



सत्यमेव जयते

GOVERNMENT OF INDIA

***NATIONAL COMMISSION FOR
BACKWARD CLASSES***

**ANNUAL REPORT
2018 - 19**



Government of India
National Commission for Backward Classes

Annual Report
2018-19

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CONTENTS

Chapter	Titles	Page No.
I	Introduction	1-3
II	Functions of the Commission	4-6
III	Composition of the Commission	7-10
IV	Constitutional Status to the National Commission for Backward Classes	11-13
V	Annual Accounts for Financial Years 2018-19	14-36
Annexures		37
I	O.M. No. 36033-Estt. (Res.) Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training dated 13 th September, 2017.	38-39
II	National Commission for Backward Classes Act, 1993	40-50
III	Ministry of Social Justice and Empowerment Notification regarding Conferment of Review Powers of Commission.	51-52
IV	The Constitution (One Hundred and Second Amendment) Act, 2018	53-55
V	The National Commission for Backward Classes (Repeal) Act, 2018	56-57
VI	Term of office and conditions of service of Chairperson and Members of the National Commission for Backward Classes.	58-63

Chapter-1

Introduction

In pursuance of landmark judgement of Hon'ble Supreme Court in case of *Indra Sawhney etc. Vs. Union of India & Others etc*, (popularly known as *Mandal Case*), the Government of India enacted the National Commission for Backward Classes Act, 1993 (Act No. 27 of 1993), setting up a National Commission for Backward Classes at the Centre. Section 3 of the Act provides that the Commission shall consist of five members, namely, 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.

The functions of the Commission are laid down in section 9 and Section 11 of the Act. Under Section 9(1) of the Act it 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”. Under Section 9(2) of the Act, the advice of the Commission shall ordinarily be binding upon the Central Government.

Another function of the Commission arises from Section 11 of the Act which, in the light of a direction of the Hon'ble Supreme Court, enjoins upon the Central Government to undertake revision of the lists at the expiration of ten years from coming into force of this Act and every succeeding period of ten years, and enables it to undertake such revisions at any time, 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. Under sub-section (2) of this Section, the Central Government is required to consult the Commission while undertaking such revision.

While performing its functions under Section 9(1) of the Act, the Commission has, by Section 10, been vested with all the powers of a civil court trying à suit and in particular, in respect of the summoning and enforcing the attendance of any person from any part of India and examining him on oath; requiring the discovery and production of any document; receiving evidence on affidavits; requisitioning any public record or copy thereof from any court or office; issuing notices for the examination of witnesses and documents; and any other matter which may be prescribed. Section 8(2) empowers the National Commission for

Backward Classes to regulate its own procedure. Section 14 and 15 provide that the Commission shall prepare its Annual Report for each Financial Year which 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 shall be laid by the Central Government before each House of Parliament.

The Commission is committed to help the backward classes by drawing the attention of the highest levels in the Government towards various burning issues plaguing the socially and educationally backward classes.

Review of Income Criteria

The first expert committee appointed by the Government of India submitted its report on creamy layer on 10.03.1993 with the provision to review the annual income criteria for categories other than the service category every three years or earlier. The first review of the annual income criteria to exclude socially advanced persons/sections among OBCs was entrusted to the NCBC on 6th October, 2003. The Commission submitted its report on 23rd January, 2004 and recommended that the annual income limit to determine the socially advanced persons/sections among OBCs be raised from Rs. 1 lakhs to Rs. 2.5 lakhs. The recommendations contained in the report were accepted by the Government along with the recommendation that the task of future periodic review of the annual Income criteria should be taken up every three years or earlier, if the situation demands. The Government of India notified the higher annual income limit vide DoP&T O.M. No. 36033/3/2004- Estt.(Res.) dated 9th March, 2004 raising the annual income limit to Rs. 2.5 lakhs.

Having regard to the fact that the period of three years had elapsed from the date of issue of O. M. dated 9th March, 2004 Ministry of Social Justice & Empowerment, vide Office Order No. 12015/13/2007-BCC dated 27th December, 2007 entrusted the task of review of the annual income criteria to this Commission. The Commission was also asked to give suggestions/recommendations on some other issues relating to the creamy layer criteria. The Commission submitted its report on this subject on 1st July, 2008 and recommended that the annual income limit for person/sections among OBCs be raised from Rs. 2.5 lakhs to Rs. 4.5 lakhs. These recommendations contained in the Report were accepted by the Government of India and notified vide DoP&T O.M. No. 36033/3/2004-Estt. (Res.) dated 14th October, 2008 raising the annual income limit to Rs. 4.5 lakhs.

Ministry of Social Justice & Empowerment vide Office Order No. 12015/10/2011-BCII dated 15th July, 2011 again entrusted the task of review of the annual income criteria to this Commission. The Commission submitted its report on 14th September, 2011 and recommended annual income limit for persons/sections among OBCs to be raised from Rs. 4.5 lakhs to Rs. 12 lakhs in urban areas i.e. Metropolitan Cities and Rs. 9 lakhs in the remaining areas. However, the Government of India vide DoPT O.M. No. 36033/1/2013 Estt. (Res.) dated 27th May, 2013 raised the annual income limit only to Rs. 6 lakhs.

Ministry of Social Justice & Empowerment vide letter No. 12015/18/2013-BC-II dated 27th June, 2014 requested NCBC to comprehensively re-examine the criteria and annual income limit for determination of creamy layer of OBCs. A five member team of Joint Secretaries from the concerned Departments of Government of India was set up to assist the Commission in examining the whole gamut of issues pertaining to the creamy layer and submit its recommendations to the Government.

The Commission held a series of meetings on the various aspects of the subject and also received inputs and suggestions from the officers of Department of Personnel and Training, Ministry of Social Justice and Empowerment, Department of Financial Services, Department of Higher Education and Department of Public Enterprises. Apart from this, discussions were also held with representatives of the corporate and private sectors, agriculturists and views of the State Government were also taken on board.

The guiding principle behind the changes proposed to the rule of exclusion (popularly known as the Creamy Layer) was the need to prevent misuse of the various lacunae in the existing instructions and the need to keep the instructions as simple as possible to prevent any misinterpretation at the field level. After taking into consideration all the material before it, the Commission submitted its report dated 2nd March, 2015 and recommended an increase of the annual income limit from Rs. 6 lakhs to Rs 10.5 lakhs. The Commission submitted its report on 26th October, 2015 and recommended annual income limit for person/sections among OBCs to be raised from Rs. 6 lakhs to Rs. 15 lakhs. The Government of India vide DoPT O.M. No. 36033/1/2013-Estt.(Res.) dated 13th September, 2017 raised the annual income limit to Rs. 8 lakhs.

Chapter II

Functions of the Commission

The functions of the Commission are laid down in Section 9 and Section 11 of the National Commission for Backward Classes Act 1993. Under sub-section (1) of Section 9 of the Act, 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". The term "list" in this section refers to "lists prepared by the Government of India from time to time for purposes of making provision for the reservation in appointments or posts in favour of backward classes of citizens which, in the opinion of that 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". The term "backward classes" has been defined in clause (a) of the same Section (Section 2) to mean 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.

Under Section 9(2) of the Act, "The advice of the Commission shall ordinarily be binding upon the Central Government". This mandatory provision is based on and incorporates the directions of the Supreme Court in the Mandal case Judgement, which directed the Government of India and the State Governments/Union Territories to constitute a permanent body, in the shape of a National Commission for Backward Classes and the State Commissions for Backward Classes and that the "advice tendered by such bodies shall ordinarily be binding upon the Government".

Powers of Government of India when specific legislation is there

In case of *Ram Singh & Ors. Vs. Union of India*, Hon'ble Supreme Court observed that:

“47. Of relevance, at this stage, would be one of the arguments advanced on behalf of the Union claiming a power to itself to bypass the NCBC and to include groups of citizens in the Central List of OBCs on the basis of Article 16(4) itself. Undoubtedly, Article 16(4) confers such a power on the Union but what cannot be overlooked is the enactment of the specific statutory provisions constituting a Commission (NCBC) whose recommendations in the matter are required to be adequately considered by the Union Government before taking its

final decision. Surely, the Union cannot be permitted to discard its self-professed norms which in the present case are statutory in character.”

“48. Certain other issues arising may be conveniently considered at this stage. One such issue arises from the contentions advanced on behalf of the respondents, particularly on behalf of the Union Government, that the OBC lists of the concerned States, by themselves, can furnish a reasonable basis for the exercise of inclusion in the Central Lists. The above contention is sought to be countenanced by the further argument that the Union and the State Governments under the constitutional scheme have to work in tandem and not at cross purposes. While there can be no doubt that in the matter of inclusion in the Central Lists of other backward classes, the exercise undertaken by the State Governments in respect of the State Lists may be relevant what cannot be ignored in the present case is the very significant fact that in respect of all the States (except Haryana) the inclusion of Jats in the OBC Lists was made over a decade back. A decision as grave and important as involved in the present case which impacts the rights of many under Articles 14 and 16 of the Constitution must be taken on the basis of contemporaneous inputs and not outdated and antiquated data. In fact, under Section 11 of the Act revision of the Central Lists is contemplated every ten years. The said provision further illuminates on the necessity and the relevance of contemporaneous data to the decision making process”.

Section 11 of the National Commission for Backward Classes Act, 1993 enjoins upon the Central Government to undertake revision of the lists of backward classes at the expiration of ten years after the Act came into force and thereafter every succeeding period of ten years, and enables it to undertake such revision at any time, 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. Under sub-section (2) of this Section, the Central Government is required to consult the Commission while under-taking such revision. As stated earlier no such decadal revision has taken place so far. While performing its functions under Section 9(1) of the Act, the Commission has been vested with all the powers of a civil court trying a suit and in particular, in respect of the summoning and enforcing the attendance of any person from any part of India and examining him on oath; requiring the discovery and production of any document; receiving evidence on affidavits; requisitioning any public record or copy thereof from any court or office; issuing notices for the examination of witnesses and documents; and any other matter which may be prescribed.

Section 8(2) empowers the Commission to regulate its own procedure. Sections 14 and 15 provide that the Commission shall prepare its annual report for each financial year 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 shall be laid by the Central Government before each House of Parliament.

As per the procedure laid down by the Commission under Sub-Section (2) of Section (8) of the National Commission for Backward Classes Act, 1993 the advice of the Commission may be formulated unanimously or by consensus or by majority. Where there is no unanimity or consensus, the advice of the majority will be tendered as the Commission's advice but the dissenting advice also will be furnished to Government. In regulating its procedure under Section 8(2) of the Act, the Commission has been guided by the principles of objectivity, transparency and speed. In fact soon after the Commission was established, it took the following steps under Section 8(2) of the National Commission for Backward Classes Act, 1993:-

- (i) Formulated the procedure for examination of requests for inclusion in the lists and complaints of over-inclusion or under-inclusion in the Central list of Backward Classes.
- (ii) Formulated guidelines for consideration of requests for inclusion and complaints of under-inclusion in the Central list.
- (iii) Prepared a questionnaire for obtaining data in respect of requests for inclusion of castes/communities.

