

**NATIONAL COMMISSION FOR
BACKWARD CLASSES**

NCBC Act, Rules & Composition



सत्यमेव जयते

**Trikoot-I, Bhikaji Cama Place,
New Delhi - 110066**

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MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 2nd April, 1993/Chaitra 12, 1915 (Saka)

The following Act of Parliament received the assent of the President on the 2nd April, 1993, and is hereby published for general information : -

THE NATIONAL COMMISSION FOR BACKWARD CLASSES
ACT, 1993
No. 27 of 1993

[2nd April, 1993]

An Act to constitute a National Commission for Backward Classes other than the Scheduled Castes and the Scheduled Tribes and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:-

CHAPTER – I

PRELIMINARY

1. (1) This Act may be called the National Commission for Backward Classes Act, 1993.

(2) It extends to the whole of India except the State of Jammu & Kashmir.

(3) It shall be deemed to have come into force on the 1st day of February, 1993.

2. 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 Central Government in the lists;

(b) “commission” means the National Commission for Backward Classes constituted under section 3;

(c) “lists” means lists prepared by the Government of India 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

**Short
title
extent
and
com-
mence-
ment.**

**Defini-
tions. -**

Government, are not adequately represented in the services under the Government of India and any local or other authority within the territory of India or under the control of the Government of India.;

(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 NATIONAL COMMISSION FOR BACKWARD CLASSES

**Consti-
tution of
National
Commis-
sion for
Back-
ward
Classes.**

3. (1) The Central Government shall constitute a body to be known as the National 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 Central Government: -

(a) a Chairperson, who is or has been a Judge of the Supreme Court or of a 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 Central Government in the rank of a Secretary to the Government of India.

**Term of
office and
conditions
of service
of Chair-
person and
Members.**

4. (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 Central Government, resign from the office of Chairperson or, as the case may be, of Member at any time.

(3) The Central 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 Central 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 Central 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. (1) The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission.

Officers and other employees 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. 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.

Salaries and allowances to be paid out of grants.

7. 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.

Vacancies, etc., not to invalidate proceedings of 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 or any other officer of the Commission duly authorized by the Member-Secretary in this behalf.

Procedure to be regulated by the Commission.

CHAPTER – III

FUNCTIONS AND POWERS OF THE COMMISSION

Functions 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 Central Government as it deems appropriate.

(2) The advice of the Commission shall ordinarily be binding upon the Central Government.

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 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 of office;

(e) issuing commissions for the examination of witnesses and documents; and

(f) any other matter which may be prescribed.

Periodic revision of lists by the Central Government.

11. (1) The Central 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 Central Government shall, while undertaking any revision referred to in subsection (1), consult the Commission.

CHAPTER – IV

FINANCE, ACCOUNTS AND AUDIT

Grants by the Central Government.

12. (1) The Central 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 Central Government may 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).

13. (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 Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and audit.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-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 Comptroller and Auditor-General.

(3) The Comptroller and Auditor 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 Comptroller and Auditor General 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. The Commission shall prepare, in such form and 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 Central Government.

Annual report.

15. The Central 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 each House of Parliament.

Annual report and audit report to be laid before Parliament.

CHAPTER – V

MISCELLANEOUS

16. 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 (45 of 1860).

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

**Power to
make rules**

17. (1) The Central 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 the officers and other employees under sub-section (2) of section 5;

(b) the form in which the annual statement of accounts shall be prepared 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.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, 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, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form to 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.

**Power to
remove
difficulties.**

18. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central 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;

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

**Repeal
and
saving.**

19. (1) The National Commission for Backward Classes Ordinance 1993 (Ord. 23 of 1993) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

K.L. MOHANPURIA
Secy. to the Govt. of India

MINISTRY OF WELFARE

New Delhi, the 13th February, 1996

G.S.R. 100(E) - In exercise of the powers conferred by sub section (2) (a) of Section 17 of National Commission for Backward Classes Act, 1993 (27 of 1993) the Central Government hereby makes the following rules, namely :-

1. *Short title and commencement* :- (1) These Rules may be called the National Commission for Backward Classes (Salaries and Allowances and other conditions of Service of Chairperson and Members) Rules, 1996.

(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) “Act” means the National Commission for Backward Classes Act, 1993 (27 of 1993);

(b) “Commission” means the National Commission for Backward Classes.

(c) “Chairperson” means the Chairperson of the Commission nominated under Sub-Section (2) (a) Section 3 of the Act.

(d) “Member” means a Member of the Commission and includes the Chairperson.

(e) The words and expressions used herein but not defined shall have the same meaning assigned to them in the Act.

