) After receipt of such reference, the Gram Sabha shall meet within a period of thirty days, hear the petitioner pass a resolution on that reference and forward the same to the Sub-Divisional Level Committee.

(5) The Sub-Divisional Level Committee shall consider the resolution of the Gram Sabha and pass appropriate orders, either accepting or rejection of the petition.

(6) Without prejudice to the pending petitions, Sub-Divisional Level Committee shall examine and collate the records of forest rights of the other claimants and submit the same through the concerned Sub-Divisional Officer to the District Level Committee.

(7) In case of dispute between two or more Gram Sabhas and on an application of any of the Gram Sabhas or the Sub-Divisional Level Committee on its own, shall call for a joint meeting of the concerned Gram Sabhas with a view to resolving the dispute and if no mutually agreed solution can be reached within a period of thirty days, the Sub-Divisional Level

Committee shall decide the dispute after hearing the concerned Gram Sabhas and pass appropriate orders.

15. Petitions to District Level Committee—

(1) Any person aggrieved by the decision of the Sub-Divisional Level Committee may within a period of sixty days from the date of the decision of the Sub-Divisional Level Committee file a petition to the District level Committee.

(2) The District Level Committee shall fix a date for the hearing and intimate the petitions and concerned Sub-Divisional Level Committee in writing as well as through a notice at a convenient public place in the village of the petitioner at least fifteen days prior to the date fixed for hearing

(3) The District Level Committee may either allow or reject or refer the petition to concerned Sub-Divisional Level Committee for its reconsideration.

(4) After receipt of such reference, the Sub-Divisional Level Committee shall hear the petitioner and the Gram Sabha and take a decision on that reference and intimate the same to the District Level Committee.

(5) The District Level Committee shall then consider the petition and pass appropriate orders, either accepting or rejecting the petition.

(6) The District Level Committee shall send the record of forest rights of the claimant or claimants to the District Collector or District Commissioner for necessary correction in the records of the Government.

(7) In case there is a discrepancy between orders of two or more Sub-Divisional Level Committees, the District Level Committee on its own, shall call for a joint meeting of the concerned Sub-Divisional Level Committees with a view to reconcile the differences and if no mutually agreed solution can be reached, the District Level Committee shall adjudicate the dispute after hearing the concerned Sub -Divisional Level Committees and pass appropriate orders.

[F. No. 17014/2/2007 PC & V (Vol. VII)]

Dr. Bachittar Singh

Joint Secretary

ANNEXURE - 1

[See rule 6(1)]

FORM -A

CLAIM FORM FOR RIGHTS TO FOREST LAND

[See rule 11 (1) (a)]

1. Name of the claimant (s) :
2. Name of the spouse :
3. Name of father/mother :
4. Address :
5. Village :
6. Gram Panchyat :
7. Tehsil/Taluka :
8. District :
9. (a) Scheduled Tribe : Yes / No.
(Attach authenticated copy of Certificate)
(b) Other Traditional Forest Dweller : Yes / No.
(If a spouse is a Scheduled Tribe (attach authenticated copy of certificate)
10. Name of other members in the family with age :
(including children and adult dependents)

Name of claim on land :

1. Extent of forest land occupied
(a) for habitation
(b) for self-cultivation, if any :
[See Section 3(1) (a) of the Act]
2. Disputed lands if any :
[See Section 3(1) (f) of the Act]
3. Pattas/ leases/ grants, if any :
[See Section 3(1) (g) of the Act]
4. Land for *in situ* rehabilitation or alternative land, if any :
[See Section 3(1) (m) of the Act]
5. Land from where displaced without land compensation :
[See Section 4(8) of the Act]
6. Extent of land in forest villages, if any :
[See Section 3(1)(h) of the Act]
7. Any other traditional right, if any :
[See Section 3(1) (i) of the Act]
8. Evidence in support:
(See Rule 13)
9. Any other information :

.....
*Signature / Thumb Impression
of the Claimants*

FORM-B**CLAIM FORM FOR COMMUNITY RIGHTS****[See Rule 11 (1) (a) and (4)]**

1. Name of the claimant (s) :
 - a. FDST community : Yes / No
 - b. OTFD community : Yes / No
2. Village :
3. Gram Panchayat :
4. Tehsil/Taluka :
5. District :

Nature of community rights enjoyed :

1. Community rights such as *nistar*, if any :
[See Section 3(1) (b) of the Act]
2. Rights over minor forest produce, if any :
[See Section 3(1) (c) of the Act]
3. Community rights :
 - a. uses or entitlements (fish, water bodies), if any:
 - b. Grazing if any:
 - c. Traditional resource access for nomadic and pastoralist, if any :
[See Section 3(1)(g) of the Act]
4. Community tenures of habitat and habitation
for PTGs and pre-agricultural communities, if any:
[See Section 3(1) (e) of the Act]
5. Right to access biodiversity, intellectual
Property and traditional knowledge, if any :
[See Section 3(1)(k) of the Act]
6. Other traditional right, if any :
[See Section 3(1) (i) of the Act]
7. Evidence in support :
(See Rule 13)
8. Any other information :

.....
*Signature / Thumb Impression
 of the Claimant(s)*

ANNEXURE - II

[See Rule 8(h)]

TITLE FOR FOREST LAND UNDER OCCUPATION

1. Name (s) of holder(s) of forest rights (including spouse) :
2. Name of the father/mother:
3. Name of dependants:
4. Address :
5. Village/Gram Sabha :
6. Gram Panchayat :
7. Tehsil/Taluka :
8. District :
9. Whether Scheduled Tribe or Other Traditional Forest Dweller :
10. Area :
11. Description of boundaries by prominent
Landmarks including khasra/compartment No. :

This title is heritable, but not alienable or transferable under Sub-section (4) of Section 4 of the Act.

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State)affix our signature to confirm the above forest right.

Divisional Forest Officer
Deputy Conservator of Forests

District Tribal Welfare Officer

District Collector / Deputy Commissioner

ANNEXURE - III

[See Rule 8(h)]

TITLE TO COMMUNITY FOREST RIGHTS

1. Name (s) of the holder(s) of community forest right :
2. Village/Gram Sabha :
3. Gram Panchayat:
4. Tehsil/Taluka:
5. District :
6. Scheduled Tribe or Other Traditional Forest Dweller:
7. Nature of community rights:
8. Conditions if any :
9. Description of boundaries including
Customary boundary and/or by prominent
Landmarks including khasra/compartament No :

Name(s) of the holder(s) of community forest right :

1.
2.
3.

We, the undersigned, hereby, for and on behalf of the Government of (Name of the State).....affix our signature to confirm the forest right as mentioned in the Title to the above mentioned holders of community forest rights.

Divisional Forest Officer
Deputy Conservator of Forests

District Tribal Welfare Officer

District Collector / Deputy Commissioner

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012

Ministry of Tribal Affairs

NOTIFICATION

New Delhi, the 6th September, 2012

G.S.R. 669(E)—WHEREAS the draft of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 were published, as required by sub-section (1) of section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) under the notification of the Government of India in the Ministry of Tribal Affairs number G.S.R.578(E), dated the 19th July, 2012 in the Gazette of India, Part II, Section 3, sub-section (i) of the same date, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which the copies of the Gazette containing the said notification are made available to the public;

And Whereas the copies of the said Gazette were made available to the public as on July 20, 2012.

And Whereas the objections and suggestions received from the public in respect of the said draft amendment rules have been duly considered by the Central Government;

Now, Therefore, in exercise of the powers conferred by sub-sections (1) and (2) of Section 14 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the Central Government hereby makes the following rules to amend the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, namely:-

1. (1) These rules may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 (hereinafter referred to as the said rules), in rule 2, sub-rule (1), :-
 - (i) for clause (b), the following clause shall be substituted, namely :-
 - (b) "bona fide livelihood needs" means fulfilment of livelihood needs of self and family through exercise of any of the rights specified in sub-section (1) of section 3 of the Act and includes sale of surplus produce arising out of exercise of such rights;

- (ii) after clause (c), the following clauses shall be inserted namely:-
 - (ca) "community rights" means the right listed in clauses (b), (c), (d), (e), (h), (i), (j), (k) and (l) of sub-section (1) of section 3 :
- (iii) for clause (d), the following clause shall be substituted, namely :-
 - '(d) "disposal of minor forest produce" under clause (c) of sub-section (1) of section 3 shall include right to sell as well as individual or collective processing, storage, value addition, transportation within and outside forest area through appropriate means of transport for use of such produce or sale by gatherers or their cooperatives or associations or federations for livelihood.

Explanation : (1) The transit permit regime in relation to transportation of minor forest produce shall be modified and given by the Committee constituted under clause (e) of sub-rule (1) of rule 4 or the person authorised by the Gram Sabha,

- (2) This procedural requirement of transit permit in no way shall restrict or abridge the right to disposal of minor forest produce,
 - (3) The collection of minor forest produce shall be free of all royalties or fees or any other charges,
3. In the said rules, after rule 2, the following rule shall be inserted, namely:-

"2A. Identification of hamlets or settlements and process of their consolidation -

The State Government shall ensure that,-

- (a) every panchayat, within its boundaries, prepares a list of group of hamlets or habitations, unrecorded or unsurveyed settlements or forest villages or taungya villages, formally not part of any Revenue or Forest village record and have this list passed by convening Gram Sabha of each such habitation, hamlets or habitations included as villages for the purpose of the Act through a resolution in the Panchayat and submit such list to Sub Division Level Committee.
- (b) the Sub-Divisional Officers of the Sub Division Level Committee consolidate the lists of hamlets and habitations which at present are not part of any village but have been included as village within the Panchayat through a resolution, and are formalised as village either by adding to the existing village or otherwise after following the process as provided in the relevant State laws and that the lists are finalised by the District Level Committee after considering public comments, if any.
- (c) on finalisation of the lists of hamlets and habitations, the process of recognition and vesting of rights in these hamlets and habitations is undertaken without disturbing any rights, already recognized".

4. In the said rule 3, :-

- (a) in sub-rule (1) for the words "at least one-third members shall be the Scheduled Tribes", the words "at least two-third members shall be the Scheduled Tribes" shall be substituted:

present during the verification of the claims and the verification of evidences on the site and shall sign in proceedings with their designation, date and comments, if any.

- (2) If any objections are made by the Forest or Revenue departments at a later date to a claim approved by the Gram Sabha, for the reason that their representatives were absent during field verification, the claim shall be remanded to the Gram Sabha for re-verification by the committee where objection has been raised and if the representatives again fail to attend the verification process, the Gram Sabha's decision on the field verification shall be final.
- (3) In the event of modification or rejection of a claim by the Gram Sabha or a recommendation for modification or rejection of a claim forwarded by the Sub-Divisional Level Committee to the District Level Committee, such decision or recommendation on the claim shall be communicated in person to the claimant to enable him to prefer a petition to the Sub-Divisional Level Committee or District Level Committee as the case may be, within a period of sixty days which shall be extendable to a period of thirty days at the discretion of the above said committees.
- (4) If any other state agency desires to object to a decision of the Gram Sabha or the Sub-Divisional Level Committee, it shall file an appeal before the Sub-Divisional Level Committee or the District Level Committee, as the case may be, which shall be decided by the Committee (in the absence of the representative of the concerned agency, if any) after hearing the claimant.
- (5) No petition of the aggrieved person shall be disposed of, unless he has been given a reasonable opportunity to present anything in support of his claim.
- (6) The Sub-Divisional Level Committee or the District Level Committee shall remand the claim to the Gram Sabha for re-consideration instead of modifying or rejecting the same, in case the resolution or the recommendation of the Gram Sabha is found to be incomplete or prima-facie requires additional examination.
- (7) In cases where the resolution passed by the Gram Sabha, recommending a claim, with supporting documents and evidence, is upheld by the Sub-Divisional Level Committee with or without modifications, but the same is not approved by the District Level Committee, the District Level Committee shall record detailed reasons for not accepting the recommendations of the Gram Sabha or the Sub-Divisional Level Committee as the case may be, in writing, and a copy of the order of the District Level Committee along with the reasons shall be made available to the claimant or the Gram Sabha or the Community as the case may be.

- (8) The land rights for self-cultivation recognised under clause (a) sub-section (1) of section 3 shall be, within the specified limit, including the forest lands used for allied activities ancillary to cultivation, such as, for keeping cattle, for winnowing and other post-harvest activities, rotational fallows, tree crops and storage of produce.
- (9) On completion of the process of settlement of rights and issue of titles as specified in Annexure II, III and IV of these rules, the Revenue and the Forest departments shall prepare a final map of the forest land so vested and the concerned authorities shall incorporate the forest rights so vested in the revenue and forest records, as the case may be, within the specified period of record updating under the relevant State laws or within a period of three months, whichever is earlier.
- (10) All decisions of the Sub-Divisional Level Committee and District Level Committee that involve modification or rejection of a Gram Sabha resolution or recommendation of the Sub Divisional Level Committee shall give detailed reasons for such modification or rejection, as the case may be:

Provided that no recommendation or rejection of claims shall be merely on any technical or procedural grounds :

Provided further that no committee (except the Gram Sabha or the Forest Rights Committee) at the Block or Panchayat or forest beat or range level, or any individual officer of any rank shall be empowered to receive claims or reject, modify, or decide any claim on forest rights.
- (11) The Sub-Divisional Level Committee or the District Level Committee shall consider the evidence specified in rule 13 while deciding the claims and shall not insist upon any particular form of documentary evidence for consideration of a claim.

Explanation : 1. Fine receipts, encroacher lists, primary offence reports, forest settlement reports, and similar documentation by whatever name called, arisen during prior official exercise, or the lack thereof, shall not be the sole basis for rejection of any claim.

2. The satellite imagery and other uses of technology may supplement other form of evidence and shall not be treated as a replacement.

12 B. Process of Recognition of Community Rights :

- (1) The District Level Committee shall, in view of the differential vulnerability of Particularly Vulnerable Tribal Groups as described in clause (e) of sub-section (i) of section 3 amongst the forest dwellers, ensure that all Particularly Vulnerable Tribal Groups receive habitat rights, in consultation with the concerned traditional institutions of Particularly Vulnerable Tribal Groups and

their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary by recognizing floating nature of their Gram Sabhas.

- (2) The District Level Committee shall facilitate the filing of claims by pastoralists, transhumant and nomadic communities as described in clause (d) of sub-section (i) of section 3 before the concerned Gram Sabhas.
- (3) The District Level Committee shall ensure that the forest rights under clause (i) of sub-section (1) of section 3 relating to protection, regeneration or conservation or management of any community forest resource, which forest dwellers might have traditionally been protecting and conserving for sustainable use, are recognized in all villages with forest dwellers and the titles are issued.
- (4) In case where no community forest resource rights are recognized in a village, the reasons for the same shall be recorded by the Secretary of the District Level Committee.
- (5) The conversion of forest villages, unrecorded settlement under clause (h) of section 3 shall include the actual land-use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities and public spaces."

12. In rule 13 of the said rules, in sub-rule (2),—

- (i) for the words "Community Forest Rights" the words "Community Forest Resource" shall be substituted.
- (ii) after clause (c) the following clauses shall be inserted, namely:-
 - (d) government records or earlier classification of current reserve forest as protected forest or as gochar or other village common lands, nistari forests;
 - (e) "earlier or current practice of traditional agriculture."

13. After rule 15 of the said rules, the following rule shall be inserted, namely:-

"16. Post Claim support and handholding to holders of forest rights :

The State Government shall ensure through its departments especially tribal and social welfare, environment and forest, revenue, rural development, panchayati raj and other departments relevant to upliftment of forest dwelling scheduled tribes and other traditional forest dwellers, that all government schemes including those relating to land improvement, land productivity, basic amenities and other livelihood measures are provided to such claimants and communities whose rights have been recognized and vested under the Act.

14. In the said rules, in Annexure-I, after Form B, the following Form shall be inserted, namely :-

FORM-C**CLAIM FORM FOR RIGHTS TO COMMUNITY FOREST RESOURCE****[See section 3 (1) (i) of the Act and rule 11(1) and 4(a)]**

1. Village / Gram Sabha :

2. Gram Panchayat :

3. Tehsil / Taluka :

4. District :

5. Name(s) of members of the gram sabha [Attach as separate sheet, with status of Scheduled Tribe/Other Traditional Forest Dwellers indicated next to each member].
Presence of few Scheduled Tribes/Other Traditional forest Dwellers is sufficient to make the claim.

We, the undersigned residents of this Gram Sabha hereby resolve that the area detailed below and in the attached map comprises our Community Forest Resource over which we are claiming recognition of our forest rights under section 3 (1) (i)

[Attach a map of the community forest resource, showing location, landmarks within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities to which the community had traditional access and which they have been traditionally protecting, regenerating, conserving and managing for sustainable use. Please note that this need not correspond to existing legal boundaries.)

6. Khasra/Compartment No.(s), if any and if known :

7. Bordering Villages :

(i)

(ii)

(iii)

(This may also include information regarding sharing of resources and responsibilities with any other villages.)

8. List of Evidence in Support (Please see Rule 13)

Signature/Thumb impression of the Claimant(s) :

ANNEXURE - IV

TITLE TO COMMUNITY FOREST RESOURCES

[See rule 8 (i)]

1. Village/Gram Sabha :
2. Gram Panchayat :
3. Tehsil/Taluka :
4. District :
5. Scheduled Tribe/Other Traditional Forest Dweller / Scheduled Tribes community/
Other Traditional Forest Dwellers community/Both
6. Description of boundaries including customary boundary, by prominent landmarks,
and by khasra/compartment No :

Within the said area, this community has the right to protect, regenerate or conserve or manage, and this (to be named) community forest resources which they have been traditionally protecting and conserving for sustainable use as per section 3 (1) (i) of the Act. No conditions are being imposed on this right other than those in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act and the Rules framed thereunder.

We, the undersigned, hereby, for and on behalf of the Government affix our signatures to confirm the community forest resource (to be named and specified in extent, quantum, area, whichever is applicable) as mentioned in the Title to the above mentioned gram sabha/community(ies).

(Divisional Forest Officer/
Deputy Conservator of Forests)

(District Tribal Welfare Officer)

(District Collector/Deputy Commissioner)"

ANNEXURE – V

[F. No. 23011/32/2010-(Vol.II)]

Format for furnishing quarterly report**[See Rule 10 (c)]**

1.	Name of State	
2.	Status of Claims	
a)	<i>Individual Rights</i>	
	● Filed	
	● Accepted	
	● Rejected	
	● Pending	
	● Reasons for rejection with examples	
	● Corrective measures suggested	
	● Any other observations	
	● Extent of forest land covered (in Ha.)	
	● Status of updation of forest and revenue records under section 3(1)(a) of the Act (in Ha.)	
b)	<i>Community Forest Rights</i>	
	● Filed	
	● Accepted	
	● Rejected	
	● Pending	
	● Extent of forest land covered	
	● Status of updation of forest and revenue record under Section 3(1) (b) to 3(1) in Ha.)	
	● Reasons for rejections with example	
	● Corrective measures suggested	
	● Any other observations	

c)	Details of Community Forest	
	Resource being managed and by whom	
d)	Good Practices (if any)	
e)	Area diverted under section 3(2) of the Act (in Ha.)	
f)	Any other Remarks	

(Chairman)
State Level Monitoring Committee

(Member Secretary)
State Level Monitoring Committee

Dr. Sadhana Rout,
Joint Secretary

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1(E), dated the 1st January, 2008.

CHAPTER III

Corporations under BCW/ TD Departments

A. Acts / Rules / Bye-Laws

The West Bengal Scheduled Castes Development and Finance Corporation Act, 1976

NOTIFICATION

No. 2350-L 23rd July, 1976

The following Act of the West Bengal Legislature, having been assented to by the President, is hereby published for general information :—

West Bengal Act XXXIX of 1976

THE WEST BENGAL SCHEDULED CASTES DEVELOPMENT AND FINANCE CORPORATION ACT, 1976.

[Passed by the West Bengal Legislature]

[Assent of the President was first published in the Calcutta Gazette, Extraordinary of the 23rd July, 1976]

An Act to establish a Scheduled Castes Development and Finance Corporation in West Bengal.

Whereas it is expedient to provide for the establishment of a Scheduled Castes Development and Finance Corporation in West Bengal :

It is hereby enacted in the Twenty-seventh Year of the Republic of India, by the Legislature of West Bengal, as follows :—

- | | |
|---------------------------|---|
| Short title | 1. (1) This Act may be called the West Bengal Scheduled Castes Development and Finance Corporation Act, 1976. |
| Extent and common content | (2) It extends to the whole of West Bengal. |
| Definitions | (3) It shall come into force from the date as the State Government may, by notification in the Official Gazette, appoint. |
| | 2. In this Act, unless there is anything repugnant in the subject or context— |
| | (a) "The Corporation" means the Scheduled Castes Development and Finance Corporation established under section 3; |
| | (b) "marketing" includes all activities in connection with the transport, grading, pooling marketing and sale of industrial produce, whether in the primary form or in semi-processed or processed form : |

- (c) "prescribed" means prescribed by rules made under this Act :
- (d) "Scheduled Castes" means such castes, races or tribes or parts of or groups within such castes, races or tribes as are specified from time to time by notification under article 341 of the Constitution of India;
- (e) "traditional occupation" means caste-based occupations such as those followed by the Muchis, Doms, Dhobas, Jalias, Mals, etc.

Incorporation

- 3. (1) The State Government may, by notification in the *Official Gazette*, establish a Scheduled Castes Development and Finance Corporation for West Bengal.

- (2) The Corporation shall be a body corporate by the name notified under sub-section (1) and having perpetual succession and a common seal and shall by the said name and sue and be sued.

Constitution of the Corporation.

- (4) (1) The Corporation shall consist of the following members, namely:—
 - (a) the Secretary, Department of Agriculture and Community Development, Government of West Bengal, *ex-officio* :
 - (b) the Secretary, Department of Animal Husbandry and Veterinary Services, Government of West Bengal, *ex-officio*;
 - (c) the Secretary, Department of Co-operation, Government of West Bengal, *ex-officio*;
 - (d) the Secretary, Department of Cottage and Small-Scale Industries, Government of West Bengal, *ex-officio* :
 - (e) the Secretary, Department of Forests, Government of West Bengal, *ex-officio* :
 - (f) the Chairman of the West Bengal *Khadi* and Village Industries Board established under section 3 of the West Bengal *Khadi* and Village Industries Board Act, 1959, *ex-officio* :
 - (g) such number of members not exceeding ten but not less than five, as the State Government may, by notification in the *Official Gazette*, appoint :

Provided that at least five members of the Corporation shall be from amongst the members of the Scheduled Caste.

- (2) The State Government shall appoint one of the members as the Chairman and may, if it thinks fit, appoint another member as the Vice-Chairman of the Corporation
- (3) In the event of the capital of the Corporation being raised by the issue

of shares to the members of the public, provision shall be made by rules made under this Act for the representation of such share-holders in the Corporation and the manner in which the representatives shall be selected by such share-holders.

Disqualification for membership

- (4) The term of office of and the manner of filling casual vacancies among the members of the Corporation shall be such as may be prescribed.
5. A person shall be disqualified for being chosen as and for being a member of the Corporation—
 - (a) If he is a lunatic or a person of unsound mind, or
 - (b) If he has been adjudged insolvent, or
 - (c) If he has been convicted of an offence involving moral turpitude, or
 - (d) if he has directly or indirectly any interest in any subsisting contract made with or in any work being done for the Corporation except as a shareholder (other than a Director) in an incorporated company, provided that where he is a share-holder, he shall disclose to the State Government the nature and extent of the shares held by him in such company or

Resignation of Chairman, Vice-Chairman and other members

- (e) If he has any financial interest in any work undertaken by the Corporation for execution.
6. The Chairman, the Vice-Chairman or any other member of the Corporation may resign his office by giving notice in writing to the State Government and, on such resignation being accepted by the Government, shall be deemed to have vacated his office.

Removal from office of Chairman, Vice-Chairman or members.

7. The State Government may remove from office the Chairman, Vice-Chairman or any other member of the Corporation, who—
 - (a) without excuse, sufficient in the opinion of the State Government, is absent from more than four consecutive meetings of the Corporation,
 - (b) has, in the opinion of the State Government, so abused his position as a member as to render his continuance on the Corporation detrimental to the interests of the Corporation

Validity of acts and proceedings

8. No act or proceeding of the Corporation shall be invalid by reasons only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

Transaction of business

- (9) (1) The Corporation shall meet at such time and place and shall, subject to the provisions of sub-section (2) and (3) observe such rules of procedure in regard to transaction of business at its meetings as may be provided by regulations made under this Act.

- (2) The person to preside at a meeting of the Corporation shall be the Chairman thereof or, in his absence from any meeting, with Vice-Chairman, if any, or, in the absence of both the Chairman and the Vice-Chairman, such member as may be chosen by the members present from amongst themselves to preside.
- (3) All question at a meeting of the Corporation shall be decided by majority of votes of the members present and voting and in the case of equality of votes, the Chairman or in his absence any other person presiding shall have a second or casting vote.
- Administrative Officer and Chief Accounts Officer and other staff.
10. (1) The Corporation shall have an Administrative Officer and a Chief Accounts Officer, both of whom shall be appointed by the State Government.
- (2) The Corporation may appoint such other officers and employees as it considers necessary for the efficient performance of his functions.
- (3) The conditions of appointment of Officers and employees and the scales of pay of the Officers and employees of the corporation shall.
- (a) as respect the Administrative Officer and the Chief Accounts Officer be such as may be prescribed; and
- (b) as respect the other officers and employees be such as may, subject to the approval of the State Government, be determined by regulations made under this Act.
- (4) The Administrative Officer shall be the Executive Head of the Corporation and all other officers and employees of the Corporation shall be subordinate to him.
- Officer and employees of the the Corporation not to have any interest in contract etc.
11. No person who has directly or indirectly by himself or his partner or agent, any share or interest in any contract, by or on behalf of the Corporation or in any work undertaken by the Corporation shall become or remain an officer or employee of the Corporation.
- Conferment of powers on Administrative Officer
12. The Corporation may authorise the Administrative Officer, subject to such conditions and limitations as it may specify to exercise such powers and perform such duties, as it may deem necessary for the efficient administration of its business.
- Authentication
13. All orders and decisions of the Corporation shall be authenticated by the signature of the Chairman or any other member authorised by the Corporation in this behalf and all other instruments issued by the Corporation shall be authenticated by the signiture of the Administrative Officer or by any other officer of the Corporation authorised by the Administrative Officer in this behalf.
14. (1) Subject to the provisions of this Act, the function of the Corporation shall be to undertake generally the task of economic welfare of the

Functions of the
Corporation

members of the Scheduled Castes through industrial and commercial activities.

(2) In particular and without prejudice to the generality of the forgoing provisions of the section, the functions of the Corporation shall be—

- (i) to plan and promote training programmes for increasing the skill and efficiency in different traditional occupations and to establish vocational institutes for the purpose;
- (ii) to promote employment opportunities in various trades and crafts and to sanction stipends for training in different training institutes;
- (iii) to provide necessary infra-structures in connection with all traditional occupation such as establishing 'dhobighats', 'tanning grounds', 'fisheries', etc.
- (iv) to encourage and under take setting up of manufacturing and processing units on commercial basis;
- (v) to promote enterprunership by sponsoring self-employment programme in different trades,carfts and business with the assistance of various financing institutions;
- (vi) to arrange the supply of necessary inputs at resonable prices for different, trades and crafts and to acquire and install suitable mechinery and equipments for the purpose of hiring out;
- (vii) to plan, promote and undertake on its own or in collaboration with such agencies as may be approved by the Corporation, programmes of agricultural development, marketing, processing, supply and storage of agricultural produce, small scale industry, building construction, transport and such other business, trade or activity as may be approved in this behalf by the State Government.
- (viii) to arrange for in-service training, apprenticeship, dealership, etc. in different factories, commercial organisations and industrial complexes :
- (ix) to provide financial assistance by way of grants, subsidies and loans, in cash or in kind, for such purposes as may be approved by the Corporation and also by providing cash credit, accommodation against hypothecation of their products;
- (x) to find out resources for financing all programmes to be undertaken by the Corporation and to that end to receive grants and gifts, raise loans, issue bonds and debentures, draw, make, accept discount, execute and issue promissory notes, bills of exchange, hundies machinery notes, bills of exchange, bills, warrants, debentures and other negotiable instruments;
- (xi) to invest or deposit surplus funds in Government securities or in such other nature to be approved by the Corporation;
- (xii) to continue and run the works and programmes transferred to the

Corporation by the State Government for operation and to adopt suitable changes for their better execution;

- (xiv) to discharge such other functions as may be prescribed or as are supplemental, incidental or consequential to any of the functions conferred on it under this Act.

15. Subject to the provision of this Act, the Corporation shall have power—

Power of the Corporation

- (a) to acquire or hold such property both movable and immovable as the Corporation may deem necessary for the purpose of any of the functions and to lease, sell or otherwise transfer may jointly held by it;
- (b) to purchase by agreement or to take on lease or under any form of tenancy any land and to erect thereon such buildings as may be necessary for the purpose of carrying on its undertakings;
- (c) to enter into or perform such contracts as may be necessary for the discharge of its function and the exercise of its power under this Act;
- (d) in provide facilities for the consignment, storage and delivery of goods;
- (e) with the prior approval of the State Government to do all other things to facilitate the proper carrying on of the business and the functions of the Corporation.

16. The Corporation may take steps for acquisition of any land for discharging any of its function under this Act in the manner provided in the Land Acquisition Act 1894, and such acquisition shall be deemed to be acquisition for a public purpose within the meaning of the said Act.

Acquisition of land

1 of 1894

The Corporation to act on business principles.

17. It shall be the general principle of the Corporation that in carrying on its undertakings it shall act on business principles.

Capital of the Corporation

18. (1) The State Government may provide to the Corporation such capital as the State Government may consider necessary for the purpose of carrying out all or any of its functions under this Act subject to such terms and conditions not inconsistent with the provisions of this Act as the State Government may determine.

(2) The Corporation may supplement its capital by the issue of shares when so authorised by the State Government.

(3) The authorised capital of the Corporation shall be divided into such number of shares as the State Government may determine and the number of shares which may be subscribed by the State Government and the members of the public shall also be determined by the State Government:

Provided that the value of the shares to be subscribed by the State Government shall not be less than fifty one per cent of the authorized capital.

- (4) The allotment of shares to other parties mentioned in sub-section (3) shall be made by the Corporation in such manner as may be prescribed.
- (5) The shares of the Corporation shall not be transferable except in accordance with such rules as may be made under this Act.
- (6) The Corporation may at any time, with the previous approval of the State Government, redeem the shares issued to the members of the public in such manner as may be prescribed.

Additional Capital

- 19. If after the issue of shares under sub-section (2) of section 18, the Corporation requires any further capital, the Corporation may, with the previous sanction of the State Government, raise such additional capital by the issue of new shares and the provision of sub-section (3), (4), (5) and (6) of section 18 shall *mutatis mutandis* apply to such shares.

Guarantee of the State Government in respect of shares

- 20. The shares of the Corporation shall be all to guaranteed by the State Government as to the payment of the principal.

Borrowing by the Corporation

- 21. (1) The Corporation may, with the previous approval of the State Government, borrow money in the open market or otherwise for carrying out any of its functions under this Act.

Receipts into and payments from the general fund of the Corporation

- (2) Money borrowed by the Corporation under sub-section (1) shall be guaranteed by the State Government as to the repayment of the principal and the payment of interest at such rate not being less than four *per cent, per annum* as the State Government may, on the recommendation of the Corporation, fix at the time the money is borrowed.

- 22. All receipts of the Corporation shall be carried into the general fund and all payments by the Corporation shall be made therefrom.

Dividends & Shares

- 23. The Corporation shall pay dividends on shares at such rate as may from time to time be fixed by the State Government subject to any general limitations which may be imposed by the State Government, and the payment of such dividend shall be deemed to be a part of the expenditure of the Corporation.

- 24. (1) The Corporation shall make such provisions for reserve and other specially denominated funds as the State Government may from time to time direct.

- (2) The management of the funds referred to in sub-section. (1) the sums to be carried from time to time to the credit thereof and the application of the money comprised therein shall be determined by the Corporation.

- (3) None of the funds referred to in sub-section (1) shall be utilized for any

other purpose not connected with the function of the Corporation without the previous approval of the State Government.

Expenditure
from the fund.

25. The Corporation shall have power to spend such sums as it thinks fit on object authorised under this Act and such sums shall be treated as expenditure payable out of the general fund of the Corporation or the funds reverred to in sub-section (1) of section 24, as the case may be.

Budget.

26. (1) The Corporation shall, by such date in each year as may be prescribed, prepare and submit to the State Government, for approval the budget for the next financial year showing the estimated receipts and expenditure during that financial year in such form as may be prescribed.

- (2) The Corporation may, sanction any reappropriation within the grant from the head of expenditure to another or from a provision made for one work to that in respect of another subject to the condition that the aggregate of the grant is not exceeded.

- (3) The Corporation may, within such limits and subject to such conditions as may be prescribed, incur expenditure in excess of the limit provided in the budget approved by the State Government under any head of expenditure or in connection with may particular work.

- (4) A copy of the budget shall be placed before the State legislature as soon as may be after the budget has been approved by the State Government.

27. (1) The Corporation shall cause to be maintained books of accounts and other books in relation to its accounts in such form and in such manner as may be prescribed.

Audit by Auditor
appointed by State
Government.

- (2) The accounts of the Corporation shall be autied by the Auditor appointed by the State Government in this behalf at such times and in such manner as may be prescribed.

- (3) As soon as the accounts of the Corporation have been audited, the Corporation shall send a copy thereof together with a copy of the report of the Auditor thereon to the State Government.

Power of State
Government to
issue instructions.

28. The State Government may issue to the Corporation general instructions to be followed by the Corporation and such instructions may include directions relating to the recruitment of service and training of its employees, the wages to be paid to the employees, the reserve to be maintained by it and the disposal of its property, movable or immovable, and the Corporation shall be bound to follow such instructions.

Furnishing of
returns, etc.

29. (1) The Corporation shall furnish to the State Government such returns, statistics, accounts and other information with respect to its property or activities or in regard to any proposed work as the State Government may from time to time require.

Supersession of the Corporation.

- (2) The Corporation shall also furnish to the State Government an annual report on its working as soon as may be after the end of each year and a copy of the annual report shall be placed before the State Legislature as soon as may be after it is received by the State Government.

30. (1) The State Government may, by an order published in the *Official Gazette*, supersede the Corporation for such period as may be specified in the order after giving reasonable opportunity to the Corporation to show cause against the order proposed to be issued and after considering the objection, if any, of the Corporation :

Provided that it shall not be necessary to give any opportunity to the Corporation to show cause against the order proposed to be issued if The State Government is of the opinion that it is neither expedient nor necessary to do so in public interest.

- (2) Upon the publication of a notification under sub-section (1) superseding the Corporation:

- (a) all the members of the Corporation shall as from the date of supersession vacate their offices as such members;
- (b) all the powers and duties which may by or under the provisions of this Act or of any other law be exercised or performed by or on behalf of the Corporation shall during the period of supersession be exercised and performed by such person or persons as the State Government may direct;
- (c) all property vested in the corporation shall during the period of supersession vest in the State Government.

- (3) On the expiration of the period of supersession as specified in the notification issued under such-section (1), the State Government may—

- (a) extend the period of supersession for such further term as it may consider necessary, or
- (b) reconstitute the Corporation in the manner provided in this Act for establishing the Corporation.

Liquidation of the Corporation.

Power to make rules.

Recovery of sum due

31. No provisions of any law relating to the winding up of Companies or Corporation shall apply to the Corporation and the Corporation shall not be placed in liquidation save by order of the State Government and save in such manner as may be directed by the State Government.

32. Any sum payable to the Corporation shall be recoverable as an arrear of land-revenue under the Bengal Public Demands Recovery Act. 1913.

Ben. Act III of 1913

33. (1) The State Government may by notification in the *Official Gazette*, make rules to give effect to the provision of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the condition and manner of appointment and election of members of the Corporation, the representation in the Corporation at the State Government and where shares are issued to the members of the public under, section 18 or section 19, the representation of such shareholders and generally all matters relating to the constitution of the Corporation ;
- (b) the remuneration allowances and fees to be paid to the members of the Corporation;
- (c) the term of office of members of the Corporation and the manner of filling casual vacancies among such members;
- (d) the number of the members necessary to constitute a quorum at a meeting of the Corporation;
- (e) the conditions of appointment and service and the scales of pay of the Administrative Officer and the Chief Accounts Officer;
- (f) the manner in which the shares of the Corporation shall be allotted transferred or redeemed;
- (g) the manner in which the net profits of the Corporation shall be utilised;
- (h) the date by which and the form in which the budget shall be prepared and submitted in each year and the limits and conditions under which the corporation may incur expenditures in excess of the limit provided in the budget under section 26;
- (i) the form and the manner in which the accounts of the Corporation shall be maintained;
- (j) the time at which and manner in which the accounts of the Corporation shall be audited;
- (k) the form in which returns statistics and reports shall be submitted under section 29;
- (l) any other matter which has to be or may be prescribed.

Regulations

34. (1) The Corporation may, with the previous sanction of the State Government, make regulations not inconsistent with this act and the rules made thereunder for the administration of the affairs of the Corporation.

(2) In particular and without prejudice to the generality of the forgoing power, such regulations may possible for all or any of the following matters, namely :—

- (a) the time and place of meeting of the Corporation and the procedures to be followed in regard to transaction of business at such meetings;
- (b) the conditions of appointment and service and the scales of pay of officers and employees of the Corporation other than the Administrative Officer and the Chief Accounts Officer.

By order of the Governor,

K. K. Moitra,

Secy. to the Govt. of West Bengal

The West Bengal Scheduled Castes Development and Finance Corporation (Amendment) Act, 1980

NOTIFICATION

No. 623TW/MC 28th November 1980.

In exercise of the power conferred by sub-section (2) of section I of the West Bengal Scheduled Castes Development and Finance Corporation (Amendment) Act, 1980 (West Ben. Act XLV of 1980). the Governor is pleased hereby to appoint the First day of December, 1980 as the date on which the said Act shall come into force.

By order of the Governor,

M. Bhattacharyya

Secy. to the Govt. of West Bengal

NOTIFICATIONS

No. 3863-L 5th November, 1980.

The following Act of the West Bengal Legislature, having been assented to by the President, is hereby published for general instructions :-

West Bengal Act XLV of 1980

THE WEST BENGAL SCHEDULED CASTES DEVELOPMENT AND FINANCE CORPORATION (AMENDMENT) ACT, 1980.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in Calcutta Gazette, Extraordinary, of the 5th November 1980]

An Act to amend the West Bengal Scheduled Castes Development and Finance Corporation, Act, 1976.

WHEREAS It is expedient to amend the West Bengal Scheduled Castes Development and Finance Corporation Act, 1976, for the purposes and in the manner hereinafter appearing.

West Bengal
Act XXXIX
of 1976.

It is hereby enacted in the Thirty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title &
commencement

1. (1) This Act may be called the West Bengal Scheduled Castes Development and Finance Corporation (Amendment) Act, 1980.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of the
long title of West
Bengal Act XXXIX
of 1976.

2. In the West Bengal Scheduled Castes Development and Finance Corporation Act, 1976 hereinafter referred to as the principal Act), in the long title, after the words "*Scheduled Castes*" the words and "*Scheduled Tribes*" shall be inserted.

Amendment of
the preamble

3. In the principal Act, in the preamble, after the words "*Scheduled Castes*", the words "*and Scheduled Tribes*" shall be inserted.

Amendment
of section 1.

4. In sub-section (1) of section 1 of the principal Act, after the words "*Scheduled Castes*", the words "*and Scheduled Tribes*" shall be inserted.

5. In section 2 of the principal Act,—

Amendment of
section 2.

- (1) in clause (a), after the words, "*Scheduled Castes*" the words "*and Scheduled Tribes*" shall be inserted;

- (2) In clause (d) after the words "*the Constitution of India*", the words and brackets "*(hereinafter referred to as the Constitution)*" shall be inserted;

- (3) after clause (d), the following clause shall be inserted :—

'(dd) "*Scheduled Tribes*" means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are specified from time to time by notification under article 342 of the Constitution;-

Amendment of
Section 3.

6. In sub-section (1) of section 3 of principal Act, after the words "*Scheduled Castes*", the words "*and Scheduled Tribes*" shall be inserted.

7. In sub-section (1) of section 4 of the principal Act, in clause (g):—

Amendment of
section 4.

- (1) for the word "*ten*", the word "*fifteen*" shall be substituted;

- (2) for the proviso, the following proviso shall be substituted:—

"Provided that at least—

- (i) three shall be from amongst the members of the Scheduled Castes,
and

- (ii) two shall be from amongst the members of the Scheduled Tribes".

8. In section 10 of the principal Act,—

Amendment of
section 10.

- (1) in the marginal note, for the words "*Administrative Officer*", the words "*Managing Director*" shall be substituted;

- (2) in sub-section (1), for the words "an Administrative Officer", the words "a Managing Director" shall be substituted;
- (3) in clause (a) of sub-section (3), for the words "the Administrative Officer", the words "the Managing Directors" shall be substituted;
- (4) in sub-section (4), for the words "The Administrative Officer", the words "The Managing Directors" shall be substituted.
- Amendment of section 12. 9. In section 12 of the principal Act,—
- (1) in the marginal note, for the words "Administrative Officer", the words "Managing Director" shall be substituted;
- (2) for the words "the Administrative Officer", the words "the Managing Director", shall be substituted.
- Amendment of section 13. 10. In section 13 of the principal Act, for the words "the Administrative Officer" in the two places where they occur, the words "the Managing Director" shall be substituted.
- Amendment of section 14. 11. In sub-section (1) of section 14 of the principal Act, after the words "Scheduled Castes", the words "and Scheduled Tribes" shall be inserted.
- Amendment of section 33. 12. In sub-section (2) of section 33 of the principal Act, in clause (e), for the words "the Administrative Officer", the words "the Managing Director" shall be substituted.
- Amendment of section 34. 13. In sub-section (2) of section 34 of the principal Act, in clause (b), for the words "the Administrative Officer", the words "the Managing Director" shall be substituted.

By order of the Governor,
S. N. Sanyal,
Secy. to the Govt. of West Bengal

The West Bengal Scheduled Castes and Scheduled Tribes Development and Finance Corporation (Amendment) Act, 1981

NOTIFICATION

No. 316-L 10th February, 1982

The following Act of the West Bengal Legislature having been assented to by the President, is hereby published for general information :—

West Bengal Act XLII of 1981

THE WEST BENGAL SCHEDULED CASTES AND SCHEDULED TRIBES DEVELOPMENT AND FINANCE CORPORATION (AMENDMENT) ACT, 1981.

[Passed by the West Bengal Legislature]

[Assent of the President was first published in the *Calcutta Gazette*,
Establishing, of the 10th February, 1982]

An act to amend The West Bengal Scheduled Castes and Scheduled Tribes Development and Finance Corporation Act, 1976.

WHEREAS it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes Development and Finance Corporation Act, 1976, for the purpose and in the manner hereinafter appearing.

West Bengal
Act XXXIX
of 1976.

It is hereby enacted in the Thirty-second Year of the Republic of India, by the Legislature of West Bengal, as follows :—

Short title

1. This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes Development and Finance Corporation (Amendment) Act, 1981.

Amendment of
Section 2 of West
Bengal Act XXXIX
of 1976.

2. In section 2 of the West Bengal Scheduled Castes and Scheduled Tribes Development and Finance Corporation Act, 1976.—

(i) in clause (d), the following clause shall be substituted :—

(d) “Scheduled Castes” shall have the same meaning as in clause (24) of article 366 of the Constitution of India (hereinafter referred to as the Constitution)”

(ii) for clause (dd), the following clause shall be substituted :—

(dd) “Scheduled Tribes” shall have the same meaning as in clause (25) of article 366 of the Constitutions:—

By order of the Governor,

H. Chakraborty

Secy. to the Govt. of West Bengal

The West Bengal Backward Classes Development and Finance Corporation Act, 1995

NOTIFICATION

No. 1968-L 10th October, 1995

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information—

West Bengal Act XIX of 1995

THE WEST BENGAL BACKWARD CLASSES DEVELOPMENT AND FINANCE CORPORATION ACT, 1995

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
Extraordinary, of the 10th October, 1995]

An Act to establish a Backward Classes Development and Finance Corporation in West Bengal.

