

THE UTTAR PRADESH STATE COMMISSION FOR BACKWARD  
CLASSES ACT, 1996<sup>1</sup>

**(President's Act No.I of 1996)**

[Enacted by the President in the Forty-sixth year of the  
Republic of India]

*Amended by*

U.P. Act No. 28 of 2001

U.P. Act No. 18 of 2005

U.P. Act No. 10 of 2007

U.P. Act No. 4 of 2014

**AN**

**ACT**

*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  
therewith or incidental.*

**In exercise of the powers conferred by Section 3 of the  
Uttar Pradesh State Legislative (Delegation of Powers) Act, 1995,  
the President is pleased to enact as follows:-**

**CHAPTER-I**

**Preliminary**

**Short title and  
commencement**

**1.** (1) This Act may be called the Uttar Pradesh State  
Commission for Backward Classes Act, 1996.

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

**Definition**

**2.** In this Act—

(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 Schedule  
Castes, 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 Act.

(2) The headquarters of the Commission shall be at  
such place as the State Government may, by notification,  
specify.

---

1. For Reasons of the enactment see at the end of this Act.

**Amendment  
of sec. 3 of  
President  
Act no. 1,  
1996**

<sup>1</sup>[(3) The Commission shall consist of a Chairman, two Vice-Chairman and <sup>2</sup>[twenty-five other Member's] nominated by the State Government from amongst persons of eminence, ability and integrity]

<sup>3</sup>(b) Provided that at least one representative from minority community shall be nominated as member in the Commission.

**Explanation-**For the purposes of this Act the word 'minority' shall have the same meaning as defined in the Uttar Pradesh Commission for Minorities Act, 1994 (U.P. Act no. 22 of 1994).]

**Term of office  
and condition  
of Service**

**4.** (1) <sup>4</sup> [The Chairman, Vice-Chairman or every other member shall hold office for a term of one year from the date he assumes office:

Provided that the Chairman, Vice-Chairman or other member shall hold office as such during the pleasure of the State Government.]

(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) <sup>5</sup>[x x x]

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh appointment.

(5) The salaries and allowances payable to, and other terms and conditions of service of the Chairman and Members shall be such as may be prescribed.

<sup>6</sup>[(6) (a) The Chairman shall be having the status of a Minister of the State.

(b) The Vice-Chairman shall be having the status of the Deputy Minister of the State;]

**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 others terms and conditions of service of, the Secretary and other officers and employees appointed for the purpose of the Commission shall be such as may be prescribed.

---

1. [Subs. by sec. 2 of U.P. Act No. 10 of 2007.](#)  
2. [Subs. by sec. 2\(a\) of U.P. Act No. 4 of 2014.](#)  
3. [Subs. by sec. 2\(b\) of U.P. Act No. 4 of 2014.](#)  
4. [Subs. by sec. 3\(a\) of U.P. Act No. 10 of 2007.](#)  
5. *Omitted by sec. 3(b) of ibid.*  
6. [Ins. by sec. 3\(c\) of U.P. Act No. 10 of 2007.](#)

**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 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.

**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 be regulated by the Commission**

**8.** (1) The Commission shall meet as and when necessary at such time and place as the Chairman may think fit.

(2) The Commission shall regulate its own procedure.

(3) All orders and decision of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized by the Secretary in this behalf.

**CHAPTER-III**

**Functions and powers of the Commission**

**Functions of the Commission**

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

(a) the Commission shall 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 right and safeguards 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 development 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 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 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 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 the Act and every succeeding period of ten years thereafter, under take revision of the Schedule with a view to 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 State Government appropriation made by the State Legislature by law in this behalf, pay to be Commission by way of grants such sums of money as the State Government to think fit for being utilized 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).

**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 accounts 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 financial year, in such form and at such time, as may be prescribed giving a full account of its activities during that financial year and forward a copy thereof to the State Government.

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

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

**CHAPTER-V**

**Miscellaneous**

**Chairman,  
Members &  
employees of  
the  
Commission  
to be public  
servants**

**16.** The Chairman, members and employees 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 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 Chairman and Members under sub section (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 the Commission under Section 10 disobeys such order of direction shall be punishable under Section 174, 175, 176, 178, 179 or 180 of the Indian Penal Code, as the case may be.

**Cognizance of  
offences**

**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 good faith**

**20.** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or the rules made thereunder.

**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 Act 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 or a period of two years from the commencement of this Act.

**U.P. Act no. 1  
of 1904**

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

**Saving**

**22.** Notwithstanding anything in this Act the Commission constituted by the Uttar Pradesh Government 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 act and the term of three years of the Chairman and other Members of the said Commission shall be computed from the date of which they had assumed charge of their respective officers.

**Repeal and  
savings**

**23.**(1) The Uttar Pradesh State Commission for Backward Classes (Amendment) Ordinance, 2014 is hereby repealed.

**U.P.  
Ordinance no.  
34 of 1995**

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

---

### **Reasons for the enactment**

In pursuance of the judgement of the Hon'ble Supreme Court in the Mandal Commission Case (Indira Sahani Vs. Union of India), the State Government constituted a commission for Backward classes by notification dated 9th March, 1993. It was decided to regulate the constitution of the said Commission by an enactment. It was further decided that besides examining the request for inclusion of any class of citizens as backward class and complaints of wrong inclusion or non- exclusion in the list of Backward Classes, the Commission may also perform other specified functions with a view to safeguard of the interest and welfare of the Backward classes.

2. Since the State Legislature was not in session immediate legislative action in the matter was necessary, the Uttar Pradesh State Commission for Backward Classes Ordinance, 1994 (U.P. Ordinance No. 26 of 1994) was promulgated by the Governor on the 17th November, 1994. To replace the provisions of the aforesaid Ordinance the Uttar Pradesh State Commission for Backward Classes Bill, 1995 was introduced in the Uttar Pradesh Legislative Council on the 6<sup>th</sup> February, 1995 but since the said Bill could not be passed by the Uttar Pradesh Legislative Council, the Uttar Pradesh State Commission for Backward Classes Ordinance, 1995 (U.P. Ordinance No.12 of 1995) was promulgated by the Governor on the 30th March, 1995 to keep the provisions of the aforesaid Ordinance in force.

3. Since the aforesaid bill could not be passed in the session of the State Legislature, commencing from the 14th July, 1995, and remained pending with the Legislative Assembly, the Uttar Pradesh State Commission for Backward Classes (Second) Ordinance, 1995 (U.P. Ordinance No. 34 of 1995) was promulgated by the Governor on the 25th August, 1995 to replace the provisions of the aforesaid U.P. Ordinance No.12 of 1995.

4. The President issued a proclamation on the 18th October, 1995 under Article 356 of the Constitution, in relation to the State of Uttar Pradesh, declaring, inter alia, that the powers of Legislature of the State shall be exercised by or under the authority of Parliament. Parliament has, under Article 357(1)(a) of the Constitution, now conferred on the President, the powers of the Legislature of the State of Uttar Pradesh to make laws vide the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995 (2 of 1996).

5. The said Ordinance could not be replaced by an Act and the Ordinance is expiring on the 7th January, 1996. It is, therefore, decided that the said Ordinance shall be replaced by a President's Act.

6. Under the Provisions to sub-section (2) of Section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995 (2 of 1996) the President shall, before enacting any President's Act, consult a Committee constituted for the purpose consisting of the members of both the Houses of Parliament. As the said Committee has yet not been constituted and the matter is very urgent, it is proposed to enact the measure without reference to the said Committee.