The Commission has been making additions and streamlining this procedure from time to time, based on experience and according to needs.

Conferment of Review Powers of Commission

The Powers of the Commission has been widened by Gazette Notification dated 03/05/2011 vide file No. 12011/9/2007-BCC dated 03/05/2011 wherein the Commission has also been given the powers to review any earlier advice tendered erstwhile to the Central Government under sub-section (1) of Section-9 of National Commission for Backward Classes Act, 1993.

Chapter III

Composition of the Commission

In accordance with the directions of the Supreme Court in the Indra Sawhney Case, 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 first Commission by its Notification No. 12011/34/BCC/Pt.I dated 14th August, 1993. Thereafter, the Commissions were reconstituted after the expiry of tenures. The Commissions constituted till date under the National Commission for Backward Classes Act, 1993 are given below:-

I From 18.08.1993 to 17.08.1996

- | | | |
|----|------------------|----------------------------|
| 1. | Chairperson | Justice (Retd.) R N Prasad |
| 2. | Member-Secretary | Shri P S Krishnan |
| 3. | Member | Dr. Dhirubhai L Seth |
| 4. | Member | Dr. Dinesh Singh Yadav |
| 5. | Member | Dr. Prasannan |

II From 28.02.1997 to 27.02.2000

- | | | |
|----|------------------|--|
| 1. | Chairperson | Justice (Retd.) Shyam Sunder |
| 2. | Member-Secretary | Shri P S Krishnan |
| 3. | Member | Shri Akshay Bhai Sahu |
| 4. | Member | Prof. Uday Pratap Singh |
| 5. | Member | Shri Navtej Singh Puadhi
(expired while in harness on 16.08.1998) |
| 6. | Member | Shri MS Matharoo
(joined on 14.07.1999) |

(While Members form sl. nos. 1-4 completed their 3-year tenure on 27.02.2000 Shri M S Matharoo continued till 13.07.2002 when he completed his 3-year term)

III **From 28.07.2000 onwards.**

1. Chairprson Justice(Retd.) B L Yadav
(died in harness on 24.03.2002)
2. Member-Secretary Shri C T Benjamin
(06.04.2000 to 31.07.2000 as Secretary)
(1.08.2000 to 31.7.2003 as Member Secretary)
3. Member Shri M S Matharoo
(14.07.1999 to 13.07.2002)
4. Member Dr. B M Das
(28.08.2000 to 27.08.2003)
5. Member Smt. Neera Shastri
(03.09.2000 to 02.09.2003)

IV **From 13.08.2002 to 12.08.2005**

1. Chairperson Justice (Retd.) Ram Surat Singh
(13.08.2002 to 12.08.2005)
2. Member-Secretary Smt. Chitra Chopra
Secretary
(04.08.2003 to 30.07.2004)

Shri S.K. Purkayastha
(09.08.2004 onward)
3. Member Shri M S Matharoo
(19.08.2002 onwards)
4. Member Smt. Neera Shastri
(29.09.2003 onward)
5. Member Dr. B. Babu Rao Verma
(06.10.2003 onward)

V **From 14.08.2005 onward**

1. Chairperon Justice(Retd.) S. Ratnavel Pandian
(14.08.2006 to 13.08.2009)

- | | | |
|----|------------------|---|
| 2. | Member-Secretary | Shri S.K. Purkayastha
(09.08.2004 to 08.08.2007) |
| | | Shri Lakshmi Chand
(18.08.2007 to 05.07.2008) |
| | | Smt. Chitra Chopra
(11.11.2008 onwards) |
| 3. | Member | Shri Yogeshwar Prasad Yogesh
(from 10.03.2006 to 31.05.2007) |
| | | Shri Ram Awadhesh Singh
(08.06.2007 to 07.06.2010) |
| 4. | Member | Smo. Neera Shastri
(from 29.09.2003 to 28.09.2006) |
| | | Dr. Subbha Somu
(28.03.2007 to 27.03.2010) |
| 5. | Member | Dr. B. Babu Rao Verma
(06.10.2003 to 05.10.2006) |
| | | Shri Abdul Ali Azizi
(15.10.2007 to 14.10.2010) |

Note:* Shri Yogeshwar Prasad Yogesh Died in harness on 31.05.2007.

VI **From 07.06.2010 onwards**

- | | | |
|----|------------------|---|
| 1. | Chairperson | Justice(Retd.) M N Rao
(07.06.2010 to 06.06.2013) |
| 2. | Member-Secretary | Smt. Chitra Chopra
(11.11.2008 till 10.11.2011) |
| | | Dr. Shyam Agarwal
(Secretary-Additional charge)
(15.11.2011. to 08.04.2013) |
| 3. | Member | Shri S.K. Kharventhan
(03.11.2010 to 02.11.2013) |

4. Member Shri Ram Awadhesh Singh
(From 08.06.2007 to 07.06.2010)

Shri Deepak Katole
(12.11.2010 to 11.11.2013)

5. Member Shri Abdul Ali Azizi
(15.10.2007 to 14.10.2010)

Dr. Shakeel-uz-Zaman Ansari
(27.07.2011 to 23.01.2014)

VII **From 19.09.2013 onwards**

1. Chairperson Justice Vengala Eswaraiah
(19.09.2013 to 16.06.2016)

2. Member-Secretary Shri A.K. Mangotra
(17.06.2013 to 16.06.2016)

Secretary
Shri Rajesh Shrivastava
(10.11.2016 to 10.05.2017)

3. Member Shri S.K. Kharventhan
(12.12.2013 to 09.12.2016)

4. Member Shri Ashok Kumar Saini
(06.01.2014 to 05.01.2017)

5. Member Dr.Shakeel uz-Zaman Ansari
(13.02.2014 to 10.02.2017)

Chapter IV

Constitutional Status to the National Commission for Backward Classes

Pursuant to the said judgment of Hon'ble Supreme Court of India in the matter of Indra Sawhney and others Vs. Union of India and others (AIR 1993, SC 477), The National Commission for Backward Classes Act was enacted in April, 1993 and the National Commission for Backward Classes was constituted on the 14th August, 1993 under the said Act. The National Commission for Backward Classes (NCBC) was empowered to shall examine requests for inclusion of any class of citizens as a Backward Class in the List and hear complaints of over-inclusion or under-inclusion of any Backward Class in such list and tender such advice to the Central Government as it deems appropriate. In order to safeguard the interests of the Socially and Educationally Backward Classes more effectively, the National Commission for Backward Classes was no power at par with the National Commission for Scheduled Castes (NCSC) and National Commission for Scheduled Tribes (NCST).

2. The Constitution (123rd Amendment) Bill, 2017 was introduced in Parliament on April 5, 2017 to grant the Constitutional Status to the National Commission on Backward Classes (NCBC). The said bill passed by both Houses of Parliament. The Constitution (One Hundred and Second Amendment) Act, 2018 of Parliament received the assent of the President on the 11th August, 2018. The National Commission for Backward Classes Act, 27 of 1993 is repealed vide the National Commission for Backward Classes (Repeal) Act, 2018.
3. In pursuance of the Constitution (One Hundred and Second Amendment), 2018 Chairperson (Dr. Bhagwan Lal Sahni) Vice-Chairperson (Dr. Lokesh Kumar Prajapati) and other three Hon'ble Members (Dr. Sudha Yadav, Shri Kaushalendra Singh Patel and Shri Achary Thalloju) are appointed by the Hon'ble President of India by warrant under his hand and seal. Hon'ble Chairperson and other three Hon'ble Members took charge on 28th February, 2019 and Hon'ble Vice Chairperson took charge on 8th March, 2019.

Under Clause (5) of Article 338B of the Constitution of India, it shall be the duty of the Commission :-

- a.** to investigate and monitor all matters relating to the safeguards provided for the socially and educationally backward classes under this Constitution or under any other law for the time being in force or under any order of the Government and evaluate the working of such safeguards;
- b.** to inquire into specific complaints with respect to the deprivation of rights and safeguards of the socially and educationally backward classes;
- c.** to participate and advice on the socio-economic development of the socially and educationally backward classes and to evaluate the progress of their development under the Union and any State;
- d.** to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- e.** to make in such reports the recommendations as to the measures that should be taken by the Union or any 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
- f.** to discharge such other functions in relation to the protection, welfare and development and advancement of the socially and educationally backward classes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), 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;
- f.** any other matter which the President may, by rule, determine.

CHAPTER-V

कार्यालय महानिदेशक लेखापरीक्षा (केन्द्रीय व्यय)

Office of the Director General of Audit (Central Expenditure)

डी जी ए सी आर भवन, इन्द्रप्रस्थ एस्टेट, नई दिल्ली-110 002

DGACR Building, Indraprastha Estate, New Delhi-110 002



दिनांक 07.09.2022

सं. AMG-V/SAR/NCBC/4-4/2021-23/

सेवा में,

सचिव, भारत सरकार

सामाजिक न्याय एवं अधिकारिता मंत्रालय,

शास्त्री भवन, नई दिल्ली-110001.

विषय: वर्ष 2018-19 के लिए राष्ट्रीय पिछड़ा वर्ग आयोग, नई दिल्ली के लेखाओं पर पृथक लेखापरीक्षा प्रतिवेदन

महोदया,

में, राष्ट्रीय पिछड़ा वर्ग आयोग, नई दिल्ली के वर्ष 2018-19 के प्रमाणित वार्षिक लेखे की प्रति उसके पृथक लेखापरीक्षा प्रतिवेदन तथा लेखापरीक्षा प्रमाणपत्र की प्रति सहित संसद के पटल पर रखने के लिए संलग्न कर रही हूँ।

संसद को प्रस्तुत कर दस्तावेज की दो प्रतियाँ उस तिथि को दर्शाते हुए, जब वे संसद को प्रस्तुत किये गए थे, इस कार्यालय को तथा भारत के नियंत्रक एवं महालेखापरीक्षक के कार्यालय को भेजी जाए।

कृपया यह सुनिश्चित किया जाये कि पृथक लेखापरीक्षा प्रतिवेदन को संसद के दोनों सदनों के समक्ष प्रस्तुत करने से पहले वार्षिक लेखाओं को शासी निकाय (Governing Body) द्वारा अनुमोदित अवश्य करा लिया जाये तथा यह भी सुनिश्चित करें कि 2018-19 के पृथक लेखापरीक्षा प्रतिवेदन एवं लेखापरीक्षा प्रमाणपत्र को संसद के पटल पर रखने से पहले पूर्व वर्षों के सभी पृथक लेखापरीक्षा प्रतिवेदन एवं लेखापरीक्षा प्रमाणपत्र संसद के पटल पर प्रस्तुत किये जा चुके हों।

पृथक लेखापरीक्षा प्रतिवेदन का हिंदी अनुवाद एवं इसे जारी करने से सम्बन्धित सभी कार्यों को आपके निकाय द्वारा ही किया जाना अपेक्षित है। पृथक लेखापरीक्षा प्रतिवेदन का हिंदी अनुवाद जारी करते समय निम्नलिखित अस्वीकरण (disclaimer) अंकित करें।