WHEREAS it is expedient to provide for the establishment of a Backward Classes Development and Finance Corporation in West Bengal;

It is hereby enacted in the Forty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

Short title extent and commencement

1. (1) This Act may be called the West Bengal Backward Classes Development and Finance Corporation Act, 1995.
- (2) It extends to the whole of West Bengal.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—
 - (a) “backward classes” means such classes as the State Government may, by notification, specify from time to time;
 - (b) “the Corporation” means the West Bengal Backward Classes Development and Finance Corporation established under section 3;
 - (c) “marketing” includes all activities in connection with the transport, grading, pooling, marketing and sale of industrial produce, whether in the primary form or in semi-processed or processed form;

- (d) "notification" means a notification published in the *Official Gazette*;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "traditional occupation" means a community based occupation followed by the backward classes.

Incorporation

3.(1) The State Government may, by notification, establish a Corporation to be known as the West Bengal Backward Classes Development and Finance Corporations.

(2) The Corporation shall be a body corporate by the name notified under sub-section (1), having perpetual succession and a common seal, and shall by the said name sue and be sued

Constitution of the Corporation

4. (1) The Corporation shall consist of the following members, namely:—

- (a) the Secretary, Department of Agriculture, Government of West Bengal, *ex-officio*.
- (b) the Secretary, Department of Animal Resources Development, Government of West Bengal, *ex-officio*.
- (c) the Secretary, Department of Co-operation, Government of West Bengal, *ex-officio*.
- (d) the Secretary, Department of Cottage and Small Scale Industries, Government of West Bengal, *ex-officio*.
- (e) the Secretary, Department of Forests, Government of West Bengal, *ex-officio*.
- (f) the Secretary, Department of Rural Development, Government of West Bengal, *ex-officio*.
- (g) the Secretary, Scheduled Castes and Tribes Welfare Department, Government of West Bengal, *ex-officio*.
- (h) the Chairman of the West Bengal *Khadi* and Village Industries Board established under section 3 of the West Bengal *Khadi* and Village Industries Board Act, 1959, *ex-officio*.
- (i) such number of other members, not exceeding ten but not less than five, as the State Government may, by notification, appoint :

Provided that at least three members of the Corporation shall be from amongst the members of the backward classes.

(2) The State Government shall appoint one of the members as the Chairman and may, if it thinks fit, appoint another member as the Vice-Chairman of the Corporation.

(3) In the event of the capital of the Corporation being raised by the issue of shares to the members of the public, provision shall be made by rules made under this Act for the representation of such share-holders in the Corporation and the manner in which the representatives shall be elected by such share-holders.

(4) The term of office, and the manner of filling casual vacancies in the offices, of the members of the Corporation shall be such as may be prescribed.

Disqualification for membership

5. A person shall be disqualified for being chosen as, and for being a member of the Corporation—

- (a) if he is a lunatic or a person of unsound mind, or
- (b) if he has been adjudged insolvent, or
- (c) if he has been convicted of an offence involving moral turpitude, or
- (d) if he has directly or indirectly any interest in any subsisting contract made with or in any work being done for, the Corporation except as a share-holder (other than a Director) in an incorporated company, provided that where he is a share-holder, he shall disclose to the State Government the nature and extent of the shares held by him in such company, or
- (e) if he has any financial interest in any work undertaken by the Corporation for execution.

Resignation of Chairman, Vice-Chairman and other members.

6. The Chairman, the Vice-Chairman or any other member of the Corporation may resign his office by giving notice in writing to the State Government and, on such resignation being accepted by that Government, shall be deemed to have vacated his office.

Removal from offices of Chairman, Vice-Chairman or other members.

7. The State Government may remove from office the Chairman, the Vice-Chairman or any other member of the Corporation, who—

- (a) without excuse, sufficient in the opinion of the State Government, is absent from more than four consecutive meetings of the Corporation,
- (b) has, in the opinion of the State Government, so abused his position as a member as to render his continuance on the Corporation detrimental to the interests of the Corporation.

Validity of act and proceedings

8. No act or proceeding of the Corporation shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

Transaction of business

9. (1) The Corporation shall meet at such time and place and shall, subject to the provisions of sub-section (2) and (3), observe such rules of procedure in regard to transaction of business at its meetings as may be provided by regulations made under this Act.

(2) The persons to preside at a meeting of the Corporation shall be the Chairman thereof or, in his absence from any meeting, the Vice-Chairman, if any, or, in the absence of both the Chairman and Vice-

Chairman, such member as may be chosen by the members present from amongst themselves.

Managing Director,
General Manager,
Chief Accounts
Officer and other
staff.

- (3) All questions at a meeting of the Corporation shall be decided by majority of votes of the members present and voting and, in the case of equality of votes, the Chairman or, in his absence, any other person presiding shall have a second or casting vote.

10. (1) The Corporation shall have a Managing Director, a General Manager and a Chief Accounts Officer, who shall be appointed by the State Government.

- (2) The Corporation may appoint such other officers and employees as it considered necessary for the efficient performance of its functions.

- (3) The conditions of appointment, and the scales of pay, of the officers and other employees of the Corporation shall, —

(a) as respects the Managing Director, the General Manager and the Chief Accounts Officer, be such as may be prescribed; and

(b) as respects the other officers and employees, be such as may, subject to the approval of the State Government, be determined by regulations made under this Act.

- (4) The Managing Director shall be the executive head of the Corporation and all other officers and employees of the Corporation shall be subordinate to him.

Officers and other
employees of the
Corporation must
not have any interest
in contract etc.

11. No person who has, directly or indirectly by himself or by his partner or agent, any share or interest in any contract, by or on behalf of the Corporation or in any work undertaken by the Corporation, shall become or remain an officer or other employee of the Corporation.

Conferment of
powers to Managing
Director

12. The Corporation may, subject to such conditions and limitations as it may specify, authorise the Managing Director to exercise such powers and perform such duties as it may deem necessary for the efficient administration of its business.

Authentication

13. All orders and decisions of the Corporation shall be authenticated by the signature of the Chairman or any other member authorised by the Corporation in this behalf and all other instruments issued by the Corporation shall be authenticated by the signature of the Managing Director or by any other officer of the Corporation authorised by the Managing Director in this behalf.

Function of the
Corporation

14. (1) Subject to the provisions of this Act, the functions of the Corporation shall be to undertake generally the task of economic welfare of the members of the backward classes through industrial and commercial activities.

- (2) In particular and without prejudice to the generality of the foregoing provisions of this section, the function of the Corporation shall be—
- (i) to plan and promote training programmes for increasing the skill and efficiency in different traditional occupations and to establish vocational institutes for the purpose;
 - (ii) to promote employment opportunities in various trades and crafts, and to sanction stipends for training in different training institutes;
 - (iii) to provide necessary infrastructure in connection with all traditional occupations;
 - (iv) to encourage and undertake setting up of manufacturing and processing units on commercial basis;
 - (v) to promote entrepreneurship by sponsoring self-employment programmes in different trades, crafts, and business with the assistance of various financial institutions;
 - (vi) to arrange the supply of necessary inputs at reasonable prices for different trades and crafts and to acquire and install suitable machinery and equipments for the purpose of hiring out;
 - (vii) to plan, promote and undertake, on its own or in collaboration with such agencies as may be approved by the Corporation, programmes of agricultural development, marketing, processing, supply and storage of agricultural produce, small scale industry, building construction, transport and such other business, trade or activity as may be approved in this behalf by the State Government;
 - (viii) to arrange for in-service training, apprenticeship and dealership in different factories, commercial organisations and industrial complexes;
 - (ix) to provide financial assistance by way of grants, subsidies and loans, in cash or in kind, for such purposes as may be approved by the Corporation and also by providing cash credit accumulation against hypothecation of products;
 - (x) to find out resources for financing all programmes to be undertaken by the Corporation and, to that end, to receive loans, grants and gifts, raise loans, issue bonds and debentures, and draw, make, accept, discount, execute and issue promissory notes, bills of exchange, hundies, bills, warrants, debentures and other negotiable instruments;
 - (xi) to invest, or to deposit, surplus funds in Government securities or in such other means as may be approved by the Corporation;
 - (xii) to continue and to run the works and programmes transferred to the Corporation by the State Government for operation and to adopt suitable changes for their better execution;

(xiii) to discharge such other functions as may be prescribed or as are supplemental, incidental or consequential to any of the functions conferred on it under this Act.

Power of the Corporation

15. Subject to the provisions of this Act, the Corporation shall have power—

Function of the Corporation

(a) to acquire or hold such property, both movable and immovable, as the Corporation may deem necessary for the purpose of any of its functions and to lease, sell or otherwise transfer any property held by it;

(b) to purchase by agreement or to take on lease or under any form of tenancy any land to erect thereon such buildings as may be necessary for the purpose of carrying on its undertakings;

(c) to enter into, or to perform, such contracts as may be necessary for the discharge of its functions and the exercise of its powers under this Act;

(d) to provide facilities for the consignment, storage and delivery of goods;

(e) to do, with the prior approval of the State Government, all other things to facilitate the proper carrying on of the business and the functions of the Corporation.

Acquisition of land.

16. The Corporation may take steps for acquisition of any land for discharging any of its function under this Act in accordance with the provisions of the Land Acquisition Act, 1894.

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The Corporation to act on business principles.

17. It shall be the general principle of the Corporation that in carrying on its undertakings it shall act on business principles.

Capital of the Corporation

18. (1) The State Government may provide to the Corporation such capital as in the form of equity the State Government may consider necessary for the purpose of carrying out all or any of its functions under this Act, subject to such terms and conditions, not inconsistent with the provisions of this Act, as the State Government may determine;

(2) The Corporation may supplement its capital by the issue of shares when so authorised by the State Government.

(3) The authorised capital of the Corporation shall be one hundred crores of rupees which shall be divided into such member of shares as the State Government may determine, and the number of shares which may be subscribed by the State Government and the members of the public shall also be determined by the State Government;

Provided that the value of the shares to be subscribed by the State Government shall at any point of time be not less than fifty-one *per cent* of the authorised capital.

- (4) The allotment of shares to the members of the public under sub-section (3) shall be made by the Corporation in such manner as may be prescribed.
- (5) The shares of the Corporation shall not be transferable except in accordance with such rules as may be made under this Act.
- (6) The Corporation may, at any time, with the previous approval of the State Government, redeem the shares issued to the members of the public in such manner as may be prescribed.
- Additional capital
19. If after the issue of shares under sub-section (2) of section 18, the Corporation requires any further capital, the Corporation may, with the previous sanction of the State Government, raise such additional capital by the issue of new shares and the provisions of sub-section (3), (4) (5) and (6) of section 18 shall *mutatis-mutandis* apply to such shares.
- Guarantee by State Government in respect of shares
20. The shares of the Corporation shall be guaranteed by the State Government as to the payment of the principal.
- Receipts into, and payments from, the general fund of the Corporation
21. All receipts of the Corporation shall be carried into its general fund and all payments by the Corporation shall be made therefrom.
- Dividends on shares
22. (1) The Corporation shall pay dividends on shares at such rate as may from time to time be fixed by the State Government, subject to any general limitations which may be imposed by the State Government, and the payment of such dividend shall be deemed to be a part of the expenditure of the Corporation.
- (2) Notwithstanding anything contained in sub-section (1), the State Government shall not provide any money for the purpose of payment of dividend by the Corporation.
- Reserve and other funds
23. (1) The Corporation shall make such provisions for reserve and other specially denominated funds as the State Government may from time to time direct.
- (2) The management of the funds referred to in sub-section (1), the sums to be carried from time to time to the credit thereof and the application of the money comprised therein shall be determined by the Corporation.
- (3) None of the funds referred to in sub-section (1) shall be utilised for any purpose not connected with the functions of the Corporation without the previous approval of the State Government.
- Expenditure from fund
24. The Corporation shall have power to spend such sums as it thinks fit on

Budget

objects authorised under this Act, and such sum shall be treated as expenditure payable out of the general fund of the Corporation or the funds referred to in sub-section (1) of section 23, as the case may be.

25.(1) The Corporation shall, by such date in each year as may be prescribed, prepare and submit to the State Government for approval the budget for the next financial year showing the estimated receipts and expenditure during that financial year in such form as may be prescribed.

(2) The Corporation may sanction any reappropriation within the grant from one head of expenditure to another or from a provision made for one work to that in respect of another, subject to the condition that the aggregate of the grant is not exceeded.

(3) The Corporation may, with the prior approval of the State Government, incur expenditure within such limits and subject to such conditions as may be prescribed, in excess of the limit provided in the budget approved by the State Government under any head of expenditure or in connection with any particular work.

Audit by auditor
appointed by State
Government.

(4) A copy of the budget shall be placed before the State Legislature as soon as may be after the budget has been approved by the State Government.

26. (1) The Corporation shall cause to be maintained books of account and other books in relation to its accounts in such form and in such manner as may be prescribed.

(2) The Accounts of the Corporation shall be audited by the Auditor appointed by the State Government in this behalf at such times and in such manner as may be prescribed.

(3) As soon as the accounts of the Corporation have been audited, the Corporation shall send a copy thereof together with a copy of the report of the Auditor thereon to the State Government.

Power of State
Government to issue
instructions.

27. The State Government may issue to the Corporation general instructions to be followed by the Corporation and such instructions may include directions relating to the recruitment, and the conditions of service, and training of its employees, the wages to be paid to the employees, the reserves to be maintained by it and the disposal of its property, movable or immovable, and the Corporation shall be bound to follow such instructions.

Furnishing of
returns etc.

28. (1) The Corporation shall furnish to the State Government such return, statistics, accounts and other information with respect to its property or activities or in regard to any proposed work as the State Government may from time to time require.

(2) The Corporation shall also furnish to the State Government as annual

Supersession of
the Corporation

report on its working as soon as may be after the end of each year, and a copy of the annual report shall be placed before the State Legislature as soon as may be after it is received by the State Government.

29. (1) The State Government may, by order published in the *Official Gazette* supersede the Corporation for such period as may be specified in the order after giving a reasonable opportunity to the Corporation to show cause against the order proposed to be issued and after considering the objection, if any, of the Corporation.

Provided that it shall not be necessary to give any opportunity to the Corporation to show cause against the order proposed to be issued if the State Government is of the opinion that it is neither expedient nor necessary to do so in the public interest.

- (2) Upon the publication of the order under sub-section (1) superseding the Corporation—

- (a) all the members of the Corporation shall as from the date of supersession vacate their respective offices as such members;
- (b) all the powers and duties which may by or under the provisions of this Act or of any other law for the time being in force be exercised or performed by or on behalf of the Corporation shall during the period of supersession be exercised and performed by such person or person as the State Government may direct;
- (c) all property vested in the Corporation shall during the period of supersession vest in the State Government.

- (3) on the expiration of the period of supersession as specified in the order issued under sub-section (1), the State Government may—

- (a) extend the period of supersession for such further period as it may consider necessary, or
- (b) reconstitute the Corporation in the manner provided in this Act for establishing the Corporation.

Legislation of the
Corporation.

30. No provision of any law relating to the winding up of companies or corporations shall apply to the Corporation and the Corporation shall not be placed in liquidation save by an order of the State Government and save in such manner as may be directed by the State Government.

Recovery of
sum due

31. Any sum payable to the Corporation shall be recoverable as an arrear of land revenue under the Bengal Public Demands Recovery Act, 1913. Ben. Act. III
of 1913

Power to make
rules

32. (1) The State Government may, by notification, made rules to give effect to the provision of this Act.

- (2) In particular and without prejudice to the generality of the foregoing

power, such rules may provide for all or any of the following matters, namely:—

- (a) the conditions and manner of appointment and election of members of the Corporation the representation in the Corporation of the State Government and where shares are issued to the members of the public under section 18 or section 19, the representation of such share-holders, and generally all matters relating to the constitution of the Corporation;
- (b) the remuneration, allowance or fees to be paid to the members of the Corporation;
- (c) the term of office of members of the Corporation and the manner of filling casual vacancies in the offices of such members;
- (d) the number of the members necessary to constitute a quorum at a meeting of the Corporation.
- (e) the conditions of appointment, service and scales of pay of the Managing Director, the General Manager, and the Chief Accounts Officer;
- (f) the manner in which the shares of the Corporation shall be allotted, transferred or redeemed.
- (g) the manner in which the net profits of the Corporation shall be utilised.
- (h) the date by which, and the form to which, the budget shall be prepared and submitted in each year and the limits and conditions under which the Corporation may incur expenditure in excess of the limit provided in the budget under section 26.
- (i) the form and the manner in which the accounts of the Corporation shall be maintained;
- (j) the time at which and the manner in which the accounts of the Corporation shall be audited;
- (k) the form in which returns, statistics and reports shall be submitted under section 28;
- (l) any other matter which has to be or may be prescribed.

Regulation

33. (1) The Corporation may, with the previous sanction of the State Government, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Corporation.
- (2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the time and place of meetings of the Corporation and the procedure to be followed in regard to transaction of business at such meetings;
- (b) the conditions of appointment and service, and the scales of pay, of officers and other employees of the Corporation other than the Managing Director, the General Manager and the Chief Accounts Officer.

By order of the Governor,

S. Maitra,

Special Officer & ex-officio

Jt. Secy. to the Govt. of West Bengal

West Bengal Tribal Development Co-operative Corporation Limited

Certificate of Registration No-19/Cal of 1976

Section - 16

Rule 10(2) of The West Bengal Co-Operative Societies' Rules, 1974
IN THE OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
UNDER WEST BENGAL CO-OPERATIVE SOCIETIES ACT XXXVIII OF 1973

IN THE MATTER OF THE APPLICATION FOR THE REGISTRATION OF
A CO-OPERATIVE SOCIETY

AT

WRITERS BUILDING, CALCUTTA, C/O DIRECTOR AND EX-OFFICIO DEPUTY SECRETARY,
SC&TW DEPARTMENT IN THE DISTRICT OF CALCUTTA

I do hereby certify that pursuant to the West Bengal Co-operative Societies Act 1973 (West Bengal Act XXXVIII of 1973) the said society has been registered in my Office as a Co-operative Society with limited/ liability under the title of the West Bengal Tribal Development Co-operative Corporation Ltd, and the bye-laws filed by the said society have also been duly registered.

The following is the area of operation of the society :-

The State of West Bengal, as defined in bye-law no. 5.

Sd/- 23/3/76

Registrar

Co-Operative Societies, Calcutta.
Calcutta District

Dated this 23rd day of March, 1976

One Thousand nine hundred and seventy six.



CERTIFICATE OF REGISTRATION NO. 19/cal OF 1976
SECTION-16

Rule 10(2) of the ^{West} Bengal Co-operative Societies Rules, 1974

IN THE OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES, UNDER WEST BENGAL CO-OPERATIVE SOCIETIES ACT XXXVIII OF 1973,

IN THE MATTER OF THE APPLICATION FOR THE REGISTRATION OF A CO-OPERATIVE SOCIETY AT

Writers' Building, Calcutta
Op. Director & Ex-officio Deputy Secretary,
S.C. & T. W. Dept.
IN THE DISTRICT OF CALCUTTA

I do hereby certify that pursuant to the West Bengal Co-operative Societies Act, 1973 (West Bengal Act XXXVIII of 1973) the said Society has been registered in my Office as a Co-operative Society with ~~limited~~/unlimited liability under the title of the West Bengal Tribal Development Co-operative Corporation Ltd. and the bye-laws filed by the said Society have also been duly registered.

The following is the area of operation of the Society :-

The state of West Bengal, as defined in bye law no 5

Registrar
Registrar
of Co-operative Societies, Calcutta
Calcutta-District.

Dated this 23rd day of March 1976
One thousand and five hundred and Sixty Six.

Bye-Laws of West Bengal Tribal Development Co-operative Corporation Ltd.

(As Amended Till 31.03.1994)

1. In these Bye-laws unless there is any thing repugnant in the subject or context.

- (a) "Act" means the West Bengal Co-operative Societies Act, 1903 ;
- (b) "Rules" means the West Bengal Co-operative Societies Rules, 1907 ;
- (c) "Corporation" means West Bengal Tribal Development Co-operative Corporation Ltd.
- (d) "State Government" means the Government of West Bengal ;
- (e) "Registrar" means a person appointed to perform the function of the Registrar of Co-operative Societies under the Act and includes Addl. Registrar or any other person appointed for exercising all or any of the powers of Registrar under these Bye-laws.
- (f) "LAMPS" means the Large Sized Multipurpose Co-operative Society specially set up for strengthening the Credit-cum-Marketing structure in the Tribal areas.
Provided that no LAMPS established by Tribal exclusively for their benefit shall admit its member, a person who is not a tribal.
- (g) "AFFILIATED BODY" means a LAMPS or any other Co-operative Society, a Panchayet Body or any local body (approved by the State Govt.) which is a member of this corporation.
- (h) "Director" means a member of the Board of Directors of this corporation.
- (i) "Scheduled Tribes" means these tribes and tribal communities declared under article 342 of the Constitution of India as Scheduled Tribes;

Words and expressions which have been used in these bye-laws shall have the meaning assigned to them in the Act and the Rules.

NAME AND ADDRESS

2. The name of the Corporation shall be West Bengal Tribal Development Co-operative Corporation Ltd.

3. (i) The Registered office of the Corporation shall be situated for the present at 12, Chowringhee Square, Calcutta-700069.

(ii) Notice of any change in the Registered office shall be sent in the prescribed manner, within 30 days, of such change to the Registrar. the Financing Institution, if any from which the corporation has borrowed funds, Director, Scheduled Castes & Tribes Welfare and to the member of the Corporation.

OBJECTS

4. The objects of the Corporation shall be ;

- (a) To supervise, assist, provide technical guidance to and develop the business of forest labour co-operative societies, labour contract co-operative societies, graingola co-operative societies, LAMPS and other co-operative societies functioning for the benefit of tribal people and affiliated to the Corporation and to control subject to the provisions of Act and Rules, co-ordinate and consolidate their activities.
- (b) To take lease and to enter into all kinds of contracts and transactions relating to lands, mines, minerals. forest produce. forest works and other works with a view to gradual elimination of middlemen and thus ensure fair wages and fair share in profits to Tribal workers.
- (c) To market and /or arrange for marketing of the forest agricultural, industrial and other products of its own to its best advantage and/or of the affiliated bodies to their best advantage and disseminate marketing intelligence from time to time.
- (d) To undertake pooling, processing and grading of agricultural and forest produce and other commodities and to set up manufacturing and processing units, where necessary, directly or through primary units affiliated to it ;
- (e) To advance loan, Short term, Medium term, Long term, to its affiliated bodies on pledge of their produce and products sent for sale or their immovable property or such other security as may be.

As may be considered necessary which should include the assets to be created out of such Loans for consumption, Production, business and other purpose or for liquidation of prior debts, provided that the Co-operative may advance loans for implementation of individual and or family benefit schemes for tribal people who are members of LAMPS through its affiliated bodies without insisting on any kind of Security ; provided further also that the Corporation may advance Cash Credits, Clean Credit and M.T. Loan and temporary advance to its affiliated bodies for meeting its working capital requirement and for production purposes and also for running its day to day administration.

- (f) With prior sanction of the 'State Government' to borrow or raise or secure the payment of money by the issue of debentures, debentures stocks and bonds subject to the provision of Act and Rules.
- (g) to receive grants and deposits and borrow money otherwise than by the issue of debentures.
- (h) to facilitate the flow of credit to its affiliated bodies from existing Co-operative and others financing institution ;
- (i) to supply essential Consumer goods under Public Distribution System agricultural supplies and other necessities to the Tribal people through its affiliated bodies and to make such bulk purchases or take such actions as may be necessary for this purpose;

- (j) to own or hire plants, machineries, transport and other kinds or equipments necessary for setting up grading processing and manufacturing units.
- (k) to act as an agent of Government and other recognized institution in the sphere of procurement and distribution and for operating service centers and for such other purpose as may be specified by the Government ;
- (l) to rent or own godowns and sale depots and to purchase, take or lease or in exchange or otherwise acquire lands, building or other immovable property necessary for the business of the Corporation or its affiliated bodies.
- (m) to undertake training programme and to provide facilities for training to the managerial and administrative staff and members of the Corporation and its affiliated bodies on subject which would directly or indirectly help the Co-Operative movement among tribal people in general ;
- (n) to take up the management of any affiliated Co-operative Society. where necessary, in accordance with the provision of Act & Rules ;
- (o) to encourage self help, thrift and Co-operation among the members of its affiliated bodies ;
- (p) to undertake development work relating to tribal people, and
- (q) Generally to undertake such other business and be such other things as are incidental and conducive to the promotion and attainment of the above objects and the objects of its affiliated LAMPS.

AREA OF OPERATION

5. The area of operation of the Corporation shall be the State of West Bengal for the purpose of membership.

MEMBERSHIP

6. (1) The membership of the Corporation shall be open to the
 - (a) All LAMPS registered under the Act, majority of members of which are Tribal's;
 - (b) All Graingola Co-operative Societies registered under the Act ;
 - (c) All Labour contract Co-Operative Societies registered under the Act and majority of which are Tribal's
 - (d) All Forest Labour Co-Operative Societies registered under the Act and Majority of the members of which are Tribal's.
 - (e) All other Co-Operative Societies registered under the Act and majority of the members of which are Tribal's.
 - (f) State Government;
 - (g) If the State Govt. So approves by general or special order panchayets or local or

Statutory bodies interested in the uplift of the Tribal and in which the membership of the Tribal's exceed 40%.

2. A person under category (a), (b), (c), (d), (e) or (g) intending to be a member shall apply to the Corporation in such form as may be laid down by the Board of Directors and pay an admission fee of Rs 10/- and furnish all such information or may be called for by the Board of Directors.
3. The Board of Directors shall dispose of every application within one month from the date of receipt of application and shall communicate every decision within fifteen days from the date of such decision, provided further that if no decision is communicated within forty-five days from the date of receipt of the application, it shall be deemed to have refused such admission and every applicant being aggrieved with any decision may appeal before the Registrar in the manner prescribed under section 70(4) of the Act.
4. Every person admitted to membership shall not acquire the rights and Privileges until he-
 - (a) holds at least one share ;
 - (b) name a place to be registered as its address which shall for all purposes be deemed to be its place of business, and
 - (c) Sign a declaration to the effect that it shall be bound by these bye laws. provided that the State Govt. if and when it becomes a member of the corporation, shall not be required to pay any admission fee or to sign any declaration and its liabilities for the losses of the Corporation will be subject to the proviso to Section 75 of the Act ;
 - (d) Sign the register of members.
5. A member, if he be not in debt to the Corporation or be not a guarantor for any debt, may apply for withdrawal from the Corporation after giving in writing one month's notice to the Board of Directors but such application shall not be entertained within a period of one year from the date of admission of member. The application may be accepted or rejected at the discretion of the Board of Directors.
7. (1) (a) An affiliated body shall cease to be a member if
 - (i) All the shares held by it are transferred or forfeited.
 - (ii) It loses the qualification of membership ; or
 - (iii) It resigns its membership; or
 - (iv) It is de-affiliated as provided in bye-laws;
 - (v) It is dissolved or wound up
- (b) The State Government shall cease to be a member if the amount or contribution is fully returned.
2. Upon termination of membership of a member he may receive from the Corporation refund of his share Capital in accordance with the perovisions of the Act and Rules.

- 3.(a) The liability of a member shall be limited to the nominal value of the Shares held by him.
- (b) The liability of a past member for the debt of the Corporation as they existed on the date ceasing to be a member shall continue for a period of two years from the said date.

Provided that where the Corporation is directed to be wound up under section 99 within the said period of the two years, such liability shall continue until the proceedings for winding up of the Corporation are completed by liquidator.

8. An affiliated body may after due notice be disaffiliated by the board of Directors by the votes of two –thirds of the member of the Board of directors present and voting.
 - (a) If it persistently defaults in the payment of share money or otherwise of the Corporation or jeopardize its financial interest.
 - (b) If it intentionally does any act likely to detriment image or reputation of the Corporation of jeopardise its financial interest.

Provided that affiliated bodies so deaffiliated shall have a right of appeal to the General Meeting within one month from the date of communication of decision of deaffiliation and the decision of the General Meeting on appeal shall be final, but the Affiliated bodies shall not be entitled to exercise the right and enjoy privileges of a member or entitled to any dividends on Share from the date of its disqualification till the earlier decision is revised. The Share money paid by the affiliated body so deaffiliated may be refunded to the member as provide under the Act and Rules.

FUNDS

9. To carry on its works, the Corporations shall be at liberly to raise funds in any or all of the following ways :
 - i. Issue of Shares;
 - ii. By accepting deposits from members and non members including receipts on behalf of any other corporation or apex Co-operative institution;
 - iii. By raising Loans by means of Cash, Credit, earlier debentures and loans, stock from Government Co-operative banks, scheduled bank and other financing agency of individuals ;
 - iv. By receiving donation, grants and subjects from State Co-operative and other Sources.
10. The funds of the Corporation may generally be applied jointly or for lawful purpose of the corporation and particularly for.
 - (b) making investment for the benefit of the members ;
 - (c) Purchasing land, buildings, godowns etc, for the proper conduct of its business;

- (d) Payment of establishment, contingent, interest, audit fee and all other legal and obligatory charges ;
 - (e) Creating Statutory "Reserve", bad Debt, Reserve and other funds, and also in payment of dividends, rebate and Corporation; and
 - (f) any other purpose incidental or conducive to the attainment on the projects of the Corporation.
11. (1) The Nominal share capital of the Corporation shall be Rupees Twenty Five Crores divided as follows :
- (a) 'A' Class Shares of Rupees Ten Lakhs divided into 1000 Shares of Rs. 1000/- each available for subscription by the LAMPS.
 - (b) 'B' Class Share of Rupees Twenty Four Crores and fifty Lakhs divided into 2, 45,000 shares of Rs. 1000/- each available for subscription by the State Govt.
 - (c) 'C' Class Shares of Rupees Eight Lakhs divided into 800 Share of Rs. 1000/- each available for subscription by the Grain-Gola Co-operative Societies ;
 - (d) 'D' Class Shares of Rupees Eight Lakhs divide into 800 Shares of Rs. 1000/- each available for subscription by the Labour Contract Co-operative Societies ;
 - (e) 'E' class Shares of Rupees Eight Lakhs divided into 800 Shares of Rs. 1000/- each available for subscription by the Forest Labour Contract Co-operative Societies ;
 - (f) 'F' Class Shares of Rupees Eight Lakhs divided into 800 Shares of Rs. 1000/- each available for subscription by all other Co-operative Societies, majority of which are Tribal's.
 - (g) 'G' Class Shares of Rupees Eight Lakhs divided into 800 Shares of Rs.1000/- each available for the Panchayet or local or Statutory Bodies interested in the uplift of the Tribal people and having Tribal Representative Membership exceeding 40%.
2. Shares shall be allotted to the State Government on such terms and conditions, such number and in such manner as may be mutually agreed upon at the time of allotment of such Shares. The Corporation shall return such State Shares at such time and in such manner as may be agreed upon by and between the Corporation and the State Government.
3. Shares may also be allotted to the other affiliated bodies including the Panchyets or any local body subject to the provisions of the Act and rules.
4. The Payments for the shares other than shares to be purchased by the State Government shall have to be made as and when directed by the Board of Directors wholly or by installments to be fixed by the Board of Directors and it shall be binding on the member if the Board of Directors may by passing a resolution make any call upon the member for payment of unpaid shares.

12. Application for admission as members and for all allotment of shares shall be made to the Board of Directors in the manner to be prescribed by the Corporation for the purpose. Every such application shall be disposed of by the Board of Directors which shall have power to grant admission or to refuse it.
- 13.(1) Share Certificates shall be issued to each member in respect of shares held by him ;
(2) If a Share Certificate is lost or defaced or destroyed a duplicate copy thereof may be obtained on payment of Rs. 5/- only.
14. No share shall be transferred by sale, Gift, Mortgage of otherwise except to affiliated body, duly qualified for membership and approved by the Board of Directors.
15. The Board of Directors in their absolute discretion and with out assigning any reasons may decline to approve any transfer of share.
16. An application for transfer of shares be made in the form prescribed by the corporation and accompanied by the Certificate of Share to be transferred and with such other evidence as may be required to prove the transfer.
17. The corporation shall have a charge upon the paid up share capital, deposit and any other money to the credit of a member or a past or deceased member in respect of any debt due to the Corporation from such member or past member or the state of a deceased member and the Corporation may set off any sum credited or payable to a member or past or deceased member or the state of a deceased member in or towards payment of any such debt subject to provisions of Section 78 of the Act.
18. The borrowing of the Corporation shall be regulated by the provisions of the Act and the Rules

DEBENTURES

19. The Corporation may with express authority of the State Govt. under Section 44 of the Act raise money by the issue of debentures subject to such conditions as are provided under the Act and the Rules.
20. (1) The General body shall consist of Tribal delegates each of whom shall represent one affiliated LAMPS and one Tribal representative each from the other class of share holders.
(2) Each delegate / representative of the affiliated LAMPS or Co-operative Society or local Statutory body shall represent his/her LAMPS / Co-op. Society / statutory body etc. being so nominated in its board meeting held with that specific agenda and communicated to the Corporation and a delegate / representative ceasing to be a member of the LAMPS / Co-op. Statutory body etc. being disqualified under the Act, Rules or its Bye-laws or whose delegation / representation is withdrawn under Rules 39 shall cease to act as such. The process of nomination of delegates / representatives by the LAMPS or Co-op. Societies or Statutory bodies affiliated to the Corporation

shall have to be completed before the period of two months from the date of Annual Meeting in which election of the Board of Directors of the Corporation will be held.

- (a) The delegates / representatives shall hold office and attend all General Meeting till fresh delegates are nominated in their places, provided that fresh delegates shall be nominated before each Annual General Meeting in which election of Directors is to be held under Section 25 (1).
- (b) Each delegate / representative shall have one vote.
- (3) Except to the extent otherwise provided in this bye-laws, the supreme authority over all matters relating to administration of Corporation shall vest in the General body.
21. (1) The General body shall ordinarily meet once in every Co-operative Year at such place and on such date as the Board of Directors or the Chairman may fix and such meeting shall be called the Annual General Meeting.
- (2) The Chairman or any officer of the Corporation discharging the duties of the Secretary may call Special General Meeting of the Corporation in terms of Section 26 (1) of the Act at any time if asked for by a majority of the Directors of the boards and shall call such meeting.
- (a) On the requisition in writing of one third of the Delegates or
- (b) At the direction of the Registrar.
22. At a Special General Meeting no business other than that specified in the relevant notice shall be considered.

If the Audit Report is not received before the Annual General Meeting then the same may be placed at special General Meeting within three months from the date of receipt of the Report.

23. The following among other matters, shall be dealt with by the General body in Annual General Meeting :
 - (a) Consideration and record of the Proceeding of the last Annual General Meeting.
 - (b) To consider the report of the Board of Directors;
 - (c) To consider the audit report and the Audited Statement of Accounts if available.
 - (d) To pass the Annual Budget and the Programmes of activities for the ensuing year;
 - (e) To consider Amendment or repeal of any existing bye laws or the making of new bye-law ;
 - (f) To elect Directors in place of Directors retiring;
 - (g) To fix the maximum amount of borrowing for the ensuing year;
 - (h) To Distribute the profit ;
 - (i) To consider report of inspection or of inquiry :
 - (j) To review the Loans advanced to the members of Board of Directors and their relatives and of their recovery; and

- (k) To transact any other business that may be laid before the meeting by the board of Directors.
24. (1) No business shall be transacted at the meeting of General body unless a quorum of at least one fifth of the member of affiliated bodies is present at the meeting. No quorum shall be necessary at a meeting adjourned in accordance with Rule 24 ;
- (2) Not less than 21 clear days' notice of Annual General Meeting or a Special General Meeting shall be given to every member of the general body.
- (3) (i) Any notice required to be served by the Corporation upon member shall subject to the provisions of the Act, rules and these Bye-Laws be given in writing and delivered or sent by this end under Certificate of Posting to the registered members.
- (ii) Where a notice is sent by post, Service of the notice shall be deemed to be effected by properly addressing, prepaying and proof of posting the letter containing the notice;
- (iii) All notice to be given on the part if any member shall be left at or sent through the post to the registered office of the Corporation;
- (iv) The non-receipt by a member of any notice shall not effect the validity of the proceedings of any meeting or of the liability attaching to such notice ;
- (v) Every person, who by operation of law of transfer or otherwise shall become entitled to any share, shall be bound by any and every notice or other documents, which previous to his name and address being entered upon the register in respect of the share, may have been given to the person from whom he derived his title and who is registered.
- (vi) When any notice or document, in accordance with these Bye-laws is delivered at or sent to the registered address of a member or to his agent as above provided that notwithstanding he be the deceased and whether or not the Corporation has notice of his demise, such Service of notice or other documents shall, for all purpose of these Bye-Laws, be deemed served thereof on his nominee, heirs, executors, administrators or other legal representatives.
25. At a meeting of the General Body, Chairman or in his absence, the Vice-Chairman and Vice-Chairman, one of the Directors in the panel mentioned in Sub-Rule(5) of Rule 32 shall preside. Every member present shall have one vote. All questions except these mentioned otherwise in these Bye-laws shall be decided by a majority of votes of the members present and voting (when votes are equal, the Chairman of the meeting shall have accosting of second of second vote).

The manner of voting shall be by lifting of hands normally and if a poll is demanded by at least ten members, the voting shall be by ballot.

MANAGEMENT

26. (1) The Board of Directors of the Corporation shall consist of 15 (Fifteen) elected Directors and such other nominated Directors not exceeding 12 (Twelve) as may be nominated by the State Govt. The employees of the Corporation may elect from amongst themselves 1 (One) person on the Board subject to provision of the Act &

Rules. The Managing Director, as the Chief Executive of the Corporation shall be an Ex-Officio Director on the Board in terms of Section 27 (4) of the W.B.C.S. Act. 1983.

- (2) The State Government may, by notification in the Official gazette appoint as its nominated members, State Government Officials, representatives of different Co-operatives, associations, Committees, etc. any members of Scheduled Tribes as it may deem fit and for such period as the State Government may determine and they shall have all the rights and privileges of Directorship; Provided that no such appointment shall be valid unless the State Government has participated in building up the Capital base of the Corporation financially :
 - (3) The elected Director shall hold office in accordance with the rules, and the appointments be made in his / their places.
 - (4) For the purpose of election of Directors from amongst the different categories of affiliated Bodies, the Board of Directors shall have subject to rule 28, power to divide the area of operation of the corporation into convenient areas and to prescribe the number of directors of each category to be elected from each such division, the Directors shall be elected under that category as per provision of Rule 31;
 - (5) The 1st Board of Directors shall, however, be nominated for a period of one year by the Registrar, which period may be extended for a longer period provided that the Government consider that this is necessary in the best interest of the Corporation. State Government may withdraw the nomination of any member or nominate any other member in any vacancy of any member if so causes ;
 - (6) Casual vacancies in the rank of elected Directors due to resignation, death or cessation of membership shall be filled up by co-operation or appointment in accordance with Rule 33 of the Rules. The Director so appointed or co opted shall retire at the Annual General Meeting where election is to be held next.
 - (7) Notwithstanding that the composition of the Board of Directors is incomplete; the decision thereof will be valid to the same extent as if it had been fully constituted ;
 - (8) The Board of Directors constituted as above subject to the Provisions of Rule 30 within a period not exceeding 30 (Thirty) days after the General Meeting, elect a Chairman, a Vice-Chairman and a panel of Chairman not exceeding 3 (Three) for presiding over its Meeting in absence of the Chairman and Vice-Chairman, form amongst themselves. In the absence of the Chairman, the Vice-Chairman or in his absence the Chairman named in the panel formed as above under Rules 32 (1) will in order of priority preside over the meetings.
27. Without restricting the general Powers conferred by these bye laws and in addition to he powers and duties that may be delegated by the General Body the following duties, powers and authorities are expressly given to and conferred upon the Board of Directors :
- (a) to admit new members and dispose of application for shares and to approve transfer of shares ;

- (b) to fine, suspend, remove or expel a member by the vote of 2/3rd of the members of the Board of Directors, present and voting at meeting ;
- (c) to raise and invest funds ;
- (d) to appoint, suspend, punish or dismiss all Salaried servants of the Corporation except those for whose appointment and punishment powers have been vested in the Government;
- (e) to make regulations regarding recruitment, Pay, Promotion, Punishment, leave, Provident fund, Gratuity, Travelling allowance or other Working conditions of the employees subject to W.B.C.S. Rules, 1987 ;
- (f) to frame regulations of election and other regulations necessary for the conduct of the business of the Corporation, the Board of Directors or any of its Committees with the approval of the Registrar ;
- (g) to appoint Committees as may be deemed necessary from time to time and define their powers and duties :
- (h) to dispose of application for loans and to determine the Security to be taken ;
- (i) to compound or abandon or delay to force any debt or demand of the Corporation with the prior permission of the Registrar, or to institute, before or Compromise legal Proceedings ;
- (j) to prepare Annual Reports, Annual Budget and Audit Report on the working of the Corporation for submission to General Body :
- (k) to incur such expenditure as may be necessary and Audit Report on the working of the Corporation with reference to the scale and within the budget allotment sanctioned by the General Body :
- (l) to approve the pricing policy of agricultural land, minor forest produce and other tribal products and of the supplies fixed by affiliated bodies with or without modification:
- (m) to approve the regulations framed by the affiliated bodies concerning the general business of the affiliated bodies with or without modification.
- (n) to maintain true accounts of moneys received and expended and sets and liabilities;
- (o) to prepare the statement of accounts required for audit, for place them before the auditors and to rectify all defects and irregularities pointed out in audit;
- (p) to bid for, negotiate and accept contracts of forest coupes and leaves and enter into all kinds of transactions for collections conversion, Processing and Sale of forest products ;
- (q) to help affiliated bodies to manage their business in accordance with these bye-laws and to arrange for all other business of the Corporation through affiliated bodies as prescribed in bye laws number 4 ;
- (r) to examine and take prompt action in case of all arrears and default in re-payment of loans and advance and payment of levy or surcharges if any, charged by the Corporation ;

- (s) to deaffiliate bodies where necessary and to arrange for taking over management of any affiliated co-operative society ;
 - (t) to establish regional and branch offices, to constitute committees for them and to delegate to them such duties and function;
 - (u) to transact all over business necessary or incidental to the management of the Corporation ;
 - (v) to recommend repatriation of officers and staff deputed by the State Government, and
 - (w) to nominate delegates to conferences of Meeting :
28. No member of the Board of Directors of the Corporation shall receive any emoluments or allowances or honoraria other than travelling allowances without specific sanction of the Registrar and no allowance what so ever be paid to the general body of members attending a general meeting.
29. (a) The Board of Directors shall meet at least once in every 2 months and the quorum at a meeting of the Board of Directors shall be one third of the total number of Directors subsisting on the date of issue of the notice in terms of Rule 42.
- (b) All questions shall be decided by a majority of votes, should there be an equality of votes the President or other presiding members have a casting vote.

OFFICERS OF THE CORPORATION

30. (1) The Chairman or in his absence, the Vice-Chairman of the Corporation shall for the transaction of the business of the Corporation in cases of urgency exercise all powers and perform all duties required to be exercised and performed under the Act, the Rules, or these bye-laws by the Board of Directors except the powers of sanctioning loans. Provided that the chairman or in his absence, the Vice-Chairman should not act in contravention of any order given or decision taken by the Board of Directors at a meeting. All orders passed and all acts done as aforesaid shall be placed for confirmation before the Board of Directors in the Meeting immediately following;
- (2) The Chairmen or in his absence, Vice-Chairman shall have powers of general control and supervision over the affairs of the Corporation and be competent to pass and disciplinary orders on the staff except on order of dismissal in furtherance of the interest of the Corporation. His disciplinary orders will be placed before the next meeting of the Board of Directors ;
- (3) The Chairman and the Vice-Chairman shall also exercise such powers and perform such duties as are conferred or imposed on them by the Act, the Rules and these Bye-laws and may from time to time, be conferred or required by the General Body or the Board of Directors.