3. *Salaries and allowances* :- (1) The Chairperson shall be entitled to such pay as admissible to a judge of the Supreme Court or a High Court depending upon the office earlier held by such Chairperson.

(2) Every Member other than the Chairperson shall be entitled to such pay as are admissible to a Secretary to the Government of India.

4. *Rank and status* :- The Chairperson shall have the rank of a judge of the Supreme Court or of a High Court as relevant to his case depending upon the office earlier held by him. The other Members shall have the status of a Secretary to the Government of India.

5. *Sumptuary allowance* :- The Chairperson shall be entitled to a sumptuary allowance as per the entitlement of sitting judge of a High Court as revised from time to time.

6. *Retirement from parent service on appointment as Member*. – The Members who on the date of his appointment to the Commission was in the

service of the Central or a State Government, shall be deemed to have retired from such service with effect from the date of his appointment as Member of the Commission.

7. Leave :- The Chairperson and every Member shall be entitled to leave as follows :-

- a) Earned Leave, half pay leave and commuted leave in accordance with the Central Civil Service (Leave) Rules, 1972 as amended from time to time.
- b) Extraordinary leave as admissible to the temporary Government servants under the Central Civil Services (Leave) Rules, 1972 as amended from time to time.

8. Pension :- (1) The Chairperson or a Member who, at the time of his appointment as such was in the service of the Central or State Government, shall at his option to be exercised within a period of six months from the date of his appointment or till he attains the age of superannuation, whichever is earlier, be entitled to his pension and other retirement benefits as per the rules applicable to the service to which he belonged with effect from the date of his appointment as Chairperson or Member (as the case may be) provided that, in such an event, his pay as Chairperson or Member shall be reduced by an amount equivalent to the gross pension including any portion of the pension which may have been commuted and the pension equivalent of other retirement benefits and he shall be entitled to draw his pension and other retirement benefits separately.

(2) The Chairperson or a Member, who at the time of his appointment as such was in the service of the Central or State Governments, if he does not exercise the option specified in sub-rule (1), shall count his service as Chairperson or Member for pension and retirement benefits under the rules applicable to the service to which he belonged immediately before such appointment.

(3) No pension shall be payable to the Chairperson or a Member who immediately before assuming office as the Chairperson or a Member, was not in any service of the Central or State Government.

9. Provident Fund :- (1) The Chairperson or a Member who on the date of his appointment to the Commission was in the service of the Central or State Government and who had been admitted to the benefits of General Provident Fund or Contributory Provident Fund, may continue to subscribe to that Fund until the date on which he retires according to rules applicable to him in his service. In the case of the Contributory Provident Fund, the employers' contribution payable to that Fund shall, as from the date of the Chairperson or Member's appointment to the Commission be payable by the Commission on

the basis of the emoluments which he would have drawn in the post he held immediately before appointment.

Explanations : Member exercising his option under this sub-rule shall communicate his option in writing to the Central Government within six months of his appointment and option so exercised shall be final.

(2) The Chairperson or a Member who, at the time of his appointment as such Member :-

- i) was in service of the Central or State Government and had opted to draw his pension and other retirement benefits under the rules applicable to the service to which he belonged prior to such appointment; or
- ii) had retired from service under the Central or State Government or a local body or other authority wholly or substantially owned or controlled by the Government; or
- iii) was not in the service of the Central or State Government or a local body or any other authority wholly or substantially owned by the Government.

Shall be entitled to be admitted to the benefit of the Contributory Provident Fund Scheme and for this purpose shall be Governed by the Contributory Provident Fund (India) Rules, 1962 as amended from time to time.

10. Residuary Provision :- (1) The conditions of service of the Chairperson for which no express provision has been made in these rules shall be; -

- a) In the case of sitting judge of the Supreme Court or a High Court appointed as Chairperson, the same as admissible to a sitting judge of the Supreme Court or a High Court, as the case may be; and
- b) In the case of a retired judge of the Supreme Court or a High Court appointed as Chairperson the same as those admissible under the Government's instructions relating to fixation of pay and other terms admissible to retired judges on their appointment to Commissions/ Committees of Enquiry as amended from time to time.

(2) The conditions of service of the Members for which no express provision has been made in these rules shall be as those applicable to a Secretary to the Government of India from time to time.

