

## ACTS AND RULES ON WEST BENGAL COMMISSION FOR BACKWARD CLASSES

### (a) THE WEST BENGAL COMMISSION FOR BACKWARD CLASSES ACT, 1993.

GOVERNMENT OF WEST BENGAL  
LAW DEPARTMENT  
Legislative

#### NOTIFICATION

**No. 427-L.—15<sup>th</sup> 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 15<sup>th</sup> 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*

1. **Short title, extent and commencement** (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.

2. **Definitions** 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" means 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*

3. **Constitution of the Commission for Backward Classes**
- (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. **Terms of office and conditions of service of Chairperson and Members.**
- (1) Every 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 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.

**Officers and other employees of the Commission**

- (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.
- (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.

6.

**Salaries and allowances to be paid out of grants**

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.

7.

**Vacancies etc. not to invalidate proceedings of the Commission**

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.

8.

**Procedure to be regulated by the Commission**

- (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***

9.

**Functions of  
the  
Commission**

(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

10.

**Powers of  
the  
Commission**

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.

11.

**Periodic  
revision of  
the lists by  
the Central  
Govt.**

(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

12.

**Grants by  
the State  
Government**

- (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).

13.

**Accounts  
and audit**

- (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 interval 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 the 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.

14.

**Annual  
Report**

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

15.

**Annual Report  
and audit report  
to be laid before  
the legislature**

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

16.

**Chairperson,  
Members and  
employees of the  
Commission to  
be public  
servants**

The Chairperson, Members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the **45 of 1860** Indian Penal Code.

17.

**Power to make  
rules**

(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 subsection (2) of section 5;
- (b) the form in which the annual statement of accounts shall be maintained under subsection (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.

18.

**Power to  
remove  
difficulties**

(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*

**(b) THE WEST BENGAL COMMISSION FOR BACKWARD CLASSES RULES,  
1993.**

**GOVERNMENT OF WEST BENGAL  
Scheduled Castes & Tribes Welfare Department**

No. 604-TW/EC

*Calcutta, the 25<sup>th</sup> November, 1993.*

**NOTIFICATION**

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. Travelling 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 travelling 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 transaction 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 of various purchases made (rule 103 of the West Bengal Financial Rules, Volume I);
- (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.....

## APPENDIX II

*(See Rule 9)*

### Form of Annual Report

## **Annual Report of the West Bengal Backward Classes Commission for the financial year.....**

1. Total number of applications received for Inclusion of any class of Citizens as a backward class .....  
.....
  2. 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*

## **NOTIFICATIONS CONSTITUTING THE COMMISSION SINCE ITS INCEPTION**

### **1.**

#### **GOVERNMENT OF WEST BENGAL Scheduled Castes and Tribes Welfare Department**

#### **NOTIFICATION\***

No. 153-TW/EC

Calcutta, the 15<sup>th</sup> March, 1993

In exercise of the power conferred by section 3 of the West Bengal Commission for Backward Classes ACT, 1993 (West Ben. Act I of 1993), the Governor is pleased hereby to constitute, with effect from the 15<sup>th</sup> day of March, 1993, 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 the said Act.

2. The Commission shall consist of the following members nominated by the State Government :--

- |     |   |                      |
|-----|---|----------------------|
| (1) | Justice A. N. Sen,<br>Retired Judge,<br>Supreme Court Of India.   | ....Chairperson;     |
| (2) | Dr. Ramen Poddar,<br>Retired Vice-Chancellor,<br>Calcutta University.                                       | ....Member;          |
| (3) | Dr. Bela Bhattacharjee,<br>Head of the Department,<br>Anthropology,<br>Vidyasagar University,<br>Midnapore. | ....Member;          |
| (4) | Shri Amal Kumar Das<br>Ex-Director,<br>Cultural Research Institute,<br>Government of West Bengal.           | ....Member; and      |
| (5) | Sri P. Vanamali,<br>Special Secretary,<br>Home Department,<br>Government of West Bengal.                    | ....Member-Secretary |

3. Every member shall hold office for a term of three years from the date he assumes office as provided for in sub-section (1) of section 4 of the said Act.

By order of the Governor,  
**K. K. NASKAR,**  
*Secretary to the Govt. of West Bengal*

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\* Published in Calcutta Gazette Extraordinary, dated the 15<sup>th</sup> March, 1993

2.

**GOVERNMENT OF WEST BENGAL**  
**Scheduled Castes and Tribes Welfare Department**

**NOTIFICATION<sup>1</sup>**

No. 595-TW/EC.—17<sup>th</sup> November, 1993.—In exercise of the power conferred by section 3 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 amendment in this Department's notification No. 153-TW/EC, dated the 15<sup>th</sup> March, 1993 (hereinafter referred to as the said Notification):—

**Amendment**

In the said Notification, in paragraph 2, for item (5) and the entries relating thereto, substitute the following items and entries :—

“(5) Shri J. Misra,  
Retired Secretary to the  
Govt. of West Bengal  
....Member-Secretary.”