31. The Managing Director of this Corporation, shall be appointed by the Board of Directors on the recommendation of the State Govt. and paid out of funds of this Corporation, on such term and conditions as the State Govt. may deem necessary and proper in the interest of the Corporation. The Managing Director shall be the Chief Administrative Officer in terms of rule 57 of the W.B.C.S. Rules 1987 for the day to day working of the Corporation and shall work under the General Control and Supervision of the Chairman/ Board of Directors. He shall be the officer to sue and be sued on behalf of the Corporation. All Bonds and other legal documents executed in favour of the Corporation shall be executed by him.
32. The Managing Director shall exercise such powers as the Board of Directors, Committee and / or the Chairman may delegate in addition to following duties and powers :
- (i) to Supervise the business of the Corporation in all matters and to exercise general control and Supervision on the administration of the Corporation :
 - (ii) to carry out the decision of the General Body, the Board of Directors, Committees and the Chairman and Vice-Chairman.
 - (iii) to attend meetings of the Board of Directors, General Body and Committees with power of voting except at the time of co-operation or office bearer election.
 - (iv) to fix the scales and type of Security deposit and /or personal sureties in respect of any category of staff and to revise the same from time to time. The officers deputed by the state Govt. will not be required to furnish any security :
 - (v) to carry on correspondences on behalf of the Corporation ;
 - (vi) to determine the power and duties of the different categories of Officers and Staff of the Corporation including Administrative Officer, Finance Officer etc. and to delegate power and assign duties to them with the approval of the Board of Directors or the Chairman, in case of urgency.
 - (vii) to enter into all negotiations for Contracts, Agreements, Partnership and co-Partnership and Co-Partnership with Govt. members and others :
 - (viii) to operate Bank A/c. jointly or as provided in the representation clause, to execute and sign promissory notes, deeds etc. to deal with Govt. Securities to acquire and dispose of movable and immovable properties, to grant release of claims and demands of the Corporation to insure and keep insured of corporation properties and to do all such things for the smooth running of the business of the Corporation with the approval of the Board of Directors :
 - (ix) to issue order regarding transfer of the members of the staff with an intimation to the chairman.
 - (x) to issue notices of General meeting, Meeting of the Board of Directors and of those Committees, where necessary :

- (xi) to sanction advance of money and goods to members on terms and conditions approved by the Board of Directors :
 - (xii) to institute and/or defend legal Proceedings by or on behalf of the Corporation :
 - (xiii) to enter into compromise or refer any dispute to arbitration for or on behalf of the Corporation :
 - (xiv) to impose upon employers of the Corporation, the following punishments, namely :
 - (a) Censure :
 - (b) withholding of increments or Promotions :
 - (c) recovery from the pay of the whole or / part of any pecuniary loss caused to such Corporation by negligence or breach of orders.
 - (d) reduction to a lower stage in the time-scale of pay for a specified period with further direction as to whether or not the employee will get increments of pay during the period of such reduction :
 - (e) reduction to lower time-scale of pay grade, Post or Service, provided that no such punishment shall be imposed on any employee, without giving opportunity of being heard
 - (1) Except after an enquiry in which he has been informed of the charges against him and given reasonable opportunity of being heard in respect of those charges, and where it is proposed, after such inquiry, to impose on him any such Penalty, until he has been given a reasonable opportunity of making representation on the Penalty proposed, and
 - (2) Without the approval of the Board of Directorate to place employees of the Corporation under suspension :
 - (a) Where the disciplinary proceedings or domestic enquiry against him is contemplated or pending or
 - (b) Where a case against him in respect of any criminal offence is under investigation or trial, for which he was arrested and was in police Custody for more than 48 (Forty Eight) hours.
 - (c) Provided further that the Managing Director shall forthwith report to the Board of Directors the circumstances in which the order of Suspension was made; and
 - (xv) to generally to all acts and deeds and incur such expenditure at any time which may be necessary in the interest or for safeguarding the interests of the Corporation in any matter irrespective of whether such acts and deeds are expressly within his Powers or not and all such acts done in good faith for all intents and purposes be valid as done by a Competent Authority.
33. (1) The Administrative Officer may be appointed by Board of Directors on the recommendation of the State Govt. to assist the Managing Director in the

administration of the Corporation. He shall work under the control of the Managing Director and shall perform such duties and have such powers as may be delegated to him by the Managing Director from time to time.

- (2) In the event of the office of the Managing Director of the Corporation remaining vacant for any reason whatsoever the duties and powers to be exercised by him under these Bye-laws shall not withstanding anything contained to the contrary of the Corporation to such extent as may be indicated by the Board of Directors.
34. In the absence of the Administrative Officer, the Chairman may authorise any other Officer to perform his duties.
35. The Board of Directors may appoint Assistant Managing Director, Finance Officer, Senior Inspecting Officer, Asstt. Engineer, Regional Managers, Branch Managers and other Assisting Officers on the recommendation of the State Govt. The Finance Officer and the Cashier shall be in joint custody of funds of the Corporation under double lock subject to such arrangement as may be decided by the Board of Directors. The Finance Officer shall grant receipts for all money received by the Corporation at the Head quarters and in his absence such receipt shall be granted by such Officer as may be decided by the Board of Directors. The Godown keepers and Salesman shall be competent to issue receipts of the Sales effected.

The Finance officer will determine the Security to be given by the Officer of the Corporation handling Cash with the approval of the Managing Director and shall provide such arrangement as the Board of Directors may regulate for safe custody of the Cash and proper maintenance of accounts.

BUSINESS OF THE SOCIETY

36. (1) To procure and collect Minor Forest Produce by itself and/or through its affiliated bodies, it shall be competent for the Corporation to obtain lease of lands from different departments of the Control and State Government, Public Organisations and Private Parties and also Sub-allot lands to its affiliated bodies and advance necessary funds/ credit required for the purpose. It may also make outright purchase of all Minor Forest Produce collected by the affiliated bodies directly and make payment by the Managing Director in consultation with the Chairman or any Sub-Committee that may be formed for the purpose to the extent of 90% of the cost price of market value, whichever is less, in respect of the goods received in the godown of the Corporation;
- (2) It shall be competent for the Corporation to enter into contracts for securing sale right and responsibility for collection and / or Sale of Minor Forest Produce and other products directly and/or on behalf of its affiliated bodies. It shall also make speedy arrangement for marketing of such produce. It may dispose of the forest produce ultimately by auction/tender and/or negotiation or of the affiliated Corporation may fix and organise such Commission, rent, insurances, establishment and transaction

charges, interest etc. from the affiliated bodies for arranging marketing of their Minor Forest Produce or other Produce as may be fixed by the Board;

- (3) The Sale and Purchase, pricing policies are to be fixed by the Board of Directors subject to the board guidelines to be laid down and approved by the State Govt. from time to time, determining the amount/ scale of the charges under (a) Forest rentals (b) trading charge, (c) transport costs, (d) establishment and (e) driage and deficits should be deducted to arrive at the purchase price and how much Govt. Subsidy may be forthcoming to support the price ensuring that trading aspect is not contrary to the basic tribal welfare orientation of the Corporation.
 - (4) The Board of Directors shall build up suitable mechanism to overcome the problem of over stocking and the resultant adverse affects on the cash flow position of the Corporation and with that and in view shall make arrangement to categorise each commodity with reference to its nature, its marketing charges, identification of price determination and establishment of outlet/ channels and ensure inflow of marketing intelligence with similar organization
37. The Managing Director shall arrange for the sale of the products of members of the affiliated bodies either making outright purchase of their produce or acting or agents of the members concerned or the Board of Dierectors may director. The Corporation may change such commission. Rents, Insurance Charges, Interest overhead etc. and apportion any loss arising out of their transaction on the members on the basis of pattern as may be approved by the State Govt.
38. The Corporation shall be competent to do the wholesale or retail business of consumers goods, agriculture inputs and domestics articles to be sold out mainly in Tribal areas and also in other areas where majority of the purchasers are Tribals. As a wholesaler the Corporation shall sell out the goods to the affiliated LAMPS either directly or through agent LAMPS to be appointed by the Corporation. As a retailer the Corporation will have the competence to open retail outlets wherever necessary provided such retail outlets serve the interest of the Tribal people and will not in any way jeopardise the interest of the business of the LAMPS of the area. Consumer goods, Agriculture Inputes and domestic articles shall be procured from the Co-operative Societies, organization sponsored by the Central/State Govt. and from any other source or sources as may be approved by the State Govt. In all matters relating to manning, Procurement, Storing pricing, despatching and selling of consumers goods, Agriculture inputs and domestic articles the Managing Direcetor, within the frame work of the policy decisions of the Board shall have the power to do all the needful including defraying of the expenses connected with the business.
39. (1) The Corporation may Act as Agent of Agro-Industries Corporation and/or Govt. or any other Co-operative Societiese and/ or Govt. Organisations for opening Agro-Service Centres, etc. at important points either by itself directly or through the affiliated bodies.
- (2) The Corporation may, in the Interest of the Tribal people, set up and run Industrial/ Processing Units including Stone query, Stone Crushing, Oil Explorer, Bakery etc. by

itself and/or through its affiliated bodies and arrange for procurement of new materials, sale / marketing of the finished products, provide necessary funds/ credit for the purpose and do all other needful for the purpose as the Board may decide.

40. The Corporation may, for the purposes as mentioned in bye laws 34-40 above;
 - (a) acquire, by purchase or otherwise, lands and buildings and construct buildings and godowns on such land ;
 - (b) Process the produce of the Tribal members ;
 - (c) Open Sale counters or emporia at important hats and markets for sale of produce of members or the processed products of the members and/or of this Corporation and the Consumer goods. The Corporation may advance credit to affiliated Co-operative Societies out of its own resources for meeting the Social and Consumption requirements and for medical treatments of their members on such terms and conditions as the corporation may fix with the approval of the State Government.
 - (d) recover and arrange to sale the bye product of the Processing;
 - (e) own and hire transport, and
 - (f) take all such action as may be necessary for the smooth running of the business;
41. (1) The Corporation may out of its own resources advance case credit, Clean Credit and M.T. and L.T. Loans to its affiliated bodies for procurement and marketing of Minor Forest Product, conducting consumer business. running Industrial / Processing Units / Labour Contract and Labour Oriented Jobs. Forest lots, Coppice Coupe/ Trees Felling Operation, Earthwork, Land development for members, purchase of vehicles etc. in the interest of the Tribal people, as the Co-operative and other banks may not come forward to finance the LAMPS for these purposes on such terms and conditions the Board may fix;
- (2) The Corporation may advance loans, including Short term, Medium term, Long term, out of its own resources and grant subsidy, out of the funds received from the Central/State Government or any other organizations for the purpose, to its affiliated LAMPS for distribution and implementation of its own different types of individual family benefit scheme and, in case of non-availability of the bank loan by such LAMPS, also for different types of such schemes sponsored by the different Central and State Government Agencies to and for the tribal members of its affiliated LAMPS on such terms and conditions as the Board may fix ;
- (3) The other credit functions should normally be undertaken by the local Co-operative Credit Agencies. The Corporation shall, however, take all steps necessary to facilitate easy credit flow to the affiliated Co-operative Societies by the Co-operative Banks or other Credit agencies.

PROFITS

42. (1) The accounts of the Corporation shall be closed in accordance with the Rules, every year.
- (2) The Profit and Loss Accounts and Balance Sheet shall be drawn up in such forms and in such manners as may be prescribed by rules or from time to time by the Registrar of Co-operative Societies and / or the Director of Co-operative Audit, West Bengal.
43. (1) Subject to the Provisions of the Act and Rules, the net profit of the Corporation shall be distributed in the following order namely :
- (a) Not less than Ten Per centum of the net profit shall be carried to the Reserve Fund;
 - (b) Not less than fifteen per centum of the net profits shall be carried to the bad debt Fund ;
 - (c) Not less than Ten Per centum of the net profits shall be carried to the Inventory Loss fund to be maintained for its activities connected with the Programme of activities of the Corporation;
 - (d) 5% of the net profit shall be carried to the Co-operative Education Fund under Rules 115.
- (2) The remainder of not realised profits and realised profits of the previous year available for distribution may be applied as following :
- (i) to the payment of dividend on paid up share of the affiliated bodies percentage to be fixed as per provisions of the Act and Rules ;
 - (ii) to the payment of rebate and additional Commission to affiliated bodies at the rate to be approved by the Registrar of Co-operative Societies ;
 - (iii) addition to any or all of the funds like Building Fund Price Fluctuation Fund, Staff Benefit Fund, and any other Fund as may be considered necessary;
 - (iv) for carrying forward to next year account or such Special Fund for any other purposes as may be determined by General Bodies;
 - (v) Such other purposes as may be prescribe in the Rules;

RESERVE FUND

44. (1) The Corporation shall maintain, a Reserve Fund in respect of the Profits, if any, derivable from its transaction.
- (2) The Reserve Fund shall consist of-
- (a) Ten per centum or such higher proportion of the net profits annually carried to the fund ;
 - (b) Admission fee, after deduction expenses incurred in constituting the Corporation
 - (c) The value of all shares forfeited;
 - (d) The lapsed dividends and fines ;

- (3) The Reserve Fund shall belong to the Corporation and shall be indivisible and no members shall have any claim in it ;

Provided that in case of division of the Corporation into two or more Co-operative Societies, the Reserve Fund may with the sanction of the Registrar, be distributed equitably amongst the new Co-operative Societies.

45. The Reserve Fund, with the previous sanction of the Registrar, shall be available for all or any of the following purpose ;
- (a) to cover any loss, such drawings upon is being re-imbursed from the profit.
 - (b) to meet any call on the Corporation which can not be met otherwise, such payment being reimbursed when fresh collections are made ; and
 - (c) to serve as Security for loans which the Corporation may contract ;
 - (d) The Corporation may in Special Case if the Registrar as permits draw on the Reserve Fund without being required to re-imburse the same from the subsequent years profit;
 - (e) The Corporation may, subject to such condition, if any, as the Registrar may impose, use in its business ;
 - (f) Upto one-fourth of its Reserve Fund when the owned capital is equal to or exceeds the borrowed Capital.

INVESTMENT OF FUNDS

46. (1) The Corporation may invest its funds which are not utilized in its business operation:
- (a) in the Govt. Savings Bank, or
 - (b) in any of the Securities specified in Sec. 20 of the Indian Trust's Act. 1882 other than these specified in clause(s) of that Section; or
 - (c) in a Co-operative Bank approved by the Registrar or any other prescribed Bank; or
 - (d) in the shares, debenture or securities of or as deposit with any other Society or Co-operative Bank.
- (2) The Reserve Fund not used otherwise shall be invested as above.

MISCELLANEOUS

47. Any amendment to, alteration in, addition to or cancellation of the Bye-laws or the adoption of new Bye-laws may be made at a General Meeeting in accordance with the Rules in this behalf of and such amendment will come into force after it has registered by the Registrar.
48. The Corporation will function as a registered Apex Co-operative Society. Where value of shares purchased by Govt. is more than 51% of the total paid up shares, any directions issued by the Govt. will be binding on the Corporation.

49. No act of any Committee or of any Officer of the Corporation shall be considered avoidable merely because of some defect or omission in authorization of such Committee or such Officer either in general or for a particular purpose.
50. The Board of Directors shall provide a Common Seal for the purpose of the Corporation which shall not be affixed to any instrument or document or document except under the authority of the Board of Directors or the Managing Director.
51. The Corporation may be wound up by an order of the Registrar in writing either after an inspection made u/s. 92 or an enquiry held under Section 93 of the Act or upon a resolution carried by 3/4 th of the members present at a Special General Meeting called for the purpose or on his own motion due to causes mentioned u/s. 99 (1)(c) of the Act.
52. Representation (a) In case of Head Office the Chairman or the Vice-Chairman or any two Directors authorised by the Board or any two Officers authorised by the Board and the Managing Director or the Officer performing his duties; or (b) in case of Branch or Regional Office two Officers of the Corporation Jointly as may be duly authorised and certified by the Board by a resolution for the purpose; shall execute and sign all deeds, documents. Creating disposing or otherwise negotiate all Bills of Exchange.

Promissory Notes. Debentures Cheques, Securities and such other documents standing in the name of or held by the Corporation. Provided that in case of Head Office upto Rs. 50,000/- (fifty thousand) and upto Rs. 2,00,000/- (two lakhs) only may be signed jointly by the Managing Director alongwith the Finance Officer or by the Managing Director alongwith the Accountant.

Provided further that all receipts by way of acknowledgement at the Head Office of the Corporation may be signed by the Finance Officer and in his absence by such an Officer as may be authorised by the Board in this behalf.

CHAPTER IV

WEST BENGAL COMMISSION FOR BACKWARD CLASSES

A. Acts & Rules

The West Bengal Commission for Backward Classes Act, 1993

NOTIFICATION

No. 427-L. 15th March, 1993.

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :

West Bengal Act I of 1993

THE WEST BENGAL COMMISSION FOR BACKWARD CLASSES ACT, 1993

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 15th March, 1993.]

An Act to constitute a State Commission for Backward Classes other than the Scheduled Castes and the Scheduled Tribes and to provide for matters connected therewith or incidental thereto.

WHEREAS it is expedient to constitute a State Commission for Backward Classes other than the Scheduled Castes and the Scheduled Tribes and to provide for matters connected therewith or incidental thereto ;

It is hereby enacted in the Forty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows :

CHAPTER I

Preliminary

Short title, extent
and commence-
ment.

1. (1) This Act may be called the West Bengal Commission for Backward Classes Act, 1993.
- (2) It extends to the whole of West Bengal.
- (3) It shall come into force at once.

Definitions.

2. In this Act unless the context otherwise requires,—
 - (a) “backward classes”, for the purpose of this Act, means such backward classes of citizens other than the Scheduled Castes and the Scheduled Tribes as may be specified by the State Government in the lists ;
 - (b) “Commission” means the West Bengal Commission for Backward Classes constituted under section 3 ;
 - (c) “lists” mean lists prepared by the Government of West Bengal from time to time for purposes of making provision for the reservation of appointments or posts in favour of backward classes of citizens which, in the opinion of that Government, are not adequately represented in the services under the Government of West Bengal and any local or other authority within the territory of West Bengal or under the control of the Government of West Bengal ;
 - (d) “Member” means a Member of the Commission and includes the Chairperson ;
 - (e) “prescribed” means prescribed by rules made under this act.

CHAPTER II

The West Bengal Commission for Backward Classes

Constitution of the
Commission for
Backward Classes.

3. (1) The State Government shall constitute a body to be known as the West Bengal Commission for Backward Classes 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 nominated by the State Government :—
 - (a) A Chairperson, who is or has been a Judge of the High Court ;
 - (b) a social scientist ;

- (c) two persons, who have special knowledge in matters relating to backward classes ; and
- (d) a Member-Secretary, who is or has been an officer of the State Government in the rank of a Secretary to the Government of West Bengal.

4. (1) Every Member shall hold office for a term of three years from the date he assumes office.

Term of office
and conditions
of service of
Chairperson
and Members.

(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 becomes 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 that person's continuance in office detrimental to the interests of backward classes or 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.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

(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. (1) The State Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission.

Officers and
other employees
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 be paid out of grants.

6. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, 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.

Vacancies, etc. not to invalidate proceedings of the Commission.

7. 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.

Procedure to be regulated by the Commission.

8. (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 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

Functions of the Commission.

9. (1) The Commission shall examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-inclusion or under-inclusion of any backward class in such lists and tender such advice to the State Government as it deems appropriate.
- (2) The advice of the Commission shall ordinarily be binding upon the State Government.

Powers of the Commission.

10. 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 :—
 - (a) summoning and enforcing the attendance of any person from any part of India 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 witness and documents; and
 - (f) any other matter which may be prescribed.

Periodic revision of lists by the Central Government.

11. (1) The State Government may at any time, and shall, at the expiration of ten years from the coming into force of this Act and every succeeding period of ten years thereafter, undertake revision of the lists with a view to excluding from such lists those classes who have ceased to be backward classes or for including in such lists new backward classes.
- (2) The state Government shall, while undertaking any revision referred to in sub-section (1), consult the Commission.

CHAPTER IV

Finance, Accounts and Audit

Grants by the State Government.

12. (1) The State 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 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 sub-section (1).

Accounts and Audit.

13. (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 in consultation with the Accountant-General, West Bengal.
- (2) The accounts of the Commission shall be audited by the Accountant-General, West Bengal, 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, West Bengal.
- (3) The Accountant-General, West Bengal, and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Accountant-General, West Bengal, 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 offices of the Commission.

Annual Report

14. 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 account

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 State Leg-
islature.

15. 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 reasons 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 State Legislature.

CHAPTER V

Miscellaneous

Chairperson,
Member and
employees of the
Commission to
be public
servants.

16. 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.

45 of 1860.

Power to make
rules.

17. (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 of officers and other employees under sub-section (2) of section 5 ;
- (b) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 13 ;
- (c) the form in, and the time at, which the annual report shall be prepared under section 14 ;
- (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 State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees 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.

Power to remove
difficulties.

18. (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.
- (2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

By order of the Governor,

S. K. Phaujdar

Secy. to the Govt. of West Bengal.

The West Bengal Commission for Backward Classes (Amendment) Act, 2005

No. 578-L. 18th April, 2005.

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :

WEST BENGAL ACT V OF 2005

THE WEST BENGAL COMMISSION FOR BACKWARD CLASSES (AMENDMENT) ACT, 2005.

[Passed by the West Bengal legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,
Extraordinary, of the 18th April, 2005.]

An Act to amend the West Bengal Commission for Backward Classes Act, 1993

WHEREAS it is expedient to amend the West Bengal Commission for Backward Classes Act, 1993, for the purpose and in the manner hereinafter appearing :

It is hereby enacted in the Fifty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows :

West Ben. Act 1 of
1993.

Short title and
commence-
ment.

1. (1) This Act may be called the West Bengal Commission for Backward Classes (Amendment) Act, 2005.

(2) It shall come into force at once.

2. In section 4 of the West Bengal Commission for Backward Classes Act, 1993, for sub-section (1), the following sub-section shall be substituted :

Amendment of
section 4 of West
Ben. Act 1 of
1993.

“(1) (a) Every Member other than the Member-Secretary shall hold office for a term of three years from the date he assumes office.

(b) The Member-Secretary shall hold office for a term of three years from the date he assumes office, or until he attains the age of sixty-two years, whichever is earlier.”

By order of the Governor,

Md. Hesamuddin,

*Secy-in-charge to the Govt. of West Bengal,
Law Department.*

The West Bengal Commission for Backward Classes (Amendment) Act, 2007

No. 684-L

16th May, 2007.

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :

West Bengal Act VI of 2007

THE WEST BENGAL COMMISSION FOR BACKWARD CLASSES (AMENDMENT) ACT, 2007.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,
Extraordinary, of the 16th May, 2007.]

An Act to amend the West Bengal Commission for Backward Classes Act, 1993

WHEREAS it is expedient to amend the West Bengal Commission for Backward Classes Act, 1993, for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Fifty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows :

West Ben. Act 1
of 1993.

Short title and
Commencement.

1. (1) This Act may be called the West Bengal Commission for Backward Classes (Amendment) Act, 2007.
- (2) It shall come into force at once.

Amendment of
section 13 of West
Ben. Act. 1 of 1993

2. In section 13 of the West Bengal Commission for Backward Classes Act, 1993,—
 - (a) for sub-section (2), the following sub-section shall be substituted :
“(2) The annual statement of accounts referred to in sub-section (1) shall be submitted to such examination and audit as the State Government may direct, and subject to the provisions of the Comptroller and Auditor-General’s (Duties, Powers and Conditions of Service) Act, 1971 and the rules and orders made thereunder, the Governor of the State may entrust the audit of such accounts to the Comptroller and Auditor-General of India.”
 - (b) in sub-section (3) for the words “The Accountant General, West Bengal” occurring at two places, the words “the Comptroller and Auditor General of India” shall be substituted.
 - (c) after sub-section (3) the following sub-section shall be inserted
 - (4) The accounts of the Commission as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded to the State Government and the State Government shall cause the same to be laid, as soon as may be after it is received before the Legislative Assembly.

56 of 1971

By order of the Governor

S. K. Chakraborti

Pr. Secy. to the Govt. of W. B.

Law Dept.

The West Bengal Commission for Backward Classes (Amendment) Act, 2010

No. 1369-L. 21st September, 2010.

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :

West Bengal Act XXIII of 2010

THE WEST BENGAL COMMISSION FOR BACKWARD CLASSES (AMENDMENT) ACT, 2010.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,
Extraordinary, of the 21st September, 2010.]

An Act to amend the West Bengal Commission for Backward classes Act, 1993.

WHEREAS it is expedient to amend the West Bengal Commission for Backward Classes Act, 1993, for the purposes and in the manner hereinafter appearing ;

West Ben. Act 1 of
1993.

It is hereby enacted in the Sixty-first Year of the Republic of India, by the Legislature of West Bengal, as follows :

1. (1) This Act may be called the West Bengal Commission for Backward classes (Amendment) Act, 2010.
- (2) It shall come into force at once.
2. For section 9 of the West Bengal Commission for Backward Classes Act, 1993, the following section shall be substituted :
 9. (1) (a) The Commission shall examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-inclusion or under-inclusion of any backward class in such lists and tenders such advice to the State Government as it deems appropriate.
 - (b) The advice of the Commission tendered under this sub-section shall ordinarily be binding upon the State Government.
 - (2) The Commission shall consider any reference from the State Government regarding inclusion of any class of citizens as a backward class in the lists or deletion of any backward class therefrom.

Short title and
Commencement.

Substitution of new
section for section
9 of West Ben.
Act 1 of 1993.

"Functions of the
Commission"

- (3) The Commission shall, on request from the State Government, examine the social and educational conditions and problems incidental thereto of any class of citizens belonging to the backward classes within the territory of West Bengal, and advise the State Government."

By order of the Governor,

Amitabha Chatterjee,

*Secy.in-charge to the Govt. of West Bengal,
Law Department.*

The West Bengal Commission for Backward Classes (Amendment) Act, 2015

No. 490-L. 6th April, 2015

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information: —

WEST BENGAL ACT VI OF 2015 THE WEST BENGAL COMMISSION FOR BACKWARD CLASSES (AMENDMENT) ACT, 2015.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 6th April, 2015.]

An Act to amend the West Bengal Commission for Backward Classes Act, 1993.

WHEREAS it is expedient to amend the West Bengal Commission for Backward of Classes Act, 1993, for the purpose and in the manner hereinafter appearing;

West Ben.
Act I of 1993.

It is hereby enacted in the Sixty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows: —

Short title and
commencement.

1. (1) This Act may be called the West Bengal Commission for Backward Classes (Amendment) Act, 2015.

(2) It shall come into force at once.

Amendment of
section 4 of West
Ben. Act I of 1993.

2. For clause (b) of sub-section (1) of section 4 of the West Bengal Commission for Backward Classes Act, 1993, the following clause shall be substituted:—

“(b) The Member-Secretary shall hold office for a term of five years from the date he assumes office, or until he attains the age of sixty-five years, whichever is earlier.”

By order of the Governor,
Yasmin Fatma,
Secy.-in-Charge to the Govt. of West Bengal,
Law Department.

The West Bengal Commission for Backward Classes Rules, 1993

No. 604-TW/EC Calcutta, the 25th November, 1993.

In exercise of the power conferred by section 17 of the West Bengal Commission for Backward Classes Act, 1993 (West Ben. Act I of 1993), the Governor is pleased hereby to make the following rules :

Rules

1. Short title and commencement

- (1) These Rules may be called the West Bengal Commission for Backward Classes Rules, 1993.
- (2) They shall come into force on the date of their publication in the *Official Gazette*.

2. Definitions

In these rules, unless the context otherwise requires,—

- (a) the “Act” means the West Bengal Commission for Backward Classes Act, 1993 (West Ben Act I of 1993) ;
- (b) “Chairperson” means the Chairperson of the Commission ;
- (c) “Commission” means the West Bengal Commission for Backward Classes constituted under section 3 ;
- (d) “establishment” means any office of the State Government or local or statutory authority constituted under any State Act for the time being in force and includes a University or College or other educational institution owned or aided by the State Government.
- (e) “Member” means a member of the Commission, and includes the Member-Secretary ;
- (f) “section” means a section of the Act.

3. Salary and allowances of Chairperson and other members.

- (1) The Chairperson shall be paid the same pay and allowances as are drawn by a sitting Judge of the High Court. In the case of appointment of a retired Judge of the High Court or the Supreme Court, he shall be paid the same pay and allowances as are drawn by a sitting Judge of the High Court or the Supreme Court, as the case may be, less pension, if any, drawn by him.

- (2) The Member-Secretary shall draw pay and allowances in the scale admissible to an officer of the State Government in the corresponding level. If he is a retired member of any service, he shall draw the pay last drawn by him, less pension, and the allowances admissible to him.
- (3) A Member other than the Chairperson and the Member-Secretary, shall be a part-time Member, and shall be paid salary and allowances at par with those of a Member of the West Bengal Legislative Assembly. He shall also be paid daily allowance for the day on which he is required to attend the meeting of the Commission at such rate at which a Member of the West Bengal Legislative Assembly is allowed such allowance.

4. Traveling allowance

- (1) The Chairperson shall be entitled to draw travelling allowance and daily allowance for journey performed by him in the discharge of the functions of the Commission at the rates applicable to the Judges of the High Court or the Supreme Court, as the case may be.
- (2) A member shall be entitled to such traveling allowance for attending the office of the Commission as is admissible to a Member of the West Bengal Legislative Assembly. He shall also be entitled to such travelling allowance for journeys undertaken by him in the discharge of functions of the Commission as is admissible to a Member of the West Bengal Legislative Assembly.

Provided that in the case of a Member, who is in service or is holding any post in any establishment, he shall be governed by the rules regarding travelling allowance and daily allowance applicable to him in such establishment.

- (3) The Chairperson shall be his own controlling officer in respect of all the allowances as aforesaid. He shall also be the controlling officer in respect of the daily allowance and travelling allowance admissible to a Member under these rules.

5. Facility for medical treatment

The Chairperson shall be entitled to medical treatment and hospital facilities as admissible to a sitting Judge of the High Court or the Supreme Court, as the case may be.

6. Salaries and allowances of officers and staff

The salaries and allowances and travelling allowances payable to and the other terms and conditions of service of, the Member-Secretary and the officers and other employees of the Commission shall be such as are admissible to the officers and employees of the State Government in the corresponding level.

7. Maintenance of accounts and records

The accounts and records of the Commission shall be maintained in the following forms :

- (i) Cash book ;
- (ii) Bill Register ;
- (iii) Bill Transit Register duly authenticated by the Treasury/Calcutta Pay and Accounts office ;
- (iv) Subsidiary Cash Book ;
- (v) Cash Book showing transaciton of permanent advance, where necessary ;
- (vi) Expenditure Register (T.R. Form No.32 of the Treasury Rules, West Bengal);
- (vii) Subsidiary Cash Book showing transactions of personal Ledger Account ;
- (viii) Subsidiary Cash Book showing accounts of cheques received from Treasury/ Calcutta Pay and Accounts Office ;
- (ix) Group 'D' staff General Provident Fund Account Ledger and Broad Sheet ;
- (x) Group Insurance Register of Members ;
- (xi) Register of Security Deposits ;
- (xii) Service Postage Stamp Register (rule 81 of the West Bengal Financial Rules, Volume I) ;
- (xiii) Register showing accounts of charges for electric current for lights and fans (rule 79 of the West Bengal Financial Rules, Volume I) ;
- (xiv) Stock Book of various purchases made (rule 103 of the West Bengal Financial Rules, Volume 1)
- (xv) Stock Accounts of Receipt Book ;
- (xvi) Stock Book of stationery articles including forms ;
- (xvii) Register of Advances made and recoveries thereof from Government employees ;
- (xviii) Register of Advances drawn and adjustments thereof ;
- (xix) Pay Bill Register ;

8. Annual Statement of Accounts

The Commission shall prepare an annual statement of accounts in T. R. Form No. 32 of the Treasury Rules, West Bengal, as reproduced in Appendix I.

9. Annual Report

The Commission shall prepare an annual report giving a full account of its activities within three months from the end of the respective financial year and shall forward a copy thereof to the State Government in the form in Appendix II.

APPENDIX I*(See Rule 8)***T. R. Form No. 32***(See S. R. 238)*

Expenditure register of the office. Place

For the year

Date	To whom paid	Salaries		Travel Expenses	Wages	Office Expenses	Payment for Professional and special services	Rent, Rates and Taxes/Royalty	Publication	Materials and supplies	Advertising, Sales and publicity expenses	Hospitality expenses/ sumptuary allowances	Major works, Minor works
		Permanent Establishment	Temporary Establishment										
		Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.		Rs. P.	Rs. P.	Rs. P.
	Allotment												

APPENDIX II*(See Rule 8)***Form of Annual Report****Annual Report of the West Bengal Backward Classes Commission
for the financial year**

- Total number of applications received for Inclusion of any class of Citizens as a backward class
- Number of such applications entertained by the Commission

3. Total number of complaints on over-inclusion and under-inclusion of any backward class received by the Commission
4. Number of such complaints entertained by the Commission
5. Number of sittings held by the Commission during the year
6. Total number of applications for inclusion disposed of by the Commission during the year
7. Total number of complaints for over inclusion and under inclusion disposed of by the Commission during the year
8. Whether the Commission has advised the State Government to include any class of citizens as backward class and, if so, particulars of the class or classes concerned
9. Whether the Commission has advised the State Government to exclude any class of citizens from the list of backward classes and if so, particulars of the class or classes concerned
10. Particulars of any other recommendations made by the Commission to the State Government

By order of the Governor

V. Subramanian

Secy. to the Govt. of West Bengal

The West Bengal Commission for Backward Classes (Amendment) Rules, 2003

No. 2048-BCW

10th June, 2003.

In exercise of the power conferred by section 17 of the West Bengal Commission for Backward Classes Act, 1993 (West Ben. Act I of 1993), the Governor is pleased hereby to make, with immediate effect, the following amendments in West Bengal Commission for Backward Classes Rules, 1993, (hereinafter referred to as the said rules) :

Amendments

In the said rules :

(1) for rule 3 *substitute* the following rule:—

“3 Allowances and perquisites of Chairperson and Members other than Member-Secretary.—

- (1) The Chairperson shall be paid a sitting allowance at the rate of Rs. 600/- per day for the day on which he is required to attend the meeting of the Commission, and he shall also be paid a daily allowance equivalent to the sitting allowance for the day on which he is required to attend the office of the Commission for any official purpose other than for attending the meeting.
- (2) The Member shall be paid a sitting allowance at the rate of Rs. 400/- per day for the day on which he is required to attend the meeting of the Commission, and he shall also be paid a daily allowance equivalent to the sitting allowance for the day on which he is required to attend the office of the Commission for any official purpose other than for attending the meeting.”

(2) after rule 3, insert the following rules :

“3A. Salary and allowances of Member-Secretary.—The Member-Secretary shall draw pay and allowances in the scale admissible to an officer of the State Government in the corresponding level. If he is a retired member of any service, he shall draw the pay last drawn by him, less pension, and the allowances admissible to him.

3B. Facilities for conveyance.—The Commission shall, on its own expenses, provide the Chairperson a car for the day on which he is required to attend the meeting of the Commission and for attending the office of the Commission for any official purpose.”

(3) In rule 4—

(a) in Sub-rule (1). *omit* the words “or the Supreme Court, as the case may be”;

(b) for sub-rule (2), *substitute* the following sub-rule :

“(2) A Member other than the Chairperson shall be entitled to such travelling allowance for journeys undertaken by him in the discharge of the functions of the Commission as is admissible to a Principal Secretary to the Government of West Bengal :

Provided that in the case of a Member who is in service or is holding any post in any establishment, he shall be governed by the rules regarding travelling allowance and daily allowance applicable to him in such establishment.”

(c) for sub-rule (3), *substitute* the following sub-rule :—

“(3) A Member including Chairperson shall be his own controlling officer in respect of the travelling allowance and other allowances provided for in these rules” ;

(4) *Omit* rule 5 ;

(5) after rule 9, *add* the following rule :

“10. **Interpretation.**—If any question arises relating to the interpretation of these rules, it shall be referred to the State Government in the Backward Classes Welfare Department for its decision, whose decision thereon shall be final”.

By order of the Governor

R. Bandyopadhyay

Principal Secy., to the Govt. of West Bengal.

Revised Sitting Allowances etc. of the Chairperson and Members of the Commission

No. : 580-BCW

Date : 22.02.2011

From : Shri S. K. Ghosh, WBSS,
Deputy Secretary to the Govt. of West Bengal.

To : The Treasury Officer, Bidhannagar Treasury,
Bidhannagar, Saltlake, Kolkata.

Sir,

I am directed to say that the matter of revision of sitting fees, daily allowances etc., to the Chairperson and Members of the West Bengal Commission for Backward Classes was under active consideration of the Government for some time past. After careful consideration, the Governor has been pleased to revise sitting allowance, daily allowances and travelling allowances for the Chairperson and sitting allowances and daily allowances for the Members of the West Bengal Commission for Backward Classes as under :

1. For Chairperson :

- (a) Sitting Allowance—Rs.1,000/-/Sitting ;
- (b) Daily Allowance—Rs. 1,000/-/Sitting ;
- (c) Transport Allowance—Rs. 4000/-/Month;

2. For Members :

- (a) Sitting Allowance—Rs. 800/-/Sitting ;
- (b) Daily Allowance—Rs. 800/-/Day ;

The Order will take immediate effect.

This has the approval of Finance (Audit) Department vide their UO No.611—Gr—'P' (Service) Dated 17.02.2011.

Yours Faithfully,
*Deputy Secretary to the
Govt. of West Bengal*

CHAPTER - V

Other Organisations under the BCW/TD Departments

A. Rules / Regulations / Memoranda of Associations

The West Bengal Tribes Advisory Council Rules, 1953

NOTIFICATION

No. 1282-TW,

25th August, 1953.

In exercise of the power's conferred by Sub-paragraph (3) of paragraph 4 of the Fifth Schedule to the Constitution of India, the Governor is pleased to make the following rules, namely:-

The West Bengal Tribes Advisory Council Rules, 1953.

Rules

1. Those rules may be called the West Bengal Tribes Advisory Council Rules, 1953.
2. Those rules shall come into force at once ;
3. In those rules, unless there is anything repugnant in the subject or context, -
 - (a) 'Assembly' means the West Bengal Legislative Assembly;
 - (b) 'Governor' means the Governor of West Bengal;
 - (c) 'Council' means members of the West Bengal, Tribes Advisory Council;
4. (a) The West Bengal Tribes Advisory Council (hereinafter referred to as the Council) shall consist of the following Members,-
 - (i) The Minister of State-in-Charge of Scheduled Castes and Tribes Welfare Department, West Bengal, who shall be the ex-officio Chairman of the Council.
 - (ii) Fifteen Scheduled Tribe representatives of the Legislative Assembly of West Bengal to be nominated by the State Government.
 - (iii) Three members to be nominated by the Governor in accordance with the provisions of Sub-rule (d) and
 - (iv) One Member of Parliament from a Scheduled Tribe constituency in West Bengal to be nominated by the State Governor.
- (b) The Director of Scheduled Castes and Tribes Welfare and ex-officio Deputy Secretary, Scheduled Castes and Tribes Welfare Department, shall be the Secretary to the Council
- (c) The names of the members including the Chairman and the Secretary shall be published in the official Gazette.

- (d) The members to be nominated by the Governor under clause (iii) of Sub-rule (a)
 - (i) Shall be such as in the opinion of the Governor have special knowledge and experience of the needs and problems of the Scheduled Tribes.
 - (ii) The Council, unless earlier dissolved by the Governor, shall continue until the dissolution of the Assembly and shall be re-constituted as soon as possible after each General Election.
- 5. (a) The Council shall ordinarily meet once in every six months at such places and on such dates as the Chairman may appoint;
- (b) The Chairman shall preside at every meeting of the Council.
- 6. (a) (i) A Scheduled Tribe member nominated in Clause (ii) of the Sub-rule (a) of rule 4, who ceases to be a member of the Assembly, shall *ipso facto* cease to be member of the Council.
- (ii) A Scheduled Tribe member nominated in clause (iv) of the Sub-rule (a) of rule 4, who ceases to be a member of Parliament, shall *ipso facto* cease to be a member of the Council.
- (b) A nominated member may, at any time, resign his office by addressing a written application to the Chairman;
- (c) If vacancy occurs in the seat of a member of the Council, the vacancy shall be filled *mutatis mutandis* as in the manner prescribed in serial (iv) Sub-rule (c) and (d) of rule 4.
- 7. No. action of the Council shall be called to question, merely by reason of any vacancy in its membership.
- 8. The Chairman shall have the right to invite any person to participate in the debate of the Council, but such person shall not have the right to vote.
- 9. For attending a meeting of the Council, the members shall be entitled to travelling allowances as follows : -
 - (a) Official members shall draw such travelling allowances as are possible under the rules applicable to them;
 - (b) Non-official members other than MLA will be entitled to draw mileage allowance at rates admissible to a first grade officer and daily allowance @ Rs. 10.00 per diem for the days of meeting held in Calcutta or elsewhere and also for the days intervening the dates of meetings provided they are required to stay in Calcutta or other place for attending the meetings of the said Council.

Provided further that for attending a meeting in Calcutta during a session of the West Bengal Legislature such non-official members who are also members of the Legislature and draw the allowances admissible to them as such shall not be entitled to any travelling allowances under these rules;

- (c) Members of the Council, who are members of the Legislative Assembly shall be entitled to draw their daily allowance and conveyance allowances at the same scale and rate as are admissible to them under the Bengal Legislative Assembly (Members Allowances) Rules, 1959, as amended from time to time.
10. A notice containing the agenda for each meeting of the council shall be circulated by the Secretary to the members at least fifteen days before the date fixed for the meeting.
 11. Six members shall form a quorum, and if, at any time there is no quorum, the meeting shall be adjourned.
 12. The decision of the Council on any matter shall be determined by a majority of Votes and in the case of an equality of Votes, the Chairman shall have a casting vote in addition to his own;
 13. A record of the proceedings of the meetings shall be drawn up and entered in a book and shall be signed by the Secretary. Copies of such proceedings shall be sent to the Secretaries of Departments for dealing with the recommendations.

The West Bengal Tribes Advisory Council (Amendment) Rules, 2012

NOTIFICATION

No. 820 –BCW

the 6th March, 2012

In exercise of the power conferred by sub-paragraph (3) of 4 of the Fifth Schedule to the Constituion of India, the Governor is pleased hereby to make the following amendments in the West Bengal Tribes Advisory Council Rules, 1953, published with this Department notification No. 1282 TW. dated the 25th August, 1953, as susequently amended (hereinafter referred to as the said rules) :-

Amendments

In the said rules,—

(1) in rule 4,—

(i) for clause (a), *substitute* the following clause : -

“(a) The West Bengal Tribes Advisory Council (hereinafter referred to as the said Council) shall consist of not more than twenty members to be selected in the following manner : -

- (i) The Minister-in-charge of the Backward Classes Welfare Department, West Bengal, who shall be the *ex-officio* Chairman of the Council.
- (ii) Not more than fifteen Scheduled Tribes representatives of the Legislative Assembly of West Bengal to be nominated by the State Government:
- (iii) Not more than three members to be nominated by the Governor in accordance with the provisions of sub-rule (d) and
- (iv) One member of Parliament from a Scheduled Tribe constituency in West Bengal to be nominated by the State Government”:

(ii) for clause (b), *substitute* the following clause : -

(b) The Commissioner of Backward Classes Welfare Directorate and *ex-officio* Special Secretary, Backward Classes Welfare Department, shall be the Secretary of the Council,”:

(iii) for clause (d), *substitute* the following clause: -

“(d) The members to be nominated by the Governor under clause (iii) of sub-rule(a)

shall be members of the Scheduled Tribes and shall have special knowledge and experience of the needs and the problems of the Scheduled Tribes”;

(2) For clause (b) of rule 9, *substitute* the following : -

“(b) Non-official members other than MLA will be entitled to draw mileage allowance at highest rates admissible to a Group -A Officer and daily allowance @ Rs. 260/-per diem for the days of meeting held in Kolkata or elsewhere and also for the days intervening the dates of meetings provided they are required to stay in Kolkata or other place for attending the meetings of the said Council.

Provided further that for attending a meeting in Kolkata during a session of the West Bengal Legislature such of the non-official members as are also members of the Legislature and draw the allowance admissible to them as such, shall not be entitled to any travelling allowances under these rules.”

(3) in rule 11, for the words “Six members”, *substitute* the words “One-third of the members”.

By order of the Governor,

S. K. Thade,

Secretary to the Government of West Bengal

The West Bengal Tribes Advisory Council (Amendment) Rules, 2013

NOTIFICATION

No. 4139-BCW

10th December, 2013

In exercise of the power conferred by sub-paragraph (3) of paragraph 4 of the fifth Schedule to the Constitution of India, the Governor is pleased hereby to make the following amendments in the West Bengal Tribes Advisory Council Rules, 1953, published with this Department notification No. 1282 TW, dated the 25th August, 1953, (hereinafter referred to as the said rules)—

Amendment

In the said rules, in rule 4,—

- (1) in clause (a), in sub-clause (i), for the word “The Minister -in-Charge of the Backward Classes Welfare Department. West Bengal” substitute the words “The Minister -in - Charge, Department of Tribal Development, West Bengal”.
- (2) for clause (b), *substitute* the following clause—
(b) A nominee of the Secretary Department of Tribal Development, who shall not be lower in rank the post of Joint Secretary of the Department, shall be the Secretary of the Council”.