(N. 12011/62/93-BCC)

(DR. M.S. AHMED)
Joint Secretary to the Govt. of India

Composition of the Commission

In accordance with the directions of the Supreme Court, the Government of India enacted the National Commission for Backward Classes Act, 1993 (Act No. 27 of 1993) on 2nd April 1993 for setting up the National Commission for Backward Classes at the Centre. Section 3 of the Act provides that the Commission shall consist of five Members, comprising a Chairperson who is or has been a judge of the Supreme Court or of a High Court; a social scientist; two persons, who have special knowledge in matters relating to backward classes; and a Member-Secretary who is or has been an officer of the Central Government in the rank of a Secretary to the Government of India. Every member of the Commission shall hold office for a term of 3 years from the date he assumes office. The Govt. of India constituted the Commission by its Notification No. 12011/34/BCC/Pt.I dated 14 August 1993. Thereafter, reconstituted after expiry of tenures:

Existing

| | | |
|----|-------------------|---|
| 1. | Chairperson | Justice M. N. Rao (07-06-2010 onwards) |
| 2. | Member | Shri S. K. Kharventhan (03-11-2010 onwards) |
| 3. | Member | Shri Deepak Katole (12-11-2010 onwards) |
| 4. | Member | Dr. Shakeel-uz-Zaman Ansari (27-07-2011 onwards) |
| 5. | Member- Secretary | Smt Chitra Chopra (11-11-2008 till 10-11-2011) Dr. Shyam Agarwal (Secretary- Additional Charge) (15-11- 2011 onwards) |



भारत का राजपत्र

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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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सामाजिक न्याय और अधिकारिता मंत्रालय

अधिसूचना

नई दिल्ली, 3 मई, 2011

सा.का.नि. 360(अ).— केन्द्रीय सरकार, राष्ट्रीय पिछड़ा वर्ग आयोग अधिनियम, 1993 (1993 का 27) की धारा 17 के साथ पठित धारा 10 के खंड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ.— (1) इन नियमों का संक्षिप्त नाम राष्ट्रीय पिछड़ा वर्ग आयोग (सलाह के पुनर्विलोकन की शक्ति) नियम, 2011 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं - इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो, -

(क) "अधिनियम" से राष्ट्रीय पिछड़ा वर्ग आयोग अधिनियम, 1993 (1993 का 27) अभिप्रेत है;

(ख) "आयोग" से राष्ट्रीय पिछड़ा वर्ग आयोग अभिप्रेत है ;

(ग) "पुनर्विलोकन" से इन नियमों के नियम 3 के अनुसरण में किया गया कोई पुनर्विलोकन अभिप्रेत है ;

(घ) शब्दों और पदों के, जो इसमें प्रयुक्त हैं और परिभाषित नहीं हैं, वही अर्थ होंगे जो अधिनियम में हैं।

3. केन्द्रीय सरकार को दी गई सलाह के पुनर्विलोकन की शक्ति.— धारा 10 के उपबंधों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, आयोग को धारा 9 की उपधारा (1) के अधीन केन्द्रीय सरकार को दी गई किसी सलाह के पुनर्विलोकन की शक्ति होगी।

4. पुनर्विलोकन पर सिविल प्रक्रिया संहिता, 1908 के कतिपय उपबंधों का लागू होना.— सिविल प्रक्रिया संहिता 1908 (1908 का 5) की धारा 114 और आदेश 47 के उपबंध आयोग द्वारा किए गए किसी पुनर्विलोकन को आवश्यक परिवर्तनों सहित लागू होंगे।

[फा. सं. 12011/9/2007-बीसीसी]

पी. पी. मित्रा, संयुक्त सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
NOTIFICATION

New Delhi, the 3rd May, 2011

G.S.R. 360(E).— In exercise of the powers conferred by Clause (f) of Section 10, read with Section 17 of the National Commission for Backward Classes Act, 1993 (27 of 1993), the Central Government hereby makes the following rules, namely :—

1. Short title and commencement - (1) These rules may be called the National Commission for Backward Classes (Power to Review Advice) Rules, 2011.

(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) “Act” means the National Commission for Backward Classes Act, 1993 (27 of 1993);
- (b) “Commission” means the National Commission for Backward Classes;
- (c) “review” means a review undertaken in pursuance of rule 3 of these rules;
- (d) words and expressions used herein but not defined shall have the meaning assigned to them in the Act.

3. **Power to review advice tendered to the Central Government.**—Without prejudice to the generality of the provision of Section 10, the Commission shall also have the power to review an advice tendered to the Central Government under sub-section (1) of Section 9.

4. **Applicability of certain provisions of the Code of Civil Procedure, 1908, to review.**—Provisions of Section 114 and Order XLVII of the Code of Civil Procedure, 1908 (5 of 1908), shall, *mutatis mutandis*, apply to a review undertaken by the Commission.

[F.No. 12011/9/2007-BCC]

P.P. MITRA, Jt. Secy.