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Date, Lucknow, March 23, 1995

In pursuance of the provisions of clause(3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Pichhare Vargon Ke Liya Rajya Ayog Adhyadesh, 1995 (Uttar Pradesh Adhyadesh Sankhya 12 of 1995) promulgated by the Governor.

**THE UTTAR PRADESH STATE COMMISSION FOR BACKWARD CLASSES
ORDINANCE, 1995**

U.P. Ordinance No. 12 of 1995)

(Promulgate by the Governor in the Forty-Sixth Year of the Republic of India)

**AN
ORDINANCE**

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 there with or incidental there to.

Whereas the Uttar Pradesh State Commission for backward Classes Ordinance, 1994 to provide for the aforesaid matters was promulgated by the Governor on November 17, 1994.

And, whereas, the Uttar Pradesh State Commission for Backward Classes Bill, 1995 was introduced in the Uttar Pradesh Legislature Council on February 6, 1995 to replace the said Ordinance and is pending in the said House :

And, whereas, the State Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action:

Now, Therefore, In exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance:-

CHAPTER-I
Preliminary

Short title and
Commencement

1. (1) This Ordinance may be called the Uttar Pradesh State Commission for Backward Classes Ordinance, 1995

(2) It shall be deemed to have come into force on November 17, 1994

Definition

2. In this Ordinance -

(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 Caste, 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 Ordinance.

(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 and four others members 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 of Office
and condition

4. (1) The Chairman and every other member shall hold office for a term of three years from the date he assumes office.

(2) A Member may, by writing under his hand addressed to the Governor, resign from the office of Chairman or, as the case may be, of Member at any time but shall continue to hold office until his resignation is accepted.

(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 Chairman or Member as to render that person's continuance in office detrimental to the interests or backward classes to 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 the other terms and conditions of service of the Chairman and Members shall be such as may be prescribed.

Officers and other employees of the commission

5. (1) The State Government shall provide the Commission with a Secretary and such other officers and employees as may be necessary for the efficient performance of the functions of the Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the Secretary and the other officers and 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 Chairman and Members and the administrative expenses, including salaries, allowances and pensions payable to the officer 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

8. (1) The Commission shall meet as and when necessary

be regulated
by the
Commission

at such time and place as the Chairman may think fit.

(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

Function and powers of the Commission

Function of the
Commission

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

(a) 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 Government 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 rights and safeguard 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 developments 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.

Powers of the
Commission

10. The Commission shall, while performing its functions under subsection (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 there or from any court or office :
- (e) issuing commissions for the examination of witnesses and documents : and
- (f) any other matter which may be prescribed.

Periodic revision of the Schedule by 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 this Ordinance and every succeeding period of ten years thereafter, undertake revision of the Schedule with a view of 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

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 Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Ordinance.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Ordinance and such sums shall be treated as expenditure payable out of the grants referred to in subsection (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 and manner as may be prescribed.

(2) The account 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.

Annual Report

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

Annual report
and audit
report to be
laid before the
State
Legislature

forward a copy there of to the State Government.

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 such advice, and the audit report to be laid as soon as may be after they are received before both the Houses of State Legislature.

CHAPTER-V
Miscellaneous

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

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

Power to make
rules;

17. (1) The State Government may, by notification make rules for carrying out the purposes of this Ordinance.

(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 subsection (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.

Penalty

18. Whoever, being legally bound to obey any order or direction of 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.

Cognizance of
offence

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 authorised in this behalf by the Commission.

Protection of
Action taken in

20. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or

good faith

intended to be done in pursuance of the provisions of this Ordinance or the rules made there under.

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 Ordinance 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 Ordinance.

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

Saving

22. Notwithstanding anything in this Ordinance the Commission constituted by the Uttar Pradesh Govt. order No. 22/16/92-Ka-2-93, dated March 9, 1993, shall be deemed to have been duly constituted under the provisions of this Ordinance 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 Ordinance, 1994 is hereby repealed.

**Backward
Classes
Ordinance
of 1926**

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

MOTILAL VORA

Governor
Uttar Pradesh

By order
N.K. NARANG,
Pramukh Sachiv