By order of the Governor,  
**V. SUBRAMANIAN,**  
*Secretary to the Govt. of West Bengal*

3.

**GOVERNMENT OF WEST BENGAL**  
**Scheduled Castes and Tribes Welfare Department**  
Writers' Buildings, Calcutta

No. 449-TW/EC  
1996

Calcutta, the 23<sup>rd</sup> December,

**NOTIFICATION<sup>2</sup>**

In exercise of the powers conferred by sub-section (2) of section 3 of the West Bengal Commission for Backward Classes Act, 1993 (West Bengal Act I, 1993), the Governor is pleased to re-nominate the following members of the West Bengal Commission for Backward Classes on expiry of their term, as members of the said Commission for a further term of three years with effect from the date of their assuming office.

I. Justice A. N. Sen, Retd. Judge,  
Supreme Court of India. ....Chairperson

<sup>1</sup> Published in Calcutta Gazette, Extraordinary, dated the 21<sup>st</sup> January, 1994

<sup>2</sup> Published in Calcutta Gazette, Extraordinary, dated the 23<sup>rd</sup> December, 1996.

- |    |   |      |                         |
|----|---|------|-------------------------|
| 2. | Dr. Ramen Poddar, Vice-Chancellor<br>Calcutta University.   | .... | <i>Member</i>           |
| 3. | Dr. Bela Bhattacharjee, Reader,<br>the Deptt. of Anthropology,<br>Vidyasagar University, Midnapore. | .... | <i>Member</i>           |
| 4. | Sri Amal Kr. Das, Ex-Director, C.R.I.<br>Govt. of West Bengal                                       | .... | <i>Member</i>           |
| 5. | Shri J. Misra I. A. S. (Retd.)  | .... | <i>Member-Secretary</i> |

By order of the Governor,  
**U. K. RAY**  
*Secy. to the Govt. of West Bengal*

## 4.

### **GOVERNMENT OF WEST BENGAL** **Backward Classes Welfare department**

#### **NOTIFICATION\***

No. 145-BCW/MR—279/99

Calcutta, the 10<sup>th</sup> January, 2000

In exercise of the power conferred by section 3 of the West Bengal Commission for Backward Classes Act, 1993 (West Ben. Act I of 1993), he Governor is pleased hereby to reconstitute, with immediate effect, the West Bengal Commission for Backward Classes consisting of the following members to exercise the powers conferred on, and to perform the functions assigned to, it under the said Act:—

- (1) Justice Ganendra Nath Roy, .. *Chairperson;*  
BE-265, Salt Lake, Sector-I,  
Calcutta-700064
- (2) Dr. Buddhadeb Chaudhury, .. *Member;*  
Department of Anthropology,  
University of Calcutta,  
Ballygunge Circular Road,  
Calcutta—700019
- (3) Dr. Ramendra Nath Poddar, .. *Member;*  
CF-62, Salt lake City,  
Calcutta-700064

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\* Published in the Calcutta Gazette, Extraordinary dated 10<sup>th</sup> January, 2000

- (4) Dr. Bharati Mukherjee, .. *Member;*  
     Department of Political Science,  
     University of Calcutta
- (5) Shri Syed Zakir Hussain, IAS .. *Member-Secretary*

2. Every Member of the Commission shall hold office for a term of three years from the date he/she assumes office as provided in sub-section (1) of section 4 of the said Act.

By order of the Governor,  
**SMT. K. JHALA**  
*Principal Secy. and Secy. Backward Classes  
     Welfare Department, Govt. of West Bengal*

## 5.

**GOVERNMENT OF WEST BENGAL**  
**Backward Classes Welfare Department**  
     Writers' Buildings

No. 2247-BCW

Calcutta, the 18<sup>th</sup> May, 2000

### **NOTIFICATION\***

#### *Corrigendum*

In this department notification No. 145-BCW/MR—279/99, dated the 10<sup>th</sup> January, 2000, published in part I of the *Calcutta Gazette, Extraordinary*, dated the 10<sup>th</sup> January, 2000, in the column on the left side.—

- (1) In entry against serial (1), for the words “Justice Ganendra Nath Roy,” *read* the words “Justice Ganendra Narayan Roy”, and
- (2) In the entry against serial (3), for the letters and words “Dr. Ramendra Nath Poddar”, *read* the letters and words “Dr. Ramen Poddar”.

By order of the Governor,  
**Smt. K. JHALA**  
*Principal Secy. to the Govt. and  
     Secy., Backward Classes Welfare Department,  
     Govt. of West Bengal*

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\* Published in the Calcutta Gazette, Extraordinary, dated the 18<sup>th</sup> May, 2000