“प्रस्तुत प्रतिवेदन मूल रूप से अंग्रेजी में लिखित पृथक लेखापरीक्षा प्रतिवेदन का हिंदी अनुवाद है। यदि इसमें कोई विसंगति परिलक्षित होती है तो अंग्रेजी में लिखित प्रतिवेदन मान्य होगा।”

संलग्नक: यथोपरि

भवदीया,

-sd-

उप-निदेशक (ए.एम.जी.-V)

सं. AMG-V/SAR/NCBC/4-4/2021-23/344

08 SEP 2022

दिनांक 07.09.2022

प्रति:

प्रमाणित वार्षिक लेखे कि प्रति, उसके लेखापरीक्षा प्रतिवेदन तथा लेखापरीक्षा प्रमाणपत्र की प्रति सहित सचिव, राष्ट्रीय पिछड़ा वर्ग आयोग, त्रिकूट-1, भिकाजी कामा प्लेस, नई दिल्ली -110017, को आवश्यक कार्यवाही हेतु अग्रेषित की जाती है। वार्षिक लेखाओं की हिंदी प्रति आवश्यक कार्यवाही हेतु इस कार्यालय को भेजी जाए ।

संसद को प्रस्तुत कर दस्तावेज की दो प्रतियाँ उस तिथि को दर्शाते हुए, जब ये संसद को प्रस्तुत किये गए थे, इस कार्यालय को तथा भारत के नियंत्रक एवं महालेखापरीक्षक के कार्यालय को भेजी जाए ।

संलग्नक: यथोपरि

उप-निदेशक (ए.एम.जी.-V)

सं. AMG-V/SAR/NCBC/4-4/2021-23/

दिनांक 07.09.2022

प्रति:

प्रमाणित वार्षिक लेखे कि प्रति, उसके लेखापरीक्षा प्रतिवेदन तथा लेखापरीक्षा प्रमाणपत्र की प्रति सहित प्रधान निदेशक (ए.बी.), भारत के नियंत्रक एवं महालेखापरीक्षक का कार्यालय, 9 दीन दयाल उपाध्याय मार्ग, नई दिल्ली-110124 को अग्रेषित की जाती है।

यह महानिदेशक लेखापरीक्षा, केंद्रीय व्यय के अनुमोदन से जारी किया जा रहा है ।

संलग्नक: यथोपरि

- sd -

उप-निदेशक (ए.एम.जी.-V)

Separate Audit Report of the Comptroller & Auditor General of India on the Accounts of National Commission for Backward Classes (NCBC), New Delhi for the year ended 31 March 2019

We have audited the attached Balance Sheet of National Commission for Backward Classes (NCBC), New Delhi as at 31 March 2019, Income & Expenditure Account and Receipt & Payment Account for the year ended on that date under Section 19 (2) of the Comptroller & Auditor General's (Duties, Powers & Conditions of Service) Act, 1971 read with Section 13(2) of the National Commission for Backward Classes, Act 1993. These financial statements are the responsibility of the National Commission for Backward Classes, New Delhi management. Our responsibility is to express an opinion on these financial statements based on our audit.

2. This Separate Audit Report contains the comments of the Comptroller and Auditor General of India (CAG) on the accounting treatment only with regard to classification, conformity with the best accounting practices, accounting standards and disclosure norms etc. Audit observations on financial transactions with regard to compliance with the Law, Rules & Regulations (Propriety and Regularity) and efficiency-cum-performance aspects, etc., if any, are reported through Inspection Report/CAG's Audit Reports separately.
3. We have conducted the audit in accordance with auditing standards generally accepted in India. These standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatements. An audit includes examining, on a test basis, evidences supporting the amounts and disclosure in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall presentation of financial statements. We believe that our audit provides a reasonable basis for our opinion.
4. Based on our audit, we report that:
 - i. We have obtained all the information and explanations, which to the best of our knowledge and belief were necessary for the purpose of our audit.
 - ii. The Balance Sheet, Income & Expenditure Account and Receipt & Payment Account dealt with by this report have **not** been drawn up in the Uniform Format of Accounts approved by the Government of India, Ministry of Finance.
 - iii. In our opinion, proper books of accounts and other relevant records have been maintained by the commission as required under section 13(1) of the National Commission for Backward Classes Act, 1993 in so far as it appears from our examination of such books.

iv. We further report that:

A. Balance Sheet

A.1 Liabilities - Rs. 270.42 lakh

A.1.1 As per Schedule 5, "Sundry creditors and other liabilities", closing balance of unutilized grant was depicted as Nil. However unutilized grants were not taken into account as detailed below:

(Figures in Rs.)

Grant Received	4,50,00,000
Previous Year Unutilized Grant	74,30,614
Total	524,30,614
Expenditure during 2018-19	341,40,070
*Unutilized Grant	182,90,544

This resulted in understatement of Current Liabilities by Rs. 182.91 lakh and overstatement of the head Excess of Income over Expenditure (Schedule 2 of Balance Sheet) by the same amount.

Further as per Utilization Certificate, closing unspent balance for 2018-19 was Rs. 1.73 lakh. The difference of Rs. 9.48 lakh needs reconciliation.

A.1.2 Unspent grant for the year 2016-17 amounting to Rs. 4.23 lakh was added to current year grant, resulting in overstatement of Income for the current year by Rs. 4.23 lakh and understatement of Sundry Creditors-Liability (Schedule 5) by the same amount.

A.1.3 The Commission has depicted the opening balance of Remittances (Schedule 5) as on 1.04.2018 as Rs. 1.73 lakh, addition during the year is Rs. 4.17 lakh and Rs. 7.13 lakh was remitted during the year. However, the closing balance under this head taken to Balance Sheet was Rs. 4.57 lakh. This resulted in overstatement of current liabilities by Rs. 5.81 lakh (Rs. 1.73 lakh + Rs. 4.16 lakh - Rs. 7.13 lakh - Rs. 4.57 lakh).

Further, the above remittance in excess of amount received as depicted in Schedule 3- Remittances, was on account of negative opening balance under "Current Liabilities and Provisions- Remittances" under the sub head-TDS. This indicates that TDS remitted was more than TDS deducted. The reason for this as well reasons for negative opening balance of TDS were not furnished by the Commission.

A.1.4 The Electricity Division of CPWD raised bill of Rs. 16.43 lakh for electricity charges for the area occupied by Commission. The Commission paid Rs. 4.11 lakh out of 16.43 lakh i.e. 25 percent of the total demand and balance payment was pending as on

31/03/2019. However, no Provision for outstanding Liability was made by the Commission. This resulted in understatement of the current liabilities and Provisions by Rs. 12.32 lakh and understatement of expenditure by the same amount.

B. General

B.1 As per Significant Accounting Policies of the Commission, the financial statement was prepared under the historical cost convention, unless otherwise stated and on the accrual method of accounting. However, the Commission was accounting the interest received from the bank on realization basis instead of accrual basis.

B.2 Savings Account of the Commission with a balance of Rs. 80,633/- as on 31.03.2019, was lying inoperative since September 2012.

B.3 LTC advance and TA advance amounting to Rs. 5.18 lakh and Rs 29,147/- were lying unadjusted. Urgent steps may be taken for adjustment of above advances. Details of the advance and period since pending has not been furnished.

C. Grants in Aid

Out of Grant in Aid of Rs. 450 lakh received during the year from the Department of Social Justice & Empowerment, an amount of Rs. 150 lakh was received in March 2019. The Commission also had an unspent balance of previous year Grant in Aid amounting to Rs. 74.31 lakh. Out of total fund available, the Commission utilized Rs. 341.40 lakh leaving an unutilized balance of Grant in Aid Rs. 182.91 lakh as on 31.03.2019. However, the account did not reflect the unutilized balance.

D. Management letter

Deficiencies which have not been included in the Audit Report have been brought to the notice of the National Commission for Backward Classes (NCBC), New Delhi through a management letter issued separately for remedial/corrective action.

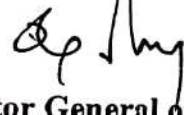
v. Subject to our observations in the preceding paragraphs, we report that the Balance sheet, Income & Expenditure Account and Receipt & Payment Account dealt with by this report are in agreement with the book of accounts.

vi. In our opinion and to the best of our information and according to the explanation given to us, the said financial statements read together with the Accounting Policies and Notes on Accounts, and subject to the significant matters stated above and other matters mentioned in Annexure to this Audit Report give a true and fair view in conformity with

accounting principles generally accepted in India:

- (a) In so far as it relates to the Balance Sheet of the state of affairs of the National Commission for Backward Classes (NCBC), New Delhi as at 31 March, 2019 and
- (b) In so far as, it relates to Income and Expenditure Account of the **surplus** for the year ended on that date.

For and on behalf of the C&AG of India



**Director General of Audit
(Central Expenditure)**

Annexure

1. **Adequacy of Internal Audit System**

The internal audit of the Commission was conducted by Internal Audit Wing of the office of the Principal Chief Controller of Accounts, Ministry of Education up to 2020. The Commission does not have any internal audit wing.

2. **Adequacy of Internal Control System**

- Internal control system was inadequate as the Commission has not settled advances and assets are also not being depicted in fixed asset register.
- Grant-in-Aid Register and Expenditure Control Register has not been maintained by the Commission.

3. **System of physical verification of assets**

The physical verification of Fixed Assets has been conducted up to 23.02.2018.

4. **System of physical verification of inventory.**

The physical verification of Inventory was conducted up to 23.02.2018.

5. **Regulatory in payment of dues.**

No payments over six month in respect of statutory dues are outstanding.

Dy. Director (AMG-V)

NATIONAL COMMISSION FOR BACKWARD CLASSES

Tricoot-I, Bhika Ji Kama Palace, New Delhi-110066

Balance Sheet as on 31st March'2019

Liabilities	Sch.	Curent Year 2018-19	Previous Year 2017-18	Assets	Sch.	Curent Year 2018-19	Previous Year 2017-18
(A) Capital Assets Fund	1	6,388,190	5,103,889	(A) Fixed Assets	6	6,388,190	5,103,889
(B) Excess of Income Over Expenditure	2	19,626,603	10,429,935	(B) Investments	7	-	-
PAO Account				(C) Contigent Advances & other Advances	8	3,264,048	3,463,880
(C) Current Liabilities and Provisions				(D) Security Deposits / Earnest Money	9	45,000	45,000
(i) Remittances	3	456,993	173,382	(E) Provident Funds, etc.	10	-	-
(ii) Provident Fund etc.	4	-	-	(F) Sundry Debtors	11	-	-
(iii) Sundry Creditors and Expenses Payable	5	570,645	993,724	(G) Closing Balance			
				a. Cash in Hand		10,010	7,746
				b. Cash at Bank			
				(i) State Bank of India		78,739	78,739
				(ii) Union Bank of India		17,256,444	8,001,676
Total		27,042,431	16,700,930	Total		27,042,431	16,700,930

for

विजेन्द्र कुमार / BIJENDRA KUMAR
 सचिव / Section Officer
 राष्ट्रीय आयोग के आयोग
 National Commission for Backward Classes
 सामाजिक न्याय और अधिकारिता विभाग
 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

J. Rai Shankar

for

आनन्द कुमार / ANAND KUMAR
 सचिव / Secretary
 राष्ट्रीय आयोग के आयोग
 National Commission for Backward Classes
 सामाजिक न्याय और अधिकारिता विभाग
 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

For Geeta Shankar & Co.