By order of the Governor,

S. K. Thade

Principal Secretary to the Government of West Bengal

**The West Bengal Tribes Advisory Council
(Amendment) Rules, 2013
(Second Amendment)**

NOTIFICATION

No. 4140 -BCW

10th December, 2013

In exercise of the power conferred by sub-rule (a) of rule 4 of the West Bengal Tribes Advisory Council Rules, 1953, as subsequently amended, the Governor is pleased hereby to constitute the West Bengal Tribes Advisory Council with the following members :-

- | | | |
|--|---|-----------------------|
| (i) Minister -in-Charge, Department of Tribal Development
Government of West Bengal | — | Ex-officio Chairman : |
| (ii) Special Secretary of the Department of Tribal Development | — | Secretary ; |
| (iii) Nominee of Governor (to be notified) | — | Member; |
| (iv) Shri Manohar Tirkey, Member of Parliament | — | Member; |
| (v) Smt. Sandhya Rani Tudu, Member of Legislative Assembly
of West Bengal | — | Member, |
| (vi) Shri Bachchu Hansda, Member of Legislative Assembly
of West Bengal | — | Member |
| (vii) Shri Dulal Murmu, Member of Legislative Assembly
of West Bengal | — | Member; |
| (viii) Shri Wilson Champramari, Member of Legislative Assembly
of West Bengal | — | Member ; |
| (ix) Shri Khagen Murmu, Member of Legislative Assembly
of West Bengal | — | Member; |
| (x) Shri Sunil Tirkey, Memer of Legislative Assembly
of West Bengal | — | Member, |
| (xi) Smt. Kumari Kujur, Member of Legislative Assembly
of West Bengal | — | Member, |
| (xii) Shri Sushanta Besra, Member of Legislative Assembly
of West Bengal | — | Member; |
| (xiii) Shri Joseph Munda, Member of Legislative Assembly
of West Bengal | — | Member; |

2. This notification shall take immediate effect.

By order of the Governor,

S. K. Thade,

Principal Secretary to the Government of West Bengal

The West Bengal Tribes Advisory Council (Amendment) Rules, 2014

NOTIFICATION

No. STDD-002

2nd June, 2014

In exercise of the power conferred by sub-rule (a) of rule 4 of the West Bengal Tribes Advisory Council Rules 1953, as *subsequently* amended, the Governor is pleased hereby to make, with immediate effect, the following amendments, namely (hereinafter referred to as the said rules) :-

Amendments

In the said rules,—

for serial (iii), *substitute* the following serial :-

(iii) Shri Birsa Tirkey, Nominee of the Governor - Member,”.

By order of the Governor,

S. K. Thade

Principal Secretary to the Government of West Bengal

**The West Bengal Tribes Advisory Council
(Amendment) Rules, 2014
(Second Amendment)**

NOTIFICATION

No. STDD-001

31st May, 2014

In exercise of the power conferred by sub-rule (a) of rule 4 of the West Bengal Tribes Advisory Council Rules, 1953, as *subsequently* amended, the Governor is pleased hereby to make, with immediate effect, the following amendments, namely (hereinafter referred to as the said rules): -

Amendments

In the said rules —

for serial (iv), substitute the following serial :—

“(iv) Shri Dasarath Tirkey, Member of Parliament Member.”

By order of the Governor,

S. K. Thade

Principal Secy. to the Government of West Bengal

Memorandum of Association of Paschim Banga

Adibasi Kalyan O Shiksha Parshad

Government of West Bengal

Backward Classes Welfare Department

No. 3482-B.C.W.

Dated, Kolkata, the 4th October, 2004

6S (MC)-28/2001

NOTIFICATION

A proposal for amendment of Memorandum of Association and Rules & Regulations of Paschim Banga Tapasili Upajati Siksharthi Kalyan Parshad, a society set up by the Backward Classes Welfare Department, during 1998 and registered on 11th August, 1998 under West Bengal Societies Registration Act, 1961 was sent by the said Parshad to this Government for according approval to the proposal so sent. The said proposal was under consideration of the Government of West Bengal for some time past. It was observed during examination of the said proposal that the said parshad underwent all the required formalities as prescribed under the provisions of the aforesaid Act and the concerned Rules.

After careful consideration of the matter, the Governor has been pleased to accord approval to the amended Memorandum of Association and Rules & Regulations as mentioned below and also to allow the parshad to give effect to the amended Memorandum of Association and Rules & Regulations of the said parshad.

MEMORANDUM OF ASSOCIATION

1. Name of the Society :

The name of the Society shall be Paschim Banga Adibasi Kalyan O Shiksha Parshad' (hereinafter referred to as "parshad").

2. Location of Office :

The Registered Office of the parshad shall be situated at Kolkata, West Bengal, Backward Classes Welfare Directorate, 8 Lyons Range (2nd Floor), Kolkata-700 001.

3. Objects of the Society :

The objects of the Society shall be :

- (a) To establish, control and manage Residential Schools and Industrial Training Institutes for the children belonging to Scheduled Tribes residing within the State of West Bengal and to do all acts and things necessary for or conducive to promotion of such Schools and Institutes subject to approval of the Government of West Bengal and/or any other concerned authority.
- (b) To introduce and supervise the curricula syllabi and other programmes and conduct examination in regard to the education of students in the Tribal

Residential Schools and Industrial Training Institutes established by the Parshad as and when considered necessary.

- (c) To organize and conduct study courses, conference, lectures, seminars, workshops, study tours and the like for the benefit of the students and staff of the Tribal Schools, Colleges and Institutes established by the Parshad.
- (d) To create teaching, administrative, technical, ministerial and other posts under the Parshad and in the schools, colleges and institutes in consultation with the Government.
- (e) To organize and conduct coaching programmes for the tribal candidates appearing in different competitive examinations,
- (f) To develop and promote activities relating to sports and games amongst the tribal students and youths and thereby widening the avenues for them to take part at the State, National and International level.
- (g) To put adequate importance on computer training course for the tribal students and for this purpose to organize and conduct such programmes as may be considered necessary by the Parshad.
- (h) To protect, preserve, develop, promote and disseminate tribal culture and for these purpose to organize and conduct such programmes and also to undertake and administer such projects as may be considered necessary and expedient by the Parshad.
- (i) To frame such programmes as would encourage and involve tribal students, youths and all other sections of people amongst themselves and with the students, youths and all other sections of people belonging to non-tribal communities of the country in creative cultural communications through the process of seminars, exchanges, workshops and such other cultural activities relating to preservation, development and dissemination of cultural heritage of India.
- (j) To pursue such other activities and programmes as would strengthen and disseminate the cultural inter linkages amongst the tribal and non-tribal communities of the country.
- (k) To frame such programmes as would encourage and involve tribal students, youths and other sections to emancipate the people belonging to tribal communities from all kinds of superstitions.
- (l) To frame such programmes as would create such atmosphere as to inspire the tribal parents to ensure education to their children.
- (m) To establish, administer, control and manage Paschim Banga Adibasi Kalyan O Shiksha Parshad.
- (n) To grant stipend, scholarship and fellowship for carrying out study or research in furtherance of these objects.

4. The income and property of the Parshad from whatever source derive, shall be applied solely in the attainment of, or towards the promotion of the objects of the Parshad as herein contained. No portion of the income and property of the Parshad shall be paid, transferred directly or indirectly by way of dividend, bonus or otherwise, however by way of profit, to the persons, who are or at any time have been members of the Parshad or any of them or to any person claiming through them or any of them; provided that nothing shall prevent in good faith remuneration/honorarium/fee to any member thereof or any other person in return for any service rendered to the Parshad or for travelling allowances, halting or other similar charges.
5. The Government of West Bengal may, from time to time appoint one or more persons to review the work and progress of the Parshad and to hold inquiries into the affairs of the Parshad and either *Suo Moto* or on report made, give directions to the Parshad in regard to any matter in such manner as they think fit for the furtherance of the objects of the Parshad and for ensuring its proper and efficient functioning and the Parshad shall be bound to comply with any such direction. The Parshad may, however, have the right to move the Government of West Bengal to reconsider such direction if considered not in conformity with the objects and/or Rules and Regulations of the Parshad.

Rules & Regulations

1. Title :

These Rules and Regulations shall be called the Rules and Regulations of "Paschim Banga Adibasi Kalyan-O-Shiksha Parshad".

2. Definitions :

In these Rules and Regulations unless the context otherwise requires the following words shall have the meanings assigned to them namely: -

- (i) The 'Parshad' shall mean the "Paschim Banga Adibasi Kalyan O Shiksha Parishad";
- (ii) The Governing Body means the Governing Body of the Parshad;
- (iii) The Executive Board means the Executive Board of the Parshad;
- (iv) The Chairman means the Chairman of the Parshad;
- (v) The Vice-Chairman means the Vice-Chairman of the Parshad ;
- (vi) The Director means the Director of the Parshad;
- (vii) Words imparting the singular number shall include plural number and vice-versa and words imparting the masculine gender shall include feminine gender and vice-versa.

3. Authority of the Parshad :

The following shall be the authorities of the Parshad, namely: -

- (a) Governing Body;

(b) Executive Board.

4. Members of the Parshad :

The Parshad shall consist of the following members (hereinafter collectively referred to as Governing Body), namely -

- (i) Chairman;
- (ii) Vice-Chairman;
- (iii) Principal Secretary/Secretary of the Backward Classes Welfare Department, Government of West Bengal ;
- (iv) Principal Secretary/Secretary of the Higher Education Department, Government of West Bengal or his representative;
- (v) Principal Secretary/Secretary of the School Education Department, Government of West Bengal or his representative;
- (vi) Principal Secretary/Secretary of the Technical Education Department, Government of West Bengal or his representative;
- (vii) Principal Secretary/Secretary of the Finance Department Government of West Bengal or his representative;
- (viii) Principal Secretary/Secretary of the Sports Department, Government of West Bengal or his representative;
- (ix) Principal Secretary/Secretary of the Department of Information & Cultural Affairs, Government of West Bengal;
- (x) Special Secretary of the Backward Classes Welfare Department Government of West Bengal;
- (xi) Commissioner, Backward Classes Welfare, Government of West Bengal;
- (xii) Director, Cultural Research Institute, Backward Classes Welfare Department, Government of West Bengal ;
- (xiii) District Magistrates of West Bengal or their representatives;
- (xiv) Project Officer-cum-District Welfare officers/District Welfare Officers/Backward Classes Welfare Officers of the Backward Classes Welfare Department, Government of West Bengal.
- (xv) Representatives of different Tribal Communities from districts of West Bengal to be nominated by the Government of West Bengal in the Backward Classes Welfare Department;
- (xvi) Eminent persons from the field of education in West Bengal to be nominated by the Government of West Bengal in the Backward Classes Welfare Department;
- (xvii) Eminent persons from the field of Computer education in West Bengal to be nominated by the Government of West Bengal in the Backward Classes Welfare Department;

- (xviii) Principals/Head Masters of the Tribal Residential Schools set up by the Parshad;
- (xix) Director-Member-Secretary;

Provided that—

- (a) The Chairman and Vice-Chairman shall be nominated by the Government of West Bengal in the Backward Classes Welfare Department and they shall hold office for period of three years unless their nomination are in the ex-officio capacities;
- (b) All the members of the Governing Body shall be in the ex-officio capacities except categories (xv), (xvi) and (xvii)
- (c) The total number members under sub-rules (xv), (xvi) and (xvii) shall be restricted within 3 (three), 2 (two) and 1 (one) respectively from each district;
- (d) Persons not appointed members on ex-officio capacities shall hold office for a term of three years only and shall be eligible for renomination for another term;
- (e) In the event of vacancy arising in categories (xv), (xvi) and (xvii) the person filling up the vacancy shall be a member only for the remaining term of the vacancy;
- (f) Districts of which the District Magistrates, Project Officer-cum-District Welfare Officers/District Welfare Officers/Backward Classes Welfare Officers and Representatives of different Tribal Communities to be nominated in accordance with categories (xiii), (xiv), (xv), (xvi) and (xvii) shall be determined by the Government of West Bengal in the Backward Classess Welfare Department.

5. Roll of Members :

- (i) The Parshad shall keep a roll of members giving their addresses and occupations and every member shall sign the same on becoming a member. No person shall be deemed to be a member or be entitled to exercise any of the rights and/or enjoy any of the privileges of a member unless he has signed the roll as aforesaid.
- (ii) If a member of the Parshad changes his address and/or occupation, he shall within 15 days from such changes notify his new address and/or occupation to the Director of the Parshad and the entry in the roll will be changed accordingly. In case he fails to do so, his address and/or occupation given in the roll of the members shall be deemed to be correct for the purpose of Parshad. All notices and communications sent to a member at his address as shown in the roll shall be deemed to be shown duly served and sent by the Parshad on his behalf.
- (iii) Every member shall be entitled to inspect the roll of members by giving at least 15 days notice in writing to the Director.

6. Powers and Functions of the Governing Body :

The Governing Body shall have the following powers and functions :

(A) All properties movable, immovable and/or of any other kind shall stand vested in the Governing Body.

(B) Without prejudice to the generality of the foregoing provision the Governing Body shall have the following rights and powers :

- (i) to issue appeals and applications for money and funds in furtherance of the said objects of the Parshad and to accept both from Government and non-Government agencies, Indian and Foreign, Grants, Gifts, Donations, Benefactions, Bequests, Funds-in-Trust, Subscription of Cash and Securities and any property movable or immovable to be utilized for the purpose of the Parshad;
- (ii) to undertake and accept the management of any assets, properties, bequests, endowments or trust-funds;
- (iii) to sell, mortgage, lease, exchange and otherwise transfer or dispose of all or any part of the property, movable or immovable, in furtherance of the objects of the Parshad in consultation with the Government of West Bengal in the Backward Classes Welfare Department;
- (iv) to construct, maintain, alter, extend, improve, develop or repair any immovable property belonging to or held by the Parshad;
- (v) to make rules and bye-laws for the conduct of the affairs of the Parshad and to add, amend, vary or rescind them from time to time;
- (vi) to pay out of the funds belonging to the Parshad or out of any particular part of such funds the expenses incurred by the Parshad from time to time including all expenses incidental to the formation of the Parshad and management and administration of any of the foregoing objects including all rents, rates, taxes, outgoing and salaries, related allowances including fringe benefits of the employees;
- (vii) to establish-provident and other benefit funds for the benefit of the employees of the Parshad including their family and dependent;
- (viii) to grant scholarships and stipends in furtherance of the said objects;
- (ix) to acquire by gift, purchase, exchange, lease or otherwise lands, buildings or other immovable property including educational, cultural, historical or like property together with all rights appertaining to it ;
- (x) to construct and maintain buildings, including right to alter or improve them or to equip them suitably;
- (xi) to raise funds for the Parshad for gifts, donation or otherwise ;
- (xii) to raise loans in consultation with the Government of West Bengal in the Backward Classess Welfare Department;
- (xiii) to receive money, securities, instruments and/or any other movable property;
- (xiv) to enter into agreement for and on behalf of the Parshad;

- (xv) to sue and defend all legal proceedings on behalf of the parshad;
 - (xvi) to grant receipts, to sign and execute instruments and to endorse or discount cheques or other negotiable instruments through its accredited agents;
 - (xvii) to invest the moneys and funds of the Parshad and vary the investment as and when it may seem necessary or proper;
 - (xviii) to make suitable grants of money or to extend other technical or intellectual assistance to voluntary organizations or societies for the welfare, education, preservation of art and culture or documentation, the prosecution of any research or investigation or study in a subject in which the Parshad is interested;
 - (xix) to grant fellowship, scholarship or other monetary assistance on such terms and conditions as it may prescribe, to such persons as it may select for the carrying out of welfare, education, any research or investigation or study in which the Parshad may be interested;
 - (xx) to manage any property, movable or immovable of the Parshad;
 - (xxi) to advance moneys with or without security on such terms as considered proper to any affiliated or similar body having objects similar to that of the Parshad;
 - (xxii) to assign from time to time, such functions and duties and delegate such powers as it may deem fit to the Executive Board;
 - (xxiii) to prescribe the powers, functions and duties of the educational, technical, administrative and executive staff;
 - (xxiv) to perform all such acts and do all such things as may be necessary for the proper management of the properties and affairs of the Parshad;
 - (xxv) to appoint an auditor or auditors for auditing the accounts of the Parshad and to report thereon;
 - (xxvi) to nominate members to the Executive Board from amongst its non-official members;
- (c) The Governing Body shall *inter-alia*, have the power to make bye-laws in respect of the following matters :
- (i) the management of the educational institutions, properties, funds, affairs, and other works of the Parshad.
 - (ii) the procedure for convening and the conduct of the meetings of the Governing Body, the Executive Board or such other bodies as may be set up from time to time, including provision for the transaction of business by circulation of papers, proxy or otherwise, as may be deemed fit.
 - (iii) the creation or abolition of posts and the procedure for appointment of the educational, technical, administrative and ministerial staff provided that the creation or abolition of the said posts is subject to approval of the Government of West Bengal in the Backward Classes Welfare Department;

- (iv) formation of rules and bye-laws relating to service conditions of the officers and staff including teaching and non-teaching staff of the Parshad, financial matters and other administrative matters;
- (v) the preparation and sanction of budget estimates ;
- (vi) the appointment of an Internal Auditor ;

7. Composition of the Executive Board :

The Executive Board shall consist of the following members, namely :

- (i) Chairnan;
- (ii) Vice-Chairnan;
- (iii) Principal Secretary/Secretary of the Backward Classes Welfare Department, Government of West Bengal;
- (iv) Principal Secretary of the Finance Department, Government of West Bengal or his representative;
- (v) Principal Secretary/Secretary of the School Education Department, Government of West Bengal or his representative;
- (vi) Special Secretary of the Backward Classess Welfare Department, Government of West Bengal.;
- (vii) Director, Backward Classes Welfare, Government of West Bengal;
- (viii) Five (5) representativrs from different Tribal communities from amongst the members under category (xiv) of the Governing Body to elected by the Governing Body;
- (ix) Three (3) eminent persons from the field of education from amongst the members under category (xv) of the Governing Body to be elected by the Governing Body;
- (x) One eninent person from the field of computer education from amongst the members under category (xvi) of the Governing Body to be elected by the Governing Body;
- (xi) Director-Member -Secretery.

Provided that :

- (a) the term of the non -official members of the Executive Board shall be for a period of three years only ;
- (b) the non-official member filling up vacancy shall be a Member for the unexpired term only;
- (c) the Chairman and the Vice-Chairman of the Governing Body shall be the Chairman and Vice-Cairman of the Executive Board also.

8. Powers and Functions of the Executive Board :

Subject to the general rules and directions of the Governing Body, the Executive Board shall have the following powers and functions, namely :

- (a) to exercise the executive authority of the Parshad subject to policy directives of the Governing Body ;
- (b) no expenditure other than what has been provided for in the budget shall be incurred by the Parshad without the prior approval of the Executive Board;
- (c) to make bye-laws relating to services under the Parshad and governing the payments of travelling allowances to the Members of the Parshad for undertaking any journey in connection with work relating to Parshad and honorarium for performing any duties assigned to them by the Parshad and in all matters connected thereto;
- (d) to draw up the annual budget of the Parshad to be submitted for approval of the Governing Body;
- (e) to prepare the annual report and accounts of the Parshad for consideration of the Governing Body;
- (f) to incur all expenditure subject to the provision of the approved budget, the rules prescribed from time to time and policy directives of the Governing Body;
- (g) to delegate any power to any Committee as may be constituted by it;
- (h) to prepare and execute plans and programmes for furtherance of the objects of the Parshad;
- (i) to perform all such acts and duties and exercise all such powers as may be delegated or assigned to it by the Governing Body;
- (j) subject to the provisions of these Rules and Regulations, to do any all such other acts as may in its opinion be necessary for the proper management of the affairs of the Parshad;
- (k) No expenditure other than what has been provided for in the budget shall be incurred by the Parshad without prior approval of the Executive Board;
- (l) to monitor the functioning of the District Committee to be set up by the Executive Board;

9. District Committee :

- (a) The Executive Committee shall appoint District Committee for efficient functioning of the Tribal Residential Schools and any other Institutional set up by the Parshad in particular and for implementing any scheme of the Parshad in general. The Executive Board may also appoint District Committee for a district where there is no Tribal Residential School or any Institution of the Parshad;
- (b) The District Committee shall consist of 9 (nine) members out of the members of the Governing Body of the Parshad. At least one member each from amongst the numbers under categories 4(xv), 4(xvi) and 4(xvii) shall be included in the said

committee, The concerned District Magistrate shall be the President of the District Committee. The Member-Secretary of the District Committee shall be appointed by the Executive Board out of the members of the District Committee.

10. Powers and Functions of the District Committee :

- (a) The District Committee shall be primarily responsible for efficient functioning of the Tribal Residential School and other Institutions set up by the Parshad and also for implementing any scheme of the Parshad which may be assigned to the said Committee from time to time by the Executive Board.
- (b) The Executive Board shall delegate such powers including financial power to the District Committee as may be considered necessary by the said Board for efficient functioning of the District Committee.
- (c) The District Committee shall function in accordance with the bye-laws of the Parshad.
- (d) The District Committee shall submit detailed report about its functioning on quarterly basis to the Executive Board. The District Committee shall also submit report to the Executive Committee on any matter as and when required by the Executive Board.
- (e) The District Committee shall submit a statement regarding requirement of fund for a financial year to the Executive Board by 31st December of every year to facilitate to draw up the annual budget of the Parshad.

11. Sub-committee :

The Executive Board may appoint various Sub-committees like Finance Committee, Education Committee etc. to aid and advise on matters considered necessary by the said Board.

12. Meetings :

- (i) The meeting of the Governing Body shall be held at least once in every year which shall be its Annual Meeting and also shall be the Annual General Meeting of the Parshad.
- (ii) The Chairman may convene a special meeting of the Governing Body and/or the Executive Board, whenever he thinks fit.
- (iii) Except as otherwise provided in these Rules, all meetings of the Governing Body and/or the Executive Board shall be called by notice issued by the Director.
- (iv) Every notice calling a meeting of the Governing Body and/or the Executive Board shall state the date, time, place at which such meeting will be held and mentioning agenda shall be sent to every member of the Governing Body and the Executive Board not less than seven clear days before the day appointed for the meeting. The accidental omission to give notice to or non-receipt of notice by a Member

shall not invalidate the meeting. The Chairman may, however, for the reasons to be recorded, call special meeting on such shorter notice as he may think fit and proper.

- (v) The meeting of the Governing Body and the Executive Board shall be presided over by the Chairman and in the absence of the Chairman, a meeting of the Governing Body/Executive Board shall be presided over by the Vice-Chairman and in absence of both of them by a Member chosen by the Members present on the occasion. The meeting of the District Committee shall be presided over by the President of the said committee and in absence of the President by a Member chosen by the Members present on the occasion.
- (vi) The quorum shall be one-third of the strength of Members of the Governing Body, Executive Board and District Committee.
- (vii) If a meeting of the Governing Body, Executive Board and District Committee is adjourned for want of quorum, no quorum shall be necessary for the reconvened meeting.
- (viii) All questions under discussion at the meeting of the Governing Body, the Executive Board and the District Committee shall be determined by a simple majority vote of those present. Every member of the Governing Body, the Executive Board and the District Committee including the Member presiding shall have one vote; and in the event of equality of votes on any question to be determined by the Governing Body, the Executive Board and the District Committee and the person presiding shall have an additional or casting vote.
- (ix) The Chairman or any person presiding over the meetings of the Governing Body/ or the Executive Board or the District Committee is entitled to interpret the Memorandum of Association and Rules & Regulations and Bye-laws of the Parshad for the purpose of conducting and regulating meeting and deciding the questions and matters that may arise at such meeting.

13. (a) **Powers of the Chairman :**

- (i) The Governing Body may, by resolution delegate to its Chairman such powers for the conduct of business of the Parshad as it may deem fit, subject to the conditions that the action taken by the Chairman under powers so delegated shall be ratified and confirmed at the next meeting of the Governing Body.
- (ii) The Chairman may, in writing , delegate some of the powers, as may be necessary to the Director.
- (iii) The powers delegated under Rule 12(i) and 12(ii) shall be exercised subject to the provisions of the bye-laws made under Rule 6(v) and so or to be within the Budget Estimates approved by the Governing Body from time to time.

(b) **Powers of the Vice-Chairman :**

In absence of the Chairman due to any reason whatsoever the Vice-Chairman will discharge all function of the Chairman.

14. Appointment, Function and Powers of the Director :

- (i) The Director of the Parshad shall be appointed by the Chairman with prior approval of the Government of West Bengal in the Backward Classes Welfare Department on such terms and conditions as may be approved by the Government of West Bengal.
- (ii) The Director shall be the Chief Executive Officer of the Parshad. He shall be responsible for the proper administration of the affairs of the Parshad under the direction and control of the Chairman.
- (iii) The Director shall, in all matters under the charge, have the powers and duties assigned to him in these Rules and Regulations and the bye-laws that may be framed or such powers and duties as may be delegated further to him by the Chairman.
- (iv) The Director shall prescribe the duties of all officers and staff of the Parshad and shall exercise such supervision and disciplinary control as may be necessary subject to these Rules and Regulations and the bye-laws that may be framed.
- (v) The Director shall be the custodian of the records and such other property of the Parshad as the Executive Board may commit to his charge.
- (vi) The Director shall have the power to make, sign and execute all such documents and instruments as may be necessary and proper for carrying on the management of property of affairs of the Parshad.

15. Bye-laws :

- 1. The Governing Body shall have powers to make and frame bye-laws and to alter, amend and rescind the same from time to time not inconsistent with the Memorandum of Association and Rules and Regulations of the Parshad for the administration and management of the affairs of the Parshad.
- 2. Without prejudice to the generality of the foregoing provisions such bye-laws may provide for the following matters :
 - (a) the preparation and sanction of the Budget Estimates, the sanctioning of expenditure, making and execution of contracts, the investment of the funds of the Parshad and the sale or alteration of such investment, account and audit.
 - (b) the procedure for appointment of the officers and the staff of the Parshad including the teaching and non-teaching staff of the Tribal Residential School and any other Institution set by the Parshad;
 - (c) the terms and tenure of appointment, emoluments allowance, rules of discipline and other conditions of services of the officer and staff of the Parshad including the teaching and non-teaching staff of the Tribal Residential School and other Institution set up by the Parshad.

16. Funds and Finance :

In discharging its functions for effectively advancing and fulfilling the aims and objects of the Parshad the Governing Body shall have the powers and authorities :

- (i) to raise funds by way of donations or by contributions from public or by way of grant from the Central Government, State Government, Corporations and/or any other sources for carrying out the objects of the Parshad.
- (ii) to obtain or accept grants, subscription, donation, gifts and bequests from the Central Government, State Government, Corporation, trusts, any other institutions and/or person for the purpose of Parshad.
- (iii) to borrow or raise money with or without security of mortgage charge or otherwise, of all or any of the immovable properties provided that if the assets have been created wholly or largely out of Government grants, prior approval of the Government of West Bengal in the Backward Classes Welfare Department should be obtained.
- (iv) to sell, buy, exchange, hire or otherwise transfer all or any portion of property movable or immovable, provided that if immovable property has been created wholly or largely out of the Government grants, prior approval of the Government of West Bengal in the Backward Classes Welfare Department should be obtained.
- (v) to maintain a fund to which shall be credited :
 - (a) All moneys received by the Parshad by way of grants, subscriptions, donations, gifts, bequests or other transfers from the Central Government and/or State Government ;
 - (b) All moneys received by the Parshad in any other manner or from any other sources ;
- (vi) to deposit all moneys credited to the fund in such manner as may be provided in the Rules and Regulations of the Parshad.
- (vii) to draw, make, accept, endorse and discount cheques, notes or other negotiable instrument and for this purpose to sign, execute and deliver such assurances and deed as may be necessary for the purpose of the Parshad.
- (viii) to pay out of the funds belonging to the Parshad or out of any particular part of such funds, the expenses including all expenses incidental to the functioning, management and administration of the Parshad including all rents, rates, taxes, salaries and allowances of the officers and staff of the Parshad including the teaching and non-teaching staff of the Tribal Residential School and any other institution set up by the Parshad and Travelling allowances, honorarium to the non official members of the Parshad.

17. Dissolution of the Society :

The Society may be dissolved in accordance with the provisions under sections 24 & 25 of the West Bengal Societies Registration Act (Act, XXVI) of 1961. In the event of

dissolution after satisfaction of all its liabilities, all the assets including movable and immovable properties whatsoever remains shall vest in the Government of West Bengal in the Backward Classes Welfare Department who shall decide the future use of them in consultation with the Government of India.

18. Bank Account :

- (i) The Bankers of the Parshad shall be any Scheduled Bank. All funds shall be paid into the Accounts of the Parshad with the Bank and shall not be withdrawn except through cheque signed and countersigned by such officers as may be duly empowered in this behalf by the Executive Board.
- (ii) The Executive Committee shall also allow the District Committee to open Account with a Branch of the Banker of the Parshad. All funds received by the District committee from the Parshad shall be paid into the Account of the District Committee of the Parshad with the said Branch and shall not be withdrawn except through cheque signed and countersigned by such officers as may be duly empowered in this behalf by the Executive Board.

19. Amendment :

- (a) The Rules and Regulations and Bye-laws of the Parshad may be altered at any time by a Resolution passed by a majority of three-fourths of the total Members of the Governing Body present at a meeting of the Governing Body duly convened for the purpose. Provided that the amendment of the Rules and Regulations of the Parshad shall be subject to the provisions of the West Bengal Societies Registration Act (Act XXVI) of 1961.
- (b) Subject to the provisions of the West Bengal Societies Registration Act (Act XXVI) of 1961, the Parshad may alter or extend the purpose for which it is established with the concurrence of the Government of West Bengal in the Backward Classes Welfare Department.

20. Legal Proceedings :

The Parshad may sue or be sued in the name of the Director of the Parshad.

21. Application of the Act :

All the provisions under all the sections of the West Bengal Societies Registration Act (Act XXVI) of 1961 shall apply to the Parshad.

By order of the Governor,

Sd/- S. B. Mondal

*Principal Secretary to the
Government of West Bengal*

Amendment to the Memorandum of Association of Paschim Banga Adibasi Kalyan O Shiksha Parshad, 2012

No. 3782 - BCW**10/30.10.2012**

NOTIFICATION

In terms of resolution adopted in the meeting of Executive Board of Paschim Banga Adibasi Kalyan-o-Siksha Parshad held on 18.5.2012 for amendment of Memorandum of Association bearing Notification No. 3482-BCW/6 S(MC) -28/2001 Dated 4/6 th October, 2004 in respect of Rule 4 and 7, the Governor has been pleased to accord approval for amendment in the following manner:

“Rule 4. The Parshad shall consist of the following members (hereinafter collectively referred to as the Governing Body), namely :-

- (i) Hon'ble MIC, BCW Department—Chairman ;
- (ii) Vice-Chairman—to be kept vacant for the time being;
- (iii) Principal Secretary/ Secretary of the Backward Classes Welfare Department, Govt. of West Bengal —Member ;
- (iv) Principal Secretary/Secretary of the Higher Education Department, Govt. of West Bengal, or his representative (not below the rank of Joint-Secretary)—Member;
- (v) Principal Secretary/Secretary of the School Education Department, Govt. of West Bengal, or his representative (not below the rank of Joint Secretary)—Member;
- (vi) Principal Secretary/Secretary of Finance Department, Govt. of West Bengal, or his representative (not below the rank of Joint Secretary)—Member;
- (vii) Special Secretary of the Backward Classes Welfare Department. Govt. of West Bengal
- (viii) Director, Cultural Research Institute, Govt. of West Bengal—Member;
- (ix) District Magistrates of Districts having Eklavya Model Residential School (EMRS) in the Districts—Members;
- (x) P.O.-Cum-DWO of Districts having Eklavya Model Residential Schools in the Districts—Members;
- (xi) One Tribal representative from each of the districts having EMRS to be nominated by the Govt.-Member;

- (xii) One eminent person in the field of education from each of the districts having EMRS to be nominated by the Govt. –Members;
- (xiii) One eminent person in the field of computer education from each of the districts having EMRS to be nominated by the Govt. —Members;
- (xiv) Principal/Head Master/Head Mistress of the EMRS—Members;
- (xv) Commissioner B.C.W –Member Secretary ;

Provided that : -

All the members of the Governing Body shall be in the ex-officio capacities except in categories mentioned at (ii), (xi), (xii) and (xiii) ;

- (i) Persons not appointed members on ex-officio capacities shall hold office for a term of three years only and shall be eligible for nomination for another term only;
- (ii) In the event of vacancy arising in the categories (ii), (xi), (xii) and (xiii), the person filling up the vacancy shall be a member for the remaining term of the vacancy only.”

“Rule 7. The Executive Board of the Parshad shall consist of the following members (hereinafter collectively referred to as the Executive Board), namely:-

- (i) Chairman;
- (ii) Vice-Chairman to be kept vacant for the time being ;
- (iii) Principal Secretary/Secretary of the Backward Classes Welfare Department, Govt. of West Bengal;
- (iv) Principal Secretary/Secretary of the School Education Department, Govt. of West Bengal, or his representative (not below the rank of Joint Secretary);
- (v) Special Secretary of the Backward Classes Welfare Department, Government of West Bengal.
- (vi) Three tribal representative from among the tribal representatives nominated as members of the Governing Body;
- (vii) One eminent person in the field of education nominated as members of the Governing Body;
- (viii) One eminent person in the field of computer education nominated as members of the Governing Body;
- (ix) Commissioner BCW—Member Secretary;

Provided that :-

- (i) Term of non-official members of the Executive Board shall be for a period of three years only ;
- (ii) Term of the non-official members filling up vacancy in the Executive Board shall be for un-expired period only;
- (iii) The Chairman and the Vice-Chairman of the Governing Body shall be the Chairman and the Vice-Chairman of the Executive Board also"

By Order of the Governor

S. K. Thade

Secretary to the Govt. of West Bengal

Bye-Laws of Paschim Banga Adibasi Kalyan o Shiksha Parshad (Teaching Staff)

No. 397/ PBAKOSP,**Dated 03.12.12**

In exercise of the power conferred by regulation 15 of the **Paschim Banga Adivasi Kalyan Shiksha Parishad Regulation, 2004**, the Governor is pleased hereby to make the following bye-laws for the recruitment of Teacher/Teacher (computer) under the Ekalabya Model Residential Schools, Government of West Bengal :-

Bye-laws

The method of and the qualification required for, recruitment of Teacher/Teacher (computer) under the Ekalabya Model Residential School, Government of West Bengal, shall be as detailed below :-

1. Name of the post :

- (A) Post Graduate Assistant Teacher in English/Bengali/Physics/Chemistry/ Mathematics/ History/Political Science/Economics/Geography/Life Science
- (B) Honours Graduate Assistant Teacher in English/Bengali/Physics/Chemistry/ Mathematics/History/Political Science/Economics/Geography/ Life Science
- (C) Teacher (Computer)

2. Method of recruitment :

Direct Recruitment through advertisement in the Daily newspaper and viva-voce, temporarily on contract basis; preference will be given to local residents.

3. Educational qualification :

For (A) Master's degree from a recognised University in the concerned subject. In case of Life Science, Master's Degree from a recognised University in Zoology with Botany as a subsidiary subject in the degree course. Desirable - A degree in Teaching or Education of a recognised University or its equivalent.

For (B) Honours Degree in the concerned subject from a recognised university. Desirable -A Degree in Teaching or Education of a recognised University or its equivalent.

(C) In case of Teacher (Computer)—Bachelor of Computer Application or its equivalent.

4. Age :

- (a) Not less than 18 years of age and not more than 38 years of age on the 1st day of January of the year of advertisement:

Provided that in case of Scheduled Castes, Scheduled Tribes and Other Backward Classes, there shall be relaxation in upper age limit as per State Government norms.

- (b) All appointments shall be temporary for a period of one year. On satisfactory completion of probation and on completion of training, if any, an employee may be confirmed against any permanent post.
5. **Medical fitness** : No person shall be appointed to any post without medical certificate of fitness being granted by a Registered Medical Practitioner or as the appointing authority may approve.
6. **Appointing Authority** : Project Officer cum District Welfare Officer and Member-Secretary of the concerned District Committee of the Parshad.
7. **Appointments** :
 - (a) All appointments by direct recruitment shall be made on the basis of the results in the interview to be conducted by the appointing authority.
 - (b) All appointments shall be temporary for a period of one year. On satisfactory service, an employee may be continued on yearly basis till the concerned teacher attains the age of 60 years.
8. **Commencement of service** : The service shall commence from the date of joining the service provided that, if a person joins in the afternoon of a day, his service shall be deemed to have commenced from the forenoon of the next day.
9. **Seniority** : Seniority in a particular category of employee shall be determined according to the date of their joining the category. If in case of any two or more employees date of joining is the same their *interse* seniority shall be determined according to the seniority in age and in the case of such employees the date of birth of any two or more employees is also the same, the *interse* seniority shall be decided by the appointing authority by lot. In case of employees appointed to a post in one batch, the seniority shall be determined in accordance with the order of seniority to be specified by the appointing authority on the basis of the results of the test taken.
10. **Pay, Allowances and Other Concessions** ;
 - (a) Amount fixed by the authority per month shall be paid to each contractual Teacher.
 - (b) No other allowances in the form relief shall be given ;
 - (c) Every employee shall be entitled to draw a festival bonus at the rate given to a regular Government employee.
11. **Transfer and Training** :
 - (a) Every Teacher may have to undergo training if the authority so desires in order to bring efficiency in the schools during their probation.
 - (b) Normally, the posts of contractual teachers are not transferable. However, the Parshad reserves its right to transfer any teacher on administrative or disciplinary

grounds. A Teacher may also apply for mutual transfer from one school to another on satisfactory reasoning in writing. Decision in this regard shall be taken by the Parshad and such decision shall be final and binding on the teachers.

- (c) On transfer from one school to another every employee shall be entitled to six days joining time, in addition to the time required for the journey.

12. Leave :

- (a) The following categories of leave shall be admissible to an employee of the Ekalabya Model Residential School to the extent as noted against each.
 - (i) Casual leave on full pay – 14 days in a calendar year ;
 - (ii) Medical leave –10 days in a calendar year ;
 - (iii) Earned leave of full pay –Nil
 - (iv) Maternity leave :180 days at a time with full pay and not more than two times during the entire period of service for a married female employee;
 - (v) Extraordinary leave:—This may be granted to any Teacher in special circumstances when no other leave is, by rule admissible . This kind of leave shall be sanctioned as leave without pay. It shall be at the discretion of the appointing authority to fix the period of extraordinary leave to be granted in each case.
- (b) No leave shall be claimed as of right and the grant of leave shall be subject to the exigencies of service and work and the circumstances of each case.
- (c) A Teacher shall before proceeding on leave state in writing any change in address while on leave and shall keep the school informed of subsequent change in such address.
- (d) The school shall maintain leave account in respect of every Teacher and on request he may be intimated of the amount of leave due to him.
- (e) Casual leave and compensatory leave shall not be granted for more than seven days at a time nor shall be accumulated or carried forward from one year to the next year and shall lapse if not availed of during the year. Medical leave shall be carried forward up to 180 days.

13. Conduct and Discipline :

- (a) Every Teacher of the Ekalabya Model Residential School shall at all times :
 - (i) Maintain absolute integrity;
 - (ii) Maintain devotion to duty;
 - (iii) Abide by and comply with the rules of the school and/orders and directions of the superior authorities ;
 - (iv) Discharge his duty to the best of his ability in the interest of the school.
- (b) All Teachers shall so manage the private affairs as to avoid indebtedness of

insolvency; and a teacher against whom legal proceedings are instituted for recovery of any debt due from him or for adjudging him as an insolvent, shall forthwith report (to the school) the full facts of the legal proceeding;

- (c) No Teacher shall, except in accordance with any general or special order of his superior or in the performance in good faith of the duties assigned to him, communicate directly or indirectly the contents of any official documents or any part thereof or other information to any other Teacher/employee or any person to whom he is not authorised to communicate such contents or information:

Provided that nothing in this rule shall apply to any statements made or views expressed by an employee in his official capacity or in the due performance of his duties assigned to him.

- (d) No employee shall accept or permit any member of his family or any person acting on his behalf to accept any illegal gratification or pecuniary advantage or gifts etc. from any person or agent who have or may have dealing with the school.
- (e) No Teacher shall, except for unavoidable reasons, absent himself from without taking prior sanction of leave nor shall overstay the period of sanctioned leave.

14. Misconduct and disciplinary action :

- (a) The following acts, among others, shall constitute misconduct of a Teacher/an employee, namely -
 - (i) wilful insubordination or disobedience, whether in alliance with a colleague or not, of any awful and reasonable order of the superior;
 - (ii) wilful avoidance of work abetment or instigation thereof.
 - (iii) theft, fraud, misappropriation or dishonesty in connection with employer's business or property or otherwise ;
 - (iv) habitual absence without leave, overstaying the sanctioned leave without sufficient ground or proper and satisfactory explanation of habitual late attendance.
 - (v) commission of any act subversive of discipline or good behaviour in any public place such as drunkenness, riotous disorderly or indecent behaviour, gambling or taking bribes or any illegal gratification of any kind whatsoever;
 - (vi) gross or habitual negligence of duty.
 - (vii) disclosing to a person any information with regard to the school which be detrimental to the interest of the school;
 - (viii) wilful damage to any property of the school;
 - (ix) indulging in scurrilous attacks against the management and other superiors;
- (b) Any of the following penalties, depending on the gravity of the offence, may be

imposed on an employee for such misconduct by the Disciplinary Authority, namely-

- (i) censure;
- (ii) recovery from the pay of the whole or part of any pecuniary loss caused to the school by negligence or breach of order.
- (iii) removal from service which shall not be a disqualification for future employment under the school;
- (iv) dismissal from service which shall ordinarily be a disqualification for future employment under the school.

15. Disciplinary and Appellate authority :

- (a) For the purpose of imposing penalty the Project Officer cum District Welfare Officer and Secretary of the District Committee of the concerned District shall be the 'disciplinary authority'.
- (b) A teacher aggrieved by the order of the disciplinary authority may prefer an appeal before the Commissioner, Backward Classes Welfare Directorate within sixty days. The appellate shall decide the appeal within a month from the date of submission of the application.

16. Suspension :

- (a) A Teacher whose conduct requires investigation on a charge of misconduct may be placed under suspension pending enquiry, if in the opinion of the disciplinary authority the attendance of the employees on duty during the period of investigation into such charge is likely to vitiate the proceedings.
- (b) A Teacher may be placed under suspension where a case against him in respect of any criminal offence is under investigation or trial.
- (c) A Teacher who has been suspended shall not be entitled to absent himself from his ordinary place of residence during the period of his suspension, except without the permission of the authority by whom he has been suspended.
- (d) During the period of suspension, a Teacher shall be entitled to subsistence grant equal to fifty percent of his pay on the date of his suspension:

Provided that if the period of suspension exceeds one year, the school may enhance the subsistence grant by 75% if in the opinion of the suspending authority the period of suspension has been prolonged for reasons not directly attributable to the teacher;

Provided further that such order of suspension shall continue to remain in force till modified or revoked by the appropriate authority.

- (e) When the charge against the suspended teacher is not established or is held to have been unjustifiable or not wholly justifiable and he is reinstated, he shall be entitled to the full pay and allowance to which he could have been entitled he

had not been suspended ; and the period of suspension shall be treated as period on duty.

17. Removal from service on criminal conviction : A Teacher of the Ekalabya Model Residential School shall be removed from service on criminal conviction by a competent court.

18. Resignation :

- (a) A Teacher may resign from the service of the school on giving three months notice to the school in writing, failing which he shall be liable to pay an amount equal to three months salary;

Provided the school may, in exceptional circumstances, dispense with the notice or reduce the requisite period of notice.

- (b) (i) Except with the sanction of the school authority resignation will not be permitted while the conduct of an employee is under investigation or until all claims against him is settled. While placing before the school an application for resignation, it should be stated whether there is any adverse report against the applicant or whether anything is due from him to the school.

- (ii) The authority receiving an application for resignation from an employee shall at once adjust all claims of the school outstanding against the applicant, and his resignation shall not be accepted until his accounts are fully adjusted and charge of his office is formally made over.

