



GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT No. XLIV OF 1997.

THE MAHARASHTRA STATE COMMISSION
FOR SAFAI KARMACHARIES ACT, 1997.

(As modified upto the 16th August, 2013)



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MAHARASHTRA ACT No. XLIV OF 1997¹

[THE MAHARASHTRA STATE COMMISSION FOR SAFAI KARMACHARIS ACT, 1997.]

(This Act received the assent of the Governor on the 30th November 1997; assent was first published in the Maharashtra Government Gazette, Extraordinary, Part IV, on the 8th December 1997).

An Act to constitute a State Level Commission for Safai Karmacharis and to provide for matters connected therewith or incidental thereto.

WHEREAS it is expedient to enact a special law for upliftment, liberation, rehabilitation and monitoring of various welfare schemes in the State of Maharashtra by establishing the State Level Commission for Safai Karmacharis; It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Maharashtra State Commission for Safai Karmacharis Act, 1997. Short title, extent, commencement and duration.
- (2) It extends to the whole of the State of Maharashtra.
- (3) It shall come into force on such date² as the State Government may, by notification in the Official Gazette, appoint.
- (4) The term of the Commission shall be for a period of five years :
Provided that the State Government may, reduce the said term or extend the term of the Commission as deemed proper.
2. In this Act, unless the context otherwise requires,— Definitions.
- (a) "Chairperson" means the Chairperson of the Commission;
- (b) "Commission" means the Maharashtra State Commission for Safai Karmacharis constituted under section 3;
- (c) "Member" means a member of the Commission;
- (d) "prescribed" means prescribed by rules made under this Act;
- (e) "Safai Karmachari" means a person engaged in, or employed for, manually carrying human excreta or any sanitation work;
- (f) " Vice-Chairman" means Vice-Chairman of the Commission.

CHAPTER II

COMMISSION FOR SAFAI KARMACHARIS

3. (1) The State Government may, by³ notification in the Official Gazette, constitute a body to be known as the Maharashtra State Commission for Safai Karmacharis to exercise the powers conferred and to perform the functions assigned to it, under this Act. Constitution of Commission and its headquarters.
- (2) The Commission shall consist of,—
- (a) the Chairperson;

¹ For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1997, Extra-ordinary, Part V-A, Page 440.

² 12th March 1998 (vide G. N., MIS-1095/CR-98/BCWI, dated the 12th March 1998.

³ The Maharashtra State Commission for Safai Karmacharis has been constituted—see Maharashtra Government Gazette, 1998, Part IV-B, Page 1793, (vide G. N., S. W. C A., and No. MIS-1095/CR-98/BCW-1, dated the 12th March 1998.)

- (b) the Vice-Chairperson ; and
- (c) five Members,

to be nominated, by the State Government from amongst the persons engaged in social, economic, educational development and welfare of Safai Karmacharis :

Provided that at least one of the Members shall be a woman.

(3) The head quarters of the Commission shall be at a place as may be declared by the State Government, by¹ notification in the Official Gazette.

Term of office and conditions of service of Chairperson, Vice-Chairperson and Members.

4. (1) The Chairperson, the Vice-Chairperson and every Member shall hold office for such a period, not exceeding three years, as may be specified by the State Government in this behalf.

(2) The Chairperson, Vice-Chairperson or a Member may, by notice in writing addressed to State Government, resign from the office of the Chairperson, the Vice-Chairperson or as the case may be, of a Member at any time.

(3) The State Government shall remove the person from the office of the Chairperson, the Vice-Chairperson or a Member if that person,—

- (a) becomes an un-discharged 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 or discharging his duties;
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or
- (f) in the opinion of the State Government, has so abused the position of the Chairperson, the Vice-Chairperson or a Member, as to render that person's continuance in such office detrimental to the public interest :

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

(4) Notwithstanding anything contained in sub-sections (1) and (3), all the office beares of the Commission shall hold office during the pleasure of the State Government and may be removed at any time before the expiry of their term of office.

(5) A vacancy caused under sub-sections (2), (3) or (4), or otherwise shall be filled by fresh nomination and a person so nominated shall hold office for the un-expired period of the term for which his predecessor in office would have held the office if such vacancy had not arisen.

(6) The Chairperson of the Commission shall enjoy the status of the Minister of State of the Government of Maharashtra and he shall be entitled to salary and allowances payable to, and all other allowances available to the Minister of State under the Maharashtra Ministers' Salaries and Allowances Act.

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

Officers and other employees of Commission.

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 under this Act.

