

Andhra Pradesh Commission for Backward Classes other than Scheduled Castes and Scheduled Tribes in the State of Andhra Pradesh Act, 2019

ANDHRA PRADESH

India

Andhra Pradesh Commission for Backward Classes other than Scheduled Castes and Scheduled Tribes in the State of Andhra Pradesh Act, 2019

Act 19 of 2019

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Andhra Pradesh Commission for Backward Classes other than Scheduled Castes and Scheduled Tribes in the State of Andhra Pradesh Act, 2019(Act No. 19 of 2019)Last Updated 27th February, 2020The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the Nth August, 2019 and the said assent is hereby first published on the 16th August, 2019 in the Andhra Pradesh Gazette for general information :An Act to Constitute Andhra Pradesh State Commission for Backward Classes other than Scheduled Castes and Scheduled Tribes in the State of Andhra Pradesh and to Provide for matters connected therewith or incidental thereto.Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventieth Year of the Republic of India, as follows :

Chapter I Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Andhra Pradesh Commission for Backward Classes other than Scheduled Castes and Scheduled Tribes in the State of Andhra Pradesh Act, 2019.(2)It extends to the whole of the State of Andhra Pradesh.(3)It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"Backward Classes" for the purpose of this Act, means such Backward Classes of Citizens of Andhra Pradesh other than the Scheduled Castes and the Scheduled Tribes as may be specified by the State Government in the lists;(b)"Commission" means the Andhra Pradesh State Commission for Backward Classes constituted under Section 3;(c)"Government" means the State Government of Andhra Pradesh;(d)"Lists" means lists prepared by the Government from time to time for the purposes of making provision for reservation for admissions into educational institutions and for appointments to posts/services, in favour of the Backward Classes of citizens which, in the opinion of the Government, are not adequately represented 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 Andhra Pradesh State Gazette and the word 'notified' shall be construed accordingly;(g)"Prescribed" means prescribed by rules made under this Act.

Chapter II

Andhra Pradesh State Commission for Backward Classes

3. Constitution of Andhra Pradesh State Commission for Backward Classes.

(1)The Government shall constitute a permanent body to be known as the Andhra Pradesh State 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 Government, -(a)A Chairperson who is or has been a Judge of 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 shall be an Officer of the Government in the rank of Secretary to Government.

4. Tenure of the Commission.

(1)The Commission constituted under this Act shall be a permanent body. The Chairperson and members so appointed shall hold such office for a term of three years from the date of assumption of office.(2)The Government shall take steps three months prior to the expiry of the tenure of the Chairperson and members and in the event of the appointments not being made before expiry of such tenure, the existing composition of the Commission would continue to hold the office until such time the appointments are made, to ensure that the Commission functions permanently and continuously, as a Body.

5. Terms and Conditions.

(1)The Government shall nominate Chairperson and Members for a term of three (3) years.(2)The

Chairperson and Members of the Commission shall be accorded a suitable status by a specific order of the Government.(3)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.(4)The Chairperson and Members shall not publish or communicate to the Press/ Electronic Media on any policy matter which Government is expected to act upon and shall not release any proceedings of the Commission.(5)A Member may, by writing under his/her hand addressed to the Government, resign from the Office of Chairperson or Member, as the case may be, at any time;(6)The Government may remove a person from the Office of Chairperson and Member, if that person,-(a)becomes an un-discharged 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/herself 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 is detrimental to the interests of the 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.(7)Any vacancy that arises due to the reasons mentioned in sub-sections (5) and (6) above or the other, shall be filled by the Government immediately.

6. Officers and Other employees of the Commission.

(1)The Government shall 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 from time to time.

7. Salaries and Allowances.

- 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 6 shall be paid out of the grants referred to in sub-section (1) of Section 13.

8. Invalidation of proceedings.

- 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.

9. Regulation of procedure.

(1)The Commission shall function on regular basis.(2)The Commission may regulate its own procedure by framing regulations governing its proceedings including quorum.(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.(4)The Commission may hold Public Hearings at different locations as the Commission deems fit.