- (iii) If without formally tendering resignation or having sent his resignation, a teacher quits his post before receiving intimation of acceptance or before expiry of the requisite period of notice, three or one months' salary as may be decided by the school authority, will be recovered from dues payable to him.

19. Retirement and retirement benefits :

- (a) Every Teacher shall retire on superannuation after attaining the age of sixty years;
- (b) Teachers of the Ekalabya Model Residential Schools shall be eligible to payment of gratuity as per the provisions of the Gratuity Act, 1972 ;

Bye-Laws of Paschim Banga Adibasi Kalyan O Shiksha Parshad (Non-Teaching Staff)

No. 398/PBAKOSP**Dated : 03.12.12**

In exercise of the power conferred by regulation 15 of the ***Paschim Banga Adivasi Kalyan Shiksha Parishad Regulation, 2004***, the Governor is pleased hereby to make the following bye-laws for the recruitment of Non-Teaching Staff under Category 'C' and Category-'D' under the Ekalabya Model Residential Schools. Government of West Bengal:-

Bye-laws

The method of, and the qualification required for, recruitment of Non-Teaching Staff under category C and category D under the Ekalabya Model Residential School, Government of West Bengal, shall be as detailed below: -

1. Posts under Category –C

A : Names of the posts :

- (i) Clerk
- (ii) Superintendent of Hostel
- (iii) Matron of Hostel (Female)

B : Posts under Category-D

- (i) Attendant (Laboratory Attendant, Library Attendant, Peon)
- (ii) Cook
- (iii) Helper to Cook
- (iv) Sweeper
- (v) Toilet Cleaner

2. Method of recruitment :

Direct Recruitment through advertisement in the Daily newspaper, Selection through written Test and viva-voce, temporarily on contract basis, preference will be given to local residents.

3. Minimum Educational qualification :

For (A) Essential Qualification —graduation ;

Desirable —Knowledge in Computer

For (B) Class—VIII -Desirable —knowledge and experience in respective fields of work
Diploma/ Certificate in the respective field will be treated as added qualification.

4. Age :

- (a) Not less than 18 years of age and not more than 38 years of age on the 1st day of January of the year of advertisement:

Provided that in case of Scheduled Castes, Scheduled Tribes and Other Backward Classes, there shall be relaxation in upper age limit as per State Government norms.

- (b) All appointments shall be temporary for a period of one year. On satisfactory completion of probation and on completion of training if any, an employee may be confirmed against any permanent post.

- 5. **Medical fitness :** No person shall be appointed to any post without medical certificate of fitness being granted by a Registered Medical Practitioner or as the appointing authority may approve.

- 6. **Appointing Authority :** Project Officer cum District Welfare Officer and Member Secretary of the concerned District Committee of the Parshad.

7. Appointments :

- (a) All appointments by direct recruitment shall be made on the basis of the results in the interview to be conducted by the appointing authority.

- (b) All appointments shall be temporary for a period of one year. On satisfactory service, an employee may be continued on yearly basis till the concerned employee attains the age of 60 years.

- 8. **Commencement of service :** The service shall commence from the date of joining the service provided that, if a person joins in the afternoon of a day, his service shall be deemed to have commenced from the forenoon of the next day.

- 9. **Seniority :** Seniority in a particular category of employee shall be determined according to the date of their joining the category. If in case of any two or more employees, date of joining is the same their *interse* seniority shall be determined according to the seniority in age and in the case of such employees' the date of birth of any two or more employees is also the same the *interse* seniority shall be decided by the appointing authority by lot. In case of employees appointed to a post in one batch, the seniority shall be determined in accordance with the order of seniority to be specified by the appointing authority on the basis of the results of the test taken.

10. Pay, Allowances and Other Concessions :

- (a) Amount fixed by the authority per month shall be paid to each contractual employees.
- (b) No other allowances in the form relief shall be given.
- (c) Every employee shall be entitled to draw a festival bonus at the rate given to a regular Government employee.

11. Transfer and Training :

- (a) Every employee may have to undergo training if the authority so desires in order to bring efficiency in the schools during their probation.
- (b) Normally, the posts of contractual employees are not transferable. However, the Parshad reserves its right to transfer any employee on administrative or disciplinary grounds. An employee may also apply for mutual transfer from one school to another on satisfactory reasoning in writing. Decision in this regard shall be taken by the Parshad and such decision shall be final and binding on the employees.
- (c) On transfer from one school to another every employee shall be entitled to six days jointing time, in addition to the time required for the journey.

12. Leave :

- (a) The following categories of leave shall be admissible to an employee of the Ekalabya Model Residential School to the extent as noted against each :-
 - (i) Casual leave on full pay —14 days in a calendar year,
 - (ii) Medical leave —10 days in a calendar year
 - (iii) Earned leave on full pay -Nil
 - (iv) Maternity leave —180 days at a time with full pay and not more than two times during the entire period of service for a married female employee.
 - (v) Extraordinary leave : This may be granted to any employee in special circumstances when no other leave is, by rule admissible. This kind of leave shall be sanctioned as leave without pay. It shall be at the discretion of the appointing authority to fix the period of extraordinary leave to be granted in each case.
- (b) No leave shall be claimed as of right and the grant of leave shall be subject to the exigencies of service and work and the circumstances of each case.
- (c) An employee shall before proceeding on leave state in writing any change in address while on leave and shall keep the school informed of subsequent change in such address.
- (d) The school shall maintain leave account in respect of every employee and on request he may be intimated of the amount of leave due to him.
- (e) Casual leave and compensatory leave shall not be granted for more than seven days at a time nor shall be accumulated or carried forward from one year to the next year and shall lapse if not availed of during the year. Medical leave shall be carried forward up to 180 days.

13. Conduct and Discipline :

- (a) Every Employee of the Ekalabya Model Residential School shall at all times:
 - (i) Maintain absolute integrity;
 - (ii) Maintain devotion to duty;
 - (iii) Abide by and comply with the rules of the school and/orders and directions of the superior authorities;
 - (iv) Discharge his duty to the best of his ability in the interest of the school.
- (b) All employees shall so manage the private affairs as to avoid indebtedness of insolvency; and an Employee against whom legal proceedings are instituted for recovery of any debt due from him or for adjudging him as an insolvent, shall forthwith report (to the school) the full facts of the legal proceeding;
- (c) No employee shall, except in accordance with any general or special order of his superior or in the performance in good faith of the duties assigned to him, communicate directly or indirectly the contents of any official documents or any part thereof or other information to any other Teacher/ employee or any person to whom he is not authorised to communicate such contents or information:

Provided that nothing in this rule shall apply to any statements made or views expressed by an employee in his official capacity or in the due performance of his duties assigned to him.
- (d) No employee shall accept or permit any member of his family or any person acting on his behalf to accept any illegal gratification or pecuniary advantage or gifts etc. from any person or agent who have or may have dealing with the school.
- (e) No employee shall, except for unavoidable reasons, absent himself from without taking prior sanction of leave nor shall overstay the period of sanctioned leave.

14. Misconduct and disciplinary action

- (a) The following acts, among others, shall constitute misconduct of a Teacher/ an employee, namely-
 - (i) wilful insubordination or disobedience, whether in alliance with a colleague or not, of any lawful and reasonable order of the superior.
 - (ii) wilful avoidance of work abetment or instigation thereof;
 - (iii) theft, fraud, misappropriation or dishonesty in connection with employer's business or property or otherwise :
 - (iv) habitual absence without leave, overstaying the sanctioned leave without sufficient ground or proper and satisfactory explanation of habitual late attendance.
 - (v) commission of any act subversive of discipline or good behaviour in any

public place such as drunkenness, riotous disorderly or indecent behaviour, gambling or taking bribes or any illegal gratification of any kind whatsoever;

- (vi) gross or habitual negligence of duty.
- (vii) disclosing to a person any information with regard to the school which be detrimental to the interest of the school.
- (viii) wilful damage to any property of the school;
- (ix) indulging in scurrilous attacks against the management and other superiors;
- (b) Any of the following penalties, depending on the gravity of the offence, may be imposed on an employee for such misconduct by the Disciplinary Authority, namely-
 - (i) censure;
 - (ii) recovery from the pay of the whole or part of any pecuniary loss caused to the school by negligence or breach of order;
 - (iii) removal from service which shall not be a disqualification for future employment under the school;
 - (iv) dismissal from service which shall ordinarily be a disqualification for future employment under the school.

15. Disciplinary and Appellate authority :

- (a) For the purpose of imposing penalty the Project Officer cum District Welfare Officer and Secretary of the District Committee of the concerned District shall be the 'disciplinary authority'.
- (b) An employee aggrieved by the order of the disciplinary authority may prefer an appeal before the Commissioner, Backward Classes Welfare Directorate within sixty days. The appellate authority shall decide the appeal within a month from the date of submission of the application.

16. Suspension :

- (a) An employee whose conduct requires investigation on a charge of misconduct may be placed under suspension pending enquiry, if in the opinion of the disciplinary authority the attendance of the employee on duty during the period of investigation into such charge is likely to vitiate the proceedings.
- (b) An employee may be placed under suspension where a case against him in respect of any criminal offence is under investigation or trial.
- (c) An employee who has been suspended shall not be entitled to absent himself from his ordinary place of residence during the period of his suspension, except without the permission of the authority by whom he has been suspended;
- (d) During the period of suspension, an employee shall be entitled to subsistence grant equal to fifty percent of his pay on the date of his suspension;

Provided that if the period of suspension exceeds one year, the school may enhance the subsistence grant by 75% if in the opinion of the suspending authority the period of suspension has been prolonged for reasons not directly attributable to the employee;

Provided further that such order of suspension shall continue to remain in force till modified or revoked by the appropriate authority.

- (e) When the charge against the suspended employee is not established or is held to have been unjustifiable or not wholly justifiable and he is reinstated, he shall be entitled to the full pay and allowances to which he could have been entitled if he had not been suspended; and the period of suspension shall be treated as period on duty;

17. Removal from service on criminal conviction :

An employee of the Ekalabya Model Residential School shall be removed from service on criminal conviction by a competent court.

18. Resignation :

- (a) An employee may resign from the service of the school on giving three months notice to the school in writing failing which he shall be liable to pay an amount equal to three months salary;

Provided the school may, in exceptional circumstances, dispense with the notice or reduce the requisite period of notice.

- (b) (i) Except with the sanction of the school authority resignation will not be permitted while the conduct of an employee is under investigation or until all claims against him is settled. While placing before the school an application for resignation, it should be stated whether there is any adverse report against the applicant or whether anything is due from him to the school.
- (ii) The authority receiving an application for resignation from an employee shall at once adjust all claims of the school outstanding against the applicant, and his resignation shall not be accepted until his accounts are fully adjusted and charge of his office is formally made over.
- (iii) If without formally tendering resignation or having sent his resignation, an employee quits his post before receiving intimation of acceptance or before expiry of the requisite period of notice, three or one months' salary as may be decided by the school authority; will be recovered from dues payable to him.

19. Retirement and retirement benefits :

- (a) Every employee shall retire on *superannuation* after attaining the age of sixty years;
- (b) Employees of the Ekalabya Model Residential Schools shall be eligible to payment of gratuity as per the provisions of the Gratuity Act, 1972;

Notification regarding creation of posts of Principals and Teachers in EMRS

NOTIFICATION

No. 89-TDD

dated, the 3rd February, 2015.

In exercise of the power conferred by the proviso to article 309 of the Constitution of India and in supersession of the notification No. 3066-BCW/6S(MC)-28/01(VIII), dated the 16th September, 2011, published in the *Kolkata Gazette*, Part I, *Extraordinary*, dated the 19th September, 2011, the Governor is pleased hereby to make, with immediate effect, the following rules regulating the recruitment to the post of Principal. Post Graduate Assistant Teacher and Honours Graduate Assistant Teacher in the Eklabya Model Residential School under the Tribal Development Department, Government of West Bengal :—

RULES

The method of, and the qualifications required for, the recruitment to the posts of Principal, Post Graduate Assistant Teachers and Honours Graduate Assistant Teachers in the Eklabya Model Residential School under the Tribal Development Department, Government of West Bengal, shall be as detailed below:—

1. (a) Name of the post : Principal;
- (b) Appointing authority : The Commissioner, Backward Classes Welfare, Government of West Bengal;
- (c) Method of recruitment : By selection (direct recruitment) through the Public Service Commission. West Bengal;
- (d) Qualifications for direct recruitment :
 - (i) Master's degree in any schooling subjects from a recognized University;
 - (ii) Master's or Bachelors' degree in Teaching or Post Graduate Basic Training of any Teachers' Training Institute recognized by the National Council of Teachers' Education;
 - (iii) Having experience of at least ten years continuous service as teacher in an English Medium High or Higher

Secondary School recognized by the West Bengal Board of Secondary Education/West Bengal Council of Higher Secondary Education/Central Board of Secondary Education/Indian Council of Secondary Education;

- (e) Age for direct recruitment : Not more than forty-five years on the 1st day of January of the year of advertisement;
2. (a) Name of the post : Post Graduate Assistant Teacher in English/ Physics/Chemistry/ Mathematics/History/ Political Science/Economics/Geography;
- (b) Appointing authority : The Commissioner, Backward Classes Welfare. Government of West Bengal;
- (c) Method of recruitment : By selection (direct recruitment) through the Public Service Commission, West Bengal;
- (d) Qualifications for direct recruitment
- (i) *Essential.*—
- (A) Master's degree in the concerned subject from a recognized University;
- (B) passed Madhyamik or Higher Secondary Examination from any English Medium School of the West Bengal Board of Secondary Education/ West Bengal Council for Higher Secondary Education, or its equivalent examination with English as first language;
- (ii) *Desirable.*—
- A degree in Teaching or Education of a recognized University or its equivalent;
- (e) Age for direct recruitment : Not more than thirty-two years on the 1st day of January of the year of advertisement;
3. (a) Name of the post : Post Graduate Assistant Teacher in Life Science.
- (b) Appointing authority : The Commissioner, Backward Classes Welfare, Government of West Bengal;

- (c) Method of recruitment : By selection (direct recruitment) through the Public Service Commission, West Bengal;
- (d) Qualifications for direct recruitment : (i) *Essential.*—
- (A) Master's degree from a recognized University in Zoology with Botany as a subsidiary subject in the degree course;
- or
- Master's degree from a recognized University in Botany with Zoology as a subsidiary subject in the degree course;
- or
- Master's degree from a recognized University in Physiology with Botany and Zoology as subsidiary subjects in the degree course;
- (B) passed Madhyamik or Higher Secondary Examination from any English Medium School of West Bengal Board of Secondary Education or West Bengal Council for Higher Secondary Education, or its equivalent examination with English as first language;
- (ii) *Desirable.*—
- A degree in Teaching or Education of a recognized University or its equivalent;
- (e) Age for direct recruitment : Not more than thirty-two years on the 1st day of January of the year of advertisement;
4. (a) Name of the post : Honours Graduate Assistant Teacher in Bengali;
- (b) Appointing authority : The Commissioner, Backward Classes Welfare, Government of West Bengal;
- (c) Method of recruitment : By selection (direct recruitment) through the Public Service Commission, West Bengal;

- (d) Qualifications for direct recruitment : (i) *Essential*.—
Master's degree from a recognized University in Bengali;
- (ii) *Desirable*.—
A degree in Teaching or Education of a recognized University or its equivalent;
- (e) Age for direct recruitment : Not more than thirty-two years on the 1st day of January of the year of advertisement.
5. (a) Name of the post : Honours Graduate Assistant Teacher in English/ Physics/ Chemistry/ Mathematics/ History/ Political Science/ Economics/ Geography;
- (b) Appointing authority : The Commissioner, Backward Classes Welfare, Government of West Bengal;
- (c) Method of recruitment : By selection (direct recruitment) through the Public Service Commission, West Bengal;
- (d) Qualifications for direct recruitment : (i) *Essential*.—
(A) Honours degree in the concerned subject from a recognized University;
- (B) passed Madhyamik or Higher Secondary Examination from any English Medium School of West Bengal Board of Secondary Education / West Bengal Council for Higher Secondary Education, or its equivalent examination with English as first language;
- (ii) *Desirable*.—
A degree in Teaching or Education of a recognized University or its equivalent;
- (e) Age for direct recruitment : Not more than thirty-two years on the 1st day of January of the year of advertisement;
6. (a) Name of the post : Honours Graduate Assistant Teacher in Life Science;

- (b) Appointing authority : The Commissioner, Backward Classes Welfare, Government of West Bengal:
- (c) Method of recruitment : By selection (direct recruitment) through the Public Service Commission, West Bengal;
- (d) Qualifications for direct recruitment : (i) *Essential*.—
- A. Honours degree from a recognized University in Zoology with Botany as a subsidiary subject in the degree course;
- or
- Honours degree from a recognized University in Botany with Zoology as a subsidiary subject in the degree course;
- or
- Honours degree from a recognized University in Physiology with Botany and Zoology as subsidiary subjects in the degree course; or
- B. passed Madhyamik or Higher Secondary Examination from any English Medium School of West Bengal Board of Secondary Education/West Bengal Council for Higher Secondary Education, or its equivalent examination with English as first language;
- (II) *Desirable*.—
- A degree in Teaching or Education of a recognized University or its equivalent;
- (e) Age for direct recruitment : Not more than thirty-two years on the 1st day of January of the year of advertisement:
7. (a) Name of the post : Honours Graduate Assistant Teacher in Bengali;
- (b) Appointing authority : The Commissioner, Backward Classes Welfare, Government of West Bengal;

- (c) Method of recruitment : By selection (direct recruitment) through the Public Service Commission, West Bengal;
- (d) Qualifications for direct recruitment : (i) *Essential*.—
Honours degree from a recognized University in Bengali;
- (ii) *Desirable*.—
A degree in Teaching or Education of a recognized University or its equivalent;
- (e) Age for direct recruitment : Not more than thirty-two years on the 1st day of January of the year of advertisement.

NOTE I.— The untrained Teachers shall draw increment in the scale for five years only, during which period they must get themselves trained, failing which further increment shall be stopped.

NOTE II.— Selected candidates shall stay within the premises of the Eklabya Model Residential School for Tribal Boys and Girls as in the different district of West Bengal for which they will be provided with rent free accommodation and the teachers shall be liable to be transferred to any of Eklabya Model Residential School under administrative control of Tribal Development Department, Government of West Bengal.

By order of the Governor,

SANJAY K. THADE, IAS

Pr. Secy, to the Government of West Bengal.

Amendment of notification regarding qualification of Principals and Teachers in EMRS

NOTIFICATION

No. 202-TDD/6E-43/2014

19th February, 2016

In exercise of the power conferred by the proviso to article 309 of the Constitution of India, the Governor is pleased hereby to make, with immediate effect, the following amendment in the rules regulating the recruitment to the post of Principal, Post Graduate Assistant Teacher and Honours Graduate Assistant Teacher in the Eklabya Model Residential School, issued with this Department notification No. 89-TDD/3SM-01-2015, dated the 3rd February, 2015, published in the *Kolkata Gazette, Extraordinary*, Part I, dated the 5th February, 2015 (hereinafter referred to as the said rules) :-

Amendment

In the said rules, for sub-clause (ii) under clause (d) of rule 1, substitute the following sub-clause:-

“(ii) Master’s or Bachelor’s degree in Education or in Teaching of a recognized university or Post Graduate Basic Training of any Teachers’ Training Institute recognised by the National Council of Teachers’ Education;”.

By order of the Governor,

SANJAY K. THADE, IAS

Pr. Secy, to the Govt. of West Bengal.

Notifications in regard to engagement of 'Dhakis' and their remuneration

No. 413-BCW

30 January, 2012

NOTIFICATION

The question of engagement of 'Dhakis' (Drummers) one in each of the 343 Blocks and 59 for urban areas / municipalities was under active consideration of the Government, for sometime past.

The Governor, after careful consideration, has been pleased to agree to the engagement of 400 'Dhakis' for promotional/awareness generation purposes in the rural/urban areas of the state. They would be engaged initially for a period of 3 (three) months with a view to making wide publicity about various welfare schemes being implemented by Backward Classes Welfare Department including 3 (three) Corporations under its umbrage, through beating of 'Dhaks' distribution of leaflets, etc.,. They have to make publicity for 10 (ten) days in a month at local 'haats' / 'Bazaars' where rural people gather, They will get wages @ Rs. 200 (two hundred) only per day for such publicity.

The Governor is also pleased to agree to constitute a Project implementation Committee (PIC) for the purpose of identification of 'Dhakis' at Sub-Division level with the following members:-

1. Sub-Divisional Officer (S.D.O).....Chairperson
2. Block Development Officer (B.D.O).....Member
3. Representative of District Magistrate (D.M).....Member
4. Representative of Project Officer cum District Welfare Officer(P. O. - cum - D.W.O).....Member
5. One Expert (to-be nominated by Chairperson).....Member
6. Deputy Magistrate & Deputy Collector, posted in the Sub-Division.....Member-Convener.

The above constituted committee will finalize panel of 'Dhakis' - 3 (three) in each Block / Municipality on the basis of the following parameters:-

- A) 'Dhakis' should primarily belong to SC community. If suitable SC candidate is not available, selection may be made among from the suitable ST candidates. If ST candidate is not available, selection may be made from among suitable OBC candidates.

- B) 'Dhakis' should be a resident of that Block / Municipality.
- C) If no such suitable person(s) is/are available in a particular Block/ Municipality, selection may be made from any of the neighbouring Block/Municipality
- D) While selecting 'Dhakis', preference should be given to those who have got :-
 - i) Previous experience of publicity through beating of 'Dhak'.
 - ii) Acquaintance with the 'Haat' / 'Baazar' / Place of gatherings.

By order of the Governor

Joint commissioner for Reservation

& Ex-officio Jt. Secretary to the Govt. of West Bengal

No. 2572-BCW

Dated : 08.07.2015

NOTIFICATION

In partial modification of this Department's previous order No. 413-BCW dated 30.01.2012, the Governor is pleased to enhance the daily wages of 400 'Dhakis' from Rs. 200/- per day @ 10 days of a month to Rs. 315/- per day @ 15 days of a month.

This has the approval of the Finance Department vide their U.O. No. Gr. E/2015-2016/0021 dated 29.06.2015.

All the remaining conditions will be same as laid down in the Department's order No. 413-BCW dated 30.01.2012.

By order of the Governor

Sd/- S. S. Majumder

Additional Secretary to the Govt. of West Bengal

**Notifications of General Council & Executive Council of
Paschim Banga Santhali Academy
General Council**

NOTIFICATION

No. 1296-TDD

Date: 10.12.2015

In supersession of all previous notifications issued regarding constitution of General Council of the Paschim Banga Santali Academy, the Governor in pursuance of resolution no. 4167-BCW, dated. 9.12.2005 read with resolution no. 3182 - BCW, dated. 23.10.2007 is pleased to constitute the General Council of the Paschim Banga Santali Academy as follows:

- | | |
|--|--|
| 1. Dr. Sukumar Hansda,
Minister-in-Charge, Tribal Development Department,
Govt. of West Bengal. | Chairperson |
| 2. Shri Dulal Murmu, MLA, Nayagram (ST) AC. | Vice-Chairperson |
| 3. Project Officer (HQ) Backward Classes Welfare Directorate. | Director & Member
Secretary (Ex- Officio) |
| 4. Principal Secretary, Tribal Development Department,
Govt. of West Bengal | Member (Ex-Officio) |
| 5. Joint Secretary, Tribal Development Department | Member (Ex-Officio) |
| 6. Principal Secretary, Department of Information &
Cultural Affairs, Govt. of West Bengal or his representative. | Member (Ex-Officio) |
| 7. Principal Secretary, Finance Department, Govt. of West
Bengal or his representative. | Member (Ex-Officio) |
| 8. Principal Secretary, School Education Department, Govt.
of West Bengal or his representative. | Member (Ex-Officio) |
| 9. Director, Cultural Research Institute, Tribal Development
Department, Govt. of West Bengal. | Member (Ex-Officio) |
| 10. Director of Culture, Information & Cultural Affairs
Directorate, Govt. of West Bengal. | Member (Ex-Officio) |
| 11. One Representative of West Bengal Scheduled Caste &
Scheduled Tribe, Development & Finance Corporation Ltd. | Member (Ex-Officio) |

- | | | |
|-----|--|---------------------|
| 12. | One Representative of West Bengal Tribal Development Co-operative Corporation Ltd. | Member (Ex-Officio) |
| 13. | One Representative of Vidyasagar University. | Member |
| 14. | One Representative of Viswa Bharati University. | Member |
| 15. | One Representative of Burdwan University. | Member |
| 16. | One Representative of North Bengal University. | Member |
| 17. | One Representative of Calcutta University. | Member |
| 18. | One Representative of Jadavpur University. | Member |
| 19. | One Representative of Rabindra Bharati University. | Member |
| 20. | One Representative of Kalyani University. | Member |
| 21. | One Representative of Bangiya Sahitya Parishad. | Member |
| 22. | One Representative of West Bengal State Book Board. | Member |
| 23. | One Representative of Asiatic Society. | Member |
| 24. | One Representative of Paschim Banga Bangla Academy. | Member |
| 25. | One Representative of Kaji Najrul University | Member |
| 26. | One Representative of Gour Banga University | Member |
| 27. | One Representative of Bankura University | Member |
| 28. | Shri Bachhu Hansda, MLA, Tapan (ST) AC Dakshin Dinajpur, | Member |
| 29. | Smt. Sandhyarani Tudu, MLA, Manbazar(ST) AC | Member |
| 30. | Shri Bulu Chik Baraik, MLA, Mal (ST) AC | Member |
| 31. | Shri Dasrath Tirkey, MP, Alipurduar (ST) PC | Member |
| 32. | Dr. Uma Saren, MP, Jhargram (ST) PC | Member |
| 33. | Shri Mongal Saren, WBLS, Law Officer,
Transport Department | Member |
| 34. | Shri Kherwal Soren, (Santali Writer)
Sahitya Akademi Awardee, 2007 | Member |
| 35. | Shri Mahatman Tudu, (Senior Bengali Translator),
Law Department | Member |

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| 36. | Shri Jadumani Besra (Santali Writer)
Sahitya Akademi Awardee, 2005 | Member |
| 37. | Shri Badal Hembrom,(Santali Writer)
Sahitya Akademi Awardee, 2005 | Member |
| 38. | Shri Rabilal Tudu, (Santali Writer) Ex-member,
Santali Advisory Board, Sahitya Akademi, New Delhi, | Member |
| 39. | Shri Motilal Kisku, Jt. Director (Information),
I &CA Department. | Member |
| 40. | Shri Shyamcharan Hembram Asstt. Professor,
Deptt. of Santali, Vidyasagar University. | Member |
| 41. | Shri. Sanat Hansda, Asstt. Professor,
Deptt. of Santali, Viswa Bharati University, | Member |
| 42. | Shri Rabin Hansda, School Teacher, Dakshin Dinajpur | Member |
| 43. | Shri. Dasharati Majhi, (Santali Writer),
School Teacher, Purulia. | Member |
| 44. | Shri Rebati Raman Tudu, High School Teacher,
Puara, Arsha, Purulia. | Member |

By order of the Governor,
(Prabhas Biswas)

Joint Secretary the Govt. of West Bengal

Executive Council

NOTIFICATION

No. 1297-TDD

Date: 10.12.2015

In supersession of all previous notifications issued regarding constitution of Executive Council of the Paschim Banga Santali Academy, the Governor in pursuance of resolution no. 4167-BCW, dated. 9.12.2005 read with resolution no. 3182 - BCW, dated. 23.10.2007 is pleased to constitute the Executive Council of the Paschim Banga Santali Academy as follows:

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| 1. Dr. Sukumar Hansda,
Minister-in-Charge, Tribal Development Department,
Govt. of West Bengal. | Chairperson |
| 2. Shri Bachhu Hansda, MLA, Tapan(ST)AC, Dakshin Dinajpur, | Vice-Chairperson |
| 3. Project Officer (HQ) Backward Classes Welfare & Tribal
Development Directorate | Director & Member
Secretary (Ex- Officio) |
| 4. Principal Secretary, Tribal Development Department,
Govt. of West Bengal | Member (Ex-Officio) |
| 5. Principal Secretary, Finance Department, Govt. of
West Bengal or his representative. | Member (Ex-Officio) |
| 6. Principal Secretary, Department of Information & Cultural
Affairs, Govt. of West Bengal or his representative. | Member (Ex-Officio) |
| 7. Director of Culture, Information & Cultural Affairs Department,
Govt. of West Bengal | Member (Ex-Officio) |
| 8. Representative from School Education Department,
Govt. of West Bengal. | Member (Ex-Officio) |
| 9. One Representative from Bangiya Sahitya Parishad. | Member |
| 10. One Representative from West Bengal State Book Board. | Member |
| 11. One Representative from the Asiatic Society | Member |
| 12. One Representative from Paschim Banga Bangla Academy. | Member |
| 13. Sri Dulal Murmu, MLA, Nayagram (ST) AC | Member |

- | | |
|--|--------|
| 14. Smt. Sandyarani Tudu, MLA, Manbazar (ST) AC | Member |
| 15. Sri Bulu Chik Baraik, MLA, Mai (ST) AC | Member |
| 16. Sri Dasharath Tirkey, MP, Alipurduar (ST) PC | Member |
| 17. Dr. Uma Soren, MP, Jhargram (ST) PC | Member |
| 18. Sri Mongal Saren, WBLS, Law Officer, Transport Department. | Member |
| 19. Shri. Jadumani Besra (Santali Writer),
Sahitya Academy Awardee (2005) | Member |
| 20. Sri Mahatman Tudu, Senior Bengali Translator, Law Department. | Member |
| 21. Sri Shyamcharan Hembram, Asstt. Professor,
Deptt. of Santali, Vidyasagar University. | Member |
| 22. Sri Sanat Hansda, Asstt. Professor, Deptt. of Santali,
Viswa Bharati University. | Member |
| 23. Sri Rabilal Tudu (Santali Writer), Ex-Member
Santali Advisory Board, Sahitya Akademi, New Delhi, | Member |

By order of the Governor
(Prabhas Biswas)

Joint Secretary to the Govt. of West Bengal

Formation of Ambedkar Centre for Excellence

No. 2177/BCW

Dated : 19th July, 2011

Establishment of a Nodal Centre for Co-ordinating the Social, Economic, Educational, Cultural, Professional and Skill Development initiatives to maximize the benefits derived by the Scheduled Castes, Scheduled Tribes and Other Backward Classes, creating synergy between the multi-dimensional programmes implemented by the Department, its Directorate and the Corporations under its umbrage for their empowerment and promoting excellence at all levels was being contemplated by the Government of West Bengal in the Backward Classes Welfare Department for quite some time past.

After careful consideration of the matter, the Governor is pleased to decide that 'Ambedkar Centre for Excellence' (ACE) shall be set up for the aforesaid purpose at Kolkata and each of the District Headquarters, in a time bound manner.

The Governor is further pleased to order that the State Level 'Ambedkar Centre for Excellence' would start functioning from the existing premise of the Cultural Research Institute, Kankurgachi, Kolkata – 700 054 with immediate effect. Managing Director of the West Bengal Scheduled Caste & Scheduled Tribe Development & Finance Corporation (WBSCSTDFC) will act as Coordinating Officer in respect of Talent Search & Development initiatives of **"Ambedkar Centre for Excellence"**.

By Order of the Governor

S. K. Thade

Secretary to the Government of West Bengal

Notification Constituting the Ambedkar Centre for Excellence

No.1451-BCW

25th April, 2013

NOTIFICATION

Whereas it is considered necessary and expedient to establish an Excellence Centre for upliftment of the people belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes of West Bengal;

Now therefore the Governor is pleased hereby to establish 'Ambedkar Centre for Excellence' hereinafter referred to as the 'Society' with its Registered Office at the Cultural Research Institute at P-1/4, CIT, VII/M, VIP Road, P.O. - Kankurgachhi, Kolkata – 700 054.

1. The aims and objects of the Society shall be :

- (a) To perpetuate the memory of Dr. Babasaheb Ambedkar through upliftment of the people belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes throughout the State of West Bengal, who have remained downtrodden and subjected to discrimination and injustice for decades.
- (b) To impart material, educational, cultural and professional knowledge to the needy and indigent but able persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes.
- (c) To bring together all the skills and resources dedicated to the empowerment of Scheduled Castes, Scheduled Tribes and Other Backward Classes.
- (d) To involve people who may be voluntarily interested to aid and assist the Society for augmenting its proposed plans and programmes.
- (e) To set up institutions, having professional expertise to guide and steer young boys and girls in the pre and post matric standards to bring out the academic excellence.
- (f) To establish, run and maintain educational institutions, training institutes for eradicating illiteracy and spreading education.
- (g) To conduct job-oriented training courses for the candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes.
- (h) To foster growth of cultural excellence in various traditional forms of music, art, craft, painting, literature and other performing skills among the people belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes.

- (i) To provide educational, vocational and other assistances to the graduates and post-graduates pursuing higher education, so as to enable them to excel in life.
- (j) To disseminate fruitful information and knowledge, establish and run library therefor.
- (k) To arrange and organize lectures, meeting, conference, discussions, debates, seminars, excursions and exposure programmes etc.
- (l) To publish or cause to be published useful literature, papers, magazines, periodicals, leaflets, books etc.
- (m) To perform works of society on no profit no loss principles.
- (n) To raise, collect and accept donation, subscriptions, gifts, grants from members, individuals, institutions, associations of persons, companies, body corporate, trade unions, autonomous body, State and Central Govt.
- (o) To do all such acts and deeds as may be deemed necessary, beneficial or conducive to attain the objects of the Society.

2. The Following shall be the authorities of the Society :

A. General Council and B. Executive Council.

3. General Council :

3.1 The General Council shall initially consist of not more than 21 members to be nominated in the following manner:

- (a) Chairperson – (to be nominated by the State Government in the BCW Department)
- (b) Vice-Chairperson – (to be nominated by the State Government in the BCW Department)
- (c) One Officer appointed by the State Government on deputation – Member-Secretary.
- (d) Commissioner, Backward Classes Welfare, West Bengal – Ex-officio Member
- (e) Director, Cultural Research Institute – Ex-officio Member.
- (f) District Welfare Officer, Backward Classes Welfare, Kolkata – Ex-officio Member.
- (g) Project Officer (H.Q.), Backward Classes Welfare, West Bengal – Ex-officio Member.
- (h) Managing Director, W.B.S.C. & S.T. Dev. & Fin. Corporation – Ex-officio Member.
- (i) Other members to be nominated by the State Government in the BCW Department.

3.2 Meeting of the General Council :

The General Council shall ordinarily meet at least twice a year on date, time and place to be fixed by the Secretary in consultation with the Chairperson and shall :

- (a) Adopt the Annual Report of the preceding year.
- (b) Pass the audited accounts and Budget estimates.
- (c) Transact any business as will be placed in the agenda suggested by the Executive Council.

3.3. Extra-ordinary meeting :

An extra-ordinary meeting of the General Council may be called by the Secretary, in consultation with the Chairperson and at the advice of the Executive Council when needed to transact any special business or at the requisition signed by at least 7 members of the Council. The Chairperson shall convene the requisitioned meeting within 30 days from the date of the receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed.

Notice of the place, date and hour of any meeting and of the business to be transacted shall be issued to the members of the Council at least 7 days before the fixed date.

3.4. The following procedures shall be applicable to all the meetings of the General Council:

- (a) One-fifth of the members shall constitute the quorum; if there be no quorum, the meeting shall stand postponed to a date to be fixed by the Chairperson. A fresh notice shall be issued and if there be no quorum again those present shall be competent to transact business.
- (b) The Chairperson or in his absence the Vice-Chairperson shall take the Chair. If neither the Chairperson nor the Vice-Chairperson be present the members present shall nominate a President for the meeting from amongst them and transact the business.

3.5. The power and duties of the General Council shall be as follows :

- (a) To provide guidelines of the activities of the Council in conformity with the objects defined.
- (b) To consider and adopt Annual Report of the Council.
- (c) To consider and approve the audited accounts and the Budget Estimates.
- (d) To appoint Auditor for auditing the annual accounts.

4. Executive Council :

4.1 The Executive Council consisting of not more than 9 members shall be constituted as following by the Govt. from amongst the members of the General Council.

- (a) Chairperson — (to be nominated by the State Government in the BCW Department)
- (b) Vice-Chairperson — (to be nominated by the State Government in the BCW Department)
- (c) One Officer appointed by the State Government on deputation — Member Secretary.
- (d) Commissioner, Backward Classes Welfare, West Bengal — Ex-officio Member.
- (e) Director, Cultural Research institute — Ex-officio Member.
- (f) Managing Director, W.B.S.C. & S.T. Dev. & Fin. Corporation — Ex-officio Member.
- (g) Remaining 3 members to be nominated by the State Government in the BCW Department from amongst the members of the General Council.

Provided that the State Government in the BCW Department may nominate such other persons, as it may consider necessary for proper functioning of the Council members of the Executive Council, who will also be members of the General Council.

4.2. Meeting of the Executive Council :

- (a) The Executive Council shall ordinarily meet four times in a year and the quorum of such meeting shall be 5.
- (b) An extra—ordinary meeting of the Executive Council may be called at the requisition of at least 3 members of the Executive Council to transact any special business. The requisitioned meeting shall be convened within 15 days from the date of receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed.
- (c) Notice of all meetings of the Executive Council shall be issued at least 7 days before the date fixed for such meeting.

4.3. The power and duties of the Executive Council shall be as follows :

- (a) To manage the affairs of the Society and for this purpose to constitute committees and / or sub-committees of the members of the Society and to frame and adopt such regulations, bye-laws and pass such orders as may appear conducive to and necessary for the efficient administration of the Society provided that such regulations shall not be repugnant to these Regulations and shall be reported to the General Council. The Executive Council will constitute a committee/sub-committee to be headed by the Chairperson or the Vice-Chairperson for overall development of the Society.
- (b) To prepare and place before the General Council an annual report, the audited accounts and the Budget Estimates.
- (c) To manage all the movable and immovable properties belonging to the Society.
- (d) To acquire and accept any property (movable & immovable), articles, donations and gifts, in the name of the society.
- (e) To keep accounts audited and the Budget estimate prepared, to do all other acts and deeds as shall be necessary and relevant in furtherance to the objects of the Society.
- (f) To pay out of funds of the Society or out of any particular part of such fund, the expenses incurred by the Society from time to time including expenses for the formation of the Society and management of administration of the foregoing objects, including all rent, rates and taxes, outgoing and salaries, allowances including fringe benefits of the employees. The fringe benefit of the employees will be fixed in consultation with the Government.

4.4 The Executive Council shall exercise the power as mentioned above subject to the directives as issued by the State Government in BCW Department from time to time

4.5. All the properties belonging to the Society shall be deemed to be vested in the Executive Council but should be referred to as the properties of the Society.

5. The State Government may consider creating required Head of Account under the BCW Department to make provision of fund for providing financial assistance to the Society.

6. **Term of Office :**

The non-Government members may be nominated for a period of three years and their term will automatically expire on completion of three years. However, there is no bar to renominate any or all members for a further term or more.

7. Any member who is not a member in the ex-officio capacity shall cease to be a member of the Council if he/she fails to attend three consecutive meetings of the General Council.

8. **Dissolution of Society :**

The Society may be dissolved in accordance with the provisions under Section 24 and 27 of the West Bengal Societies Registration Act, 1961. In the event of dissolution after satisfaction of all liabilities, all the assets including movable and immovable properties whatsoever that remain, shall vest in State Government who shall decide the future usage of them.

9. All the provisions under a ll the Section of the West Bengal Societies Registration Act, 1961 shall apply to this Society.
10. All matters related to Governing the Society will be governed & guided by terms and conditions as laid down in the "Memorandum of Association" & "Regulations of the Society"

Ordered that the Resolution be published in the "Kolkata Gazette" & be circulated to all concerned.

By order of the Governor,

S. K. Thade,

Secretary to the Government of West Bengal

Resolution of Panchanan Burma Sangrahashala O Gaveshana Kendra

No. 3-BCW**Dated : 02.04.2008**

RESOLUTION

Whereas it is considered expedient to establish a museum (Sangrahashala) in the memory of Rai Saheb Panchanan Barma in this State, the Governor is hereby pleased to establish Panchanan Barma Sangrahashala O Gaveshana Kendra at Khalisamari, the birth place of Rai Saheb Panchanan Barma with its office at Mathabanga, in the District of Cooch Behar.

1) The aims and objects of the Sangrahashala O Gaveshana Kendra :

- i) The aims and objects of the Sangrahashala O Gaveshana Kendra are :-**
 - To build a Museum (Sangrahashala), hereinafter called the Gaveshana Kendra, to be used as a centre for display of materials / exhibits on the life and activities of Rai Saheb Panchanan Barma, the renowned social reformer and leader and an eminent scholar for the promotion of social educational, cultural and welfare activities.
- ii)** To conduct and carry on research work on the life of Rai Saheb Panchanan Barma, preserve and perpetuate the sacred memory of Rai Saheb Panchanan Barma.
- iii)** To encourage research works on social and cultural problems and to make use of the works, teaching and thoughts so received, for benefit of the society.
- iv)** To establish, run and maintain educational institutions and training institute for eradicating illiteracy and spread of education.
- v)** To establish and maintain guest house as temporary accommodation for the guests and visitors to Khalisamari from outstations on urgent business.
- vi)** To disseminate fruitful information and knowledge, establish and run library therefore
- vii)** To arrange and organize lectures, meetings, conferences, discussions, debates, seminars, excursions and exposure programmes etc.
- viii)** To organize games and sports and cultural programme, charity-show, lottery etc. for collection of fund.
- ix)** To collect, procure, preserve, publish or cause to be published manuscripts, old and useful rare documents, books, magazine etc. for preservation and also for sale to the public.
- x)** To collect and preserve works of art, paintings, sculptures, antiquities and specimen of historical importance.

- xi) To engage and assist in such other philanthropic activities as may be deemed appropriate and necessary by the governing body.
 - xii) To do all works of society on no profit no loss basis.
 - xiii) To raise, collect and accept donation, subscriptions, gifts, grants and bequest from members, individuals, institutions, associations of persons, companies, body corporate, trade unions, chambers of commerce, Panchyats, State and Central Govt, International agencies, N.RIs, Foreign sources.
 - xiv) To do all such acts and deeds as may be deemed necessary, beneficial or conducive to attain the objects of the Gaveshana Kendra.
- 2) **The following shall be the authorities of the Gaveshana Kendra :-**
- a) **General Council and**
 - b) **Executive Council.**
- 3) **3.1 The General Council consisting of not more than 41 members at least 8 of whom from amongst the women to be nominated by the Government shall be constituted as follows:-**

General Council :-

- 1) DM. Cooch Behar, Ex-Officio Chairperson
- 2) SDO, Mathabhanga, Ex-Officio Vice-Chairperson
- 3) District Welfare Officer (BCW Deptt.) Cooch Behar, Ex-Officio Member.
- 4) District Manager, SC/ST Development and Finance Corporation, Ex-Officio Member
- 5) District Information and Cultural Officer, Cooch Behar, Ex-Officio Member.
- 6) BDO, Sitalkhuchi, Ex-Officio Member.
- 8) 34 other members to be nominated by the Govt. of West Bengal in the BCW Department, one of whom will be nominated as Secretary of the Gaveshana Kendra.

3.2 Meeting of the General Council

The General Council shall ordinarily meet at least twice a year on date, time and place to be fixed by the Secretary in consultation with the Chairperson and shall.

- a) Adopt the Annual report of the preceeding year;
- b) Pass the audited accounts and budget estimates; and
- c) Transact any business as well, placed in the agenda suggested by the Executive Council.

3.3 Extra-ordinary meeting :

An extra-ordinary meeting of the General Council may be called by the Secretary, in consultation with the Chairperson and at the advice of the Executive Council when needed to transact any special business or at the requisition signed by at least 14 members of the Gaveshana Kendra. The Chairperson shall convene the requisitioned meeting within 30 days from the date of the receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed.

Notice of the place date and hour of any meeting and of the business to be transacted shall be issued to the members of the Gaveshana Kendra at least 7 days before the fixed date.

3.4 The following procedure shall be applicable to all the meeting of the General Council :

- a) One – fifth of the members shall constitute the quorum; if there be no quorum, the meeting shall stand postponed to a date to be fixed by the Chairperson. A fresh notice shall be issued and if there be no quorum again those present shall be competent to transact business.
- b) The Chairperson or in his absence the vice – Chairperson shall take the chair. If neither the Chairperson nor the Vice-Chairperson be present the members present shall elect a President for the meeting from amongst them and transact the business.

