

(TO BE PUBLISHED IN PART IV OF DELHI GAZETTE)
EXTRAORDINARY

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
(WELFARE OF SC/ST/OBC DEPARTMENT)
OLD SECRETARIAT, DELHI-110054

NO.F.28(93)/91-92/SCST/P&S/110-124

Dated: 20.4.1993

NOTIFICATION

No.1. F.28(93)/91-92/SCST/P&S/109: WHEREAS the Hon'ble Supreme Court of India in its judgement dated 16th November, 1992 in the W.P. (Civil) No.930 of 1990 (Indira Sawhney and Ors. Vs. Union of India and Ors) has directed that a permanent body be constituted for entertaining, examining and recommending upon requests for inclusion and complaints of over-inclusion and under-inclusion in the lists of other Backward Classes of citizens:

2. NOW, THEREFORE, in compliance with the said directions of the Hon'ble Supreme Court of India, I, P.K. Dave, Lt. Governor of National Capital Territory of Delhi in exercise of the powers conferred by Article 239, read with Article 16(4) of the constitution of India, hereby constitute a permanent body for the said purpose to be known as the 'Commission for Other Backward Classes of the National Capital Territory of Delhi' consisting of five persons as follows:-

- (a) A Chairperson, who is or has been a Judge of a High Court or the Supreme Court.
- (b) Chairperson, Delhi Social Welfare Advisory Board (Member-Ex-officio)
- (c) Two non-official Members, who have special knowledge in matters relating to backward classes, to be nominated by the Government.
- (d) Financial Commissioner, Government of National Capital Territory of Delhi (Member Secretary-Ex officio)

Note: The non-official members shall be part-time members.

3. The terms and conditions of service of the members, functions and powers, funds and accounts etc. of the Commission are as under:

(1) TERMS OF OFFICE AND CONDITIONS OF SERVICE OF THE CHAIRPERSON AND MEMBERS :

- (a) The Chairperson and other members shall hold office for a term of three years from the date they assume charge of their office.
- (b) A member other than an ex-officio member may by writing under his/her hand addressed to the Government resign from the office of Chairperson or of Member, as the case may be, at any time.

- (c) The Government shall remove a person from the office of member, if that person-
- (i) becomes an undischarged insolvent;
 - (ii) is convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude;
 - (iii) becomes of unsound mind and stands so declared by a competent court,
 - (iv) refuses to act or becomes incapable of acting as such;
 - (v) remains absent without obtaining leave of absence from the Commission, from three consecutive meetings of the Commission; or
 - (vi) has, in the opinion of the Government, so abused the positions 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 unless and until that person has been given an opportunity of being heard in the matter.
- (d) A vacancy caused under clause (b) or otherwise shall be filled by fresh nomination.
- (e) The salaries and allowances payable to and the other terms and conditions of service of the Chairperson and other members shall be such as may be prescribed.

(2) OFFICERS AND OTHER EMPLOYEES OF THE COMMISSION :

- (a) The Government shall provide the Commission with such officers and subordinate employees and assessors as may be necessary for the efficient performance of the functions of the Commission.
- (b) The salaries and allowance payable to and the other terms and conditions of service of the officers and other employees including assessors appointed for the purpose of the Commission shall be such as may be prescribed by the Government.

(3) SALARIES AND ALLOWANCES TO BE PAID OUT OF GRANTS :

The salaries and allowances payable to be Chairperson and Members and the other administrative expenses, including salaries, allowances and pensions payable to the officers and other employees including assessors shall be paid out of the grants referred to in sub-clause 4(a) of clause (9) hereinafter.

(4) VACANCIES ETC. NOT TO INVALIDATE PROCEEDINGS OF THE COMMISSION

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

(5) PROCEDURE TO BE REGULATED BY THE COMMISSION :

- (a) The Commission shall regulate its own procedure.
- (b) The Commission shall have its headquarters at Delhi but may meet as and when necessary at such place(s) and time as the Chairperson may deem fit.
- (c) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorized by the Member Secretary in this behalf.