(2) The salaries and allowances payable to, and other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

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¹ Mumbai has been declared to be the head quarter of the Commission, by Maharashtra Government Gazette, 1998, Part IV-B, page 1794, (vide G.N., S.W.C.A. and S. Department, No. MIS-1095/CR-98/BCW-1, dated the 12th March 1998).

6. No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

Vacancy, etc. not to invalidate proceedings of Commission.

7. (1) The Commission shall meet as and when necessary and shall meet at such time and place as the Chairperson may think fit.

Procedure to be regulated by Commission.

(2) The Commission shall regulate its own procedure.

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

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

8. (1) The Commissions shall preform all or any of the following functions, namely :—

Functions and powers of Commission.

(a) recommend to the State Government specific programmes of action towards elimination of inequalities in status, facilities and opportunities for Safai Karmacharis under a time-bound action plan;

(b) study and evaluate the implementation of the programmes and schemes relating to the social and economic rehabilitation of Safai Karmacharis and make recommendations to the State Government for better co-ordination and implementation of such programmes and schemes;

(c) visit various establishments of the State Government, and semi-Government institutions and also aided institutions, and to obtain information, or to advise or make suggestions to the said institutions;

(d) investigate specified grievances and take suo-moto notice of matters relating to non-implementation of,—

(i) programmes or schemes in respect of any group of Safai Karmacharis;

(ii) decisions, guidelines or instructions aimed at mitigating the hardship of Safai Karmacharis;

(iii) measures for the social and economic upliftment of Safai Karmacharis;

(iv) the provisions of any law in its application to Safai Karmacharis, and take up such matters with the concerned authorities or with the State Government;

(e) make periodical reports to the State Government on any matter concerning Safai Karmacharis, taking into account any difficulties or disabilities being encountered by Safai Karmacharis;

(f) deal with any other matter which may be referred to it by the State Government.

(2) In the discharge of its functions under sub-section (1), the Commission shall have power to call for information with respect to any matter specified in that sub-section from State Government or local or other Semi-Government authority.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT REPORT

Grants by State Government. 9. (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 from the Consolidated Fund of the State, 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 of money shall be treated as expenditure payable out of the grants referred to in sub-section (1).

Accounts and audit. 10. (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 of the State of Maharashtra.

(2) The annual accounts of the Commission shall be audited by the Accountant General of the State 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.

(3) The Accountant General 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 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.

(4) The accounts of the Commission, as certified by the Accountant General or any other person duly appointed or authorised by him in this behalf, together with the audit report, thereon shall be forwarded annually to the State Government by the Commission.

CHAPTER V

MISCELLANEOUS

Chairperson, Vice-Chairperson, Members and staff of Commission to be public servants. 11. The Chairperson, the Vice-Chairperson, the Members, officers and other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

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State Government to consult Commission. 12. The State Government shall consult the Commission on all major policy matters affecting Safai Karmacharis.

Annual Report. 13. The Commission shall prepare its annual report, in such form and at such time, for each financial year as may be prescribed, giving a full account of its activities during the previous financial year and submit a copy thereof to the State Government.

14. (1) The State Government shall cause the annual report to be laid before each House of the State Legislature explaining the action taken or proposed to be taken on the recommendations contained therein in so far as they relate to the State Government and the reasons for non-acceptance, if any, of such recommendations.

Annual Report to be laid before Legislative Assembly.

(2) Where the said report or any part thereof relates to any matter with which Central Government is concerned, a copy of such report shall be forwarded to the Government of India for further necessary action.

15. The Commission may, by general or special order, delegate to the Chairperson, the Vice-Chairperson or any Member or to any officer of the Commission, subject to such conditions and limitations, if any, as may be specified therein, such of its powers and duties under this Act as it may deem fit.

Delegation of powers.

16. No suit, prosecution or other legal proceedings shall lie against the Chairperson, the Vice-Chairperson, the Members or any officer or other employees of the Commission and the 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.

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

Power to make rules.

(2) In particular, and without prejudice to the generality of the forgoing powers, such rules may be provided 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 Vice-Chairperson, and the Members under sub-section (7) of section 4 and officers and other employees of the Commission under sub-section (2) of section 5;

(b) the form in which the annual statement of accounts shall be prepared in consultation with the Accountant General of the State of Maharashtra under section 10;

(c) the form in, and time at, which the annual report shall be prepared and submitted under section 13;

(d) any other matter which is required to be, or may be, prescribed for the purposes of this Act.

(3) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of 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 successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall, from the date of publication of such notification, 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 or omitted to be done under that rule.

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