3.5 The power and duties of the General Council shall be as follows :

- a) To provide guidelines of the activities of the Gaveshana Kendra in conformity with the objects defined.
- b) To consider and adopt Annual Report of the Gaveshana Kendra.
- c) To consider and approve the audited accounts and the Budget Estimates.
- d) To appoint Auditor for auditing the annual accounts.

4. Executive Council :

4.1 The Executive Council consisting of not more than 15 members shall be constituted by the Govt. from amongst the members of the General Council, as follows:-

- a) DM, Cooch Behar–Chairperson;
- b) SDO, Mathabanaga – Vice-Chairperson;
- c) District Welfare Officer (BCW Deptt.) Cooch Behar – Member
- d) District Manager, SC/ST Development and Finance Corporation, Cooch Behar - Treasure.
- e) District Information and Cultural Officer, Cooch Behar-Member

- f) Remaining 10 members to be nominated by the State Govt. in the Department of BCW from amongst the General Council members, at least 3 of whom should be from amongst the women members and one of whom will be nominated as Secretary.

Provided that the State Government in the BCW Department may nominate such other persons, as it may consider necessary for smooth and proper functioning of the Gaveshana Kendra as members of the Executive Council, who will be members of the General Council.

4.2 Meeting of the Executive Council :

- a) The Executive Council shall ordinarily meet four times in a year and the quorum of such meeting shall be 5.
- b) An extra-ordinary meeting of the Executive Council may be called at the requisition of at least 6 members of the Executive Council to transact any special business. The requisitioned meeting shall be convened within 15 days from the date of receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed.
- c) Notice of all meetings of the Executive council shall be issued at least 7 days before the date fixed for such meeting.

4.3 The power and duties of the Executive Council shall be follows :

- a) To manage the affairs of the Gaveshana Kendra and for this purpose to constitute committees and / or sub-committees consisting of the members of the Gaveshana Kendra and to frame and adopt such regulations, bye-laws and pass such orders as may appear conducive to and necessary for the efficient administration of the Gaveshana Kendra and the attainment of these objects provided that such regulations shall not be repugnant to this Resolution and shall be reported to the General Council.
- b) To prepare and place before the General Council the annual report, the audited accounts and the Budget Estimates;
- c) To manage all the moveable and immoveable properties belonging to the Gaveshana Kendra;
- d) To acquire and accept in the name of the Gaveshana Kendra any property (moveable and immoveable), articles, donations and gift;
- e) To keep accounts audited and the Budget estimate prepared, to do all other acts and deeds as shall be necessary and relevant in furtherance to the objects of the Gaveshana Kendra.
- f) To pay out of funds belonging to the Gaveshana Kendra or out of any particular part of such fund, the expenses incurred by the Gaveshana Kendra from time to time including expenses for the formation of the Gaveshana Kendra and management of administration of the forgoing objects, including all rent, rates and taxes, outgoings

and salaries, allowances including fringe benefit of the employees to be fixed in consultation with the Government.

- 4.4 The Executive Council shall exercise the power as mentioned above subject to all directives as may be issued by the Government in BCW Department from time to time.
- 4.5 All the properties belonging to the Gaveshana Kendra shall be deemed to be vested in the Executive Council but should be referred to as the properties of the Gaveshana Kendra.
- 4.6 (a) The term of the General Council shall ordinarily be three years from the date of Notification and the Executive Council shall be constituted simultaneously and shall function during the tenure of the General Council or till such time when the General Council is reconstituted by the Government and
(b) The Government shall reconstitute the General Council and the Executive Council on expiry of the tenure.

Provided that the terms of the General Council may be extended by the Government for such periods as may be deemed necessary, and in that case, the term of the Executive Council shall stand extended automatically.

5. Government in Backward Classes Welfare Department may withdraw any nomination of the members of the General Council as well of the Executive Council without giving reasons

6. Dissolution of Gaveshana Kendra

The Gaveshana Kendra may be dissolved in accordance with the provision under section 24 and 27 of the West Bengal Societies Registration Act, 1961. In the event of dissolution after satisfaction of all liabilities, all the assets including moveable and immovable properties whatsoever that remain, shall vest in the State Government who shall decide the future use of them.

7. All the provisions under all the sections of the West Bengal Societies Registration Act, 1961 shall apply to this Gaveshana Kendra.
8. All matters related to governing the Gaveshana Kendra be governed & guided by terms and conditions as laid down in the "Memorandum of Association" & "Regulations of the Gaveshana Kendra".

Ordered that the Resolution be published in the "Calcutta Gazette" & circulated to all concerned.

Joint Secretary to the Govt. of West Bengal

Memorandum of Association of Mayel Lyang Lepcha Development Board

No. 466-BCW

12th February, 2013

RESOLUTION

Whereas it is considered expedient to establish a Development Board for the Lepcha community of West Bengal, the Governor is hereby pleased to establish a Board by the name 'Mayel Lyang Lepcha Development Board' with its Head Office in Kalimpong, District - Darjeeling, West Bengal, under the administrative control of the Backward Classes Welfare Department, Government of West Bengal. This 'Mayel Lyang Lepcha Development Board' shall be registered under the West Bengal Societies Registration Act, 1961 (West Ben. Act XXVI of 1961).

1. The aims and objects of the Board shall be :

- (a) to undertake all necessary activities for the protection, promotion and safeguarding of the Lepcha language, tradition and culture;
- (b) to undertake activities to protect historical and culturally significant landmarks of the community.
- (c) to provide support to museum, community radio, publishing unit and mass media units;
- (d) to undertake activities to popularize, promote and enhance products of artisans, farmers and other tradition based items and help the artistes and artisans engaged in traditional activities;
- (e) to protect and promote customary rights of the community;
- (f) to establish a centre for the protection of the Lepcha heritage;
- (g) to take up social welfare activities catering to the requirements of the community;
- (h) to promote education among the Lepcha community;
- (i) to publish or cause to be published useful literature, papers, books, research works, magazines of the Lepcha community etc.;
- (j) to work in association with all Government agencies for awareness generation regarding various programmes of development and social welfare, education, literacy etc.;
- (k) to undertake necessary activities for natural resource management, alternative energy, ecology and environment;
- (l) to construct, maintain, improve, develop, any building, houses or other Infrastructure and purchase land and other movable and immovable assets for the benefit of the community;

- (m) to set up mobile health unit, village health centres and to promote Lepcha medicinal practices;
- (n) to take up livelihood development of the community;
- (o) to undertake and provide legal assistance to protect assets of the community members;
- (p) to raise loan and credit to fulfil the objectives from national and international financial institution, subject to observation of statutory rules and executive instructions;
- (q) to obtain fund from different Government departments for fulfillment of the aforesaid objectives;
- (r) to undertake activities for the overall development of the Lepcha community throughout West Bengal;
- (s) to do all such acts, deeds, matters and things connected thereto and therewith as may be necessary or deemed to be necessary as well as incidental or conducive to the foregoing objects.

2. The following shall be the authorities of the Board, namely, —

- (a) General Body and (b) Executive Body.

3. General Body—

(a) The General Body shall initially consist of not more than thirty-one(31) members to be nominated in the following manner :-

- (i) Chairperson—(to be nominated by the State Government In the Backward Classes Welfare Department from among the Lepcha community to be decided on the basis of recommendation of largest recognised society or organization of the Lepcha community of West Bengal);
- (ii) Vice-Chairperson—(to be nominated by the State Government in the Backward Classes Welfare Department from among the Lepcha community to be decided on the basis of recommendation of the largest recognised society or organization of the Lepchas of West Bengal);
- (iii) Member-Secretary—one officer appointed by the State Government on deputation;
- (iv) ex-officio member—District Magistrate, Darjeeling or his representative;
- (v) ex-officio member—District Welfare Officer, Backward Classes Welfare Department, Darjeeling;
- (vi) ex-officio member—Director, Cultural Research Institute or his representative;
- (vii) other members to be nominated by the State Government from among the Lepcha community to be decided on the basis of recommendation of the largest recognised society or organization of the Lepchas of West Bengal.

(b) Meeting of the General Body—

The General Body shall ordinarily meet at least twice a year on date, time and place

to be fixed by the Secretary in consultation with the Chairperson and shall;

- (i) adopt the annual report of the preceding year;
- (ii) pass the audited accounts and budget estimates and;
- (iii) transact any business as will be placed in the agenda suggested by the executive body.

(c) Extra - ordinary meeting –

An extra-ordinary meeting of the General body may be called by the Secretary, in consultation with the Chairperson and at the advice of the Executive body when needed to transact any special business or at the requisition signed by at least ten (10) members of the Board. The Chairperson shall convene the requisitioned meeting within thirty (30) days from the date of the receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed.

Notice of the place date and hour of any meeting and of the business to be transacted shall be issued to the members of the board at least seven (7) days before the date so fixed for the meeting.

(d) The following procedures shall be applicable to all the meetings of the General Body-

- (i) One-fifth of the members shall constitute the quorum. If there be no quorum, the meeting shall stand postponed to a date to be fixed by the Chairperson. A fresh notice shall be issued and if there be no quorum again those present shall be competent to transact business.
- (ii) The Chairperson or in his absence the Vice-Chairperson shall take the Chair. If neither the Chairperson nor the Vice-Chairperson be present the members present shall nominate a President for the meeting from amongst them and transact the business.

(c) The power and duties of the General Body shall be as follows –

- (i) to provide guidelines of the activities of the board in conformity with the objects defined;
- (ii) to consider and adopt annual report of the board;
- (iii) to consider and approve the audited accounts and the budget estimates;
- (iv) to appoint auditor for auditing the annual accounts.

4. Executive Body:

(a) The Executive body consisting of not more than eleven (11) members shall be constituted as following by the Government from amongst the members of the general body namely –

- (i) Chairperson – to be nominated by the State Government in the Backward Classes Welfare Department from among the lepcha community to be decided on the basis of recommendation of the largest recognised society or organization of the Lepchas of West Bengal;

- (ii) Vice-Chairperson – to be nominated by the State Government in the Backward Classes Welfare Department from among the Lepcha community to be decided on the basis of recommendation of the largest recognised society or organization of the Lepchas of West Bengal;
- (iii) Member Secretary – one officer (senior IAS officer) appointed by the State Government on deputation;
- (iv) ex-officio Member – District Magistrate, Darjeeling or his representative;
- (v) remaining 7 (Seven) members to be nominated by the State Government from among the Lepcha community to be decided on the basis of recommendation of the largest recognised society or organization of the Lepchas of West Bengal.

Provided that the State Government in the Backward Classes Welfare Department may nominate such other persons, as it may consider necessary for smooth and proper functioning of the Board as members of the Executive body, who will also be members of the General Board.

(b) Meeting of the Executive body :

- (i) the executive body shall ordinarily meet four times in a year and the quorum of such meeting shall be Six (6);
- (ii) an extraordinary meeting of the executive body may be called at the requisition of at least six (6) members of the Executive body to transact any special business. The requisitioned meeting shall be convened within fifteen (15) days from the date of receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed;
- (iii) notice of all meetings of the executive body shall be issued at least seven (7) days before the date fixed for such meeting.

(c) The power and duties of the Executive body shall be as follows–

- (i) to manage the affairs of the body and for this purpose to constitute committees and/or sub-committees consisting of the members of the body and to frame and adopt such regulations, bye-laws and pass such orders as may appear conducive to and necessary for the efficient administration of the board and the attainment of these objects provided that such regulations shall not be repugnant to these regulations and shall be reported to the general body. The executive body will constitute a committee or sub-committee to be headed by the chairperson or the vice-chairperson for overall development of the Lepcha community;
- (ii) to prepare and place before the general body the annual report, the audited accounts and the budget estimates;
- (iii) to manage all the movable and immovable properties belonging to the board;
- (iv) to acquire and accept in the name of the board any property (movable and immovable), articles, donations and gifts;
- (v) to keep accounts audited and the budget estimate prepared, to do all other

acts and deeds as shall be necessary and relevant in furtherance to the objects of the board;

(vi) to pay out of funds belonging to the board or out of any particular part of such fund, the expenses incurred by the board from time to time including expenses for the formation of the board and management of administration of the foregoing objects, including all rent, rates and taxes, outgoing and salaries, allowances including fringe benefits of the employees. The fringe benefit of the employees will be fixed in consultation with the Government.

(d) The Executive body shall exercise the power as mentioned above subject to the directives as may be issued by the State Government in Backward Classes Welfare Department from time to time.

(e) All the properties belonging to the Board shall be deemed to be vested in the Executive body but should be referred to as the properties of the Board.

5. The state Government in the Backward Classes Welfare Department shall make provision of fund for providing financial assistance to the Board.

6. Term of Office –

The non-Government members may be nominated for a period of five years and their term will automatically expire on completion of five years. However, there is no bar to re-nominate any or all members for a further term or more.

7. Any member who is not a member in the ex-officio capacity shall cease to be a member of the Board if he or she fails to attend three consecutive meetings of the General Board.

8. Dissolution of Board –

The Board may be dissolved in accordance with the provisions under sections 24 and 27 of the West Bengal Societies Registration Act, 1961. In the event of dissolution after satisfaction of all liabilities, all the assets including movable and immovable properties whatsoever that remain, shall vest in State Government who shall decide the future usage of them.

9. The West Bengal Societies Registration Act, 1961 (West Ben. Act XXVI of 1961) shall apply to this Board.

10. All matters related to governing, the Board will be governed and guided by terms and conditions as laid down in the “Articles and Memorandum of Association” of the Board.

Ordered that the Resolution be published in the “Kolkata Gazette” and be circulated to all concerned.

By order of the Governor,

S. K. Thade,

Secretary to the Government of West Bengal

Memorandum of Association of Tamang Development and Cultural Board

RESOLUTION

No. 33-TDD

27th June, 2014

Whereas it is considered expedient to establish a Development Board for the Tamangs of West Bengal, the Governor is hereby pleased to establish a Board by the name **Tamang Development and Cultural Board** with its **Head Office** in the District of Darjeeling. West Bengal, under the administrative control of the **Tribal Development Department**, Government of West Bengal

1. The aims and objects of the Board shall be :

- (a) to undertake all the necessary activities for the protection, promotion and safeguarding the Tamang languages and culture;
- (b) to undertake development of Tamang Tribes by promotion activities related to tourism, handicraft, folk art, folklore etc;
- (c) to promote traditional games, sports etc. among the Tamang youths;
- (d) to arrange functions, lectures, debates, discussions, seminar, exposure programmes of any kind for the objects as stated above ;
- (e) to take up social welfare activities as per the requirements of the tribe;
- (f) to study, preserve and propagate folk art, music, dance or other cultural activities and showcasing the distinctive features of the tribe by setting up museums;
- (g) to publish useful literature, papers, books, research works, magazines of the Tamang Tribe of the State;
- (h) to promote and aid artists, artisans of the Tamang tribe :
 - (i) to construct, maintain, improve, develop any building, houses or other infrastructure and land and other movable and immovable assets for the Society;
 - (j) to obtain fund from different Government departments of the Government of India and the Government of West Bengal for fulfilment of the aforesaid objectives:

2. The following shall be the authorities of the Council :

- (a) General Body and (b) Executive Body.

3. General Body—

- (a) The General Body shall initially consist of not more than thirty-one (31) members to be nominated in the following manner:—

- (i) Chairperson—(to be nominated by the State Government in the Tribal Development Department from among the Tamang Community to be decided on the basis of recommendation of the largest recognised society or organization of the Tamangs of West Bengal);
- (ii) Vice-Chairperson (to be nominated by the State Government in the Tribal Development Department from among the Tamang Community to be decided on the basis of recommendation of the largest recognized society or organization of the Tamangs of West Bengal).
- (iii) Member-Secretary—one Officer appointed by the State Government on deputation.
- (iv) ex-officio-member—District Magistrate, Darjeeling or his representative.
- (v) ex-officio member—District Welfare Officer, Backward Classes Welfare Department, Darjeeling :
- (vi) ex-officio member-Director, Cultural Research institute or his representative;
- (vii) Other members to be nominated by the State Government from among the Tamang Community to be decided on the basis or recommendation of the largest recognized society or organization of the Tamangs of West Bengal).

(b) Meeting of the General Body—

The General Body shall ordinarily meet at least twice a year on date, time and place to be fixed by the Secretary in consultation with the Chairperson and shall:

- ☐ adopt the annual report of the preceding year:
- ☐ pass the audited accounts and budget estimates and;
- ☐ transact any business as will be placed in the agenda suggested by the Executive Body.

(c) Extra-Ordinary meeting –

An extra-ordinary meeting of the General body may be called by the Secretary, in consultation with the Chairperson and at the advice of the Executive body when needed to transact any special business or at the requisition signed by at least ten (10) members of the Board. The Chairperson shall convene the requisitioned meeting within thirty (30) days from the date of the receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed.

Notice of the place, date and hour of any meeting and of the business to be transacted shall be issued to the members of the Council at least seven(7) days before the date so fixed for the meeting.

(d) The following procedures shall be applicable to all the meetings of the General Body-

- ☐ One-fifth of the members shall constitute the quorum. If there be no quorum, the meeting shall stand postponed to a date to be fixed by the Chairperson. A fresh notice shall be issued and if there be no quorum against those present shall be competent to transact business.

- ❑ The Chairperson or in his absence the Vice-Chairperson shall take the Chair. If neither the Chairperson nor the Vice-Chairperson be present the members present shall nominate a President for the meeting from amongst them and transact the business.

(e) The power and duties of the General Council shall be as follows—

- (i) to provide guidelines of the activities of the board in conformity with the objects defined.
- (ii) to consider and adopt annual report of the board.
- (iii) to consider and approve the audited accounts and the budget estimates.
- (iv) to appoint auditor for auditing the annual accounts.

4. Executive Body :

- (a) The Executive body consisting of not more than 11 members shall be constituted as following by the Govt. from amongst the members of the General Council.
 - (i) Chairperson —(to be nominated by the State Government in the Tribal Development Department from among the Tamang Community to be decided on the basis of recommendation of the largest recognized society or organization of the Tamangs of West Bengal).
 - (ii) Vice - Chairperson —(to be nominated by the State Government in the Tribal Development Department from among the Tamang Community to be decided on the basis of recommendation of the largest recognized society or organization of the Tamangs of West Bengal).
 - (iii) Member Secretary—one senior state Government Officer appointed by the State Government on deputation.
 - (iv) ex-officio Member—District Magistrate, Darjeeling or his representative;
 - (v) (Remaining 7 (Seven) members to be nominated by the State Government from among the Tamang Community to be decided on the basis of recommendation of the largest recognized society or organization of the Tamangs of West Bengal.)

Provided that the State Government in the Tribal Development Department may nominate such other persons, as it may consider necessary for smooth and proper functioning of the Board as members of the Executive body, who will also be members of the General Board.

(b) Meeting of the Executive body :

- (i) the Executive body shall ordinarily meet four times in a year and the quorum of such meeting shall be Six(6);
- (ii) an extraordinary meeting of the Executive body may be called at the requisition of at least six (6) members of the Executive body to transact any special business. The requisitioned meeting shall be convened within fifteen (15) days from the

date of receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed.

- (iii) notice of all meetings of the Executive body shall be issued at least seven (7) days before the date fixed for such meeting.

(c) The power and duties of the Executive body shall be as follows :

- (i) to manage the affairs of the body and for this purpose to constitute committees and or sub-committees consisting of the members of the body and to frame and adopt such regulations, bye-laws and pass such orders as may appear conducive to and necessary for the efficient administration of the Council and the attainment of these objects provided that such regulations shall not be repugnant to these Regulations and shall be reported to the General body. The Executive body will constitute a committee or sub-committee to be headed by the Chairperson or the Vice-Chairperson for overall development of the Tamang Community.
 - (ii) to prepare and place before the General body an annual report, the audited accounts and the budget estimates ;
 - (iii) to manage all the movable and immovable properties belonging to the board;
 - (iv) to acquire and accept in the name of the board any property (movable & immovable), articles, donations and gifts:
 - (v) to keep accounts audited and the budget estimate prepared, to do all other acts and deeds as shall be necessary and relevant in furtherance to the objects of the board;
 - (vi) to pay out of funds belonging to the board or out of any particular part of such fund, the expenses incurred by the board from time to time including expenses for the formation of the board and management of administration of the foregoing objects, including all rent, rates and taxes, outgoing and salaries, allowances including fringe benefits of the employees. The fringe benefit of the employees will be fixed in consultation with the Government.
- (d) The Executive body shall exercise the power as mentioned above subject to the directives as may be issued by the State Government in Tribal Development Department from time to time.
- (e) All the properties belonging to the Board shall be deemed to be vested in the Executive body but should be referred to as the properties of the Board.
5. The State Government in the Tribal Development Department shall make provision of fund for providing financial assistance to the Board.

6. Term of Office :

The non-Government members may be nominated for a period of five years and their term will automatically expire on completion of five years. However, there is no bar to re-nominate any or all members for a further term or more.

7. Any member who is not a member in the ex-officio capacity shall cease to be a member of the Board if he or she fails to attend three consecutive meetings of the General Board.

8. **Dissolution of Board :**

The Board may be dissolved in accordance with the provisions under Section 24 and 27 of the West Bengal Societies Registration Act, 1961. In the event of dissolution after satisfaction of all liabilities, all the assets including movable and immovable properties whatsoever that remain, shall vest in State Government who shall decide the future usage of them.

9. All the provisions under all the Sections of the **West Bengal Societies Registration Act, 1961** (West Ben. Act XXVI of 1961) shall apply to this Board.
10. All matters related to Governing the Board will be governed & guided by terms and conditions as laid down in the **"Articles and Memorandum of Association"** of the Board.

By order of the Governor.

S. K. Thade

Principal Secretary to the Government of West Bengal

Memorandum of Association of Sherpa Cultural Board and related Notifications

RESOLUTION

No. 286-TDD

26th March, 2015.

Whereas it is considered expedient to establish a Board for the Sherpa community of West Bengal, the Governor is hereby pleased to establish a Board by the name "Sherpa Cultural Board" with its Head Office in Darjeeling. West Bengal, under the administrative control of the Tribal Development Department, Government of West Bengal. This 'Sherpa Cultural Board' shall be registered under the West Bengal Societies Registration Act. 1961 (West Ben. Act XXVI of 1961).

1. The aims and objects of the Board shall be:

- (a) To protect promote and safeguard Sherpa language, tradition and culture;
- (b) To protect and preserve the true identity of the Sherpas;
- (c) To undertake activities to protect historical and cultural significant landmarks of the community;
- (d) To provide support to the community for Radio Publishing Unit and Mass Media Unit;
- (e) To undertake activities to popularise and enhance products of artisans, farmers and other tradition based items and have the artisans and artists engaged in traditional activities;
- (f) To protect and promote customary right of the community;
- (g) To establish the center for the protection of Sherpa heritages;
- (h) To promote education among the Sherpa community;
- (i) To publish or cause to be published useful literatures, papers, books, research works, magazine of Sherpa community etc;
- (j) To construct, maintain, improve, develop any building, Museums, Research Institutes, houses or other infrastructure and purchase land or other movable and immovable assets for the cultural development of the community.
- (k) To obtain funds from different Departments of the Govt. of India and Govt. of West Bengal for fulfilment of the aforesaid objectives:

- (l) To construct community halls to protect culture of the Sherpa community;
 - (m) To promote Sherpa youths to take up mountaineering instructors' training in recognized institutions.
2. The following shall be the authorities of the Board:
- (a) General Body; and
 - (b) Executive Body

3. General Body :

- (a) The General Body shall initially consist of not more than 31 (thirty-one) members to be nominated in the following manner:—
 - (i) Chairperson- (to be nominated by the State Government in the "tribal Development Department from among the Sherpa community to be decided on the basis of recommendation of the largest recognised society or organization of the Sherpa community of West Bengal) ;
 - (ii) Vice-Chairperson—(to be nominated by the State Government in the Tribal Development Department from among the Sherpa community to be decided on the basis of recommendation of the largest recognised society or organization of the Sherpa community of West Bengal);
 - (iii) Member - Secretary—one officer appointed by the State Government on deputation;
 - (iv) Ex-officio Member—District Magistrate, Darjeeling or his representative;
 - (v) Ex-officio Member—Tribal Development Officer, Darjeeling;
 - (vi) Ex-officio Member—Director, Cultural Research Institute or his representative;
 - (vii) Other members to be nominated by the State Government from among the Sherpa community to be decided on the basis of recommendation of the largest recognised society or organization of the Sherpas of West Bengal.

(b) Meeting of the General Body -

The General Body shall ordinarily meet at least twice a year on date, time and place to be fixed by the Secretary in consultation with the Chairperson and shall:

- (i) adopt the annual report of the preceding year;
- ii) pass the audited accounts and budget estimates and;
- iii) transact any business as will be placed in the agenda suggested by the executive body.

(c) Extra - ordinary meeting

An extra-ordinary meeting of the General body may be called by the Secretary, in consultation with the Chairperson and at the advice of the Executive body when needed to transact any special business or at the requisition signed by at least ten (10) members of the Board. The Chairperson shall convene the requisitioned

meeting within thirty (30) days from the date of the receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed.

Notice of the place, date and hour of any meeting and of the business to be transacted shall be issued to the members of the Board at least seven (7) days before the date so fixed for the meeting.

(d) The following procedures shall be applicable to all the meetings of the General Body.—

- i) One-fifth of the members shall constitute the quorum. If there be no quorum, the meeting shall stand postponed to a date to be fixed by the Chairperson. A fresh notice shall be issued and if there be no quorum again those present shall be competent to transact business.
- ii) The Chairperson or in his absence the Vice-Chairperson shall take the Chair. If neither the Chairperson nor the Vice-Chairperson be present the members present shall nominate a President for the meeting from amongst them and transact the business.

(e) The power and duties of the General Body shall be as follows —

- (i) To provide guidelines of the activities of the Board in conformity with the objects defined;
- (ii) To consider and adopt annual report of the Board;
- (iii) To consider and approve the audited accounts and the budget estimates;
- (iv) To appoint auditor for auditing the annual accounts.

4. Executive Body:

- (a) The Executive body consisting of not more than 11 (eleven) members shall be constituted as following by the Government from amongst the members of the General Body, namely,
 - i) **Chairperson**—to be nominated by the State Government in the Tribal Development Department from among the Sherpa community to be decided on the basis of recommendation of the largest recognised society or organization of the Sherpa of West Bengal;
 - ii) **Vice-Chairperson**—to be nominated by the State Government in the Tribal Development Department from among the Sherpa community to be decided on the basis of recommendation of the largest recognised society or organization of the Sherpa of West Bengal;
 - iii) **Member Secretary**—one officer appointed by the State Government on deputation;
 - iv) **Ex-officio Member**—District Magistrate. Darjeeling or his representative;

- v) remaining 7 (seven) members to be nominated by the State Government from among the Sherpa community to be decided on the basis of recommendation of the largest recognised society or organization of the Sherpa of West Bengal:

Provided that the State Government in the Tribal Development Department may nominate such other persons, as it may consider necessary for smooth and proper functioning of the Board as members of the Executive body, who will also be members of the General Board.

(b) Meeting of the Executive body:

- i) the executive body shall ordinarily meet four times in a year and the quorum of such meeting shall be six (6);
- ii) an extra - ordinary meeting of the executive body may be called at the requisition of at least six (6) members of the Executive body to transact any special business. The requisitioned meeting shall be convened within fifteen (15) days from the date of receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed;
- iii) notice of all meetings of the executive body shall be issued at least seven (7) days before the date fixed for such meeting.

(c) The power and duties of the Executive body shall be as follows. —

- i) to manage the affairs of the body and for this purpose to constitute committee and or sub-committee consisting of the members of the body and to frame and adopt such regulations, bye-laws and pass such orders may appear conducive to and necessary for the efficient administration of the board and the attainment of these objects provided that such regulations shall not be repugnant to these regulations and shall be reported to the General Body. The Executive Body will constitute a committee or sub-committee to be headed by the chairperson or the vice-chairperson for overall development of the Sherpa community;
- ii) to prepare and place before the general body an annual report, the audited accounts and the budget estimates;
- iii) to manage all the movable and immovable properties belonging to the board;
- iv) to acquire and accept in the name of the board any property (movable and immovable), articles, donations and gifts;
- v) to keep accounts audited and the budget estimate prepared, to do all other acts and deeds as shall be necessary and relevant in furtherance to the objects of the board;

- vi) to pay out of funds belonging to the board or out of any particular part of such fund the expenses incurred by the board from time to time including expenses for the formation of the board and management of administration of the foregoing objects, including all rent, rates and taxes outgoing and salaries, allowances including fringe benefits of the employees. The fringe benefit of the employees will be fixed in consultation with the Government.
- (d) The Executive Body shall exercise the power as mentioned above subject to the directives as may be issued by the State Government in Tribal Development Department from time to time.
- (e) All the properties belonging to the Board shall be deemed to be vested in the Executive body but should be referred to as the properties of the Board.
- 5. The State Government in the Tribal Development Department shall make provision of fund for providing financial assistance to the Board.
- 6. **Term of Office—**
The non-Government members may be nominated for a period of five years and their term will automatically expire on completion of five years. However, there is no bar to re-nominate any or all members for a further term or more.
- 7. Any member who is not a member in the ex-officio capacity shall cease to be a member of the Board if he or she fails to attend three consecutive meetings of the General Body.
- 8. **Dissolution of the Board**
The Board may be dissolved in accordance with the provisions under sections 24 and 27 of the West Bengal Societies Registration Act, 1961. In the event of dissolution after satisfaction of liabilities, all the assets including movable and immovable properties whatsoever remain, shall vest in the State Government who shall decide the future usage of them.
- 9. The West Bengal Societies Registration Act, 1961 (West Ben. Act XXVI of 1961) shall apply to this Board.
- 10. All matters related to Governing the Board will be guided in terms and conditions as laid down in the "Articles and Memorandum of Association" of the Board.

Ordered that the Resolution be published in the "Kolkata Gazette" and be circulated to all concern.

By order of the Governor.

S. K. Thade

Principal Secretary to the Government of West Bengal

General Body of 'Sherpa Cultural Board'

NOTIFICATION

No.: 529-TDD

June 01, 2015

The "Sherpa Cultural Board" was constituted vide resolution no, 286-TDD/6E-25/14 dated 26th March, 2015 and duly published in the Kolkata Gazette Extraordinary on 27th March, 2015.

Now, in terms of para 3(a) of the said resolution, the Governor is hereby pleased to nominate the following members to the General Body:-

Sl.	Name	Portfolio
1.	Shri Nima Wangdi Sherpa	Chairman
2.	Mrs. Nim Doma Sherpa	Vice-Chairman
3.	To be nominated	Member-Secretary
4.	District Magistrate (Darjeeling)	Ex-Officio Member
5.	Director, C.R.I. (Kolkata)	Ex-Officio Member
6.	Tribal Development Officer (Darjeeling)	Ex-Officio Member
7.	Shri Nima Tshering Sherpa	Convenor / Member
8.	Shri Mingma Sherpa	Member
9.	Shri Norden Sherpa	Member
10.	Shri Nima Narbu Sherpa	Member
11.	Shri Chindu Sherpa	Member
12.	Shri Mingma Norke Sherpa	Member .
13.	Shri Nim Dorje Sherpa	Member
14.	Shri Dawa Sherpa	Member
15.	Miss Tshering Dolma Sherpa	Member
16.	Shri Passang Sherpa	Member
17.	Shri Dorje Sherpa	Member

Sl.	Name	Portfolio
18.	Shri Wangdi Sherpa	Member
19.	Shri Kiter Sherpa	Member
20.	Shri Mingma Sherpa	Member
21.	Shri Ongchen Sherpa	Member
22.	Shri Passang Sherpa	Member
23.	Shri Phurba Sherpa	Member
24.	Shri Karma Sherpa	Member
25.	Shri Rinchen Sherpa	Member
26.	Smt. Passang Doma Sherpa	Member
27.	Shri Mingma Wangdi Sherpa	Member
28.	Shri Tshering Sherpa	Member
29.	Shri Sonam Wangdi Sherpa	Member
30.	Shri Dawa Sherpa	Member
31.	Smt. Urmila Sherpa	Member

The term of office in respect of Chairman, Vice-Chairman and other non-official members is for a period of five years from the date of notification and shall automatically expire on completion of five years.

Principal Secretary to the Govt. of West Bengal

Executive Body of the 'Sherpa Cultural Board'

No.: 530-TD

June 01, 2015

NOTIFICATION

The "Sherpa Cultural Board" was constituted vide resolution no. 286-TDD/6E-25/14 dated 26th March, 2015 and duly published in the Kolkata Gazette Extraordinary on 27th March, 2015.

Now, in terms of para 4(a) of the said resolution, the Governor is hereby pleased to nominate the following members to the Executive Body:-

Sl.	Name	Portfolio
1	Shri Nimu Wangdi Sherpa	Chairman
2	To be nominated	Member-Secretary
3	District Magistrate (Darjeeling)	Ex-Officio Member
4	Smt. Nim Doma Sherpa	Vice-Chairman
5	Shri Nima Tshering Sherpa	Convener/ Member
6	Shri Mingma Sherpa	Member
7	Shri Norden Sherpa	Member
8	Shri Nima Narbu Sherpa	Member
9	Shri Mingma Norke Sherpa	Member
10	Shri Chindu Sherpa	Member
11	Miss Tshering Dolma Sherpa	Member

The term of office in respect of Chairman, Vice-Chairman and other non-official members is for a period of five years from the date of notification and shall automatically expire on completion of five years.

Principal Secretary to the Govt. of West Bengal

Resolution of The West Bengal Mangar Development Board and related notifications

No. 5085-BCW

30th December, 2015.

RESOLUTION

Whereas it is considered expedient to establish a Development Board for the Mangar community of West Bengal, the Governor is hereby pleased to establish a Board by the name '**The West Bengal Mangar Development Board**' with its **Head Office is Kalimpong**, District Darjeeling, West Bengal, under the administrative control of the **Backward Classes Welfare Department**, Government of West Bengal. This '**West Bengal Mangar Development Board**' shall be registered under the **West Bengal Societies Registration Act. 1961 (West Ben. Act XXVI of 1961)**.

1. The aims and objects of the Board shall be:

- (a) to undertake all necessary activities for the protection, promotion and safeguarding of the Managar language, tradition and culture;
- (b) to undertake activities to protect historical and culturally significant landmarks of the community;
- (c) to provide support to museum, community radio, publishing unit and mass media units;
- (d) to undertake activities to popularize, promote and enhance products of artisans, farmers and other tradition based items and help the artistes and artisans engaged in traditional activities;
- (e) to protect and promote customary rights of the community;
- (f) to establish a centre for the protection of the Mangar heritage;
- (g) to take up social welfare activities catering to the requirements of the community;
- (h) to promote education among the Mangar community;
- (i) to publish or cause to be published useful literature, papers, books, research works, magazines of the Mangar community etc.
- (j) to work in association with all Government agencies for awareness generation regarding various programme of development and social welfare, education, literacy etc;

- (k) to undertake necessary activities for natural resource management, alternative energy, ecology and environment;
 - (l) to construct, maintain, improve, develop any building, houses or other instructure and purchase land and other movable and immovable assets for the benefit of the community;
 - (m) to promote Mangar medicinal practices;
 - (n) to take up livelihood development of the community;
 - (o) to undertake and provide legal assistance to protect assets of the community members;
 - (p) to raise loan and credit to fulfil the objectives from national and international financial instiution, subject to observation of statutory rules and executive instructions;
 - (q) to obtain fund from different Government departments for fulfilment of the aforesaid objectives;
 - (r) to undertake activities for the overall development of the Mangar community throughout West Bengal;
 - (s) to do all such acts, deeds, matters and things connected thereto and there with as may be necessary or deemed to be necessary as well as incidental or conducive to the forgoings objects.
2. The following shall be the authorities of the Board, namely,—
- (a) General Body and (b) Executive Body.
3. **General Body.—**
- (a) The General Body Shall initially consist of not more than thirty-one (31) member to be nominated in the following manner ;—
 - i) Chairperson—(to be nominated by the State Government in the Backward Classes Welfare Department form among the Manager community to be decided on the basis of recommendation of the largest recognised society or organization of the Mangar community of West Bengal);
 - ii) Vice-Chairperson—(to be nominated by the State Government in the Backward Classes Welfare Department from among the Mangar community to be decided on the basis of recommendation of the largest recognised society or organization of the Managers of West Bengal);
 - iii) Member-Secretary—One officer appointed by the State Government on deputation;
 - iv) ex-officio member—District Magistrate, Darjeeling or his representative;
 - v) ex-officio member—District Wefare Officer, Back-ward Classes Welfare Department, Darjeeling;
 - vi) ex-officio member—Director, Cultural Research institute or his representative;
 - vii) other members to be nominated by the State Government from among the Mangar community to be decided on the basis of recommendation of the largest recognised society or organization of the Mangars of West Bengal.

(b) Metting of the General Body—

The General Body shall ordinarily meet at least twice a year on date, time and place to be fixed by the Secretary in consultation with the Chairperson and shall :

- (i) adopt the annual report of the preceding year;
- ii) pass the audited accounts and budget estimates and;
- iii) transact any business as well be placed in the agenda suggested by the excutive body.

c) Extra - ordinary meeting.—

An extra-ordinary meeting ot the General body may be called by the Secretary, in consultation with the Chairperson and at the advice of the Excutive body when needed to transact any special business or at the requisition signed by at least ten (10) members of the Board. The Chairperson shall convene the requisitioned meeting within thirty (30) days from the date of the receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed.

Notice of the place, date and hour of any meeting and of the business to be transacted shall be issued to the members of the board at least seven (7) days before the date so fixed for the meeting.

(d) The following procedures shall be applicable to all the meetings of the General Body—

- i) One-fifth of the members shall constitute the quorum. If there be no quorum, the meeting shall stand postponed to a date to be fixed by the Chairperson. A fresh notice shall be issued and if there be no quorum against those present shall be competent to transact business.
- ii) The Chairperson or in his absence the Vice-Chairperson shall take the Chair. If neither the Chairperson nor the Vice-Chairperson be present the members present shall nominate a President for the meeting from amongst them and transact the business.

(e) The power and duties of the General Body shall be as follows—

- i) to provide guidelines of the activities of the board in conformity with the objects defined;
- ii) to consider and adopt annual report of the board;
- iii) to consider and approve the audited accounts and the budget estimates;
- iv) to appoint auditor for auditing the annual accounts.

Executive Body:

- a) The Executive body consisting of not more than eleven (11) members shall be constituted as following by the Government from among the members of the general body namely,—
- i) Chairperson — to be nominated by the State Government in the Backward Classes Welfare Department from among the Mangar community to be decided on the basis

of recommendation of the largest recognised society or organization of the Mangars of West Bengal;

- ii) Vice-Chairperson — to be nominated by the State Government in the Backward Classes Welfare Department from among the Mangar community to be decided on the basis of recommendation of the largest recognised society or organization of the Mangars of West Bengal;
- iii) Member Secretary — One officer appointed by the State Government on deputation;
- iv) ex-officio Member—District Magistrate, Darjeeling or his representative;
- v) remaining 7 (Seven) (members to be nominated by the State Government from among the Mangar community to be decided on the basis of recommendation of the largest recognised society organization of the Mangars of West Bengal).

Provided that the State Government in the Backward Classes Welfare Department may nominate such other persons, as it may consider necessary for smooth and proper functioning of the Board as members of the Executive body, who will also be members of the General Board.

(b) Meeting of the Executive body:

- i) the executive body shall ordinarily meet four times in a year and the quorum of such meeting shall be six (6);
- ii) an extra — ordinary meeting of the executive body may be called at the requisitioned of at least six (6) members of the Executive body to transact any special business. The requisitioned meeting shall be convened within fifteen (15) days from the date of receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed;
- iii) notice of all meetings of the executive body shall be issued at least seven (7) days before the date fixed for such meeting.

(c) The power and duties of the Executive body shall be as follows.—

- i) to manage the affairs of the body and for this purpose to constitute committee and / or sub-committees consisting of the members of the body and to frame and adopt such regulations, bye-laws and pass such orders as may appear conducive to and necessary for the efficient administration of the board and the attainment of these objects provided that such regulations shall not be repugnant to these regulations and shall be reported in the general body, the executive body will constitute a committee or sub-committee to be headed by the chairperson or the vice-chairperson for overall development of the Mangar community;
- ii) to prepare and place before the general body and annual report, the audited accounts and the budget estimates;
- iii) to manage all the movable and immovable properties belonging to the board;
- iv) to acquire and accept in the name of the board any property (movable and immovable), articles, donations and gifts;

- v) to keep accounts audited and the budget estimate prepared, to do all other acts and deeds as shall be necessary and relevant in furtherance to the objects of the board;
 - vi) to pay out of funds belonging to the board or out of any particular part of such fund, the expenses incurred by the board from time to time including expenses for the formation of the board and management of administration of the foregoing objects, including all rent, rates and taxes, outgoing and salaries, allowances including fringe benefits of the employees. The fringe benefit of the employees will be fixed in consultation with the Government.
 - d) The Executive body shall exercise the power as mentioned above subject to the directive as may be issued by the State Government in Backward Classes Welfare Department from time to time.
 - e) All the properties belonging to the Board shall be deemed to be vested in the Executive body but should be referred to as the properties of the Board.
5. The State Government in the Backward Classes Welfare Department shall make provision of fund for providing financial assistance to the Board.

6. **Term of Office-**

The non-Government members may be nominated for a period of five years and their term will automatically expire on completion of five years. However, there is no bar to re-nominate any or all members for a further term or more.

7. Any member who is not a member in the ex-officio capacity shall cease to be a member of the Board if he or she fails to attend three consecutive meetings of the General Board.

8. **Dissolution of Board:-**

The Board may be dissolved in accordance with the provisions under section 24 and 27 of the West Bengal Societies Registration Act, 1961. In the event of dissolution after satisfaction of all liabilities, all the assets including movable and immovable properties whatsoever that remain, shall vest in State Government who shall decide the future usage of them.

9. **The West Bengal Societies Registration Act, 1961 (West Ben. Act XXVI of 1961) shall apply to this Board.**

10. All matters related to Governing, the Board will be governed and guided by term and conditions as laid down in the "Articles and Memorandum of Association" of the Board.

Ordered that the Resolution be published in the "Kolkata Gazette" and be circulated to all

By order of the Governor,

By order of the Governor

S. K. THADE

Principal Secy. to the Government of West Bengal

Constitution of the “Executive Body” of The West Bengal Mangar Development Board

NC.-27-BCW

January 04, 2016

NOTIFICATION

The “The West Bengal Mangar Development Board” was constitution vide resolution no. 5085-BCW/6S-26/2015 dated the 30th December, 2015 and duly published in the Kolkata Gazette Extraordinary on the 30th December, 2015.

Now, in terms of para 4(a) of the said resolution, the Governor is hereby pleased to nominate the following members to the Executive Body:-

Sl.	Name	Portfolio
1	Shri Navin Thapa Mangar	Chairman
2	To be nominated by the Government`	Member-Secretary
3	Shri Anurag Srivastava. IAS, D.M., Darjeeling	Ex-Officio Member
4	Shri Diwas thapa Mangar	Vice-chairman
5	Shri Tusar Thapa Mangar	Member
6	Shri Hemant Thapa Mangar	Member
7	Shri C.K. Thapa Mangar	Member
8	Shri Niraj Thapa Mangar	Member

The term of office in respect of Chairman, Vice-Chairman and other non-official members is for a period of five years from the date of notification and shall automatically expire on completion of five years.

Principal Secretary to the Govt. of West Bengal

Constitution of the 'General Body' of The West Bengal Mangar Development Board

No : 26-BCW

January 04, 2016

NOTIFICATION

The "West Bengal Mangar Development Board" was constituted vide resolution no 5085-BCW/6S-26/2015 dated the 30th December, 2015 and duly published in the Kolkata Gazette Extraordinary on the 30th December, 2015.