Partner

01 MAR 2021

Mishra
 सचिव / Accounts Officer
 सचिव / Consultant
 सामाजिक न्याय और अधिकारिता विभाग
 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

National Commission for Backward Classes

Tricoot-I, Bhika ji Karna Palace, New Delhi - 110066

Income and Expenditure Account for the year ended 31st March 2019

Expenditure		Plan	Non Plan	Total Amount	Previous Year	Plan	Non Plan	Total Amount	Previous Year
1		2	3	4	5	6	7	8	
1 Recurring									
(a) Establishment Charges									
1 Salaries (Charperson and Members)		-	-	-	531,794	-	-	-	30,000,000
2 Salaries (Officers and Establishment)		-	22,342,986	22,342,986	16,558,000	-	45,423,079	45,423,079	-
3		-	-	-	2,530	-	-	-	-
4 Travel Expenses		-	84,847	84,847	-	-	-	-	-
5 Tuition Fees		-	-	-	147,947	-	-	-	-
6 Bonus		-	124,344	124,344	116,926	-	-	-	-
7 DA Arrears		-	141,837	141,837	-	-	-	-	-
8 Leave Salary & Pension Contribution		-	90,492	90,492	-	-	-	-	-
9 Leave Encashment		-	233,918	233,918	160,651	-	-	-	-
10 Leave Travel Concession		-	349,301	349,301	27,427	-	-	-	-
11 Medical Reimbursement		-	132,433	132,433	215,150	-	-	-	-
12 Honorarium		-	47,630	47,630	-	-	-	-	-
(b) Other Establishment Charges									
1 Wages		-	3,263,667	3,263,667	2,957,118	-	-	-	-
2 Office Expenses		-	323,587	323,587	141,992	-	-	-	-
3 Electricity & Water Expenses		-	410,793	410,793	16,940	-	343,399	343,399	354,599
4 Advertisement & Publicity		-	-	-	21,430	-	-	-	-
5 Hospitality Expenses		-	534,801	534,801	45,732	-	-	-	-
6 Salary Arrear		-	2,417,404	2,417,404	-	-	11,940	11,940	29,495
7 Repair & Maintenance		-	354,296	354,296	45,003	-	-	-	-
8 Repair of furniture & Fixtures		-	3,008	3,008	-	-	-	-	-
9 Repair of Machinery & Equipment		-	51,932	51,932	49,213	-	-	-	-
10 Maintenance of vehicle		-	6,141	6,141	-	-	-	-	-
11 Petrol, Oil & Lubricants		-	591,158	591,158	170,784	-	-	-	-

विवेन्द्र कुमार / BIJENDRA KUMAR
 अनुपम अधिकारी / Section Officer
 राष्ट्रीय पिछड़ा वर्ग आयोग
 National Commission for Backward Classes
 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

J. Ravishankar
 सहायक सचिव / Under Secretary
 राष्ट्रीय पिछड़ा वर्ग आयोग
 National Commission for Backward Classes
 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

For Geeta Shankar & Co.
 लेखा अधिकारी / Accounts Officer
 परामर्शदाता / Consultant
 राष्ट्रीय पिछड़ा वर्ग आयोग
 National Commission for Backward Classes
 नई दिल्ली / New Delhi

आनन्द कुमार / ANAND KUMAR
 सहायक सचिव / Secretary
 राष्ट्रीय पिछड़ा वर्ग आयोग
 National Commission for Backward Classes
 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

Partner
 01 MAR 2021



National Commission for Backward Classes

Tricoot-I, Bhika ji Kama Palace, New Delhi - 110066

Income and Expenditure Account for the year ended 31st March 2019

Expenditure	Plan	Non Plan	Total Amount	Previous Year	Income	Plan	Non Plan	Total Amount	Previous Year
	2	3	4	5	6	7	8	9	10
12 Seminear Expenses	-	45,860	45,860	274,705					
13 Telephone Charges	-	190,097	190,097	197,386					
14 Miscellaneous Expenditure	-	6,480	6,480	101,535					
15 Legal Charges	-	-	-	268,969					
16 Audit Fee	-	-	-	213,845					
17 Professional fee	-	122,724	122,724	126,266					
18 Overtime Allowance	-	62,941	62,941	24,733					
19 Bank Commission & Charges	-	1,567	1,567	1,646					
20 Conveyance Expenses	-	89,032	89,032	70,635					
21 Printing & Stationery	-	278,806	278,806	159,440					
22 Prior Period Expenses	-	242,796	242,796	-					
23 Transport Expenses	-	388,000	388,000	2,605					
24 Uniform Expenses	-	-	-	-					
25 Farewell Expenses	-	-	-	-					
26 Festival Expenses	-	-	-	-					
27 Children Education Allowance	-	337,743	337,743	126,000					
28 Computer Repair & Maintenance	-	42,868	42,868	-					
28 Consultancy Expenses	-	826,581	826,581	197,243					
29 Incentive to Staff	-	-	-	24,820					
(c) Provident Fund & Other Contribution	-	-	-	-					
1 Pension & Gratuity (Including committed value of pension & LSPC	-	-	-	-					
2 Contribution to CPF	-	-	-	-					
3 Deposit linked Insurance scheme	-	-	-	-					
4 Interest on CPF	-	-	-	-					
Interest on NPS	-	-	-	-					
Group Insurance scheme	-	-	-	-					
a. Insurane Fund	-	-	-	-					
b. Saving Fund	-	-	-	-					
c. Assistance to other aoganisations	-	-	-	-					
Special studied & expenditure on litigation	-	-	-	-					
Promotional & educational Research	-	-	-	-					
Excess of Income over Expenditure	-	11,638,348	11,638,348	7,391,629					
Total		45,778,418	45,778,418	30,384,094					

बिजेन्द्र कुमार / BIJENDRA KUMAR
 अनुमान अधिकारी / Section Officer
 राष्ट्रीय पिछड़ा वर्ग आयोग
 National Commission for Backward Classes
 भारतीय न्याय और अधिकारिता विभाग
 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

देखा अधिकारी / Accounts Officer
 परामर्शदाता / Accounts Consultant
 राष्ट्रीय पिछड़ा वर्ग आयोग
 National Commission for Backward Classes
 नई दिल्ली / New Delhi

Fog Geeta Shankar & Co.
 CHARTERED ACCOUNTANTS
 NEW DELHI

आनंद कुमार / ANAND KUMAR
 सचिव / Secretary
 राष्ट्रीय पिछड़ा वर्ग आयोग
 National Commission for Backward Classes
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 Ministry of Social Justice & Empowerment
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National Commission for Backward Classes

Tricoot-1, Bhika ji Kama Palace, New Delhi - 110066

Receipt and Payment Account for the year ended 31st March 2019

Receipt	Plan		Non Plan		Total Amount	Previous Year	Payment	Plan		Non Plan		Total Amount	Previous Year
	2	3	4	5				6	7	8			
iv Central Govt. Health Scheme	-	-	-	-	-	-	iv CGESIS/SGEIS	-	-	-	1,086	1,086	504
v Postal Life Insurance	-	-	-	-	-	-	v Director State Insurance	-	-	-	-	-	120,240
vi Central Govt. Employees Group Insurance Scheme	-	-	-	-	-	-	vi PAO (Department Of Agr. And Coop)	-	-	-	-	-	60,720
vii Defined Pension Contribution	-	-	-	-	-	-	vii PAO MOSIE	-	-	3,398,173	-	3,398,173	3,372,200
viii GPF	-	-	-	-	-	-	(D) Grant in aid to other organisation	-	-	-	-	-	-
ix New Pension Scheme	-	-	-	-	-	-	i Expenditure in Litigation and special studies	-	-	-	-	-	-
x Reimbursement Of salaries	-	-	-	-	-	298,722	ii Promotional & Education Research	-	-	-	-	-	-
xi TDS Payable	-	166,345	166,345	-	-	-	(E) Investment	-	-	-	-	-	-
xii GST Payable	-	52,088	52,088	-	-	-	Investment (detail to be shown in schedule	-	-	-	-	-	-
II. Non - Recurring	-	-	-	-	-	-	(F) Contingent Advances	-	-	-	-	-	-
i. Sale Of Newspaper	-	36,581	36,581	-	-	427,044	i Advance to CPWD	-	-	410,793	-	410,793	821,586
ii. Other Establishment charges	-	-	-	-	-	-	ii Advance to DGS & D	-	-	-	-	-	-
	-	-	-	-	-	-	iii Advance to NICSI	-	-	-	-	-	-
	-	-	-	-	-	-	iv Advance for Seminar	-	-	-	-	-	-
	-	-	-	-	-	-	v Advance to DDO	-	-	7,575	-	7,575	219,161
	-	-	-	-	-	-	(G) Advance to Staff	-	-	-	-	-	-
	-	-	-	-	-	-	i House Building Advance	-	-	-	-	-	-
	-	-	-	-	-	-	ii Motor Car / Scooter Advance	-	-	-	-	-	-
	-	-	-	-	-	-	iii Other Advance	-	-	-	-	-	-
	-	-	-	-	-	-	a. Festival Advance	-	-	-	-	-	-
	-	-	-	-	-	-	b. LTC Advance	-	-	41,225	-	41,225	114,818
	-	-	-	-	-	-	c. TA Advance	-	-	-	-	-	25,225
	-	-	-	-	-	-	d. Advance for Medical Expenses	-	-	-	-	-	-
	-	-	-	-	-	-	e. Salary Advance	-	-	-	-	-	51,910
	-	-	-	-	-	-	f. Other	-	-	11,000	-	11,000	223,197
	-	-	-	-	-	-	(H) Other Adjustments (Remittances)	-	-	-	-	-	-

(Signature)

विजेन्द्र कुमार / BIJENDRA KUMAR
 अनुसूचित अधिकारी / Section Officer
 राष्ट्रीय आयोग के आयोग
 National Commission for Backward Classes
 सामाजिक न्याय और अधिकारिता विभाग
 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

(Signature)

J. Rainankan

(Signature)

आनंद कुमार / ANAND KUMAR
 सचिव / Secretary
 राष्ट्रीय आयोग के आयोग
 National Commission for Backward Classes
 सामाजिक न्याय और अधिकारिता विभाग
 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

(Signature)

गीता शंकर / Geeta Shankar & Co.
 नया दिल्ली / New Delhi
 चार्टर्ड अकाउंटेंट्स
 Chartered Accountants
 नया दिल्ली / New Delhi
 Partner
 01 MAR 2021

