



The Uttar Pradesh State Commission for Backward Classes Act, 1996
Act 1 of 1996

Keyword(s):
Backward Classes, Commission, Member, Schedule

Amendments appended: 28 of 2001, 18 of 2005

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लाइसेंस व पोस्ट एट कन्सिशनल रेट

सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

व्यसाधारण

विशेषी प्रावधान

भाग-1, खण्ड (क)

(विशेषी प्रावधान)

लखनऊ, बुधवार, 5 जनवरी, 1996

भाग 1, खण्ड (क)

UTTAR PRADESH SARKAR

VISHAYI ANUBHAG—1

No. 34/XVII-V-1-1 (KA) 44-1996

Dated Lucknow, January 5, 1996

NOTIFICATION

MISCELLANEOUS

The following President's Act enacted on January 5, 1996 is published for general information:—

THE UTTAR PRADESH STATE COMMISSION FOR BACKWARD CLASSES ACT, 1996

(PRESIDENT'S ACT NO. 1 OF 1996)

[Enacted by the President in the Forty-sixth Year of the Republic of India]

AN
ACT

Amended by
28/2001

18/2005

10/2007

to constitute a Commission for the State of Uttar Pradesh for Backward Classes other than the Scheduled Castes and the Scheduled Tribes and to provide for matters Connected therewith or incidental

In exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995, the President is pleased to enact as follows :—

CHAPTER-I

Preliminary

Short title and commencement

- 1. (1) This Act may be called the Uttar Pradesh State Commission for Backward Classes Act, 1996.
- (2) It shall be deemed to have come into force on November 17, 1994.

Definitions

2. In this Act—

- (a) "backward Classes" means such classes of citizens as are defined in clause (b) of section 2 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 as amended from time to time ;
- (b) "Commission" means the State Commission for Backward Classes constituted under section 3 ;
- (c) "Member" means a Member of the Commission and includes the Chairman ;
- (d) "Schedule" means Schedule I to the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 as amended from time to time.

CHAPTER—II

The State Commission for Backward Classes

Constitution of the State Commission for Backward Classes

- 3. (1) The State Government shall constitute a body to be known as the State Commission for Backward Classes to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The headquarters of the Commission shall be at such place as the State Government may, by notification, specify.

(3) The Commission shall consist of a Chairman, two Vice-Chairman and seventeen other Member's nominated by the State Government from amongst persons of eminence, ability and integrity"

Provided that four members including the Chairman shall be from the backward classes.

Term and mode of serv

(1) The Chairman, Vice-Chairman or every other member shall hold office for a term of one year from the date he assumes office

Provided that the Chairman, Vice-Chairman or other member shall hold office as such during the pleasure of the State Government

Member.

(1-A) The provisions of sub-section (1) as amended by the Uttar Pradesh State Commission for Backward Classes (Amendment) Act, 2001 shall apply also to the Chairman and every other Member holding office immediately before the commencement of the said Act.

(1-B) The Chairman or other Member, who has attained the age of sixty-five years, on or before the commencement of the Act referred to in sub-section (1-A), shall cease to hold office as such on such commencement."

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(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 Chairman 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 appointment.

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

(6) (a) The Chairman shall be having the status of a Minister of the State.

(b) The Vice-Chairman shall be having the status of the Deputy-Minister of the State";

and conditions of service of, the Secretary and other officers and employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. The salaries and allowances payable to the Chairman 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.

Salaries and allowances to be paid out of grants

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.

Vacancies etc not to invalidate proceedings of the Commission!

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

Procedure to be regulated by the Commission

(2) The Commission shall regulate its own procedure.

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

CHAPTER—III

Functions and powers of the Commission

9. (1) The Commission shall perform all or any of the following functions, namely:—

Functions of the Commission

(a) the Commission shall examine requests for inclusion of any class of citizens as a backward class in the Schedule and hear complaints of wrong inclusion or non-inclusion of any backward class in the Schedule and tender such advice to the State as it deems appropriate:

(b) to investigate and monitor all matters relating to the safeguards provided for the backward classes under any law for the time being in force or under any order of the State Government and to evaluate the working of such safeguards ;

(c) to enquire into specific complaints with respect to the deprivation of right and safeguards of the backward classes ;

(d) to participate and advice on the planning process of socio-economic development of the backward classes and to evaluate the progress of their development ;

(e) to present to the State Government annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards ;

(f) to make in such reports recommendations, as to the measures that should be taken by the State Government for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the backward classes ; and

(g) to discharge such other function in relation to the protection, welfare, development and advancement of the backward classes as may be referred to it by the State Government.

(2) The State Government shall cause the reports of the Commission to be laid before each House of the State Legislature alongwith a memorandum explaining the action taken or proposed to be taken on the recommendations and the reason for the non-acceptance, if any, of any of such recommendations.