Now., in terms of para 3(a) of the said resolution, the Governor is hereby pleased to nominate the following members to the General Body :

Sl.	Name	Portfolio
1.	Shri Navin Thapa Mangar	Chairman
2.	Shri Diwas Thapa Mangar	Vice-Chairman
3.	To be nominated by the Government	Member-Secretary
4.	Shri Anurag Srivastava, D.M., Darjeeling	Ex-Officio Member
5.	Shri Prasenjit Dev Barman, Director, Cultural Research Institute	Ex-Officio Member
6.	P O.cum-D.W.O. (Darjeeling)	Ex-Officio Member
7.	Shri Tusar Thapa Mangar	Member
8.	Shri Hemant Thapa Mangar	Member
9.	Shri Saran Thapa Mangar	Member
10.	Shri Om Prasad Thapa Mangar	Member
11.	Shri Dipak Thapa Mangar	Member
12.	Shri Sachin Thapa Mangar	Member
13.	Shri H.B.Thapa Mangar	Member

14.	Retd. Sub. Maj. N.B. Thapa Mangar	Member
15.	Shri C. K Thapa Mangar	Member
16.	Shri Alpha Thapa Mangar	Member
17.	Shri Ram Kumar Thapa Mangar	Member
18.	Shri Niraj Thapa Mangar	Member
19.	Shri Bishal Thapa Mangar	Member
20.	Shri Pappu Thapa Mangar	Member
21.	Shri Mohan Thappa Mangar	Member
22.	Shri Sanjib Thappa Mangar	Member
23.	Miss. Tula Thappa Mangar	Member
24.	Shri Padam Bahadur Mangar	Member
25.	Shri Ramesh Thapa Mangar	Member
26.	Shri Rajiv Thapa Mangar	Member
27.	Miss. Sinora Thapa Mangar	Member
28.	Shri Youraj Rana Mangar	Member
29.	Shri Nirmal Rana Mangar	Member
30.	Shri Tej Bahadur Thapa Mangar	Member
31.	Shri Harka Bdr. Mangar	Member

The term of office in respect of Chairman, Vice-Chairman and other non-official members is for a period of five years from the date of notification and shall automatically expire on completion of five years.

Principal Secretary to the Govt. of West Bengal

Resolution of The West Bengal Limbu Development Board and related notifications

No. STDD-261

10th February, 2016

RESOLUTION

Whereas it is considered expedient to establish a Development Board for the Limbu community of West Bengal, the Governor is hereby pleased to establish a Board by the name 'The West Bengal Limbu Development Board' with its Head Office in Darjeeling. District Darjeeling, West Bengal, under the administrative control of the Tribal Development Department, Government of West Bengal. This 'The West Bengal Limbu Development Board' shall be registered under the West Bengal Societies Registration Act, 1961 (West Ben. Act XXVI of 1961).

1. The aims and objects of the Board shall be:

- (a) to undertake all necessary activities for the protection, promotion and safeguarding of the Limbu language, tradition and culture;
- (b) to undertake activities to protect historical and culturally significant landmarks of the community;
- (c) to provide support to museum, community radio, publishing unit and mass media units;
- (d) to undertake activities to popularize, promote and enhance products of artisans, farmers and other tradition based items and help the artistes and artisans engaged in traditional activities;
- (e) to protect promote customary rights of the community;
- (f) to establish a centre for the protection of the Limbu heritage;
- (g) to take up social welfare activities catering to the requirements of the community;
- (h) to promote education among the Limbu community;
- (i) to publish or cause to be published useful literature, papers, books, research works, magazines of the Limbu community etc;
- (j) to work in association with all Government agencies for awareness generation regarding various programme of development and social welfare, education, literacy etc;
- (k) to undertake necessary activities for natural resource management, alternative energy, ecology and environment;
- (l) to construct, maintain, improve, develop, any building, houses or other infrastructure

and purchase land and other movable and immovable assets for the benefit of the community;

- (m) to promote Limbu medicinal practices;
- (n) to take up livelihood development of the community;
- (o) to undertake and provide legal assistance to protect assets of the community members;
- (p) to raise loan and credit to fulfil the objectives from national and international financial institution, subject to observation of statutory rules and executive instructions;
- (q) to obtain fund from different Government departments for fulfilment of the aforesaid objectives;
- (r) to undertake activities for the overall development of the Limbu community throughout West Bengal;
- (s) to do all such acts, deeds, matters and things connected thereto and there with as may be necessary or deemed to be necessary as well as incidental or conducive to the foregoing objects.

2. The following shall be the authorities of the Board namely—

- (a) General Body and (b) Executive Body.

(3) **General Body,—**

- (a) The General Body shall initially consist of not more than thirty-one (31) members to be nominated in the following manner:—
 - i) Chairperson - (to be nominated by the State Government in the Tribal Development Department from among the Limbu community to be decided on the basis of recommendation of the largest recognised society or organization of the Limbu community of West Bengal);
 - ii) Vice Chairperson - (to be nominated by the State Government in the Tribal Development Department from among the Limbu community to be decided on the basis of recommendation of the largest recognised society or organization of the Limbus of West Bengal) ;
 - iii) Member-Secretary - One officer appointed by the State Government on deputation;
 - iv) ex-officio member - District Magistrate, Darjeeling or his representative;
 - v) ex-officio member - District Welfare Officer, Tribal Development Department. Darjeeling;
 - vi) ex-officio member- Director, Cultural Research institute or his representative;
 - vii) other members to be nominated by the State Government from among the Limbu community to be decided on the basis of recommendation of the largest recognised society or organization of the Limbus of West Bengal.

(b) Meeting of the General Body.—

The General Body shall ordinarily meet at least twice a year on date, time and place to be fixed by the Secretary in consultation with the Chairperson and shall:

- i) adopt the annual report of the preceding year;
- ii) pass the audited accounts and budget estimates and;
- iii) transact any business as well be placed in the agenda suggested In me executive body.

(c) Extra - ordinary meeting.—

An extra-ordinary meeting of the General body may be called by the Secretary, in consultation with the Chairperson and at the advice of the Executive body when needed to transact any special business or at the requisition signed by at least ten (10) members of the Board. The Chairperson shall convene the requisitioned meeting within thirty (30) days from the date of the receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed.

Notice of the place, date and hour of any meeting and of the business to be transacted shall be issued to the members of the board at least seven (7) days before the date so fixed for the meeting.

(d) The following procedures shall he applicable to all the meetings of the General Body.—

- i) One-fifth of the members shall constitute the quorum. If there be no quorum, the meeting shall stand postponed to a date to be fixed by the Chairperson. A fresh notice shall be issued and if there be no quorum again those present shall be competent to transact business.
- ii) The Chairperson or in his absence the Vice-Chairperson shall take the Chair. If neither the Chairperson nor the Vice-Chairperson be present the members present shall nominate a President for the meeting from amongst them and transact the business.

(e) The power and duties of the General Body shall be as follows.—

- i) to provide guidelines of the activities of the board in conformity with the objects defined:
- ii) to consider and adopt annual report of the board;
- iii) to consider and approve the audited accounts and the budget estimates;
- iv) to appoint auditor for auditing the annual accounts.

4. Executive Body:

(a) The Executive body consisting of not more than eleven (11) members shall be constituted as following by the Government from amongst the members of the general body, namely,—

- i) **Chairperson** - to be nominated by the State Government in the Tribal Development

Department from among the Limbu community to be decided on the basis of recommendation of the largest recognised society or organization of the Limbus of West Bengal:

- ii) Vice-Chairperson – to be nominated by the State Government in the Tribal Development Department from among the Limbu community to be decided on the basis of recommendation of the largest recognised society or organization of the Limbus of West Bengal;
- iii) Member Secretary – One officer appointed by the State Government on deputation;
- iv) ex-officio Member - District Magistrate, Darjeeling or his representative;
- v) remaining 7 (Seven) members to be nominated by the State Government from among the Limbu community to be decided on the basis of recommendation of the largest recognised society or organization of the Limbus of West Bengal.

Provided that the State Government in the Tribal Development Department may nominate such other persons, as it may consider necessary for smooth and proper functioning of the Board as members of the Executive body, who will also be members of the General Board.

(b) Meeting of the Executive body:

- i) the executive body shall ordinarily meet four times in a year and the quorum of such meeting shall be six (6);
- ii) an extra-ordinary meeting of the executive body may be called at the requisition of at least six (6) members of the Executive body to transact any special business. The requisitioned meeting shall be convened within fifteen (15) days from the date of receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed;
- iii) notice of all meetings of the executive body shall be issued at least seven (7) days before the date fixed for such meeting.

(c) The power and duties of the Executive body shall be as follows. –

- i) to manage the affairs of the body and for this purpose to constitute committees and / or sub-committees consisting of the members of the body and to frame and adopt such regulations, bye-laws and pass such orders as may appear conducive to and necessary for the efficient administration of the board and the attainment of these objects provided that such regulations shall not be repugnant to these regulations and shall be reported to the general body, the executive body will constitute a committee or sub-committee to be headed by the chairperson or the vice-chairperson for overall development of the Limbu community;
- ii) to prepare and place before the general body an annual report, the audited accounts and the budget estimates;
- iii) to manage all the movable and immovable properties belonging to the board;

- (iv) to acquire and accept in the name of the board any property (movable and immovable), articles, donations and gifts:
- v) to keep accounts audited and the budget estimate prepared, to do all other acts and deeds as shall be necessary and relevant in furtherance to the objects of the board:
- vi) to pay out of funds belonging to the board or out of any particular part of such fund, the expenses incurred by the board from time to time including expenses for the formation of the board and management of administration of the foregoing objects, including all rent, rates and taxes, outgoing and salaries, allowances including fringe benefits of the employees. The fringe benefit of the employees will be fixed in consultation with the Government.
- (d) The Executive body shall exercise the power as mentioned above subject to the directives as may be issued by the State Government in Tribal Development Department from time to time.
- (e) All the properties belonging to the Board shall be deemed to be vested in the Executive body but should be referred to as the properties of the Board.

5. The State Government in the Tribal Development Department shall make provision of fund for providing financial assistance to the Board.

6. Term of Office.—

The non-Government members may be nominated for a period of five years and their term will automatically expire on completion of five years. However, there is no bar to re-nominate any or all members for a further term or more.

7. Any member who is not a member in the ex-officio capacity shall cease to be a member of the Board if he or she fails to attend three consecutive meetings of the General Board.

8. Dissolution of Board.—

The Board may be dissolved in accordance with the provisions under section 24 and 27 of the West Bengal Societies Registration Act, 1961. In the event of dissolution after satisfaction of all liabilities all the assets including movable and immovable properties whatsoever that remain, shall vest in State Government who shall decide the future usage of them.

9. The West Bengal Societies Registration Act, 1961 (West Ben. Act XXVI of 1961) shall apply to this Board.

10. All matters related to Governing the Board will be governed and guided by terms and conditions as laid down in the "Articles and Memorandum of Association" of the Board.

Ordered that the Resolution be published in the "Kolkata Gazette" and be circulated to all concerned.

By order of the Governor,
S. K. THADE
Pr. Secy. to the Govt of West Bengal

Executive Body of the West Bengal Limbu Development Board

No.: 158 / TDD

February 12, 2016

“The West Bengal Limbu Development Board” was constituted Vide Resolution No. STDD-261/16/6E-36/2015 dated the 10th February, 2016 and duly published in the Kolkata Gazette Extraordinary on the 10th February, 2016.

Now, in terms of para 3(a) of the said resolution, the Governor is hereby pleased to nominate the following members to the Executive Body:-

<i>Sl.</i>	<i>Name</i>	<i>Portfolio</i>
1.	Shri Nar Dhoj Limbu	Chairman
2.	To be nominated by the State Government	Member-Secretary
3.	District Magistrate, Darjeeling	Ex-Officio Member
4.	Shri Jetha Limbu	Vice Chairman
5.	Shri Yugesh Hang Seren (Limbu)	Member
6.	Shri Shekhar Subba	Member
7.	Shri Chandra Bdr. Subba	Member
8.	Shri Suman Subba	Member

The term of office in respect of Chairman, Vice-Chairman and other non-official members is for a period of five years from the date of notification and shall automatically expire on completion of five years.

Principal Secretary to the Govt of West Bengal

General Body of the West Bengal Limbu Development Board

No.: 157/TDD

February 12, 2016

"The West Bengal Limbu Development Board" was constituted vide Resolution no. STDD-261 dated the 10th February, 2016 and duly published in the Kolkata Gazette Extraordinary on the 10th February, 2016.

Now, in terms of para 3(a) of the said resolution, the Governor is hereby pleased to nominate the following members to the General Body:-

<i>Sl.</i>	<i>Name</i>	<i>Portfolio</i>
1.	Shri Nar Dhoj Limbu	Chairman
2.	To be nominated by the State Government	Member-Secretary
3.	District Magistrate, Darjeeling or his representative	Ex-Officio Member
4.	The Director, Cultural Research	Ex-Officio Member
5.	The P.O.-Cum-D.W.O. (Darjeeling)	Ex-Officio Member
6.	Shri Jetha Limbu	Vice Chairman
7.	Shri Yugesh Hang Seren (Limbu)	Member
8.	Shri Chandra Bdr. Subba	Member
9.	Shri Shekhar Subba	Member
10.	Shri Jasman Subba	Member
11.	Shri Suman Subba	Member
12.	Shri Kul Bdr. Limbu	Member
13.	Shri Jit Lal Limbu	Member
14.	Smt. Sanjogita Subba	Member
15.	Shri Kaji Subba	Member
16.	Shri P.T. Lokshom (Limbu)	Member
17.	Shri Binod Subba	Member

18.	Shri Pradip Subba	Member
19.	Shri Jit Bdr. Subba	Member
20.	Shri Ashik Subba	Member
21.	Shri Ash Bdr. Subba	Member
22.	Shri S.R. Subba	Member
23.	Shri Bhristpati Subba	Member
24.	Shri Sanjay Subba	Member

The term of office in respect of Chairman, Vice-Chairman and other non-official members is for a period of five years from the date of notification and shall automatically expire on completion of five years.

Principal Secretary to the Govt of West Bengal

Resolution of the West Bengal Khambu Rai Development Board and related notifications

No. SBCW-1387

10th February, 2016.

RESOLUTION

Whereas it is considered expedient to establish a Development Board for the Rai community of West Bengal, the Governor is hereby pleased to establish a Board by the name "The West Bengal Khambu Rai Development Board, with its Head Office in Darjeeling. District Darjeeling, West Bengal, under the administrative control of the Backward Classes Welfare Department, Government of West Bengal. This 'The West Bengal Khambu Rai Development Board' shall be registered under the West Bengal Societies Registration Act. 1961 (West Ben. Act XXVI of 1961).

I. The aims and objects of the Board shall be:

- (a) to undertake all necessary activities for the protection, promotion and safeguarding of the Rai language, tradition and culture;
- (b) to undertake activities to protect historical and culturally significant landmarks of the community; to provide support to museum, community radio, publishing unit and mass media units;
- (c) to undertake activities to popularize, promote and enhance products of artisans, farmers and other tradition based items and help the artistes and artisans engaged in traditional activities;
- (e) to protect and promote customary rights of the community;
- (f) to establish a centre for the protection of the Rai heritage;
- (g) to take up social welfare activities catering to the requirements of the community;
- (h) to promote education among the Rai community;
- (i) to publish or cause to be published useful literature, papers, books, research works, magazines of the Rai community etc;
- (j) to work in association with all Government agencies for awareness generation regarding various programme of development and social welfare, education, literacy etc;
- (k) to undertake necessary activities for natural resource management, alternative energy, ecology and environment;

- (l) to construct, maintain, improve, develop, any building, houses or other infrastructure and purchase land and other movable and immovable assets for the benefit of the community;
- (m) to promote Rai medicinal practices;
- (n) to take up livelihood development of the community;
- (o) to undertake and provide legal assistance to protect assets of the community members;
- (p) to raise loan and credit to fulfil the objectives from national and international financial institution, subject to observation of statutory rules and executive instructions;
- (q) to obtain fund from different Government departments for fulfilment of the aforesaid objectives;
- (r) to undertake activities for the overall development of the Rai community throughout West Bengal;
- (s) to do all such acts, deeds, matters and things connected thereto and therewith as may be necessary or deemed to be necessary as well as incidental or conducive to the foregoing objects.

2. The following shall be the authorities of the Board, namely,—

- (a) General Body and (b) Executive Body.

3. General Body,—

- (a) The General Body shall initially consist of not more than thirty-one (31) members to be nominated in the following manner:—
 - i) Chairperson - (to be nominated by the State Government in the Backward Classes Welfare Department from among the Rai community to be decided on the basis of recommendation of the largest recognised society or organization of the Rai community of West Bengal);
 - ii) Vice Chairperson - (to be nominated by the State Government in the Backward Classes Welfare Department from among the Rai community to be decided on the basis of recommendation of the largest recognised society or organization of the Rais of West Bengal).
 - iii) Member-Secretary - One officer appointed by the State Government on deputation;
 - iv) Ex-officio member - District Magistrate, Darjeeling or his representative;
 - v) Ex-officio member - District Welfare Officer, Backward Classes Welfare Department, Darjeeling;
 - vi) Ex-officio member - Director, Cultural Research institute or his representative;
 - vii) Other members to be nominated by the State Government from among the Rai community to be decided on the basis of recommendation of the largest recognised society or organization of the Rais of West Bengal.

(b) Meeting of the General Body,—

The General Body shall ordinarily meet at least twice a year on date, time and place to be fixed by the Secretary in consultation with the Chairperson and shall:

- i) adopt the annual report of the preceding year;
- ii) pass the audited accounts and budget estimates and;
- iii) transact any business as well be placed in the agenda suggested by the executive body.

(c) Extra - ordinary meeting.—

An extra-ordinary meeting of the General body may be called by the Secretary, in consultation with the Chairperson and at the advice of the Executive body when needed to transact any special business or at the requisition signed by at least ten (10) members of the Board. The Chairperson shall convene the requisitioned meeting within thirty (30) days from the date of the receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed.

Notice of the place, date and hour of any meeting and of the business to be transacted shall be issued to the members of the board at least seven (7) days before the date so fixed for the meeting.

(d) The following procedures shall be applicable to all the meetings of the General Body.

- i) One-fifth of the members shall constitute the quorum. If there be no quorum, the meeting shall stand postponed to a date to be fixed by the Chairperson. A fresh notice shall be issued and if there be no quorum again those present shall be competent to transact business.
- ii) The Chairperson or in his absence the Vice-Chairperson shall take the Chair. If neither the Chairperson nor the Vice-Chairperson be present the members present shall nominate a President for the meeting from amongst them and transact the business.

(e) The power and duties of the General Body shall be as follows:—

- i) to provide guidelines of the activities of the board in conformity with the objects defined;
- ii) to consider and adopt annual report of the board;
- iii) to consider and approve the audited accounts and the budget estimates;
- iv) to appoint auditor for auditing the annual accounts.

4. Executive Body :

- (a) The Executive body consisting of not more than eleven (11) members shall be constituted as following by the Government from amongst the members of the general body, namely,—

- i) Chairperson - to be nominated by the State Government in the Backward Classes Welfare Department from among the Rai community to be decided on the basis of recommendation of the largest recognised society or organization of the Rais of West Bengal;
- ii) Vice-Chairperson - to be nominated by the State Government in the Backward Classes Welfare Department among the Rai community to be decided on the basis of recommendation of the largest recognised society or organization of the Rais of West Bengal;
- iii) Member Secretary - One officer appointed by the State Government on deputation;
- iv) ex-officio Member- District Magistrate, Darjeeling or his representative;
- v) remaining 7 (Seven) members to be nominated by the State Government from among the Rai community to be decided on the basis of recommendation of the largest recognised society or organization of the Rais of West Bengal.

(b) Meeting of the Executive body:

- i) the Executive body shall ordinarily meet four times in a year and the quorum of such meeting shall be six (6);
- ii) an extra-ordinary meeting of the executive body may be called at the requisition of at least six (6) members of the Executive body to transact any special business. The requisitioned meeting shall be convened within fifteen (15) days from the date of receipt of the requisition. If the requisitioned meeting fails to attain quorum, it will not be adjourned and will be treated as failed;
- iii) notice of all meetings of the executive body shall be issued at least seven (7) days before the date fixed for such meeting.

(c) The power and duties of the Executive body shall be as follows.—

- i) to manage the affairs of the body and for this purpose to constitute committees and/or sub-committees consisting of the members of the body and to frame and adopt such regulations, bye-laws and pass such orders as may appear conducive to and necessary for the efficient administration of the board and the attainment of these objects provided that such regulations shall not be repugnant to these regulations and shall be reported to the general body, the executive body will constitute a committee or sub-committee to be headed by the chairperson or the vice-chairperson for overall development of the Rai community;
- ii) to prepare and place before the general body and annual report, the audited accounts and the budget estimates;
- iii) to manage all the movable and immovable properties belonging to the board;
- iv) to acquire and accept in the name of the board any property (movable and immovable), articles, donations and gifts;

- v) to keep accounts audited and the budget estimate prepared, to do all other acts and deeds as shall be necessary and relevant in furtherance to the objects of the board;
 - vi) to pay out of funds belonging to the board or out of any particular part of such fund, the expenses incurred by the board from time to time including expenses for the formation of the board and management of administration of the foregoing objects, including all rent, rates and taxes, outgoing and salaries, allowances including fringe benefits of the employees. The fringe benefit of the employees will be fixed in consultation with the Government.
 - (d) The Executive body shall exercise the power as mentioned above subject to the directives as may be issued by the State Government in Backward Classes Welfare Department from time to time.
 - (c) All the properties belonging to the Board shall be deemed to be vested in the Executive body but should be referred to as the properties of the Board.
5. The State Government in the Backward Classes Welfare Department shall make provision of fund for providing financial assistance to the Board.

6. Term of Office:—

The non-Government members may be nominated for a period of five years and their term will automatically expire on completion of five years. However, there is no bar to re-nominate any or all members for a further term or more.

7. Any member who is not a member in the ex-officio capacity shall cease to be a member of the Board if he or she fails to attend three consecutive meetings of the General Board.

8. Dissolution of Board.—

The Board may be dissolved in accordance with the provisions under section 24 and 27 of the West Bengal Societies Registration Act, 1961. In the event of dissolution after satisfaction of all liabilities, all the assets including movable and immovable properties whatsoever that remain, shall vest in State Government who shall decide the future usage of them.

9. The West Bengal Societies Registration Act, 1961 (West Ben. Act XXVI of 1961) shall apply to this Board.
10. All matters related to Governing, the Board will be governed and guided by terms and conditions as laid down in the "Articles and Memorandum of Association" of the Board.

Ordered that the Resolution be published in the "Kolkata Gazette" and be circulated to all concerned.

By order of the Governor.

S. K. THADE

Pr. Secy. to the Govt. of West Bengal

Executive Body of the West Bengal Khambu Rai Development Board

No.: 597-BCW

February 12, 2016

NOTIFICATION

"The West Bengal Khambu Rai Development Board" was constituted vide resolution no. 5BCW-1387/16/6E-95/2015 dated the 10th February, 2016 and duly published in the Kolkata Gazette Extraordinary on the 10th February, 2016.

Now, in terms of para 4(a) of the said resolution, the Governor is hereby pleased to nominate the following members to the Executive Body:-

Sl.	Name	Portfolio
1.	Shri Mangal Singh Rai	Chairman
2.	To be nominated by the State Government	Member-Secretary
3.	District Magistrate, Darjeeling	Ex-Officio Member
4.	Shri Shankhamani Rai	Vice- Chairman
5.	Shri Dipraj Rai	Member
6.	Shri Sushil Rai	Member
7.	Shri Pradip Rai	Member
8.	Shri Meghraj Rai	Member

The term of office in respect of Chairman, Vice-Chairman and other non-official members is for a period of five years from the date of notification and shall automatically expire on completion of five years.

Principal Secretary to the Govt. of West Bengal

General Body of the West Bengal Khambu Rai Development Board

No.: 596-BCW

February 12, 2016

NOTIFICATION

“The West Bengal Khambu Rai Development Board” was constituted vide resolution no. SBCW-1387/16/6E-95/2015 dated the 10th February, 2016 and duly published in the Kolkata Gazette Extraordinary on the 10th February, 2016.

Now, in terms of para 3(a) of the said resolution, the Governor is hereby pleased to nominate the following members to the General Body:-

Sl.	Name	Portfolio
1.	Shri Mangal Singh Rai, Advisor, KKRSS, Central Committee	Chairman
2.	To be nominated by the State Government	Member-Secretary
3.	District Magistrate, Darjeeling or his representative	Ex-Officio Member
4.	Director, Cultural Research Institute or his nominee	Ex-Officio Member
5.	P.O.-cum-D.W.O. (Darjeeling)	Ex-Officio Member
6.	Shri Shankhamani Rai, Gorubathan Block	Vice-Chairman
7.	Shri M. C. Rai, Rimbik	Member
8.	Shri G. S. Rai, Mangpoo	Member
9.	Shri C.D. Bantawa, Nagari	Member
10.	Shri B. R. Rai, Kurseong	Member
11.	Shri Meghraj Rai, President, KKRSS, Kalimpong	Member
12.	Shri Madan Rai (Thulung), Lizahil	Member
13.	Shri G. R. Dewan, Sonada	Member
14.	Shri Udhyan Rai, Darjeeling	Member
15.	Shri L. B. Rai, Pachang	Member
16.	Capt. S. K. Rai, Rangli Bazaar	Member

17.	Shri Dipraj Rai, Mirik	Member
18.	Shri Sushil Rai, Sangma TE	Member
19.	Mrs. Suja Rai, Glenburn	Member
20.	Capt. M. P. Rai, Bagdogra	Member
21.	Shri Sunil Rai, Salugara	Member
22.	Shri Sarman Rai, Sukna	Member
23.	Shri Prashant Rai (Thulung), Dalsingh Para, Dooars	Member
24.	Shri Janam Rai, Salu Tea Estate	Member
25.	Shri Pradip Rai, Kurseong	Member
26.	Shri Sagar Rai, Dooars	Member
27.	Shri Arun Kumar Rai (Tamkule), Kalimpong (Pedong)	Member
28.	Shri Nishan Das Rai, Gorubathan	Member
29.	Smt. Shikha Rai, Kalimpong	Member
30.	Shri Binesh Rai	Member
31.	Mrs. Sharda Rai	Member

The term of office in respect of Chairman, Vice-Chairman and other non-official members is for a period of five years from the date of notification and shall automatically expire on completion of five years.

Principal Secretary to the Govt. of West Bengal

Notification of setting up of Kabigan Academy

No. 3817-BCW/6S-08/12

Dated 2nd November, 2012

NOTIFICATION

The Governor is hereby pleased to set up a "Kabigan Academy" at Bongaon, North 24 Parganas, West Bengal, to preserve and propagate the ethnic culture of Kabigan. This has the approval of the Cabinet on 17.10.2012 and the Finance Department under U. O. No. Group E—138 dated the 10th September, 2012.

This notification shall take immediate effect.

By order of the Governor.

S. K. THADE

Pr. Secy. of the Govt. of West Bengal.

The West Bengal *Kendu* Leaves Collectors' Social Security Scheme with related Notifications

RESOLUTION

No. 659-TDD

Dated 30th June, 2015

Whereas it has made to appear to the Governor that the Government of West Bengal in the Tribal Development Department has been examining for some time past a proposal to provide for a social security scheme to the *Kendu* leaves Collectors:

And Whereas the livelihood of many tribal people, especially in the forest areas of the districts of Paschim Medinipur, Bankura and Purulia of the State of West Bengal, is mainly dependant on collection of *Kendu* leaves and it is often reported that such *Kendu* leaves Collectors die accidentally during the collection of such leaves due to snake/insect bite, lightning, storm and elephant attack;

Now, Therefore, the Governor is pleased to introduce the following social security scheme for providing financial redress to such victims.

Scheme

- 1. Short title, extent and commencement** — (1) This scheme may be called the West Bengal *Kendu* leaves Collectors Social Security Scheme. 2015.
 - (2) It extends to the Districts in West Bengal where *Kendu* leaves are collected by the Scheduled Tribes.
 - (3) These schemes shall come into force on the date as the State Government may by notification in the *Official Gazettee* appoint.
- 2. Activities under the scheme and its management.-** (1) The Headquarters of The Executive Committee shall be set up at the office of the West Bengal Tribal Development Co-operative Corporation and the Executive Committee shall be in charge of management and execution of the scheme. Necessary notification stating *inter alia* detailed procedure of management and execution will be issued by the Government in due course;
 - (2) The annual Grant-in-Aid received from the State Government for the purpose will be deposited in a Savings Bank Account to be opened in a Scheduled Bank for the purpose from which necessary expenditure will be made by Managing Director. West Bengal Tribal Development Co-operative Corporation Limited who shall be the Chief Executive Officer under the scheme, on recommendation of the Executive

Committee. The Executive Committee will manage the said fund remaining within the broad guidelines framed by the State Government.

3. **Definitions.** In this scheme, unless the context otherwise requires,

- (a) "Beneficiary" means a *kendu* leaves Collector belonging to the Scheduled Tribes and registered under the scheme;
- (b) "Chief Executive Officer (CEO)" means the Chief Executive Officer appointed under the scheme;
- (c) "Deputy Executive Officer" means The Assistant Managing Director of West Bengal Tribal Development Corporation Limited who is appointed under the scheme;
- (d) "Enquiring Authority" means an authority empowered to enquire into a claim of any beneficiary and shall include a 'Block Development Officer', of the concerned block, 'Regional Manager. West Bengal Tribal Development Co-operative Corporation Limited and 'Regional Development Officer. West Bengal Tribal Development Co-operative Corporation Limited';
- (e) "Executive Committee" means the Executive Committee set up under the scheme;
- (f) "Family" relating to a beneficiary shall be deemed to consist of the beneficiary, his/ her spouse, son up to 21 years of age including stepsons, unmarried daughter including step-daughter, widowed daughter if residing with the beneficiary, dependent parents, the widow and children of a deceased son, if any and brothers below the age of 18 years and unmarried or widowed sister.
- (g) "Form" means a form appended to or to be notified under this scheme;
- (h) "*Kendu* leaves Collector" means a person belonging to Scheduled Tribe who is engaged in collection of *Kendu* leaves and who has completed 18 years of age but has not completed 60 years of age and to whom this scheme applies;
- (i) "Registration Officer" would mean the Manager or any other authorised official in his absence, as the case may be, of the concerned Large Sized Multipurpose Co-operative Society (LAMPS);
- (j) "State Government" means the Government of West Bengal in the Tribal Development Department.

4. **Executive Committee, powers, duties and functions.**— (1) The Government shall constitute an Executive for smooth implementation of the scheme which shall consist of the following members

- | | |
|---|---------------|
| (a) Shri Chudamani Mahato. MLA. Gopiballavpur | Chairman |
| (b) Shri Birsa Tirkey, Member, Tribes Advisory Council | Vice Chairman |
| (c) The Chairman of West Bengal Tribal Development Co-operative Corporation Limited | Member |

- (d) An Officer of the Tribal Development Department not below the rank of Joint Secretary Member
- (e) an officer of the Tribal Development Department not below the rank of Deputy Secretary Member:
- (f) Managing Director, West Bengal Tribal Development Co-operative Corporation Limited Chief Executive Officer and Member Convener;
- (g) 03(three) members from Large Sized Multipurpose Co-operative Society (LAMPS) of which two will be employees of LAMPS and one Board of Director of LAMPS Members:
- (h) any other person as may be considered by the Government Member.

(2) The Executive Committee shall :-

- (a) administer the West Bengal *Kendu* leaves Collectors Social Security Scheme. 2015:
- (h) manage the fund and spend such sum as it thinks fit for the purposes to the scheme:
- (c) examine, sanction or reject the cases presented before it by the Chief Executive Officer for payment of benefits to the registered members and accord approval or reject any application for inclusion of names under the scheme:
- (d) keep proper accounts of all receipts and expenses under the scheme;
- (e) arrange to audit the accounts maintained under the scheme:
- (f) submit annual budget to the Government for approval;
- (g) submit annual report along with the audit report on accounts for the last accounting year through Chief Executive Officer to the Government on the working of the scheme:
- (h) furnish information to the State Government through Chief Executive officer as may be required from time to time:
- (i) make recommendations to the Government regarding modifications of the scheme.

(3) The Executive Committee may

- (a) specify forms for records, registers and statements, if required, in addition to such forms, records, registers and statements appended to or to be notified under this scheme:
- (b) adopt procedures for implementation of the scheme.

5. Official set up under the Scheme. –There will be an official set up under the Chief Executive Officer. Existing staff of West Bengal Tribal Development Co-operative Corporation shall be entrusted to deal with all the activities under the scheme.

6. Administrative and financial powers of the Chief Executive Officer—

- (1) The Chief Executive Officer shall sanction all expenditure on contingencies, services and purchase of articles to a limit as may be decided by the Executive Committee.
- (2) The Chief Executive Officer shall also exercise such other administrative and financial powers as may be delegated to him by the Executive Committee.

7. Registration of the Kendu leaves Collectors.

- (1) The Chief Executive Officer of the Executive Committee under the scheme is authorised to function as registering authority.
- (2) A Kendu leaves Collector willing to join under this scheme shall apply to the Registration Officer in Form-I for registration. Forms for registration shall be submitted at such places, offices as may be notified. No registration fees will be required for such Registration,
- (3) If the registering authority is satisfied regarding the submissions made in such applications, he shall issue a registration certificate in form - II declaring him/her as a beneficiary under the scheme from the date of application. Such certificate will also contain a synopsis of the benefits admissible under the scheme:
- (4) He shall also be provided with an Identity Card containing the full name of the beneficiary and other relevant particulars name, age on the date of registration details:
- (5) If the registering authority is of the opinion that the application for registration is not in order, the application shall be rejected.

8. Cancellation of registration:—

- (1) No such registration shall be cancelled without giving the applicant a reasonable opportunity of being heard:
- (2) Every person whose registration has been cancelled shall forfeit all his claims under the scheme.

9. Intimation of change. -

- (1) If any registered collector who discontinues collection of Kendu leaves permanently, shall within a period of thirty days intimate to the Registering Authority. In such cases he shall not be eligible to receive any benefit under the scheme.
- (2) If any registered collector leaves the place of residence, he/she may intimate the change of residential address to the registering authority.

10. Financial Assistance to beneficiary of Scheme.

- (1) A lump sum amount of financial assistance shall be allowed to a beneficiary who has been a registered beneficiary under the scheme for a period of not less than two years and has attended 60 years of age as per the following slab:—
 - (a) two years and above and upto five years. Rs. 50.000/-

- (b) above five years and upto ten years. Rs. 1,00,000 /-
- (c) above ten years. Rs. 1,50,000/-

Provided that in some exceptional cases due to total permanent disablement of a beneficiary the Executive Committee may allow financial assistance before completion of 60 years of age at such rate and on such terms and conditions as may be decided by the Executive Committee.

11. Assistance on death and permanent disablement.

- (1) A nominee / legal heir of a beneficiary shall be entitled to a relief of
 - (a) rupees 1,50,000 (one lakh fifty thousand) only, in cases of death of the beneficiary arising out of an accident:
 - (b) rupees 50,000 (fifty thousand) only, in cases of normal death of the beneficiary.
- (2) Relief in cases of permanent disability or partial disability arising from any accident will be allowed to a beneficiary in the following manner;
 - (a) loss of one hand from elbow Rs. 25,000.00/-
 - (b) loss of one leg below the knee Rs. 25,000.00/-
 - (c) loss of one eye Rs. 25,000.00/-
 - (d) loss of total hearing capacity- one ear Rs. 25,000.00/-
 - (e) loss of thumb Rs. 9,000.00/-
 - (f) loss of any other finger Rs. 4,000.00/-

Explanation.

- (1) For the purposes of this provision, accident cases under serial (a), (b), (c) and (d) will be treated as permanent disability and the cases at (e) and (f) will be treated as partial disability.
- (2) In cases of multiple natures of disablement, relief will be calculated on the basis of total disablement subject to a maximum of Fifty Thousand rupees.
- (3) No assistance under this provision shall be allowed if such death or permanent disablement was—
 - (a) caused by intentional self injury, suicide or attempt to suicide, insanity or immorality or if the member was under influence of intoxicating liquor, drug or narcotic or:
 - (b) caused by injuries resulting from riots or civil commotions of any kind.

12. Medical benefit for major ailments.

- (1) A beneficiary or any member of his family suffering from serious ailments like Tuberculosis, Cancer, Leprosy, Cardiac problems, malfunctioning of kidney(s). Thalassemia or Liver diseases requiring hospitalization and treatment shall be allowed relief up to a maximum of Rupees twenty thousand per annum per beneficiary':

- (2) In cases of major surgery, additional relief up to Rupees sixty thousand only shall be allowed.

Explanation. No beneficiary shall be entitled to assistance exceeding Rupees Eighty Thousand in a block of four years.

- (3) Actual amount of relief under this provision shall be such as may be decided by the Executive Committee in consideration of the nature of ailment and on the basis of a certificate from the hospital where such treatment was conducted.

13. **Maternity benefit.** -A relief of Rs. 6,000/- shall be allowed to a beneficiary on successful delivery of a child or miscarriage, as the case may be, on the basis of a certificate from a registered medical practitioner provided that such delivery has been in a hospital and that such benefit shall not be allowed more than twice.

14. **Funeral expenses.**—Assistance of Rupees 3000/- (three thousand) would be allowed for funeral expenses in cases of death of the beneficiary.

Explanation. Application for such assistance shall be made alongwith application for relief for accidental / normal death of the beneficiary

15. Administration of Claims.

- (1) The concerned Registration Officer under this scheme is authorised to receive all claims within his jurisdiction as 'Authorised Officer':
- (2) No claim except those as provided under Clause-13 above shall be admissible from a beneficiary if he/she has not been a beneficiary under the scheme for at least six months;
- (3) All applications for claims under this scheme shall be submitted in triplicate to the "Authorised Officer" in Form III :
- (4) On receipt of such application the Authorized Officer shall process the claim in such manner as may be decided by the Executive Committee:
- (5) He shall then forward the case to the Chief Executive Officer for sanction:
- (6) The Chief Executive Officer, if feels expedient, shall cause an enquiry into the case through the Enquiring Officer and if satisfied shall recommend the case for sanction by the Executive Committee:
- (7) All payment shall be made through cheques / 'e-payment only.

Order

Ordered that a copy of this resolution be published in the Official Gazette and a copy of the same be sent to all concerned.

By order of the Governor,

S. K. Thade

Principal Secretary to the Government of West Bengal

Date of Effect of the Scheme

No. 673-TDD

3rd July, 2015

NOTIFICATION

The West Bengal *Kendu* Leaves Collectors' Social Security Scheme, 2015 was constituted vide resolution no. 659-TDD/12S-63/2015 and duly published in the Kolkata Gazette Extraordinary on the 1st July, 2015.

Now, in terms of clause 3 of para 1, the Governor to pleased hereby to appoint the 10th July, 2015 as the date on which the said resolution whall come into force.

By order of the Governor,

S. K. Thade

Principal Secretary to the Government of West Bengal

Appointment of CEO & Dy. E. O.

No. 674-TDD

3rd. July, 2015.

NOTIFICATION

The West Bengal *Kendu* leaves Collectors' Social Security Scheme, 2015 (hereinafter referred to as the said resolution) Constituted Vide Resolution no. 659-TDD/12S-63/2015 and duly published in the Kolkata Gazette Extraordinary on the 1st July, 2015.

Now in terms of clause (b) and (c) of para 3 of the said resolution, the Governor is pleased hereby to appoint the Managing Director of the West Bengal Tribal Development Co-operative Corporation Limited as the Chief Executive Officer and the Assistant Managing Director of the West Bengal Tribal Development Co-operative Corporation Limited as the Deputy Executive Officer.

The Governor is further pleased to set up under para 5 of the said resolution, an official set up with the existing staff of the West Bengal Tribal development Co-operative Corporation Limited, under the Chief Executive Officer, to deal with all the activities under the scheme.

By order of the Governor,

S. K. Thade

Principal Secretary to the Government of West Bengal

Executive Committee of WBKLCSSS, 2015

NOTIFICATION

No. 675-TDD

3rd July. 2015.

The West Bengal *Kendu* Leaves Collectors' Social Security Scheme, 2015 was constituted vide resolution no. 659-TDD/12S-63/2015 and duly published in the Kolkata Gazette Extraordinary on the 1st July, 2015.

Now, in terms of para 4 of the said resolution, the Governor is hereby pleased to constitute an Executive Committee for smooth implementation of the scheme which shall consist of the following members.

- (a) Shri Chudamani Mahato. MLA. Gopiballavpur—Chairman;
- (b) Shri Birsa Tirkey, Member, Tribes Advisory Council—Vice Chairman;
- (c) The Chairman of West Bengal Tribal Development Co-operative Corporation Limited—Member:
- (d) an officer of the Tribal Development Department not below the rank of Joint Secretary—Member:
- (e) an officer of the Tribal Development Department not below the rank of Joint Secretary—Member:
- (f) Managing Director, West Bengal Tribal Development Co-operative Corporation Limited—Chief Executive Officer and Member Convener:
- (g) 03 (three) members from Large Sized Multipurpose Co-operative Society (LAMPS) of which two will be employees of LAMPS and one Board of Director of LAMPS—Members;
- (h) any other person as may be considered by the Government—Members;

The function of the Executive Committee shall be as follows.—

- (a) administer the West Bengal *Kendu* leaves Collectors Social Security Scheme. 2015;
- (b) manage the fund and spend such sum as it thinks fit for the purposes of the scheme;

- (c) examine, sanction or reject the cases presented before it by the Chief Executive Officer for payment of benefits to the registered members and accord approval or reject any application for inclusion of names under the scheme;
- (d) keep proper accounts of all receipts and expenses under the scheme;
- (e) arrange to audit the accounts maintained under the scheme;
- (f) submit annual budget to the Government for approval;
- (g) submit annual report along with the audit report on accounts for the last accounting year through Chief Executive Officer to the Government on the working of the scheme;
- (h) furnish information to the State Government through Chief Executive Officer as may be required from time to time;
- (i) make recommendations to the Government regarding modifications of the scheme.

By order of the Governor,

S. K. Thade

Principal Secretary to the Government of West Bengal

ফর্ম-১

কেন্দু পাতা সংগ্রহকারীদের সামাজিক সুরক্ষা প্রকল্পে অর্ন্তভুক্তির জন্য আবেদনপত্র

প্রতি

ব্যবস্থাপক,

..... ল্যাম্পস্ লিঃ

ফটো

মহাশয়,

১। এতদ্বারা আমি উক্ত প্রকল্পে একজন উপভোক্তা হিসাবে আমার নাম নথিভুক্ত করার জন্য আবেদন করছি এবং নিজ সংক্রান্ত নিম্নলিখিত তথ্যসমূহ প্রদান করছি।

- | | |
|---|---------------------------------------|
| (ক) নাম | শ্রী / শ্রীমতী |
| (খ) পিতা / স্বামীর নাম | ..... |
| (গ) স্থায়ী ঠিকানা | গ্রাম ব্লক |
| | জেলা |
| (ঘ) লিঙ্গ | স্ত্রী / পুরুষ |
| (ঙ) পঞ্চায়েত/পৌরসভার নাম | ..... |
| (চ) জন্ম তারিখ | ..... |
| (ছ) বয়স (নথিভুক্ত করার দিনে) | ..... |
| (জ) জনজাতির নাম (সম্প্রদায়) | ..... |
| (ঝ) তফশিলি উপজাতির শংসা পত্রের নং | ..... |
| (ঞ) বৈবাহিক অবস্থান | বিবাহিত / অবিবাহিত / বিধবা / বিপত্নীক |
| (ট) ল্যাম্পসের সদস্যপদ আছে | হ্যাঁ / না |
| (ঠ) যদি হ্যাঁ, সে ক্ষেত্রে ল্যাম্পসের নাম | ..... |
| (ড) স্বনির্ভর দলের সাথে যুক্ত | হ্যাঁ / না |
| (ঢ) যদি হ্যাঁ, সে ক্ষেত্রে স্বনির্ভর দলের নাম | ..... |
| (ণ) বনাঞ্চলের নাম | ..... |
| (ত) কতদিন কেন্দুপাতা সংগ্রহে যুক্ত | সময়কাল বছর |
| (থ) স্থানীয় বনভূমি থেকে বাসস্থানের দূরত্ব | ..... |
| (দ) বনভূমি নির্ভর পেশার তথ্য | ..... |

২। পরিবারে সদস্যদের বিবরণ

নাম	জন্ম তারিখ / বয়স	সম্পর্ক মাসিক আয়
(ক)		
(খ)		
(গ)		
(ঘ)		
(ঙ)		

- ৩। আমার বয়স / জন্ম তারিখের প্রমাণ পত্র দাখিল করলাম / উল্লিখিত জন্ম তারিখ আমার পিতা মাতার মৌখিক বক্তব্য অনুসারে দেওয়া হয়েছে।
- ৪। আমি কর্মচারী ভবিষ্যনিধি আইনের আওতায় পড়ি না।
- ৫। এই প্রকল্পের জন্য আমার মনোনীত ব্যক্তি হবেন শ্রী / শ্রীমতী
বয়স পিতা / স্বামীর নাম

মনোনীত ব্যক্তির স্বাক্ষর / টিপসই

মনোনীত ব্যক্তির বয়স ১৮ বৎসরের কম হলে তাঁর অভিভাবক হবেন শ্রী / শ্রীমতী

ঠিকানা

অভিভাবকের স্বাক্ষর

অঙ্গীকার করছি যে আবেদনপত্র তথ্যসকল সঠিক ও সত্য।

আবেদনকারীর স্বাক্ষর

নাম :

তারিখ :

স্থান :

শংসা পত্র

(সংশ্লিষ্ট ল্যাম্পস সমিতির সভাপতি / সম্পাদক / পর্যদ সদস্য / সংশ্লিষ্ট জেলা পরিষদের সদস্য / সংশ্লিষ্ট পঞ্চায়েত সমিতির সদস্য / সংশ্লিষ্ট পুরসভা / পুরনিগম এলাকায় কমিশনার / কাউন্সিলার / এলাকায় বিধায়ক / সাংসদ দ্বারা প্রদত্ত)।

আমি আবেদনকারী / আবেদনকারিনী শ্রী / শ্রীমতীদীর্ঘ দিন ধরে চিনি। আমি জানি তিনি কেন্দুপাতা সংগ্রহ করে জীবন জীবিকা নির্বাহ করেন।

স্বাক্ষর :

তারিখ

নাম :

শীলমোহর :

বিঃ দ্রঃ - তফশিলি জনজাতি গোষ্ঠীভুক্ত না হলে আবেদন করার যোগ্য বলে বিবেচিত হবে না।

প্রাপ্তি স্বীকার

শ্রী / শ্রীমতি গ্রাম

ব্লক জেলা কেন্দ্র

আবেদনপত্র জমা নেওয়া হ'ল।

নিবন্ধীকরণ আধিকারিক

Miscellaneous Orders and Circulars
Recruitment to the post of Inspectors BCW

NOTIFICATION

No. 1846-BCW

Dated the 23rd June, 2014

In exercise of the power conferred by the proviso to article 309 of the Constitution of India, and in supersession of this Department's Notification No. 699-BCW, dated the 13th February, 2001, the Governor is pleased hereby to make the following rules regulating recruitment to the posts of Inspector, Backward Classes Welfare, under the Backward Classes Welfare Department, Government of West Bengal:—

RULES

1. Short title and commencement:

(a) These rules may be called the West Bengal (Recruitment to the post of Inspector, Backward Classes Welfare) Rules, 2014.