National Commission for Backward Classes

Tricoot-I, Bhika ji Kama Palace, New Delhi - 110066

Receipt and Payment Account for the year ended 31st March 2019

Receipt	Plan	Non Plan	Total Amount	Previous Year	Payment	Plan	Non Plan	Total Amount	Previous Year
1	2	3	4		5	6	7	8	
					i GPF/ CPF etc recoveries from				
					Deputationist		136,500	136,500	55,000
					ii Licence Fee				
					iii Income Tax				
					a. On Salary				
					b. On Non Salary		2,563,456	2,563,456	1,564,606
					Central Govt. Health Scheme		160,499	160,499	300,702
					CGEGIS/CGEIS				
					GPF				
					HBA Recovery				
					New pension Scheme				
					Contribution to Prime Minister		198,556	198,556	16,160
					Relief Fund				
					CPF				
					Computer Advance				50,000
					Interest on SCA Advance				
					GST		52,088	52,088	
					Non Recurring Expenditure				
					(A) Other Establishment Charges				
					3 i Land				
					ii Building				
					iii Furniture & Fixtures				
					iv Machinery & Equipment				
					v Motor Vehicle				
					vi Electrical Equipment				
					vii Mobile Phone				
					viii Computer System & Software		1,205,805	1,205,805	
					ix Air Conditioner				
					x Book				
					xi Ipad				
					xii Office equipment		653,065	653,065	
					xiii Telephone		582,810	582,810	
					xiv UPS				
					(B) Deposits				
					i Security Deposit				

For Geeta Shankar & Co.
NEW DELHI
CHARTERED ACCOUNTANTS

विजेन्द्र कुमार / BIJENDRA KUMAR
अनुमान अधिकारी / Section Officer
राष्ट्रीय विवेक वर्ग अधिकारी
National Commission for Backward Classes
सामाजिक न्याय और अर्थव्यवस्था विभाग
Ministry of Social Justice & Empowerment
नई दिल्ली / New Delhi

J. Rainbhanika

डॉ. रविशंकर / J. RAVISHANKAR
अवर सचिव / Under Secretary
राष्ट्रीय विवेक वर्ग अधिकारी
National Commission for Backward Classes
सामाजिक न्याय और अर्थव्यवस्था विभाग
Ministry of Social Justice & Empowerment
नई दिल्ली / New Delhi

आनन्द कुमार / ANAND KUMAR
सचिव / Secretary
राष्ट्रीय विवेक वर्ग अधिकारी
National Commission for Backward Classes
सामाजिक न्याय और अर्थव्यवस्था विभाग
Ministry of Social Justice & Empowerment
नई दिल्ली / New Delhi

Security Deposit
अधिकारी / Accountants Officer
परामर्शदाता / Consultant
राष्ट्रीय विवेक वर्ग और
सामाजिक न्याय और अर्थव्यवस्था विभाग
नई दिल्ली / New Delhi

Partner

National Commission for Backward Classes

Tricoot-I, Bhika ji Kama Palace, New Delhi - 110065

Receipt and Payment Account for the year ended 31st March 2019

Receipt	Plan	Non Plan	Total Amount	Previous Year	Payment	Plan	Non Plan	Total Amount	Previous Year
1	2	3	4		5	6	7	8	
					ii Earnest Money Deposit				
					(C) Closing Cash Balance		10,010	10,010	7,746
					i Cash in Hand				
					ii Cheque in Hand				
					iii Cash in Bank				
					a. State Bank of India		78,739	78,739	78,739
					b. Union Bank of India		17,256,444	17,256,444	8,001,676
Total		54,284,271	54,284,271	33,629,151	Total		54,284,271	54,284,271	33,629,151

[Signature]

विजेन्द्र कुमार / BIJENDRA KUMAR
अनुभाग अधिकारी / Section Officer
राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
सामाजिक न्याय और अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
नई दिल्ली / New Delhi

For Geeta Shankar & Co.



Partner

01 MAR 2021

[Signature]

आनन्द कुमार / ANAND KUMAR
सचिव / Secretary
राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
सामाजिक न्याय और अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
नई दिल्ली / Govt. of India

लेखा अधिकारी / Accounts Officer
प्रामाणिकता / Consultant
राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
नई दिल्ली / New Delhi

NATIONAL COMMISSION FOR BACKWARD CLASSES

Tricoot-I, Bhika Ji Kama Palace, New Delhi-110066

CAPITAL ASSETS FUND - F.Y. 2018-19

Schedule- "1"

S.No.	Description	Opening Balance	Addition	Amount Written off / sold out	Closing Balance
1	Land	-	-	-	-
2	UPS	91,362	-	13,704	77,658
3	Furniture & Fixture	1,284,981	-	128,498	1,156,483
4	Machinery & Equipments	152,039	-	22,806	129,233
5	Vehicles	1,901,294	-	285,194	1,616,100
6	Telephone	17,813	582,810	45,642	554,981
7	IPAD	122,413	-	18,362	104,051
8	Mobile Phone	22,149	-	3,322	18,827
9	Office Equipment	249,293	653,065	95,263	807,095
10	Electricals	432,090	-	43,209	388,881
11	Computer System & Software	37,304	1,205,805	382,406	860,703
12	Air Conditioners	793,151	-	118,973	674,178
13	Books	-	-	-	-
		5,103,889	2,441,680	1,157,379	6,388,190

विजेन्द्र कुमार / BIJENDRA KUMAR
अनुभाग अधिकारी / Section Officer
राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
सामाजिक न्याय और अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

For Geeta Shankar & Co.



Partner

01 MAR 2021

J. Ravishankar

जे. रविशंकर / J. RAVISHANKAR
अवर सचिव / Under Secretary
राष्ट्रीय पिछड़ा वर्ग
National Commission for Backward Classes
सामाजिक न्याय और अधिकारिता मंत्रालय
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भारत सरकार / Govt. of India
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लेखा अधिकारी / Accounts Officer
परामर्शदाता / Consultant
राष्ट्रीय पिछड़ा वर्ग
National Commission for Backward Classes
नई दिल्ली / New Delhi

आनन्द कुमार / ANAND KUMAR

सचिव / Secretary
राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
सामाजिक न्याय और अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

NATIONAL COMMISSION FOR BACKWARD CLASSES

Tricoot-I, Bhika Ji Kama Palace, New Delhi-110066

आनन्द कुमार / ANAND KUMAR

सचिव / Secretary

Schedule- "2"

EXCESS OF INCOME OVER EXPENDITURE - F.Y. 2018-19

राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
सामाजिक न्याय और अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

S.No.	Description	Amount
1	Balance as per last Balance Sheet	10,429,935
2	Excess of income over expenditure	11,638,348
3	Computer System and Software	(1,205,805)
4	Office Equipment	(653,065)
5	Telephone	(582,810)
	Total	19,626,603

REMITTANCES - F.Y. 2018-19

Schedule- "3"

S.No.	Description	Opening Balance	Addition	Amount Remitted	Closing Balance
1	Federal Provident Fund etc recovered from staff on deputation	-	-	-	-
2	Licence Fees	297,236	-	-	297,236
3	Income Tax	(10)	-	-	(10)
4	Central Govt. Health Scheme	3,393	-	-	3,393
5	Postal Life Insurance	-	-	-	-
6	Central Govt. Employees Group Insurance Scheme	435	-	-	435
7	Computer Advance Recovery	1,625	-	-	1,625
8	General Provident fund Subscription	145,515	-	-	145,515
9	HBA Advance Recovery	8,380	-	-	8,380
10	Interest on HBA Recovery	-	-	-	-
11	Interest on MCA Recovery	1,000	-	-	1,000
12	Interest on SCA Recovery	1,005	-	-	1,005
13	SCA Advance Recovery	3,180	-	-	3,180
14	MCA Advance Recovery	1,780	-	-	1,780
15	TDS Payable	(291,265)	160,499	457,610	5,846
16	National Pension Contribution	5,386	-	-	5,386
17	New Pension Scheme	(4,278)	198,556	198,556	(4,278)
18	Contribution to CPF	-	-	-	-
19	Contribution to Prime Minister Relief Fund	-	-	-	-
20	Recovery of Conveyance	-	-	-	-
21	GST Payable	-	56,598	56,598	-
22	General Provident fund Recovered	-	136,500	123,000	(13,500)
		173,382	415,653	712,764	456,993

बिजेन्द्र कुमार / BIJENDRA KUMAR
अनुभाग अधिकारी / Section Officer
राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
सामाजिक न्याय और अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

लेखा अधिकारी / Accounts Officer
परामर्शदाता / Consultant
राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
नई दिल्ली / New Delhi

For Geeta Shankar & Co.
CHARTERED ACCOUNTANTS
Partner

NATIONAL COMMISSION FOR BACKWARD CLASSES

Tricoot-I, Bhika Ji Kama Palace, New Delhi-110066

PROVIDENT FUND ETC. - F.Y. 2018-19

Schedule- "4"

S.No.	Description	Amount
(A)	General Provident Fund	
	1. Opening Balance	
	2. Subscription	-
	3. Recovery of Advance	-
	4. Interest	-
	Less : Advance / Final Payment	-
	Sub Total	-
(B)	(a) Saving Fund	
	1. Opening Balance	
	2. Subscription	-
	3. Interest	-
	Less : Payment / Investment	-
	Sub Total	-
	(b) Insurance Fund	
	1. Opening Balance	-
	2. Subscription	-
	3. Interest	-
	Less : Payment / Investment	-
	Sub Total	-
	Total	-

SUNDRY CREDITORS / OTHER LIABILITIES - F.Y. 2018-19

Schedule- "5"

S.No.	Description	Opening Balance	Addition	Amount Written off	Closing Balance
1	Security Deposits	-	-	-	-
2	Earnest Money Deposits	40,000	-	-	40,000
3	Sundry Creditors	-	-	-	-
4	Other Liabilities				
	- Unutilized Grant	423,079	-	423,079	-
5	Professional Fees Payable	-	-	-	-
6	Salary Payable	-	-	-	-
7	Expenses Payable	134,258	-	-	134,258
8	Security Deposit Received	116,200	-	-	116,200
9	Old dues date to state chq cancelled	280,187	-	-	280,187
		993,724	-	423,079	570,645

विजेन्द्र कुमार / BIJENDRA KUMAR
 अनुभाग अधिकारी / Section Officer
 राष्ट्रीय पिछड़ा वर्ग आयोग
 National Commission for Backward Classes
 सामाजिक न्याय और अधिकारिता मंत्रालय
 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

लेखा अधिकारी / Accounts Officer
 परामर्शदाता / Consultant
 राष्ट्रीय पिछड़ा वर्ग आयोग
 National Commission for Backward Classes
 नई दिल्ली / New Delhi

For Geeta Shankar & Co.
 NEW DELHI
 CHARTERED ACCOUNTANTS
 Partner
 01 MAR 2021

V. Rani Shankar

NATIONAL COMMISSION FOR BACKWARD CLASSES

Tricoot-J, Bhika Ji kama Palace, New Delhi-1100066

DEPRECIATION CHART FOR FIN. YEAR 2018-19

ASSETS FUND

S.No.	Description	Opening Balance	Addition Before 30.09.18	Addition After 30.09.18	TOTAL	Amount Written off/ Depreciation	Closing Balance
1	Land	-	-	-	-	-	-
2	UPS	91,362	-	-	91,362	13,704	77,658
3	Furniture & Fixture	1,284,981	-	-	1,284,981	128,498	1,156,483
4	Machinery & Equipments	152,039	-	-	152,039	22,806	129,233
5	Vehicles	1,901,294	-	-	1,901,294	285,194	1,616,100
6	Telephone	17,813	-	582,810	600,623	45,642	554,981
7	IPAD	122,413	-	-	122,413	18,362	104,051
8	Mobile Phone	22,149	-	-	22,149	3,322	18,827
9	Office Equipment	249,293	118,519	534,546	902,358	95,263	807,095
10	Electricals	432,090	-	-	432,090	43,209	388,881
11	Computer System & Software	37,304	468,230	737,575	1,243,109	382,406	860,703
12	Air Conditioners	793,151	-	-	793,151	118,973	674,178
13	Books	-	-	-	-	-	-
		5,103,889	586,749	1,854,931	7,545,569	1,157,379	6,388,190

BIJENDRA KUMAR
National Commission for Backward Classes
Ministry of Social Justice & Empowerment
New Delhi

Schedule - "7"

S.No.	Description	Amount
1	Fixed Deposits with Bank (s)	-
	(a) Opening Balance	-
	(b) Investment	-
	(c) Investment encashed	-
	Closing Balance	-

For Geeta Shankar & Co.

