

ASSAM BACKWARD CLASSES COMMISSION ACT, 1993

Registered No. A—12 THE ASSAM GAZETTE 10 EXTRAORDINARY to PUBLISHED BY AUTHORITY 138 2 3 No. 138 Wednesday 2nd November, 1993, 3rd Aagrahayana, 1915 GOVERNMENT OF ASSAM 3rd ORDERS BY "THE GOVERNOR LEGISLATIVE DEPARTMENT : LEGISLATIVE BRANCH NOTIFICATION The 5th November 1993 No.LGL.27/93/710--The Act of the Assam -Legislative Assembly with the assent of the Governor or Assam is hereby published for general information, 994 THE ASSAM GAZETTE, EXTRAORDINARY, NOV. 24, 1993 ASSAM ACT XVII OF 1993, (Received the assent of the Governor on 4th November, 1993.) THE ASSAM BACKWARD CLASSES COMMISSION Preamble. Short title, extent and commencement. Definitions ACT, 1993 ACT Whereas it is expedient to provide for the constitution of a Commission for Backward Classes other than the Scheduled Castes and Scheduled Tribes to streamline and rationalise the procedure for inclusion or over inclusion of any class or classes of citizens in the list of Backward Classes including More Other Backward Classes to provide reservation of vacancies in services and posts for the members of socially and economically backward sections of the society and for matters connected therewith or incidental thereto. It is hereby enacted in the Forty-fourth Year of the Republic of India as follows : 1

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CHAPTER 1 PRELIMINARY (1) This Act may be called the Assam Backward Classes Commission Act, 1993. (2) It shall be deemed to have come into force on the 8th day of June, 1993. (3) It extends to the whole of the State of Assam. In this Act unless the context otherwise requires . (a) 'Backward Classes' 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 ; THE ASSAM GAZETTE, EXTRAORDINARY, NOV. 24.1993 995 (b) 'Commission' means the Assam Backward Classes Commission constituted under section 3 ; (c) 'Government' means the Government of Assam ; (d) 'lists' means lists prepared by the Government from time to time for the purposes of making provision for the reservation of appointments or posts in favour of backward classes of citizens which in the opinion of the Government are not adequately represented in the services under the Government and any local or other Authority under the contract of the Government • (e) 'member' means a member of the Commission and included the Chairperson (f) 'prescribed' means prescribed by the rules made- under this Act (g) 'notification' means notification published in the Official Gazette

CHAPTER 11 THE ASSAM BACKWARD CLASSES Constitution 1) of the Commission. (2) (a) (b) COMMISSION The Government shall, by notification, constitute a body to be known as the Assam Backward Classes Commission to exercise the powers conferred on, and to perform the functions assigned to it under this Act. The Commission shall consist of the following members nominated by the Government :- a Chairperson, who is or has been a Judge of the Supreme Court or -a High Court a Social-Scientist 996 THE ASSAM GAZETTE EXTRAORDINARY NOV. 24, 1993 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 Government in the rank of a Secretary to the Government of Assam, 50) Every member shall hold office for a term of three years from the date he assumes office. Term, Of •and office. conditions p' service of" Chairperson and member (2); A member may, by writing under his hand addressed to the Government, resign from the office of the Chairperson or as the case may be, of member at any time, •eijj (b) (c) (d) (C) The Government shall remove a person from the office of the member if that person,-- becomes an undischarged insolvent; or is convicted and sentenced to imprisonment for an offence which* in the opinion of the Government involves moral turpitude; or becomes of unsound mind and stands so declared by a Competent Court; or refuses -to become, incapable of acting; or is, without obtaining leave of absence from the Commission absents for three consecutive meetings of the Commission; or (f) has, in the opinion of the 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 interests : Provide that no person shall be removed under this clause until that person ASSAM GAZETTE, EXTRAORDINARY NOV. 24, 1993 997 (4) (5) has been given an opportunity of being heard in the matter. A vacancy, caused under sub-section (2), or, otherwise shall be filled by fresh nomination The salaries and allowances payable to and other terms and conditions of

servicew of the Chairperson and members shall be such as may be prescribed Officers and yeas of the Commission . ati Salaries & Allowances to be paid out of gra- nts. 5. (1) The Government shall provide the Commi- ssion with such Officers and employees as may be necessary for the efficient perfor- mance of the functions of the Commission, (2) The salaries and allowances, payable to and 6, the Other terms and conditions of service of the officers and other employees appoin- ted for the purpose of the CommsS10n Shall be such as may be prescribed, The salaries and allowances payable to the Chairperson and members and the admi- nistrative expenses, including salaries, allo- wancesu and pensions payable to the om- cers and other employees referred to in Section 5, shall be paid out of the grants referred to in sub-section (1) of Section 12, 7. No Aet or proceeding orthe Commission Vacancies etc. not to inva;idate shall be invalid on the ground merely of the existence of anyo vacancy or defect in proc eeding of the Commission' Procedure to be regu- rated by the Commission; the constitution o' 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 998 THE ASSAM GAZETTE, EXTRAORDINARY, NOV. 24, 1993 Functions of the Commi- 'tion. Powers of the Commi- "ion. Periodic or any other officer of the Commission duly authorised by the Member-Secretary in this behalf

CHAPTER 111 FUNCTIONS AND POWERS 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 Govern ment as it deems appropriate• (2) The advice of the Commission shall ordi- narily be binding upon the Government

10. The Commission shall, while performing its functions under sub-section (1) of S ection 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 Assam and examining him or oath • (b) requiringm the discovery and production of any document ; (c) receiving evidence on affidavits ; (d) requisitcning 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.

11.(1) The Government may, at any time and revision of lists by the shall, at the expiration of ten years from the Government.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 THE ASSAM GAZETTE, EXTRAORDINARY, NOV. 24, 1993 999 classes or for including in such lists new backward classes. (2) The Government shall, while undertaking any revision referred to in sub-section (1) consult the Commission. CHAPTER—IV FINANCE, ACCOUNTS AND AUDIT Grants by 12.(1) The Government shall, after due the Govern- appropriation made by Legislative Assembly by law mente in this behalf pay to the Commission by way of grants such Sums of money as the Government may think fit for being utilised for the purpose 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 expen- diture payable out of the grants referred to in sub-section (1) • 13. (1) The Commission shall maintain proper Accounts and Audit. accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescri bed by the Government in consul- tation with the Accountant General of Assam. (2) Æhe Accounts of- the Commission shall be audited by the Accountant General 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, 4 -accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission, 1000 THE ASSAM GAZETTE, EXTRAORDINARY, NOV. 24, }1993 14. The Commission shall prepare, in such form Annual report. and k 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 Government

the successive session aforesaid, the assembly agrees that the rule should not be made, the rule shall be without prejudice to the validity of any provision made by or no for removing the difficulty. (2) Every rule made under this Act shall be laid before the Assam Legislative Assembly.

Assam Ordinance No I of 1993

ICC-40044-11-93, Assam,