(6) FUNCTIONS OF THE COMMISSION :

- (a) 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 Government as it deem appropriate.
- (b) The advice of the Commission shall ordinarily be final and binding upon the Government.

(7) POWERS OF THE COMMISSION:

The Commission shall, while performing its functions under sub-clause (a) of clause (6) above, 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/her on oath;
- (b) requiring the discovery and production of any documents;
- (c) receiving evidence on affidavit(s)
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for examination of witnesses and documents; and
- (f) any other matter, which may be prescribed.

(8) PERIODIC REVISION OF LISTS BY THE GOVERNMENT :

- (a) The Government may, at any time, and shall, at the expiration of ten years from the date of publication of this Notification in the Official Gazette and every succeeding period of ten years thereafter, undertake revision of the lists with a view to excluding from such lists those classes which have ceased to be backward or for including in such lists any new backward classes they deem fit for inclusion.
- (b) The Government shall, while undertaking any revision referred to in sub-clause (a) above, consult the Commission.

(9) GRANTS BY THE GOVERNMENT :

- (a) The Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants, such sums of money as the Government deem fit for being utilized for the purposes of this Commission.
- (b) The Commission may spend such sums as it deems fit for performing its functions and such sums shall be treated as expenditure payable out of the grants referred to in sub-clause (a) above.

(10) ACCOUNTS AND AUDITS :

- (a) The Commission shall maintain proper accounts and other relevant records and also prepare an Annual Statement of accounts in such form, as may be prescribed by the Government.
- (b) The accounts of the Commission shall be audited at such intervals as may be specified by the Government and any expenditure incurred in connection therewith shall be payable by the Commission.
- (c) Any person appointed by the Government in connection with the audit of the accounts of the Commission shall have the same rights and privilege and the authority in connection with such audit as the Comptroller and Auditor General generally has in connection with the audit of Government accounts and, particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers, as he may consider necessary, and to inspect any of the officers of the Commission.

(11) ANNUAL REPORT :

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

(12) ANNUAL REPORT AND AUDIT REPORT TO BE LAID BEFORE PARLIAMENT :

The Government shall cause the Annual Report, together with a memorandum of Action taken on the advice tendered by the Commission under clause (6) and the reasons for the non-acceptance, if any, of such advice and Audit Report to be laid as soon as received before each House of Parliament.

(13) CHAIRPERSON, MEMBERS AND EMPLOYEES OF THE COMMISSION TO BE PUBLIC SERVANTS :

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

(14) MISCELLANEOUS :

The Government may, by notification in the Official Gazette, make regulations to 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 and of officers and other employees;
- (b) The form in which the Annual Statement of Accounts shall be maintained;
- (c) The form in, and the time at which the Annual Report shall be prepared and submitted in the Government; and
- (d) Any other matter which is required to be, or may be prescribed.

(15) POWER TO REMOVE DOUBTS OR DIFFICULTIES :

If any difficulty arises in giving effect in the provisions hereinabove prescribed, the Government may, by order, to be published in the Official Gazette, make suitable provisions, not inconsistent with the provisions hereinabove given for removal of doubts or difficulties, if any.

(16) EXPLANATION:

For the purpose of this Notification:-

- i) "Backward Classes" means such backward classes of citizens other than the Scheduled Castes & Scheduled Tribes as may be specified by the Government of National Capital Territory of Delhi in the lists.
- ii) "Government" means the Government of National Capital Territory of Delhi.
- iii) "lists" means lists prepared by the Government of National Capital Territory of Delhi from time to time for purposes of making provisions 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 owned or controlled by the Government.
- iv) "Member" means a member of the Commission and includes the Chairperson.