Geeta Shankar & Co.
Chartered Accountants
New Delhi

Partner

01 MAR 2021

NATIONAL COMMISSION FOR BACKWARD CLASSES

Tricoot-I, Bhika Ji Kama Palace, New Delhi-110066

Schedule- "8"

CONTINGENT & OTHER ADVANCES - F.Y. 2018-19

S.No.	Description	Opening Balance	Addition	Recoveries	Closing Balance
1	Contigent Advance				
	a Advance to CPWD	2,633,888	-	-	2,633,888
	b Advance to DDO	136,832	7,575	148,357	(3,950)
	c Advance to NICSI	-	-	-	-
	d Advance for Case Hearing	-	-	-	-
		-	-	-	-
2	Advances to Employees				
	a House Building Advances	-	-	-	-
	b Advances for Computer	10,400	-	-	10,400
	c Motor Car/ Scooter Advance	-	-	-	-
	d Advance for Mobile Phone	-	-	-	-
	e Advance to Staff	68,048	50,000	44,000	74,048
	f Festival Advance	2,550	-	-	2,550
	g LTC Advance	533,015	41,225	56,275	517,965
	h TA Advance	29,147	-	-	29,147
	i Advance for Uniform	-	-	-	-
	j Advance for Seminar	-	-	-	-
3	Other Advances				
	a Salary in Advance	50,000	-	50,000	-
	Total	3,463,880	98,800	298,632	3,264,048

Schedule- "9"

SECURITY / EARNEST MONEY DEPOSIT - F.Y. 2018-19

S.No.	Description	Opening Balance	Addition	Amount Written off	Closing Balance
1	Security Deposit	45,000	-	-	45,000
2	Earnest Money Deposit	-	-	-	-
	Total	45,000	-	-	45,000

विजेन्द्र कुमार / BIJENDRA KUMAR
 अनुभाग अधिकारी / Section Officer
 राष्ट्रीय पिछड़ा वर्ग आयोग
 National Commission for Backward Classes
 सामाजिक न्याय और अधिकारिता मंत्रालय
 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

J. Rainshankar

For Geeta Shankar & Co.

आनन्द कुमार / ANAND KUMAR
 सचिव / Secretary
 राष्ट्रीय पिछड़ा वर्ग आयोग
 National Commission for Backward Classes
 सामाजिक न्याय और अधिकारिता मंत्रालय
 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi



Partner

01 MAR 2021

श्री. रविशंकर / RAVISHANKAR
 सहायक सचिव / Assistant Secretary
 राष्ट्रीय पिछड़ा वर्ग आयोग
 National Commission for Backward Classes
 सामाजिक न्याय और अधिकारिता मंत्रालय
 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

लेखा अधिकारी / Assistant Officer
 परामर्श / Assistant
 राष्ट्रीय पिछड़ा वर्ग आयोग
 National Commission for Backward Classes
 नई दिल्ली / New Delhi

NATIONAL COMMISSION FOR BACKWARD CLASSES

Tricoot-I, Bhika Ji Kama Palace, New Delhi-110066

Schedule- "10"

PROVIDENT FUND ETC - F.Y. 2018-19

S.No.	Description	Opening Balance	Addition	Amount Written off	Closing Balance
1	General Provident Fund				
	Opening Balance	-	-	-	-
	Add : Investment made during the year	-	-	-	-
	Less : Investment encashed	-	-	-	-
	Amount of balance in cash	-	-	-	-
2	Group Insurance Scheme				
	(a) Saving Fund				
	Opening Balance	-	-	-	-
	Add : Investment made during the year	-	-	-	-
	Less : Investment encashed	-	-	-	-
	Amount of balance in cash	-	-	-	-
	(b) Insurance Fund				
	a Opening Balance	-	-	-	-
	b Add : Investment made during the year	-	-	-	-
	c Less : Investment encashed	-	-	-	-
	d Amount of balance in cash	-	-	-	-
	Total	-	-	-	-

Schedule- "11"

SUNDRY DEBTORS

S.No.	Description	Opening Balance	Addition	Amount Written off	Closing Balance
1		-	-	-	-
2		-	-	-	-
	Total	-	-	-	-

h/c
विजेन्द्र कुमार / BIJENDRA KUMAR
 अनुभाग अधिकारी / Section Officer
 राष्ट्रीय पिछड़ा वर्ग आयोग
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 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

J. Ravishankar

जे. राविशंकर / J. RAVISHANKAR
 सहायक सचिव / Assistant Secretary
 राष्ट्रीय पिछड़ा वर्ग आयोग
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 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

For Geeta Shankar & Co.



Partner

01 MAR 2021

de
आनन्द कुमार / ANAND KUMAR
 सचिव / Secretary
 राष्ट्रीय पिछड़ा वर्ग आयोग
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 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

JKhase
लेखा अधिकारी / Accounts Officer
 परामर्शदाता / Consultant
 राष्ट्रीय पिछड़ा वर्ग आयोग
 National Commission for Backward Classes
 नई दिल्ली / New Delhi

NATIONAL COMMISSION FOR BACKWARD CLASSES

SCHDEULE FORMING PART OF THE ACCOUNTS FOR THE PERIOD ENDING ON 31ST MARCH 2019

SIGNIFICANT ACCOUNTING POLICIES

1 ACCOUNTING CONVENTION

The financial statement are prepared under the historical cost convention, inless otherwise stated and on the accrual method of accouting.

2 FIXED ASSETS

Fixed Assets are stated at cost of acquisition inclusive freightm duties and taxes and incidental and direct expenses related to acquisition less depriciation according to the rates as per the Income Tax Act'1961.

Sale of fixed asset if any, is reduced from the WDV of respective assets as per the Income Tax Act,1961.

3 DEPRICIATION

3.1. Depriciation is provided on the written down value method as per the rates specified in the Income Tax Act'1961.

3.2. In respect of additions to / deduction from fixed assets during the year, depreciation is considered as per the the Income Tax Act,1961.

3.3. Depreciation charges are credited to Capital Assets Funds as entire cost of fixed assets is debited to Capital Assets Fund.

4 MISCELLANEOUS EXPENDITURE

Miscellaneous expenditure has been booked under the head other charges in the Income & Expenditure account.

5 GOVERNMENT GRANTS / SUBSIDIES

5.1. Grants in respect of specific fixed assets acquired are shown as deduction from the cost of related assets.

5.2. Government grants/ subsidy is accounted on realization basis.

6 CURRENT ASSETS, LOANS AND ADVANCES

In the opinion of management, current assets, loans and advances have a value on realization in the ordinary in the ordinary course of business, equal at least to the aggregate amount shown in the balance sheet.

7 TAXATION

In view of there being no taxable income under the Income Tax Act,1961, no provision for Income Tax has been considered necessary.

AK

विवेक कुमार / BHENDRA KUMAR

National Commission for Backward Classes
सामाजिक न्याय और अधिकारिता आयोग
Ministry of Social Justice & Empowerment
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

J. Ravishankar

जे. रविशंकर / J. RAVISHANKAR
अवर सचिव / Under Secy
राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
सामाजिक न्याय और अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

For Geeta Shankar & Co.



Partner

01 MAR 2021

लेखा अधिकारी / Accounts Officer
परामर्शदाता / Consultant
राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
नई दिल्ली / New Delhi

आनन्द कुमार / ANAND KUMAR
सचिव / Secretary
राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
सामाजिक न्याय और अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

NOTES TO ACCOUNTS

- 1 License Fees deducted on Salary could not be deposited due to non-acceptance of the same by software of the Director of Estate.
- 2 Advance paid to CPWD is subject to reconciliation.
- 3 During the year commission reconciled the last year closing balances. Accordingly, mistakes have been rectified and amounts have been accounted for in prior period expenses account and relevant account in the current year accounts.

विजेन्द्र कुमार ^{hi} BIJENDRA KUMAR
अनुभाग अधिकारी / Section Officer
राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
सामाजिक न्याय और अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

J. Rainshankar

श्री विजेन्द्र कुमार, कानून विभाग
अनुभाग अधिकारी / Section Officer
राष्ट्रीय पिछड़ा वर्ग आयोग
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Ministry of Social Justice & Empowerment
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

For Geeta Shankar & Co.



Geeta Shankar
Partner

01 MAR 2021

MBhaskar
लेखा अधिकारी / Accounts Officer
परामर्शदाता / Consultant
राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
नई दिल्ली / New Delhi

Anand Kumar
आनन्द कुमार / ANAND KUMAR
सचिव / Secretary
राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
सामाजिक न्याय और अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

Annexure

North Block, New Delhi,
Dated: September 13, 2017

OFFICE MEMORANDUM

Subject: Revision of income criteria to exclude socially advanced persons/sections (Creamy Layer) from the purview of reservation for Other Backward Classes (OBCs)-reg.

The undersigned is directed to invite attention to this Department's Office Memorandum No. 36012/22/93-Estt. (SCT) dated 8th September, 1993 which, inter-alia, provided that sons and daughters of persons having gross annual income of ₹ 1 lakh or above for a period of three consecutive years would fall within the creamy layer and would not be entitled to get the benefit of reservation available to the Other Backward Classes. The aforesaid limit of income for determining the creamy layer status was subsequently raised to ₹ 2.5 lakh, ₹ 4.5 lakh and ₹ 6 lakh vide this Department's OM No. 36033/3/2004-Estt. (Res.) dated 09.03.2004, OM No. 36033/3/2004-Estt. (Res.) dated 14.10.2008 and OM No. 36033/1/2013-Estt. (Res.) dated 27.05.2013 respectively.

2. It has now been decided to raise the income limit from ₹ 6 lakh to ₹ 8 lakh per annum for determining the creamy layer amongst the Other Backward Classes. Accordingly, the expression "₹ 6 lakh" under Category VI in the Schedule to this Department's aforesaid O.M. dated 8th September, 1993 would be substituted by "₹ 8 lakh".
3. The provisions of this office memorandum have effect from 1st September, 2017.
4. All the Ministries/Departments are requested to bring the contents of this office memorandum to the notice of all concerned.