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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 and examining him on oath ;

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

(c) receiving evidence on affidavits ;

(d) requisitioning any public record or copy thereof from any court or office ;

(e) issuing commissions for the examination of witnesses and documents ; and

(f) any other matter which may be prescribed.

and its revision
the Schedule
the State
Government

11. (1) The State Government may at any time, and shall, at the expiration of ten years from the coming into force of the Act and every succeeding period of ten years thereafter, undertake revision of the Schedule with a view to excluding from the Schedule those classes who have ceased to be backward classes or for including in the Schedule 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

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.

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(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).

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

accounts
audit ETC

(2) The accounts of the Commission shall be audited by such auditor and at such intervals as may be prescribed.

(3) The auditor shall have such powers of requiring the production of books, accounts, connected vouchers and other documents and papers and for inspecting any of the offices of the Commission as may be prescribed.

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

Annual Report

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 both the Houses of the State Legislature.

Annual report and audit report to be laid before the state legislature

CHAPTER—V

Miscellaneous

16. The Chairman, Members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Chairman, Members and employees of the Commission to be public servants
Power to make rules

17. (1) The State Government may, by notification, make rules for carrying out the purposes 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 other terms and conditions of service of, the Chairman and Members under sub-section (8) of section 4 and of officers and other employees under sub-section (2) of section 5 ;

(b) the form in which the annual statements 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.

18. Whoever, being legally bound to obey any order or direction of the Commission under section 10, disobeys such order or direction shall be punishable under sections 174, 175, 176, 178, 179 or 180 of the Indian Penal Code, as the case may be.

Penalty

19. No court shall take cognizance of any of the offences specified in section 18 except on the complaints in writing of the Chairman or a Member or of an officer of the Commission.

Cognizance of offences

Protection of
action taken
in good faith

20. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or the rules made thereunder.

Power to remove
difficulties

21. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by a notified order, make provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient, for removing the difficulty.

(2) No order under sub-section (1) shall be made after the expiration of a period of two years from the commencement of this Act.

(3) The provisions of sub-section (1) of section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply to the order made under sub-section (1) as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.

Saving

22. Notwithstanding anything in this Act the Commission constituted by the Uttar Pradesh Government Order No. 22/16/92-Ka-2-93, dated March 9, 1993, shall be deemed to have been duly constituted under the provision of this Act and the term of three years of the Chairman and other Members of the said Commission shall be computed from the date on which they had assumed charge of their respective offices.

Repeal and
savings

23. (1) The Uttar Pradesh State Commission for Backward Classes (Second) Ordinance, 1995 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1), shall be deemed to have done or taken under this Act.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secretary to the Government of India.

Reasons for the enactment

In pursuance of the Judgement of the Hon'ble Supreme Court in the Mandal Commission Case (Indira Sahani Vs. Union of India), the State Government constituted a commission for Backward Classes by notification dated 19th March, 1993. It was decided to regulate the constitution of the said Commission by an enactment. It was further decided that besides examining the request for inclusion of any class of citizens as backward class and complaints of wrong inclusion or non-exclusion in the list of Backward Classes, the Commission may also perform other specified functions with a view to safeguard of the interest and welfare of the Backward Classes.

2. Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh State Commission for Backward Classes Ordinance, 1994 (U. P. Ordinance No. 26 of 1994) was promulgated by the Governor on the 17th November, 1994. To replace the provisions of the aforesaid Ordinance the Uttar Pradesh State Commission for Backward Classes Bill, 1995 was introduced in the Uttar Pradesh Legislative Council on the 6th February, 1995 but since the said Bill could not be passed by the Uttar Pradesh Legislative Council, the Uttar Pradesh State Commission for Backward Classes Ordinance, 1995 (U.P. Ordinance No. 12 of 1995) was promulgated by the Governor on the 30th March 1995 to keep the provisions of the

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3. Since the aforesaid Bill could not be passed in the session of the State Legislature, commencing from the 14th July, 1995, and remained pending with the Legislative Assembly, the Uttar Pradesh State Commission for Backward Classes (Second) Ordinance, 1995 (U. P. Ordinance No. 31 of 1995) was promulgated by the Governor on the 25th August, 1995 to replace the provisions of the aforesaid U. P. Ordinance No. 12 of 1995.

4. The President issued a proclamation on the 18th October, 1995 under Article 356 of the Constitution, in relation to the State of Uttar Pradesh, declaring, *inter alia*, that the powers of Legislature of the State shall be exercised by or under the authority of Parliament. Parliament has, under Article 357 (1) (a) of the Constitution, now conferred on the President, the powers of the Legislature of the State of Uttar Pradesh to make laws *vide* the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995 (2 of 1996).

5. The said Ordinance could not be replaced by an Act and the Ordinance is expiring on the 7th January, 1996. It is, therefore, decided that the said Ordinance shall be replaced by a President's Act.

6. Under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995 (2 of 1996) the President shall, before enacting any President's Act, consult a Committee constituted for the purpose consisting of the members of both the Houses of Parliament. As the said committee has yet not been constituted and the matter is very urgent, it is proposed to enact the measure without reference to the said Committee.