Sd/-

(P.K. DAVE)

LIEUTENANT GOVERNOR

No.F.28(93)/91-92/SCST/P&S/110-124

Dated: 20.4.1993

Copy to:

1. Secretary, Public Relations Department (in duplicate) for favour of publication in the Delhi Gazette Extraordinary Part IV of today's date with the request that 100 copies of the gazette may kindly be supplied for department use.
2. Secretary, Ministry of Welfare , Shastri Bhawan, New Delhi.
3. Secretary, Ministry of Home Affairs, North Block, New Delhi.
4. Secretary to Lt. Governor, G.N.C.T., Delhi.
5. OSD to Chief Secretary, G.N.C.T, Delhi
6. Secretary (Social Welfare), G.N.C.T, Delhi
7. Secretary (Services Deptt.), G.N.C.T. Delhi.
8. Law Deptt., G.N.C.T., Delhi.
9. Language Department, G.N.C.T, Delhi
10. PS to Secretary (SC/ST), GNCT Delhi.
11. PA to J.S (Planning), GNCT Delhi
12. SS (SC/ST) GNCT Delhi
13. Guard File.

Sd/-

(ARVIND RAY)

JOINT SECRETARY (PLANNING)

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
(DEPARTMENT FOR THE WELFARE OF SC/ST/OBC/MINORITIES)
2ND FLOOR, B-BLOCK, VIKAS BHAWAN, NEW DELHI-110002.

No. F. 8(4)/2003-04/DSCST/SCP/OBC/10513 Dated the 1-12-2006

NOTIFICATION

No. F.8(4)/2003-04/DSCST/SCP/OBC/10513 The Lt. Governor of the National Capital Territory of Delhi, is hereby amends, as under, the constitution of the Commission for Other Backward Classes, Government of National Capital Territory of Delhi notified by this Government's Notification No. F.28(93)/91-92/SC/ST/P&S/109 dated the 20th April, 1993, namely :-

In place of "A Chairperson, who is or has been Judge of a High Court or the Supreme Court" contained in sub-clause (a) of para 2 of the above mentioned notification, the following words are substituted: -

" A Chairperson, who has been a Judge of the High Court or a retired or serving civil servant or a prominent public figure".

By order and in the name of the
Lt. Governor of the National Capital
Territory of Delhi,

(R.K. SRIVASTAVA)
SECRETARY (SC/ST/OBC/MINORITIES)

No. F. 8(4)/2003-04/DSCST/SCP/OBC/1051430 Dated the 1-12-2006

1. Secretary (GAD), Govt. of NCT of Delhi of Delhi (In duplicate) for favour of publication in the Delhi Gazette (Extra-ordinary) Part IV. 20 copies of the Gazette may kindly be supplied to this Deptt. for official use.

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20/12/06

2. Secretary, Dte. for Information and Publicity, Govt. of NCT of Delhi of Delhi, Old Secretariat, Delhi.
3. Under Secretary, Ministry of Social Justice and Empowerment, Govt. of India, Trikot-II Building, R.K. Puram, New Delhi.
4. Secretary, Ministry of Home Affairs, Govt. of India, North Block, New Delhi.
5. Secretary to Lt. Governor, Delhi.
6. Pr. Secretary to Chief Minister, Delhi.
7. Secretary to all the Ministers, Govt. of NCT of Delhi of Delhi, Delhi Sectt., New Delhi.
8. OSD to Chief Secretary, Delhi.
9. Secretary (Services), Govt. of NCT of Delhi of Delhi.
10. Secretary (Law), Govt. of NCT of Delhi.
11. Secretary (Language), Govt. of NCT of Delhi.
12. Member Secretary, Commission for OBC, Govt. of NCT of Delhi, 5th Floor, Vikas Minar, IP Estate, New Delhi.
13. Divisional Commissioner, Govt. of NCT of Delhi, 5, Sham Nath Marg, Delhi-110054.
14. All Pr. Secretaries/Secretaries/HODs, Govt. of NCT of Delhi.
15. All Heads of Autonomous Bodies functioning under Govt. of NCT of Delhi.
16. Dy. Director (SC/ST), Govt. of NCT of Delhi.
17. Guard File.

(Signature)
(R.K. SRIVASTAVA)
SECRETARY (SC/ST/OBC/MINORITIES)