(Debabrata Das)

Under Secretary to the Government of India
Ph: 2304 0279

To:

1. All the Ministries/Departments of the Government of India.
2. Department of Financial Services, New Delhi.
3. Department of Public Enterprises, New Delhi.
4. Railway Board, New Delhi.
5. Union Public Service Commission/Supreme Court of India/Election Commission of India/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Niti Aayog.
6. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
7. Ministry of Social Justice & Empowerment, Shastri Bhawan, New Delhi.

8. National Commission for Scheduled Castes/National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi.
9. National Commission for Backward Classes, Trikoot-1, Bhikaji Cama Place, R.K. Puram, New Delhi.
10. Office of the Comptroller and Auditor General of India, 10 Bahadur Shah Jafar Marg, New Delhi-110002.
11. Director General, Press Information Bureau, National Media Centre, 7E Raisina Road, New Delhi – with a request to give wide publicity to this OM
12. The NIC, DoPT with a request to upload it at the website of this Department in OMs & Orders > Estt. (Res.) > SC/ST/OBC and in 'What's New'

Copies forwarded to:

The Chief Secretaries of all the States/Union Territories for information and necessary action.



(Debabrata Das)

Under Secretary to the Government of India

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. *Short title, extent and commencement*— (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 and Kashmir.
 - (3) It shall be deemed to have come into force on the 1st day of February, 1993.

2. *Definitions*.—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 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

3. *Constitution of National Commission for Backward Classes* .—(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.
4. *Term of office and conditions of service of Chairperson and Members* —(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. *Officers and other employees of the Commission*—(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.
- (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 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.
8. *Procedure to be regulated by the Commission*—(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 authorised 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 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.
10. *Powers of the Commission*—The Commission shall, while performing its functions under subsection(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.
11. *Periodic revision of lists by the Central Government*— (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

12. *Grants by the Central Government*—(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 utilised 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. *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 Central Government in consultation with the Comptroller and Auditor-General of India.
- (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. *Annual report*—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.
15. *Annual report and audit report to be laid before Parliament*—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.

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 (45 of 1860).
17. *Power to make rules*—(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.
18. *Power to remove difficulties*—(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.

19. *Repeal and saving*—(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.

(b) "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 be 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)¹ 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, a local body or other authority wholly or substantially owned or controlled by the Government; or
- (iii) was not in 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 New Pension Scheme introduced by the Ministry of Finance (Department of Expenditure) vide O.M.No.I(T)(2)/2003/TA/19, dated the 14th January, 2004 and 4th February, 2004.

10. Residuary Provision :- (1) The conditions of service of to 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 High Court appointed as Chairperson, the same as those admissible under the Government's instructions relation 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

¹(Amended vide the National Commission for Backward Classes (Salaries and Allowances and other condition of Service of Chairperson and Members) Amendment Rules, 2013 published in Gazette of India vide number GSR 734 (E) File No. 12015/10/2010-BC-II dated 12.11.2013)

National Commission for Backward Classes (Power to Review Advice) Rules, 2011.

(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,

4. 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) Section 9.

5. 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.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, मंगलवार, मई 3, 2011/वैशाख 13, 1933

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NEW DELHI, TUESDAY, MAY 3, 2011/VAISAKHA 13, 1933

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.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 34] नई दिल्ली, शनिवार, अगस्त 11, 2018/ श्रावण 20, 1940 (शक)
No. 34] NEW DELHI, SATURDAY, AUGUST 11, 2018/SHRAVANA 20, 1940 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 11th August, 2018/Shravana 20, 1940 (Saka)

The following Act of Parliament received the assent of the President on the 11th August, 2018, and is hereby published for general information:—

THE CONSTITUTION (ONE HUNDRED AND SECOND AMENDMENT) ACT, 2018

[11th August, 2018.]

An Act further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (One Hundred and Second Amendment) Act, 2018.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 338 of the Constitution, in clause (10), the words, brackets and figures "to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340, by order specify and also" shall be omitted.

Amendment of article 338.

Insertion of
new article
338B.

National
Commission
for Backward
Classes.

3. After article 338A of the Constitution, the following article shall be inserted, namely:—

“338B. (1) There shall be a Commission for the socially and educationally backward classes to be known as the National Commission for Backward Classes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the socially and educationally backward classes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the socially and educationally backward classes;

(c) to participate and advise on the socio-economic development of the socially and educationally backward classes and to evaluate the progress of their development under the Union and any State;

(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(e) to make in such reports the recommendations as to the measures that should be taken by the Union or any 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

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the socially and educationally backward classes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

(6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the State Government which shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5),

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;
- (f) any other matter which the President may, by rule, determine.

(9) The Union and every State Government shall consult the Commission on all major policy matters affecting the socially and educationally backward classes."

4. After article 342 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article 342
A.
Socially and
educationally
backward
classes.

"342A. (1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the socially and educationally backward classes which shall for the purposes of this Constitution be deemed to be socially and educationally backward classes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the Central List of socially and educationally backward classes specified in a notification issued under clause (1) any socially and educationally backward class, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

5. In article 366 of the Constitution, after clause (26B), the following clause shall be inserted, namely:—

Amendment
of article 366.

“(26C) "socially and educationally backward classes" means such backward classes as are so deemed under article 342A for the purposes of this Constitution;”.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 37] नई दिल्ली, मंगलवार, अगस्त 14, 2018/श्रावण 23, 1940 (शक)
No. 37] NEW DELHI, TUESDAY, AUGUST 14, 2018/SHRAVANA 23, 1940 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 14th August, 2018/Shravana 23, 1940 (Saka)

The following Act of Parliament received the assent of the President on the 14th August, 2018, and is hereby published for general information:—

THE NATIONAL COMMISSION FOR BACKWARD CLASSES (REPEAL) ACT, 2018

No. 24 OF 2018

[14th August, 2018.]

An Act to repeal the National Commission for Backward Classes Act, 1993.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Commission for Backward Classes (Repeal) Act, 2018.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

27 of 1993.

2. (1) The National Commission for Backward Classes Act, 1993 is hereby repealed and the National Commission for Backward Classes constituted under sub-section (1) of section 3 of the said Act shall stand dissolved.

Repeal and savings.

(2) The repeal of the National Commission for Backward Classes Act, 1993 shall, however, not affect,— 27 of 1993.

(i) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or

(ii) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or

(iii) any penalty, confiscation or punishment incurred in respect of any contravention under the Act so repealed; or

(iv) any proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, confiscation or punishment as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such penalty, confiscation or punishment may be imposed or made as if that Act had not been repealed.

(3) The mention of the particular matters referred to in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal. 10 of 1897.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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No. 592]

NEW DELHI, THURSDAY, AUGUST 23, 2018/BHADRA 1, 1940

सामाजिक न्याय और अधिकारिता मंत्रालय
अधिसूचना

नई दिल्ली, 23 अगस्त, 2018

सा.का.नि. 800(अ).—राष्ट्रपति, संविधान के अनुच्छेद 338(ख) के खंड (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और राष्ट्रीय पिछड़ा वर्ग आयोग (अध्यक्ष एवं सदस्यों के वेतन एवं भत्ते और अन्य सेवा शर्तों) नियम, 1996 के उन बातों के सिवाय अधिकांश करते हुए जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया है, निम्नलिखित नियम बनाते हैं, अर्थात् -

1. संक्षिप्त नाम और प्रारंभ- (1) इन नियमों का संक्षिप्त नाम राष्ट्रीय पिछड़ा वर्ग आयोग, अध्यक्ष, उपाध्यक्ष और सदस्य (सेवा की शर्तें और पदावधि) नियम, 2018 है।
(2) यह राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।
2. परिभाषाएं— इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,-
 - (क) "अनुच्छेद" से संविधान का अनुच्छेद अभिप्रेत है;
 - (ख) "अध्यक्ष" से आयोग का अध्यक्ष अभिप्रेत है;
 - (ग) "आयोग" से अनुच्छेद 338(ख) के खंड (1) के अधीन स्थापित राष्ट्रीय पिछड़ा वर्ग आयोग अभिप्रेत है;
 - (घ) "सदस्य" से आयोग का सदस्य अभिप्रेत है और इसके अंतर्गत अध्यक्ष एवं उपाध्यक्ष भी हैं;
 - (ङ) "उपाध्यक्ष" से आयोग का उपाध्यक्ष अभिप्रेत है।

3. **अर्हताएं-** (1) सदस्यों की नियुक्ति ऐसे योग्य, मत्वनिष्ठ और प्रतिष्ठित व्यक्तियों में से की जाएगी जिनका सामाजिक और शैक्षिक रूप से पिछड़े वर्गों को न्याय दिलाने संबंधी निस्वार्थ सेवा का रिकार्ड रहा हो।
 (2) उप-नियम (1) के उपबंधों के अध्याधीन,—
 (क) अध्यक्ष की नियुक्ति, सामाजिक रूप से और शैक्षिक रूप से पिछड़े वर्गों से संबंधित ऐसे प्रतिष्ठित सामाजिक-राजनीतिक कार्यकर्ताओं में से की जाएगी, जिन्होंने अपने व्यक्तित्व एवं निस्वार्थ सेवा-रिकार्ड से सामाजिक और शैक्षिक रूप से पिछड़े वर्गों के बीच विश्वास कायम किया हो;
 (ख) उपाध्यक्ष और अन्य सदस्यों में से, कम से कम दो, की नियुक्ति, सामाजिक रूप से और शैक्षिक रूप से पिछड़े वर्गों के व्यक्तियों में से की जाएगी;
 (ग) सदस्यों में से कम से कम एक महिला सदस्य होगी।
4. **अंशकालिक सदस्यों की नियुक्ति** – इन नियमों के अधीन नियुक्त किए जाने वाले सदस्यों की नियुक्ति अंशकालिक आधार पर भी की जा सकती है।
5. **पदावधि-** (1) इन नियमों में अन्यथा रूप से उपबंधित के सिवाए, प्रत्येक सदस्य उस तारीख से तीन वर्ष की अवधि के लिए अपने पद पर बना रहेगा, जिससे उस सदस्य ने कार्यभार ग्रहण किया हो।
 (2) सदस्यगण दो पदावधियों से अधिक के लिए नियुक्ति के पात्र नहीं होंगे।
6. **वेतन और भत्ते-** (1) प्रत्येक सदस्य का स्तर, जब तक कि अन्यथा रूप से विनिर्दिष्ट न हो, भारत सरकार के सचिव के समकक्ष होगा।
 (2) प्रत्येक सदस्य, ऐसे वेतन, भत्तों और अन्य सुविधाओं का हकदार होगा जो सचिव, भारत सरकार को अनुज्ञेय होगी:
 परंतु कि अध्यक्ष किराया-मुक्त आवास का भी हकदार होगा।
 (3) उप नियम (1) और (2) में उल्लिखित किसी बात के होते हुए भी, यदि कोई अध्यक्ष, उपाध्यक्ष या अन्य कोई सदस्य संसद, या किसी राज्य विधान मंडल का सदस्य है, तो अध्यक्ष, उपाध्यक्ष या जैसी भी स्थिति हो, अन्य कोई सदस्य संसद (निरर्हता निवारण) अधिनियम 1959 (1959 का 10) की धारा 2 के खंड (क) में परिभाषित भत्तों से भिन्न अन्य किसी पारिश्रमिक या जैसी भी स्थिति हो, अन्य किसी भत्ते, यदि कोई हो, जो राज्य विधान मंडल का सदस्य होते हुए, राज्य विधान मंडल की सदस्यता के लिए निरर्हता के निवारण से संबंधित राज्य में किसी विधि के अंतर्गत उस समय प्रवृत्त हो, ऐसी निरर्हता के बिना प्राप्त करता है, को पाने का हकदार नहीं होगा।
 (4) उप-नियम (1) और (2) में उल्लिखित किसी बात के होते हुए भी, अंशकालिक आधार पर नियुक्त कोई सदस्य दौरे के दौरान ऐसा यात्रा भत्ता और दैनिक भत्ता पाने का हकदार होगा, जो सचिव, भारत सरकार को अनुज्ञेय है।
7. **स्थायी अथवा अस्थायी नियुक्तियों के मामले में व्यवस्था-** (1) यदि अध्यक्ष का पद रिक्त है अथवा यदि अध्यक्ष किसी कारणवश अनुपस्थित हो अथवा अपने कर्तव्य का पालन करने में अक्षम है, तो नए अध्यक्ष के कार्यभार संभालने अथवा विद्यमान अध्यक्ष के अपना कार्यभार संभालने तक, जैसा भी मामला हो, उपाध्यक्ष द्वारा इन कर्तव्यों का पालन किया जाएगा।