K. B. SAXENA,
Secretary to the Government of India.

By order,
R.D. MATHUR,
Pramukh Sachiv.

No. 2444(2)/XVII-V-1—1(KA)26-2001

Dated Lucknow, October 6, 2001

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Pichhra Varg Rajya Ayog (Sanshodhan) Adhiniyam, 2001 (Uttar Pradesh Adhiniyam Sankhya 28 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 5, 2001:—

THE UTTAR PRADESH STATE COMMISSION FOR BACKWARD CLASSES
(AMENDMENT) ACT, 2001
(U.P. ACT NO. 28 OF 2001)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

furth^r to amend the Uttar Pradesh Commission for Backward Classes Act, 1996.

IT IS HEREBY enacted in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Commission for Backward Classes (Amendment) Act, 2001.

Short title and commencement

(2) It shall be deemed to have come into force on June 8, 2001.

2. In section 4 of the Uttar Pradesh State Commission for Backward Classes Act, 1996, hereinafter referred to as the principal Act, for sub-section (1) the following sub-sections shall be substituted, namely:—

Amendment of section 4 of President's Act no. 1 of 1996

“(1) The Chairman or every other Member shall hold office for a term of three years from the date he assumes office:

Provided that no Chairman or other Member shall hold office as such after he has attained the age of sixty-five years:

Provided further that the Chairman shall not be eligible for re-appointment as Member.

(1-A) The provisions of sub-section (1) as amended by the Uttar Pradesh State Commission for Backward Classes (Amendment) Act, 2001 shall apply also to the Chairman and every other Member holding office immediately before the commencement of the said Act.

(1-B) The Chairman or other Member, who has attained the age of sixty-five years, on or before the commencement of the Act referred to in sub-section (1-A), shall cease to hold office as such on such commencement.”

Repeal and savings

3. (1) The Uttar Pradesh Commission for Backward Classes (Amendment) Ordinance, 2001 is hereby repealed.

U. P. Ordinance no. 11 of 2001

(2) Notwithstanding such repeal, any thing done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if this Act were in force at all material times.

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh State Commission for Backward Classes Act, 1996 (President's Act no. 1 of 1996) has been enacted to constitute a commission for the State of Uttar Pradesh for Backward Classes other than Scheduled Castes and Scheduled Tribes and to provide for matters connected therewith or incidental thereto. The said Act though provided for the constitution of the Commission and the term of office of its Chairman and members but it did not provide their maximum age limit till when they could hold their respective offices. It was, therefore, decided to amend the said Act to fix the maximum age of the Chairman and the members of the said Commission as sixty-five years and to provide that the Chairman and other Members of the said commission. Who have already attained the age of sixty-five years shall cease to hold office as such.

Since the State Legislature was not in session and immediate legislative measure was necessary to implement the aforesaid decision, the Uttar Pradesh State Commission for Backward Classes (Amendment) Ordinance, 2001 (U. P. Ordinance no. 11 of 2001) was promulgated by the Governor on June 8, 2001.

This Bill is introduced to replace the aforesaid Ordinance.

No. 983/VII-V-1-1(Ka) 22-2005

Lucknow : Dated August, 05, 2005

IN pursuance of the provisions of clause (3) of article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Pichhada Varg Rajya Ayog (Sanshodhan) Adhiniyam, 2005 (Uttar Pradesh Adhiniyam Sankhya 18 of 2005) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 4, 2005:—

THE UTTAR PRADESH STATE COMMISSION FOR BACKWARD CLASSES
(AMENDMENT) ACT, 2005

(U.P. Act no. 18 of 2005)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh State Commission for Backward Classes Act, 1996.

IT IS HEREBY enacted in the Fifty-sixth Year of the Republic of India.

Short title

1. (1) This Act may be called the Uttar Pradesh State Commission for Backward Classes (Amendment) Act, 2005.

Amendment of
section 4 of
President's Act
no. 1 of 1996

2. In section 4 of the Uttar Pradesh State Commission for Backward Classes (Amendment) Act, 1996,-

(a) in sub-section (1) the first proviso shall be omitted and in the second proviso for the words "Provided further that" the words "Provided that" shall be substituted.

(b) sub-sections (1-A) and (1-B) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Section 4 of the Uttar Pradesh State Commission for Backward Classes Act, 1996 provides for the Constitution of the Commission and the term of office of the Chairman and the members thereof. In accordance with the existing provisions of the said section the Chairman or every member shall hold office for term of three years from the date he assumes office or till the attaining the age of sixty-five years. In order to take advantage of persons of social background having long experience it had been decided to amend the said Act to omit the provision relating to age limit for holding office of the Chairman or the member.

The Uttar Pradesh State Commission for Backward Classes (Amendment) Bill, 2005 is introduced accordingly.

By order,
D.V. SHARMA,
Pramukh Sachiv.