(b) They shall come into force at once.

2. Application: These rules shall apply to recruitment to the posts of Inspector, Backward Classes Welfare under Backward Classes Welfare Department, Government of West Bengal.

3. Qualifications etc. for recruitment: The method of, and qualifications required for, recruitment to the posts of Inspector, Backward Classes Welfare, under the Backward Classes Welfare Department, Government of West Bengal, shall be as detailed below:—

A. Method of recruitment:

(i) by direct recruitment on the basis of the results of the Examination conducted by the Staff Selection Commission, West Bengal, and

(ii) by promotion of Social Workers Grade I under the Backward Classes Welfare Department who have passed at least Madhyamik Examination or equivalent Examination, and members of the clerical staff belonging to Group-B Service excluding Typists of Backward Classes Welfare Directorate under Backward Classes Welfare Department, and the Upper Division Clerks or Upper Division Assistants of the offices sub-ordinate to the said Directorate. In all cases at least 5 years' continuous service in the concerned post is essential;

Provided that for promotion to the posts of Inspector, Backward Classes Welfare consultation with the Staff Selection Commission, West Bengal shall not be necessary.

Provided further that Direct Recruitment and Promotion shall be in the ratio of 70: 30 of the total posts in the Cadre (Permanent and temporary taken together).

B. Qualification for direct recruitment:

Essential:

- (i) Must be a citizen of India.
- (ii) Must possess a degree of a recognized University or its equivalent.
- (iii) Must have the ability to read, write and speak Bengali (not required in case of Nepali speaking candidates from hill areas of the District of Darjeeling).

C. Age for Direct Recruitment:

Not below 20 years and not more than 32 years as on the 1st January of the year of advertisement. Upper age limit is relaxable to the candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and Physically Handicapped as per existing provision of the State Government.

D. Appointing Authority:

The appointing authority for the posts of Inspector, Backward Classes Welfare shall be the Commissioner, Backward Classes Welfare, Government of West Bengal.

By order of the Governor,

S. K. THADE,

Pr. Secy., to the Govt. of West Bengal.

Amendment to The West Bengal Services (Determination of Seniority) Rules, 1981

No. 5337-F Kolkata,

21st May, 2004

MEMORANDUM

Subject: Amendment of the West Bengal Services (Determination of Seniority) Rules, 1981.

Pursuant to the decision of the Government of India regarding seniority of SC/ST Officers promoted early vis-a-vis General/OBC candidates promoted later and orders of a larger bench of the Hon'ble Supreme Court, the West Bengal Services (Determination of Seniority) Rules, 1981 were amended by the Finance Department Notification No. 9759-F dated 18.10.2001. By way of this amendment, after sub-rule. (4) of Rule 5 of the said rules, sub-rule (5) was introduced to the effect that seniority of the senior General/OBC Government employees, promoted . later than their junior SC/ST officers promoted earlier as per reservation rules shall regain seniority in such higher posts/grades over the said SC/ST candidates promoted earlier.

2. Consequent upon the 85th amendment of the Constitution of India followed by the earlier decision of the Government of India withdrawing the benefit of restoration of seniority of General / OBC candidates, the operation of Finance Department Notification No. 9759-F dt. 18.10.2001 amending the WBS (Determination of Seniority) Rules, 1981 as aforesaid was kept in abeyance in terms of this Department Memo No. 3180-F, dt. 14.3.2002. Now under FD: Notification No. 5336-F dt. 21.5.2004, the West Bengal Services (Determination of Seniority) Rules, 1981 has been further amended deleting the sub-rule (5) of Rule 5 of these rules retrospectively with effect from the date of its inception under the said notification dt. 18.10.2001.
3. In pursuance of the amendment of the Rules under Notification No. 5336-F, dt 21.5.2004, the Governor has been pleased to decide as follows :—
 - (i) SC/ST Government employees on promotion as per rules of reservation/roster shall be entitled, to consequential seniority also General/OBC employees promoted later shall be junior to SC/ST employees promoted earlier.
 - (ii) Seniority of the Government employees determined according to sub-rule (5) of Rule 5 of the WBS (Determination of Seniority) Rules, 1981 as introduced under Notification No: 9759-F dt. 18.10.2001 during the period from 18.10.2001. to 14.3.2002 i.e. the date of keeping the operation of the notification in abeyance shall be revised as if the said sub-rule were never in existence.

- (iii) On the basis of the revised seniority, concerned promotee officers belonging to SC/ST shall be considered for due service benefits like promotion, pay etc. with retrospective effect from the date of promotion of the General/OBC employees who became junior as per revised seniority, on notional basis, subject to fulfilment of other eligibility criteria or selection by the Public Service Commission, West Bengal, where necessary. The notional benefits will, however count towards pensionary benefits in respect of the retired persons.
- (iv) Except seniority; other consequential benefits like promotion, pay etc. already allowed to the General/OBC candidates during the period shall continue as personal to them.

By Order of the Governor

Sd/- P. K. Dasgupta

Special Secretary to the Government of West Bengal

Doing away with Attestation and Affidavits along with enclosures

No. 4286 BCW

Date: -10.12.2014

From : Atonu Chatterjee
Joint Commissioner, Reservation &
Ex-Officio Joint Secretary
Backward Classes Welfare Department

To: 1) District Magistrate_____ (all)
 2) MD WBSCSTDFC, WBBCDFC
 3) SDO_____. (all)
 4) BDO_____ (all)

Sub: Doing away with Attestation and Affidavit-thereof.
Ref- 1275/PAR (AR)/O/3M-23/2014 dated 13/11/2014 issued by
P&AR Department, (copy enclosed)

Sir,

I am directed to refer to the order of the P&AR Department as mentioned above and this is to intimate that in regard to all issues and works related to BCW Department, this department will accept self-attested documents save and except the following -

- 1) Attested photocopies/copies, by Group A/B officers, will be mandatory for proving the permanent residential status of applicants seeking SC/ST and OBC certificates.
- 2) Similarly copies/photocopies of documents relating to determination of Creamy layer status of an applicant for OBC certificate needs to be attested by Group-A/B officers.

Encl-as stated

Yours faithfully,

*Joint Commissioner Reservation
& Ex-Officio Joint Secretary*

Government of West Bengal
Personnel & Administrative Reforms Department
(Administrative Reforms Cell)

Memo No. 1275/PAR(AR)/O/3M-23/2014

Dated 13th November, 2014

ORDER

The adoption of the provisions of “self-attestation” in lieu of “attestation by gazetted officers and others” and “self declaration” in lieu of “affidavit” has been under consideration of the state government for some time.

2. After careful consideration, the Governor is pleased to order adaption of “self-attestation” and “self-declaration” in the following manner :

A. Relating to replacement of Attestation by Gazetted Officers & Others :

Presently, applicants seeking admission in educational institutions, employment in government departments and certificates, licences, services etc. from any Authority, are required to submit the copies of documents, credentials etc. attested by the gazetted officers and others. Henceforth, attestation by gazetted officers and others shall be replaced by self-attestation in the following manner.

- i) The departments which have already identified the activities for which “Self-Attestation” shall be allowed in lieu of “Attestation by Gazetted Officers & others”, as mentioned in **Annexure-1**, shall issue suitable administrative orders in this regard by 30th November, 2014 and arrange for wide and adequate publicity.
- ii) The departments shall modify their existing procedures & forms incorporating therein the Self-Declaration Format, mentioned in **Annexure-IV**, within 30th November, 2014, so that the dispensation becomes fully operational positively within 1st December, 2014.

B. Relating to replacement of Affidavit :

Henceforth. “Affidavits” shall be replaced by “Self-Declarations” in the following manner.

- i) The departments which have already identified the activities for which “Affidavits” may be replaced by ‘Self-Declaration’, mentioned in **Annexure-II**, shall issue suitable

administrative orders in this regard by 30th November, 2014 and arrange for wide and adequate publicity.

- ii) The Department shall modify their existing procedures & forms, incorporating therein the Self- Declaration Format, mentioned in **Annexure-IV**, within 30th November, 2014, so that the dispensation becomes fully operational positively within 1st December, 2014.

C. Relating to Replacement of 'Affidavit' and 'Attestation' by Gazetted Officers' in respect of certain entitlements of the State Government employees :

In the existing system, state government employees are required to submit affidavits / attested copies of documents for getting their entitlements e.g.. GPF, Medical Benefits under W.B Health Scheme, Pension etc. Henceforth, 'Affidavit' and 'Attestation' by Gazetted Officers and others shall be substituted by Self Declaration and Self-Attestation respectively in respect of the entitlements mentioned in **Annexure-III** in the following manner.

- i) The Finance Department shall issue administrative orders in this regard by 30th November, 2014 and arrange for wide and adequate publicity.
 - ii) The Finance Department shall modify their existing procedures & forms incorporating therein the Self-Declaration Format, mentioned in **Annexure-IV**, within 30 November, 2014, so that the dispensation becomes fully operational positively within 1st December, 2014.
- D.** The substitution of 'Affidavit' and 'Attestation' by 'Self-Declaration' and 'Self-Attestation' respectively, shall be a continuous process in public interest. The list of activities for such substitutions shall be periodically updated by the respective departments and submitted to the P& AR Department for prior approval by the Competent Authority.
- E.** The system of filing of Affidavit in Court Cases shall, however, continue until the relevant laws / rules in this regard are amended.

By order of the Governor,

Sd-

Sanjay Mitra,

*Chief Secretary to the
Government of West Bengal*

ANNEXURE - I**ILLUSTRATIVE LIST OF ACTIVITIES FOR WHICH SELF-ATTESTATION IS ALLOWED DISPENSING WITH ATTESTATION OF GAZETTED OFFICERS AND OTHERS**

Sl. No.	Name of Services	Name of the Department
1	Documents required for admission of students in Primary, Secondary and Higher Secondary level.	School Education Department
2.	Documents required for Migration Certificate in Secondary and Higher Secondary level.	School Education Department
3.	Documents required for correction of Certificate/Mark Sheet/Admit Card at Secondary and Higher Secondary level.	School Education Department
4.	Documents required for issuance of duplicate Certificate/Mark Sheet/Admit Card at Secondary and Higher Secondary level.	School Education Department
5.	Documents required to be submitted with the application by candidates for competitive recruitment examination of teaching and non-teaching staff of school conducted by West Bengal School Service Commission/West Bengal Board of Primary Education/District Primary Schools Council.	School Education Department
6.	Documents required for Educational Qualification, Birth Certificate, Death Certificate, Residential Proof and Identity proof at the time of appointment to the office of K.I.T.	Urban Development Department
7.	Documents required during transfer of Property, Land, Flat etc. of K.I.T e.g Identity Proof, Residential Proof, Death Certificate, Legal Heir Certificate, Succession Certificate.	Urban Development Department
8.	Documents required to be submitted with the application for jobs / engagement of workers /helpers in Anganwari Centres	Department of Women and Child Development & Social Welfare
9.	Proof of address for application for new registration	Transport Department

Sl. No.	Name of Services	Name of the Department
10.	Proof of address for application for change of address	Transport Department
11.	Proof of address for application for Driving Licence	Transport Department
12.	Copy of Pan Card (while applying for registration and transfer of ownership)	Transport Department
13.	Copy of Trade Licence (while applying for trade certificates)	Transport Department
14.	Copy of IT clearance certificate (while applying for trade certificates)	Transport Department
15.	Copies of Title deed, Site Plan, Sanctioned building Plan, along with Form-A under WB Apartment Ownership Act, 1972	Housing Department
16.	Copies of Title deed along with Form-C under WB Apartment Ownership Act, 1972	Housing Department
17.	Copy of document on Ownership of the land for permission for timber-harvesting in non-forest areas.	Forest Department
18.	Documents to be submitted with the application for issuance of Birth Certificate	Municipal Affairs Department
19.	Documents to be submitted with the application for issuance of Death Certificate	Municipal Affairs Department
20.	Documents to be submitted with the application for issuance of Cremation Certificate at Burning Ghat	Municipal Affairs Department
21.	Documents to be submitted with the application for issuance of Trade Licence	Municipal Affairs Department
22.	Documents to be submitted with the application for correction of records for Birth and Death.	Municipal Affairs Department

ANNEXURE-II**LIST OF ACTIVITIES FOR WHICH SELF DECLARATION IS ALLOWED DISPENSING WITH THE REQUIREMENT OF AFFIDAVIT**

Sl. No.	Name of Services	Name of the Department
1	Issuance of duplicate Certificate/Marksheet/Admit Card at Secondary/Higher Secondary level.	School Education Department
2.	Submission on information regarding family income in case of Scholarship Schemes.	Minority Affairs & Madrasha Education Department
3.	Submission of application praying for becoming a member of Apartment Owner's Association or a registered Institutional Body of Co-Operative Housing Society.	Urban Development Department
4.	Submission of information on income to categorise the intending allottees of Apartments/Flats under HIG/MIG/LIG categories for KMDA & WBHB	Urban Development Department
5.	Submission of information on possession of land, flat etc within Kolkata Metropolitan Area.	Urban Development Department
6.	Notarised affidavit submitted to GM, DIC by the applicant for incentive.	Micro, Small, and Medium Enterprises & Textiles Department
7.	Agreement bond submitted to GM, DIC by the applicant for disbursement of incentive under WBIS 2013	Micro, Small, and Medium Enterprises & Textiles Department
8.	Certificate from Bank/Financial Institution submitted to GM, DIC by the applicant for interest subsidy on term loan, provided online bank Statement/Certificate are available	Micro, Small, and Medium Enterprises & Textiles Department
9.	Certificate of the Chartered Accountant submitted to GM, DIC by the applicant for capital investment subsidy	Micro, Small, and Medium Enterprises & Textiles Department
10.	Notarised Affidavit in respect of SL. No. s 13 and 14 of Annexure-A of the application form for recognition as approved Tour Operator/ Travel Agent	Tourism Department

Sl. No.	Name of Services	Name of the Department
11.	Receiving documents from different organizations, clubs etc. while granting financial assistance to them.	Sports Department
12.	Receiving applications from meritorious sports persons for inclusion of their names in the exempted category of 100 Point Roster of appointment.	Sports Department
13.	Affidavit filed before an Executive Magistrate/ Judicial Magistrate for becoming member of Housing Co-operative societies	Co-operation Department
14.	Granting N.O.C to the Complex Project	Fire & Emergency Services
15.	Granting permission for erection of temporary	Do
16.	Affidavits in support of legal heirship in prayers for transfer of lease rights in respect of flats, plots of land.	Housing Department
17.	Affidavits in support of eligibility criterion of not having any WBHB flat in earlier occasion	Housing Department
18.	Application for duplicate registration certificate, tax token, driving licence and permit.	Housing Department
19.	Application for Input Distribution scheme for Fishermen and farmers.	Sunderban Affairs Department
20.	Permission for conversion of wheat into Atta by Flour Mill/Chakki Mill	Food & Supplies Department

ANNEXURE - III

**LIST OF ACTIVITIES FOR WHICH SELF-ATTESTATION/SELF DECLARATION
IS ALLOWED DISPENSING WITH ATTESTATION BY GAZETTED OFFICERS/
REQUIREMENT OF AFFIDAVIT**

Sl. No.	Name of Services	Name of the Department
1	Documents required for Refundable advance/Non Refundable advance/Final withdrawal from GPF	Finance Department
2	a) Documents relating to Legal heir(s) in case of family pension/Group Insurance/Death Gratuity/Leave encashment due to death of the employee in case nomination has not been done. b) Non-marriage certificate/Non-employment certificate for grant of family pension due to death of the employee.	Finance Department
3.	a) Life Certificate for pensioners/Family pensioners to be submitted before Pension Disbursing Authority/Branch Manager of pension disbursing Bank. b) Certificate/Bond for drawal of pension areas.	Finance Department
4.	Documents required in case of loss of original vouchers in connection with reimbursement of admissible medical expenses.	Finance Department
5.	Appointment on Compassionate ground : a) Information regarding monthly income from moveable/immoveable properties of the dependants. b) No-objection Certificate by other eligible dependants for appointment of one dependant. c) Undertaking by the applicant dependant as to maintenance of other family members.	Finance Department

Sd/-

(H. K. Dwivedi)*Principal Secretary, Finance Department*

ANNEXURE - IV

Self-Declaration Format

Space for
Photograph

I..... son / daughter of Shri.....age.....years,
resident of.....in the District of.....West Bengal,
do hereby declare that the information given above and in the enclosed documents is true to
the best of my knowledge and belief and nothing has been concealed therein. I am well aware
of the fact that if the information given by me is proved false / not true at any point of time, I
will have to face punishment as per any provision of Law for the time being in force as well as
the benefit availed of by me or the benefit accrued to me shall be summarily cancelled.

Date:

Place :

Signature of the Applicant;

Maintenance of RoA in case of transfer of incumbents of organisations having identical nature

MEMORANDUM

No. 4977-BCW

18th December, 2015.

For some time past it has come to the notice of this Department that some of the Departments of Government of West Bengal have issued orders/circulars allowing transfer of employees, from one appointing authority to another appointing authority, where both the organizations and the appointing authority, albeit are different, has identical nature and character. This transfer from one organization to another, under different appointing authority requires adjustment of the vacancies whereby the transferred employee is fitted in appropriate 'Roster Points' of the 'Register of Appointment' (RoA) which are maintained by the different Appointing Authorities as per Rule 3 of WB SC&ST (Reservation of Vacancies in Services and Posts) Rules 1976.

To effectively handle this aspect, the Governor, in exercise of the power conferred by Section 10 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 read with Sec 15 of WBBC(Other than SC&ST) (Reservation of vacancies in services and posts) Act 2012 is pleased to order that-

In specific cases where it is ordered by competent authority that vacancy is also created by transfer and the incumbents so transferred are shifted to other organizations of explicitly same nature and character but are placed under different Appointing Authorities, the 'Register of Appointments' as provided for in Rule 3 WB SC&ST (Reservation of vacancies in services and posts) Rules 1976 will be maintained in the following manner-

1. (a) Vacancies created by transfer can be filled up by either transfer or fresh recruitment.
- (b) For vacancies arising out of transfer, the appointing authority should record the same in the remarks column of the RoA.
- (c) Vacancies created by transfer of Unreserved (UR) category can be filled up by candidates belonging to general category.
- (d) Similarly Vacancies created by transfer of a particular reserved category can be filled up by candidates belonging to that reserved category only.
2. Every transferee shall have to be placed in the ROA of the recipient organization in the following manner;-
 - (a) If the transferee belongs to unreserved category, his joining shall be adjusted against an available unreserved roster point. If such roster point is not available, but a vacancy in reserved RP is available, then the incumbent will be placed in the available reserved RP and this Reserved RP will be carried forward to the next UR Roster Point as is

provided for in the said Act vide Sec 6(2). While executing this 'carry forward method' vertical reservation shall be considered subject to applicability of horizontal reservation in Roster Points. In case transfer is made to an organization beyond the relevant sanctioned posts there, then the transferred incumbent has to be adjusted against next immediate vacancy, subject to "Carry Forward" as and when it arises in the later organization and till the adjustment is done, as mentioned, no fresh recruitment can be done,

- (b) Implementing repeated "Carry Forward" as per para 2 (a) will not amount to multiple violation of 'Roster Points' in 'Register of Appointment' provided it is marked as per para (a).
 - (c) If the transferee belongs to reserved category, his joining shall be adjusted against an available reserved roster point of the same category. If such roster point is not available, but a vacancy in any reserved / unreserved RP is available, then the incumbent will be placed in that RP and this Reserved RP will be carried forward to the next Roster Point of the same category. In case transfer is made to an organization beyond sanctioned post there, then the transferred incumbent has to be adjusted against next immediate vacancy, subject to "Carry Forward" as and when it arises in the later organization and till the adjustment is done, as mentioned, no fresh recruitment can be done.
3. In implementing para 2(a) "Carried Forward Owing to Transfer" should be recorded by the competent authority in the 'Regularisation Order' and in the 'remarks' column of 'Register of Appointment'.

Explanation- 1) implementation of the order hinges upon an order from the Competent Authority of the concerned Department to the effect that transfer creates a vacancy of the same nature as per Sec- 4(1) of WBSC&ST (Reservation of Vacancies in Services and Posts) Act 1 976 and Sec 5(a) of WBBC (Other than SC&ST) (Reservation of Vacancies in Services and Posts) Act, 2012.

Note- 1) The vertical reservation of Roster Points have been considered in this order. The horizontal reservation of Roster Points needs to be dealt by the relevant appropriate authorities. The memorandum takes immediate effect and will be applicable for the relevant Roster Points reserved for OBC category in the RoA.

By order of the Governor,

S. K. THADE,
Principal Secy, to the Government of West Bengal

ANNEXURE

Illustrative presentation on Maintenance of Register of Appointment

• Genesis

- ❖ The concept of reservation in Government sector in respect of jobs and admission to Government educational institutions came from the Constitution of India. Here the procedures of maintenance of Register of Appointment are elaborated along with submission of returns.
- ❖ The Constitution guarantees social, economic and political justice and equality to the citizens of India
- ❖ The Constitution makers while considering establishment of equality and social justice in the society, found that to give equal opportunity to all, there is need to bring in the idea of positive discrimination.

• Constitutional Provisions

- ❖ Hence a number of articles in the Constitution of India enshrine provisions for reservation for the Scheduled Castes (SC), the Scheduled Tribes (ST) and other Backward Classes (OBC) of citizens.
- ❖ Article 15(4) of the Constitution of India allows the State to make special provision for advancement of any socially and educationally backward classes of citizens.
- ❖ Article 16(4) of the Constitution of India allows the State to make special provision for reservation in appointments or posts in favour of any backward classes of citizens which, in the opinion of the State, is not adequately represented in the service under the State.

• Provisions of Acts and Rules

- ❖ WB SC ST (Reservation of Vacancies in Services and Posts) Act, 1976 and Rules, 1976
- ❖ WB Backward Classes (Other than SC & ST) (Reservation of Vacancies in Services and Posts) Act, 2012.
- ❖ GOWB Orders
- ❖ Subsequent notifications , clarifications, orders etc.

• Important Sections of SC, ST Reservation Act and Rules

- ❖ Sec-3 - Exemption to the provisions of the Act
- ❖ Sec-4 - Provision of 22% & 6% reservation for SC & ST, 100 point roster, exemption of payment of fees and age-relaxation of 5 years in case of appointments
- ❖ Sec-5 - Reservation in promotion and provision of 50-point roster

- ❖ Sec-6 – 6(2)-Derreservation and regularisation of violations
 - ❖ 6A -Provision for Commissioner for Reservation
 - ❖ 6A (2A) - Provision for Jt. Commissioner for Reservation
 - ❖ 6B – DM as District Commissioner for Reservation
- ❖ Sec-7 - Provision of punishment for violation of reservation norms
- ❖ Sec-12 – Provision for submission of annual reports, power to amend schedule etc.
- ❖ Rule-10 – Procedure for filling up of reserved vacancies on promotion.

• Important Sections of OBC Reservation Act

- ❖ Sec-3 - Exemption to the provisions of the Act
- ❖ Sec-5 – Provision of 10% & 7% reservation for OBC-A and OBC-B, provision of 100 point roster
- ❖ Sec-6 - Provision for certificate of identification as OBC
- ❖ Sec-7 – 7(2) - De-reservation and regularisation of violations
- ❖ Sec-8 – 8(1) -Provision for Commissioner, jt. Commissioner, Dy. Commissioner and Assistant Commissioner for Reservation- Same Officers as in case of SC/ST to act
- ❖ Sec-10 - Provision of punishment for violation of reservation norms
- ❖ Sec-17 – Provision for submission of annual reports, power to amend schedule etc.

• Percentage of reservation and nos. of castes/ tribes/ classes allowed reservation in West Bengal

- ❖ 22% for SC
- ❖ 6% for ST
- ❖ 10% for OBC Category – A
- ❖ 7% for OBC Category – B
- ❖ SC State list contains 60 castes
- ❖ ST State list contains 40 tribes
- ❖ OBC State Govt. list - OBC Category – A contains 80 classes
- ❖ OBC Category – B contains 91 classes
- ❖ OBC-A & B taken together contain 171 classes
- ❖ OBC Central list for West Bengal contains 98 classes
- ❖ Reservation for SC & ST for direct recruitment as well as for promotion

- ❖ Reservation for OBC in case of direct recruitment only

• **Maintenance of Reservation Norms**

- ❖ Register of Appointments for each category of post in an establishment separately for DIRECT recruitment and for PROMOTION
- ❖ 100 point Roster for Direct Recruitment
- ❖ 50 point roster for promotion
- ❖ Annual Returns to Commissioners for Reservation
- ❖ ROA for vacancies as on 27-03-90 and afterwards.

• **Non-applicability of Reservation**

Reservation norms are not applicable in cases of -

- ❖ Private employment
- ❖ Central Govt. employment
- ❖ Single Post Cadre
- ❖ W B Higher Judicial Officers

• **Authentication of ROA**

- ❖ Authentication as to conformity to reservation norms.
- ❖ Violations, if any, to be regularized before authentication.
- ❖ Authentication of ROA at District Level by District Reservation Commissioner.
- ❖ Authentication of ROA at Kolkata by BCW Department.
- ❖ ROA containing vacancies since 27-03-90.

• **Regularization of Violations**

- ❖ Regularization mandatory in case of violation
- ❖ Regularization by carrying forward to available unreserved vacancy in case of offices.
- ❖ Regularization by carrying forward to future unreserved vacancy also in case of educational institutions.
- ❖ Regularization of violations committed due to mistakes, error of judgment, ignorance etc.
- ❖ Undertaking not to commit such offence again.
- ❖ Regularization by Backward Classes Welfare Department (BCWD) only.

• **De-reservation of Vacancies**

- ❖ Application in prescribed format.
- ❖ Certificate of non-availability from competent authority.

- ❖ Proof of non-availability despite best efforts when appointing authority itself recruits.
- ❖ De-reservation by carrying forward the reserved vacancy to available / future unreserved vacancy.
- ❖ De-reservation in Schools by District Magistrate & District Commissioner for Reservation and in all other cases by State Government in BCWD
- ❖ De-reservation in Direct Recruitment only. No provision of permanent de-reservation.

• **Reservation Norms**

Vertical Reservation

- ❖ 22% For SC
- ❖ 6% For ST
- ❖ 10% For OBC Category – A
- ❖ 7% For OBC Category - B
- ❖ Reservation for SC & ST for direct recruitment as well as for promotion
- ❖ Reservation for OBC in case of direct recruitment only
- ❖ Categorisation amongst OBCs done since 24-09-10.

Horizontal Reservation

- ❖ 30% for Exempted Category
- ❖ 3% for Physically challenged
- ❖ 2% for meritorious sportspersons – for Gr. B. C & D
- ❖ 5% for Ex-servicemen for Gr.- C posts
- ❖ 10% for Ex-servicemen for Gr.- D posts

• **Provisions of Acts on Model 100-point Roster**

- ❖ The West Bengal Scheduled Castes and the Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 as amended up to date and Govt. orders in respect of OBC
- ❖ The West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999 as amended up to date. (The model 100-point Roster is issued under this Act.)

• **Some points on Exempted Category**

- ❖ Who fall under exempted category
 - Dependants of employees died in harness
 - Dependants of employees retiring incapacitated
 - Persons belonging to the families of land losers
 - Ex-Census employees of 1981 & 1991 Census
 - Election Job workers / Enumerators between 1979 & 2000

- ❖ How recruitment under Exempted Category to be made
 - 30% of vacancies in a year in direct recruitment in respect of posts not filled up through recommendations of Service Commission.
 - Commissions are to be filled up from persons under Exempted Category
 - Vacancies under exempted category is for Group –C & D only.
 - Dependants of employees died in harness will get priority over all other Exempted Category
 - Dependants of employees rendered incapacitated will get priority over land loser, Ex-Census and Election Enumerators

All these are in terms of Notifications made by the Labour Department in exercise of the powers conferred by the provisions of the West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999

• **Some Points on New 100-point Roster**

- ❖ The 100 point Roster is to be maintained separately for permanent and temporary vacancies, for direct recruitment. For promotion, a 50-point roster is to be maintained
- ❖ A vacancy, due to whatever cause, except termination / leaving the job during probation, shall be treated a fresh vacancy
- ❖ EC vacancies of different categories can be filled up by non-EC candidates of the same category in case of non-availability
- ❖ Sports quota for Gr 'B', 'C' & 'D' only – Ex-servicemen for Gr 'C' & 'D' only.
- ❖ Exempted quota from specific Employment Exchange and for employment on compassionate grounds only
- ❖ In case of appointment on compassionate ground under Died-In-Harness or Permanent Incapacitation categories, appointment against non-EC unreserved point can be made in case of non-availability of proper EC vacancy. Such non-EC vacancies have to be carried forward to subsequent future non-reserved EC vacancies.
- ❖ ROA does not reflect a seniority or gradation list. It is only a register for maintenance of reservation norms.

• **Date of Effect of 100-point Roster**

- ❖ 100-point Roster to start with vacancies as on 27-03-1990.
- ❖ 5% reservation for OBC started on 16-01-95
- ❖ 2% more added to this 5% on 25-03-99
- ❖ 10% for OBC-A & 7% for OBC-B started on 24-09-2010
- ❖ Horizontal reservations revised on 01-03-2011.

APPENDIX - I
Register of Appointment (sample)
DIRECT RECRUITMENT

Name of the Department : BCW Name and address of the Office : Secretariat Scale of Pay :				Name of office : BCW Department Name of the Post : LDA Total No. of Sanctioned Posts : 100 Percentage of Reservation : (a) Scheduled Castes :22% (b) Scheduled Tribes : 6% (c) OBC Category-A : 10% (d) OBC Category-B: 7%			
Date of occurrence of the vacancy	Point of roster	Whether reserved for SC / ST OBC.	Name of the candidate appointed indicating SC / ST / OBC. status	Date of appointment	If the candidate of the right community is not appointed to the reserved vacancy, reasons for not doing so	Remarks	Signature of the appointing authority
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
27-03-90	1	SC	A Roy (UR)	01-01-92	Error of judgment	Reg. by C/F to RP-8	
01-01-91	2	UR	B Das (UR)	01-01-91			
10-01-92	3	UR (EC)	C Kar (UR)	01-01-93	EC not available		
01-01-93	4	ST	S Soren (ST)	02-02-96			
01-01-93	5	UR	M Akhtar (UR)	03-03-95			
01-01-96	6	UR	B Ali (UR)	04-04-97			
01-01-96	7	SC (EC)	A Mandal (SC)	05-05-96	EC not available		
01-01-98	8	UR / SC	B Barman (SC)	01-01-2000			
01-01-98	9	OBC	S Banerji (UR)	02-01-2000	Error of judgment	Reg. by C/F to RP-14	
01-01-03	10	UR (EC)	T Sen (EC)	01-01-2003			
01-01-03	11	SC (Ex-S Gr-C)	R Biswas (SC-Ex-S)	01-01-2003			
01-01-05	12	UR (PH)					
01-01-08	13	OBC-A (EC)	B Rahman OBC-A (EC)	01-01-2011			
01-01-09	14	UR (OBC-B)				c/f from RP-9	

• **Explanatory Note**

- ❖ This example is for 'Direct Recruitment'.
- ❖ On 27-03-1990 there was only one vacancy though the number of sanctioned post was 100- hence only one entry on that date.
- ❖ There was violation in RP 1 as against SC vacancy one UR candidate was appointed.
- ❖ This violation was "Regularised" by 'Carrying Forward' this SC vacancy to RP-8. Accordingly RP no-8 has been converted from UR to SC.
- ❖ Identical procedure is followed in respect of other violations as shown in RP no- 9- Regularised at RP no-14.

• **50-point Roster (For Promotion)**

- ❖ A register with a roster of fifty vacancies shall be maintained.
- ❖ Before giving any promotion, the appointing authority shall ascertain by consulting the register whether the vacancy is reserved or unreserved and if it is reserved, for whom it is so reserved. Immediately after a promotion is given, the particulars thereof shall be entered in the register and signed by the appointing authority.
- ❖ The roster is a running account from year to year and shall be maintained accordingly. If promotion in a particular year stops at a particular point of the cycle, say, at the 5th point, promotion in the subsequent year shall begin at the next point, that is, at the 6th point.
- ❖ The roster shall be maintained separately for permanent and temporary vacancies.

APPENDIX - II
Register of Appointment (sample)
PROMOTION

Name of the Department : BCW Name and address of the Office : Secretariat Scale of Pay :				Name of office : BCW Department Name of the Post : UDA Total no. of Sanctioned Posts : 50 Percentage of Reservation : (a) Scheduled Castes : 22% (b) Scheduled Tribes : 6%			
Date of occurrence of the vacancy	Point of roster	Whether reserved for SC / ST	Name of the candidate appointed indicating SC / ST status	Date of appointment	If the candidate of the right community is not appointed to the reserved vacancy, reasons for not doing so	Remarks	Signature of the appointing authority
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
27-03-90	1	SC	www (UR)	92	SC/ST not available	C/F to RP-2	
01-01-91	2	UR / SC	Eee (UR)	91	SC/ST not available	C/F to RP-3	
10-01-91	3	UR / SC	Bee (SC)	93			
01-01-93	4	ST	UR	96	ST/SC not available	C / f to RP-5	
01-01-94	5	UR / ST	Uuuu (UR)	95	ST/SC not available	C / f to RP-6	
01-01-95	6	UR / ST	Yyy (SC)	97			
01-01-96	7	SC	Sss (UR)	96	SC/ST not available	C / f to RP - 8	
01-01-98	8	UR / SC	Rrr (UR)	2000	SC/ST not available	C / f to RP - 9	
01-01-98	9	UR / SC	Occ (UR)	2000	SC/ST not available	C / f to RP - 10	
01-01-03	10	UR / SC	Zzzz (UR)	2003	SC/ST not available		
01-01-05	11	SC	Jjjj (SC)	2005			
01-01-06	12	UR	Ddd (UR)	2010			
01-01-08	13	UR	Hhh (SC)	2011			
01-01-09	14	UR					

APPENDIX - I
Register of Appointment (sample)
PROMOTION

• **Explanatory Note**

- ❖ This relates to the aspect of Promotion and ONLY applicable for SC&ST staffs. Aspects of promotion are dealt with by Rule 10 of WB SC&ST (Reservation of vacancies in services and posts) Rules 1976.
- ❖ On 27/03/1990 there was only one promotional vacancy against sanctioned post of 50.
- ❖ Since neither eligible SC nor ST candidate was available from within the Zone of Consideration the vacancy was filled up with an UR candidate and the SC vacancy was automatically carried forward to RP 2 which was thus converted to SC vacancy.
- ❖ Second vacancy as converted from UR to SC occurred on 1/1/91 but again filled up with an UR candidate owing to non-availability of SC or ST candidate in the 'Zone of Consideration'. So the SC vacancy was automatically carried forward to RP 3 which was filled up by appropriate candidate.
- ❖ RP reserved for SC or ST can be filled up by either SC or ST eligible candidate in case of non-availability of appropriate reserved Candidate as is shown in RP - 4 to RP -6.
- ❖ RP 7 was reserved for SC but owing to non-availability of SC or ST candidate the RP 7 was filled up by UR candidate and the vacancy carried forward to RP-8.
- ❖ Similar exercise was done in respect of RP 8 and 9 as appropriate reserved candidate was not available. The vacancy was carried to RP no-10 where-also no reserved candidate was available.
- ❖ The reserved vacancy then lapsed as the RP 11 is reserved for SC.

• **Submission of Returns**

- ❖ Besides maintenance of ROA and authentication of the same, three returns are needed to be furnished every year.
- ❖ Appendix-II for annual return as the total number of employees in different Groups and posts and SC, ST , OBC-A and OBC-B among them with percentages as on 1st January of every year
- ❖ Appendix-IIIA for annual return of appointments during the calendar year ended in December every year, and numbers of SC, ST, OBC-A and OBC-B among them with details of carry forward and de-reservation in respect of DIRECT RECRUITMENT
- ❖ Appendix-IIIB for similar report as in Appendix-IIIA in respect of PROMOTION

APPENDIX - II**Annual Statement of the total number of employees and members of Scheduled Castes/
Scheduled Tribes amongst them as stood on the 1st January of the year 20...****Name of the Department :****Name and address of the Office :**

Group of Service	Name of Post	Total number of employees in the posts	Number of Scheduled Castes amongst them	Percentage of Scheduled Castes to the total employees in the post	Number of Scheduled Tribes amongst them	Percentage of Scheduled Tribes to the total employees in the post

APPENDIX - II (For OBC)**Annual Statement of the total number of employees and members of Other Backward
Classes amongst them as
stood on the 1st January of the year 20...****Name of the Department :****Name and address of the Office :**

Group of Service	Name of Post	Total number of employees in the posts	Number of OBC (A) amongst them	Percentage of OBC (A) to the total employees in the post	Number of OBC (B) amongst them	Percentage of OBC (A) to the total employees in the post

APPENDIX - IIIA (Modified)**Annual Return of Appointments made during the calendar year ending on 31st December, 20...****Name of the Department :****Name and address of the Office :****DIRECT RECRUITMENT**

Group of Service	Name of Post	Total number of vacancies occurred General SC/ ST/OBC-A/ OBC-B	Number of vacancies reported to PSC/EE General SC/ST/ OBC-A/ OBC-B	No. of vacancies filled up by General SC/ST/ OBC-A/ OBC-B	Number of de-reserved vacancies in relation to Column 4 SC/ST/ OBC-A/ OBC-B	Number of vacancies carried forward on account of de-reservation SC/ST/ OBC-A/OBC-B	Remarks

APPENDIX – IIIB**Annual Return of Appointments made during the calendar year ending
on the 31st December, 19...****Name of the Department :****Name and address of the Office :****PROMOTION**

Group of Service	Name of Post	Total number of vacancies occurred General S.C./S.T.	Total number of vacancies Castes amongst them	Total number of reserved vacancies carried forward S.C. / S.T.	Total Number of reserved vacancies lapsed S.C./s.T.	Remarks

- **Statutory Liability**

- ❖ Maintenance of ROA is a must for every appointing authority
- ❖ Submission of Annual returns also is statutory liability
- ❖ Non furnishing of returns (Appendix I, II, IIIA & IIIB) attracts punishment under Sec 7 of the WB SC&ST (Reservation of Vacancies and Posts) Act, 1976

The Constitution (Scheduled Castes) Orders (Amendment) Act, 1990

No- 15 OF 1990

3rd June, 1990

An Act further to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Castes) (Union Territories) Order, 1951 and to amend the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, the Constitution (Pondicherry) Scheduled Castes Order, 1964 and the Constitution (Sikkim) Scheduled Castes Order, 1978.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows: —

- | | |
|---|---|
| Short Title
Amendment of
the constitution
(Scheduled Castes)
Order 1980 | 1. This Act may be called the Constitution (Scheduled Castes) Orders (Amendment) Act, 1990. |
| Amendment of
the constitution
(Scheduled Castes)
(Union Territories)
Order '1951 | 2. In paragraph 3 of the Constitution (Scheduled Castes) Order, 1950, for the words "or the Sikh", the words ", the Sikh or the Buddhist" shall be substituted. |
| Amendment of the
constitution
(Scheduled Castes)
(Jammu and
Kashmir) Scheduled
Castes Order 1956 | 3. In paragraph 3 of the Constitution (Scheduled Castes) (Union Territories) Order, 1951, for the words "or the Sikh", the words ", the Sikh or the Buddhist" shall be substituted. |
| Amendment of the
constitution
(Scheduled Castes)
(Jammu and
Kashmir) Scheduled
Castes Order 1956 | 4. In the proviso to paragraph 2 of the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, for the words "or the Sikh", the words ", the Sikh or the Buddhist" shall be substituted. |
| Amendment of the
constitution (Dadra
and Nagar Haveli)
Scheduled Castes
Order, 1962, | 5. In the proviso to paragraph 2 of the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, for the words "or the Sikh", the words ", the Sikh or the Buddhist" shall be substituted. |
| Amendment of the
constitution
(Pondicherry)
Scheduled Castes
Order 1964 | 6. In the proviso to paragraph 2 of the Constitution (Pondicherry) Scheduled Castes Order, 1964, for the words "or the Sikh", the words the Sikh or the Buddhist" shall be substituted. |
| Amendment of the
constitution (Sikkim)
Scheduled Castes
Order 1978 | 7. In the proviso to paragraph 2 of the Constitution, (Sikkim) Scheduled Castes Order, 1978, for the words "or the Sikh", the words " the meat Sikh or the Buddhist" shall be substituted. |

Guideline for issuance of Certificate regarding Caste/Tribe Status and permanent residence of a person

No. 280(3600)-TW/EC

17th April, 1995

From: Dr. U. K. Roy
Secretary to the Govt. of West Bengal

To: 1) The Pradhan,.....Gram Panchayat
2) The Chairman,.....Municipality/Notified Area Authority
3) The Councillor,.....Municipal Corporation,

Subject: Certificate regarding Caste/Tribe status and permanent residence of a person.

It has come to the notice of Government that Pradhans of Gram Panchayat, Chairman of Municipalities/Notified Area Authorities and Councillors of Municipal Corporation issue certificates to the Scheduled Castes and Scheduled Tribes people stating simply that the person belongs to SC and ST and resides within the jurisdiction of the Gram Panchayat, Municipality/Notified Area and Municipal Corporation. This type of certificate does not help proper verification of Caste/Tribe status and the permanent of a person applying for a Caste/Tribe Certificate.

Hence it is requested whenever Pradhan/Chairman/Councillor issues the certificate in favour of any person regarding his/her Caste/Tribe status and permanent residence, he shall specifically mention that the person or his/her father/grandfather/great grandfather or any other predecessor has been living in any particular area or areas since 1950 and that the person and his/ her predecessors belong to any of the communities mentioned in the list of Scheduled Castes/Scheduled Tribes in relation to West Bengal (list of SC & ST enclosed)

It may further be mentioned that unless these points are specifically mentioned such certificate will not carry any value for verification of the Caste/Tribe status and permanent residence of the person concerned while issuing a SC/ST certificate.

U. K. Roy

Principal Secretary to the Government of West Bengal