

HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 20th April, 2016

No. Leg. 12/2016.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 1st April, 2016 and is hereby published for general information :—

HARYANA ACT NO. 9 OF 2016

THE HARYANA BACKWARD CLASSES COMMISSION ACT, 2016

AN
ACT

to constitute the Haryana Backward Classes Commission and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Sixty-seventh Year of the Republic of India as follows :-

1. This Act may be called the Haryana Backward Classes Commission Act, 2016. Short title.
2. In this Act, unless the context otherwise requires,- Definitions.
 - (a) "Backward Classes" means such Backward Classes as notified by the State Government in the Official Gazette from time to time;
 - (b) "Commission" means the Haryana Backward Classes Commission constituted under section 3;
 - (c) "Member" means a Member of the Commission and includes the Chairperson;
 - (d) "prescribed" means prescribed by the rules made under this Act;
 - (e) "State Government" means the Government of the State of Haryana.
3. (1) The State Government, by notification in the Official Gazette, shall constitute a body to be known as the Haryana Backward Classes Commission to exercise the powers conferred on and to perform the functions assigned to it under this Act. Constitution of Haryana Backward Classes Commission.
 - (2) The Commission shall consist of the following Members to be nominated by the State Government, namely:-
 - (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 not below the rank of Secretary to the Government, Haryana.
4. (1) Every Member shall hold office for a term of three years from the date he assumes office. Term of office and conditions of service of Chairperson and Members.
 - (2) A Member may, by writing under his hand addressed to the State Government, resign from his office at any time.
 - (3) The State Government shall remove a Member if he,-
 - (a) becomes an undischarged insolvent; or
 - (b) is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude; or
 - (c) becomes of unsound mind and stands so declared by a competent court; or

- (d) refuses to act or becomes incapable of acting; or
- (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 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 sub-section 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.

Officers and other employees of Commission.

5. (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 under this Act.

(2) The salaries and allowances payable to and 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.

Salaries and allowances to be paid out of grants.

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 shall be paid out of the grants referred to in sub-section (1) of section 12.

Vacancy not to invalidate proceedings of Commission.

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

Procedure to be regulated by 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.

Functions of Commission.

9. The Commission shall examine requests for inclusion or exclusion of any class of citizens as a Backward Class and hear complaints of over-inclusion or under-inclusion of any Backward Class and tender such advice to the State Government, as it deems appropriate.

Powers of Commission.

10. The Commission shall, while performing its functions under 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 witnesses and documents; and
- (f) any other matter which may be prescribed.

Periodic revision of Backward Classes.

11. (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 the revision of the Backward Classes.

(2) The State Government while acting under sub-section (1) shall consult the Commission.

- 12.** (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 utilized for the purposes of this Act. Grants by State Government.
- (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.** The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form, as may be prescribed. Accounts.
- 14.** (1) 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 State Government. Annual Report.
- (2) The State Government shall cause the annual report to be laid before the State Legislature.
- 15.** 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, 1860 (45 of 1860). Chairperson, Members and employees of Commission to be public servants.
- 16.** (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act. Power to make rules.
- (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 Members;
 - (b) the form in which the annual statement of accounts shall be prepared under 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.
- 17.** (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. Power to remove difficulties.
- (2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before the State Legislature.

KULDIP JAIN,
Secretary to Government Haryana,
Law and Legislative Department.