

MANIPUR GAZETTE



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GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, the 13th June, 2006

No. 2/46/2005-Leg/L.— The following Act of the Legislature, Manipur which recieved assent of the President of India on 29-5-2006 is hereby published in the Manipur Gazette.

THE MANIPUR STATE COMMISSION FOR OTHER BACKWARD CLASSES ACT, 2006 (Manipur Act No. 12 of 2006)

An

Act

to constitute a Commission for the Backward Classes other than the Scheduled Castes and the Scheduled Tribes in the State of Manipur and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of Manipur in the Fifty-seventh Year of the Republic of India as follows:-

CHAPTER - I PRELIMINARY

1. Short title, extent and commencement:

- (1) This Act may be called the Manipur State Commission for Other Backward Classes Act, 2006.

- (2) It extends to the whole of the State of Manipur.
- (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.
2. Definitions:- In this Act unless the context otherwise requires:-
- (a) "Other Backward Classes" for the purpose of this Act means such backward classes of domiciles of Manipur other than the Scheduled Castes and the Scheduled Tribes as may be specified by the State Government in the lists;
- (b) "Commission" means the Manipur State Commission for Other Backward Classes constituted under section 3;
- (c) "Government" means the State Government of Manipur;
- (d) "lists" means lists prepared by the Government from time to time for the purposes of making provision for the reservation of seats in educational institutions and for reservation of appointments of posts in favour of other backward classes of citizens which, in the opinion of the Government, are not adequately represented in educational institutions and the services under the Government and in any local authority or other authority in the State;
- (e) "Member" means a member of the Commission and includes the Chairperson;
- (f) "notification" means a notification published in the Manipur Gazette and the word 'notified' shall be construed accordingly;
- (g) "prescribed" means prescribed by rules made under this Act.

CHAPTER - II

MANIPUR STATE COMMISSION FOR OTHER BACKWARD CLASSES.

Constitution of the Manipur State Commission for Other Backward Classes:-

- (1) The Government may constitute a body to be known as the Manipur State Commission for Other 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 Government:-
- (a) a Chairperson who is or has been a Judge of High Court or a retired Judge of the Supreme Court ;
- (b) two persons who have special knowledge or working experience in matters relating to backward classes, their problems and their socioeconomic conditions, and

- (c) a Member- Secretary who shall be an officer of the Government in the rank of Secretary to the Government.

4. Term of office and conditions of service of Chairperson and Members: -

- (1) Every Member shall hold office for a term of one year from the date he assumes office.

- (2) A Member may by writing under his hand addressed to the Government, resign from the office of Chairperson or Member, as the case may be, at any time.

- (3) The Government may remove a Member from his office if he -

- (a) becomes an undischarged insolvent;
- (b) is convicted and sentenced to imprisonment for an offence which in the opinion of the 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) without obtaining leave of absence from the Commission, absents himself from three consecutive meetings of the Commission;
- (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 other backward classes or the public interest.

Provided that no Member shall be removed under this sub-section until that Member has been given an opportunity of being heard in the matter.

- (4) A vacancy caused under sub-section (2) or otherwise shall be filled in 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 Government may 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 :-

- (a) The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit;
- (b) The Commission shall regulate its own procedure ;
- (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.

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 Other Backward Classes in the lists and hear complaints of over inclusion or under inclusion of any such other backward classes in such list and tender such advice to the Government as it deems appropriate.
- (2) The Commission shall examine and make recommendation to the State Government about suitable percentages of different Other Backward Classes for reservation of seats in admission to professional and technical courses such as Medical, Engineering, Agriculture, Veterinary, Nursing and Paramedical Courses etc. as well as reservation in appointments to the posts/services under the State Government as well as any other authority under the control of State Government or funded either wholly or partly by the State Government.
- (3) The Commission may suggest any other measures for upliftment of socially, economically and educationally backward sections among the Other Backward

Classes and make recommendations on any other matter relating to other backward classes that may be referred to it by the Government from time to time.

- (4) It shall be competent for the Commission at the request of the Government to make an interim report in regard to any castes or classes in whose cases urgent action under the Act is, in the opinion of the Government, necessary. Any action taken by the Government on the basis of such report shall be subject to review with prospective effect as and when the final report of the Commission is received.
- (5) The Commission shall enquire into specific complaints with respect to the non-observance of the rule of reservation in the admissions into educational institutions and also reservation of appointments to posts /services under the Government and other local authority or other authority in the State, as applicable to the listed Other Backward Classes and furnish its report to the Government.

10. Powers of the Commission:-

The Commission shall while performing its functions under sub-section (1) of section 9, shall 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 State and examining him on oath ;
- (b) requiring the discovery and production of any document ;
- (c) receiving the discovery and production of any document ;
- (d) requisitioning any public record or copy thereof from any court or office ;
- (e) issuing commissions for the examinations of witnesses and documents; and
- (f) any other matter which may be prescribed .

11. Periodic revision of list by the Government:-

- (1) The 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 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 Government:-

- (1) The Government shall after due appropriation made by the Legislative Assembly by law in this behalf, pay to the Commission by way of grants such sums of money as the Government may think fit for being utilized for the purpose of this Act.
- (2) The Commission may spend such sums as it thinks fit for performing the function 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 Government in consultation with the Accountant General, Manipur.
- (2) The accounts of the Commission shall be audited by the Accountant General, Manipur 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, Manipur.
- (3) The Accountant General, Manipur 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, Manipur generally has in connection with the audit of 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 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.

15. Annual Report and audit report to be laid before Assembly:-

The 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 legislative Assembly.

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 Indian Penal Code.

17. Powers to make rules:-

- (1) The Government may, by notification in the Official Gazette, make rules for carrying out all or any of 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 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 sub-section (2) of section 5;
 - (b) The form in which the annual statement of accounts shall be maintained under sub-section (1) of section 13;
 - (c) The form and time of 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 immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the amendment of the rule, the rule shall, from the date on which the modification or amendment is notified have effect only in such modified forms or shall stand annulled, 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. Powers to remove difficulties:-

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by order published in the Official Gazette make provisions not inconsistent with the provisions of the Act as appear to them to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after expiry of two years from the commencement of this Act.

- (2) Every order made under this section shall, as soon as may be after it is made, be laid before the Manipur Legislative Assembly.

19. Commission to be deemed to have been constituted under this Act:-

- (1) The Manipur State Commission for Other Backward Classes constituted and its members appointed vide Notification No. F.No.1/Comm/MOBC/2005 Dated 17th August 2005 and such other notifications issued in this regard by the Welfare of Minorities and Other Backward Classes Department, Government of Manipur shall be deemed to have been constituted and appointed under this Act.
- (2) All actions and decisions taken or done by the State Government or the Manipur State Commission for Other Backward Classes constituted under such notification insofar as such actions and decisions are relatable to the functions of the Commission constituted under this Act not inconsistent with the provisions of this Act, shall be deemed to have been taken or done by the State Government or the Commission.
- (3) All proceedings pending before the said Commission, insofar as such proceedings relate to the functions of the Commission shall be deemed to have been transferred after the commencement of this Act, to the Commission and shall be dealt with in accordance with the provisions of this Act.

A.Sukumar Singh
Secretary (Law) to the Government of
Manipur