Chapter III

Functions and Powers of the Commission

10. Functions of the Commission.

(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 list and tender such advice to the Government as it deems appropriate;(2)The Commission shall examine and make recommendations on any other matter relating to the Backward Classes that may be referred to it by the Government from time to time;(3)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 Backward Classes and furnish its report to the Government;(4)To make periodic survey about socio, economic and educational conditions of Backward Classes and also to cause and conduct research studies;(5)To make necessary recommendations periodically to formulate policies and schemes for the upliftment of Backward Classes;(6)To submit report and make recommendations in matters referred by the State Government, where the decisions need to be taken by the Government of India;(7)To evaluate the levels of development and progress among Backward Classes through the policy of reservation and welfare programs of the Government;(8)It shall be the duty of the Commission : (a)To make in such reports, the recommendations, as to the measures that should be taken by the State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the socially and educationally Backward Classes; and (b)To discharge such other functions in relation to the protection, welfare and development and advancement of the socially and educationally Backward Classes as the Government may specify, subject to the provisions of any law made by the Legislature.(9)The Commission shall enquire into specific complaints with respect to the issue of Caste Certificates as applicable to the listed, Backward Classes and furnish its report to the Government;(10)The Commission from time to time shall undertake, a study analysis to distinguish the communities among Backward Classes as Most Backward Classes based on social, educational and economic backwardness after framing such parameters relevant for the purpose;(11)To make necessary recommendations in all the matters relating to safeguards provided to the Most Backward Classes;(12)To investigate into various kinds of atrocities, social boycott against the Backward Classes, referred to, by the Government.

11. Powers of the Commission.

(1)The Commission shall, while performing its functions under Section 10 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/her on

oath;(b)The Commission shall have the powers to requisition such information, document and such assistance as may be required from any Department of the Government, State Public Service Undertakings and autonomous bodies for the effective implementation of the provision of the Act;(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;(f)Any other matter which may be prescribed from time to time.(2)the Commission may engage any technical/subject experts as may be required in the interest of welfare of Backward Classes and for preparation of special recommendations and pay such remuneration as may be fixed with prior approval of the Government.

12. Periodic revision of list.

(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

13. Grants by Government.

(1)The Government shall, after due appropriation made by the Legislature of the State 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. The Assistant Secretary, Office of the Commission shall act as the Drawing and Disbursing Officer to meet the expenditure of the Commission from out of the Grants provided by 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).

14. 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 from time to time by the Government in consultation with the Accountant General, Andhra Pradesh.(2)The accounts of the Commission shall be audited by the Accountant General, Andhra Pradesh 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, Andhra Pradesh.(3)The Accountant General, Andhra Pradesh 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, Andhra Pradesh generally has in connection with the audit of Government Accounts and in particular shall have the right to demand and

production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Commission.

15. Annual Report.

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

16. Annual Report and Audit Report to be laid before the Legislature of the State.

- The Government shall cause the annual report together with a memorandum of action taken on the advice tendered by the Commission under Section 10 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

17. 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 (Central Act No. 45 of 1860).

18. Power 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 the other terms and conditions of service of the Chairperson and Members under sub-section (3) of Section 5 and of officers and other employees under sub-section (2) of Section 6;(b)The form in which the annual statement of accounts shall be maintained under subsection (1) of Section 14;(c)The form and the time of which the annual report shall be prepared under Section 15;(d)Any other matter which is required to be prescribed from time to time.(3)Every rule made under this Act shall, immediately after it is made, be laid before the Legislature 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 Legislature of the State agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form 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.

19. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by order publish in the Official Gazette and make provisions not inconsistent with the provisions of the Act as appear to them to be necessary or expedient for removing the difficulty. (2) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislature of the State.

20. Repeal and Savings.

(1) The Andhra Pradesh Commission for Backward Classes Act, 1993 (Act No. 20 of 1993) is hereby repealed. (2) The provisions of Sections 8 and 18 of the Andhra Pradesh General Clauses Act, 1891 (Act No. 1 of 1891) shall apply with regard to the effect of repeal.