(2) यदि उपाध्यक्ष का पद रिक्त है अथवा यदि उपाध्यक्ष किसी कारणवश अनुपस्थित हो अथवा अपने कर्तव्य का पालन करने में अक्षम है, तो नए उपाध्यक्ष के कार्यभार संभालने अथवा विद्यमान उपाध्यक्ष के अपना कार्यभार संभालने तक, राष्ट्रपति द्वारा निर्देशित किसी अन्य सदस्य द्वारा उन कर्तव्यों का पालन किया जाएगा।

8. **आयोग के अध्यक्ष, उपाध्यक्ष और अन्य सदस्यों के रूप में नियुक्त सेवानिवृत्त व्यक्तियों के लिए विशेष उपबंध-** उच्चतम न्यायालय अथवा उच्च न्यायालय के सेवानिवृत्त न्यायाधीश या कोई सेवानिवृत्त सरकारी सेवक अथवा अन्य किसी संस्था या स्वायत्त निकाय का सेवानिवृत्त सेवक होने के नाते किसी व्यक्ति को और उसे पिछली सेवा के संबंध में पेंशन की प्राप्ति की स्थिति में, अध्यक्ष, उपाध्यक्ष अथवा एक सदस्य के रूप में नियुक्त किया जाता है, तो इन नियमों के अधीन उसको अनुज्ञेय वेतन में से उस पेंशन की रकम और यदि उमने पेंशन के किसी भाग के बदले उसका संग्रहित मूल्य प्राप्त किया है तो पेंशन के उस भाग की रकम घटा दी जाएगी।

9. **त्याग-पत्र और हटाना-** (1) अध्यक्ष और उपाध्यक्ष तथा अन्य कोई सदस्य राष्ट्रपति को संबोधित हस्तलिखित पत्र द्वारा नोटिस देकर अपने पद से त्याग-पत्र दे सकते हैं।

(2) (क) अध्यक्ष को राष्ट्रपति के आदेश द्वारा कदाचार के आधार पर उसके पद से तभी हटाया जाएगा जब उच्चतम न्यायालय ने, राष्ट्रपति द्वारा उसे किए गए किसी निर्देश पर संविधान के अनुच्छेद 145 के खंड (1) के उप-खंड (i) के अधीन विहित प्रक्रिया के अनुसरण में जांच के पश्चात यह रिपोर्ट दी हो कि अध्यक्ष को उस आधार पर हटा दिया जाना चाहिए।

(ख) राष्ट्रपति, अध्यक्ष को जिनके संबंध में इस उप-नियम के अधीन उच्चतम न्यायालय को निर्देश किया गया है, ऐसे निर्देश पर उच्चतम न्यायालय की रिपोर्ट प्राप्त होने पर राष्ट्रपति द्वारा आदेश पारित किए जाने तक पद से निलंबित कर सकेगा।

(ग) खण्ड (क) में उल्लिखित किसी बात के होते हुए भी, राष्ट्रपति, अध्यक्ष को उसके पद से हटाने का आदेश दे सकते हैं, यदि अध्यक्ष,-

- (i) दिवालिया न्यायनिर्णीत किया जाता है; अथवा
- (ii) अपनी पदावधि में अपने पद के कर्तव्यों के बाहर किसी सवेतन नियोजन में लगता है; अथवा
- (iii) किसी अपराध के लिए दोषसिद्ध हुआ हो और कारावास की सजा हुई हो, जिसमें राष्ट्रपति की राय में नैतिक अक्षमता अंतर्बलित है; या
- (iv) राष्ट्रपति की राय में, मानसिक और शारीरिक अक्षमता के कारण पद पर बने रहने के अयोग्य है अथवा अध्यक्ष के पद का दुरुपयोग किया हो, क्योंकि इससे यह लगता है कि इस व्यक्ति का इस पद पर बने रहना सामाजिक और शैक्षिक रूप से पिछड़े वर्गों के हितों के लिए हानिकारक है:

परंतु कि अध्यक्ष को इस खण्ड के अधीन तब तक हटाया नहीं जाएगा जब तक कि मामले में सुने जाने का, उसे युक्तियुक्त अवसर न दिया गया हो।

(घ) यदि अध्यक्ष, किसी प्रकार भारत सरकार द्वारा या उसकी ओर से की गई किसी सविदा या करार से संबद्ध या उससे हितबद्ध है या किसी निगमित कंपनी के किसी सदस्य के रूप में से अन्यथा और उसके अन्य सदस्यों के साथ सामान्यतः उसके लाभ में या उससे प्रोदभूत होने वाले किसी फायदे या परिलब्धियों में हिस्सा लेता है तो वह खंड (क) के प्रयोजनों के लिए कदाचार का दोषी समझा जाएगा।

- (3) राष्ट्रपति, किसी व्यक्ति को उपाध्यक्ष या सदस्य के पद से हटा सकते हैं, यदि वह व्यक्ति,-
- (क) अनुमोचित दिवालिया हो गया हो;
 - (ख) किसी अपराध के लिए दोषसिद्ध हुआ हो और उसे कारावास की सजा हुई हो, जिसमें राष्ट्रपति की राय में नैतिक अक्षमता अंतर्विलित है;
 - (ग) राष्ट्रपति की राय में, मानसिक या शारीरिक अक्षमता के कारण पद पर बने रहने के अयोग्य हो;
 - (घ) कार्य करने से मना करता हो अथवा कार्य करने में अक्षम हो गया हो;
 - (ङ) आयोग से अनुपस्थित होने की अनुमति लिए बिना अथवा आयोग की लगातार तीन बैठकों में अनुपस्थित रहा हो।
 - (च) राष्ट्रपति की राय में, उपाध्यक्ष अथवा किसी सदस्य ने अपने पद का दुरुपयोग किया हो, कि उस व्यक्ति का उस पद पर बने रहना सामाजिक तथा शैक्षिक रूप से पिछड़े वर्गों के लिए हानिकारक हो:

परंतु कि किसी व्यक्ति को इस उप-खण्ड के अधीन तब तक हटाया नहीं जाएगा जब तक कि उसे सुने जाने का युक्तियुक्त अवसर न दिया गया हो।

[फा.सं. 12015/11/2017-बीसी-II (खंडII)]

बी.एल. मीना, संयुक्त सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

NOTIFICATION

New Delhi, the 23rd August, 2018

G.S.R. 800(E).—In exercise of the powers conferred by clause (2) of article 338B of the Constitution and in supersession of the National Commission for Backward Classes (Salaries and Allowances and other conditions of Service of Chairperson and Members) Rules, 1996, except as respects things done or omitted to be done before such supersession, President hereby makes the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called the National Commission for Backward Classes Chairperson, Vice-Chairperson and Members (Conditions of Service and Tenure) Rules, 2018.

(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) "article" means article of the Constitution;
- (b) "Chairperson" means the Chairperson of the Commission;
- (c) "Commission" means the National Commission for Backward Classes established under clause (1) of article 338B;
- (d) "Member" means a Member of the Commission and includes the Chairperson and the Vice-Chairperson;
- (e) "Vice-Chairperson" means the vice-Chairperson of the Commission.

3. Qualifications.- (1) The Members shall be appointed from amongst persons of ability, integrity and standing who have had a record of selfless service to the cause of justice for the socially and educationally backward classes.

(2) Subject to the provisions of sub rule (1),-

(a) the Chairperson shall be appointed from amongst eminent socio-political workers belonging to the socially and educationally backward classes, who inspire confidence amongst the socially and educationally backward classes by their very personality and record of selfless service;

(b) of the Vice-Chairperson and all other Members out of whom, at least two shall be appointed from amongst persons belonging to the socially and educationally backward classes;

(c) at least one other Member shall be appointed from amongst women;

4. Appointment of part-time Members.- The Members to be appointed under these rules may be appointed on part-time basis also.

5. Term of Office.- (1) Save as otherwise provided in these rules, every Member shall hold office for a term of three years from the date on which the Member assumes such office.

(2) The Members shall not be eligible for appointment for more than two terms.

6. Salaries and allowances.- (1) Every Member shall have the rank of a Secretary to the Government of India unless otherwise specified.

(2) Every Member shall be entitled to such salaries, allowances and other facilities as admissible to a Secretary to the Government of India:

Provided that the Chairperson shall also be entitled to a rent free accommodation,

(3) Notwithstanding anything contained in sub-rules (1) and (2), if the Chairperson, Vice-Chairperson or any other Member is a Member of Parliament, or a State Legislature, the Chairperson, Vice-chairperson, or as the case may be, the other Member, shall not be entitled to any remuneration other than the allowances, defined in clause (a) of section 2 of the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959) or as the case may be, other than the allowances, if any, which a Member of the Legislature of the State may, under any law for the time being a force in the State relating to the prevention of disqualification for membership of the State Legislature receive without incurring such disqualification.

(4) Notwithstanding anything contained in sub-rules (1) and (2), a Member appointed on part-time basis shall be entitled to traveling allowance and daily allowance during tour applicable to a Secretary to the Government of India.

7. Arrangement in case of permanent or temporary vacancies.- (1) If the office of the Chairperson becomes vacant or if the Chairperson is for any reason absent or unable to discharge the duties of his office, those duties shall, until the new Chairperson assumes office or the existing Chairperson resumes his office, as the case may be, be discharged by the Vice-Chairperson.

(2) If the office of the Vice-Chairperson becomes vacant or if the Vice-Chairperson is for any reason absent or unable to discharge the duties of his office, these duties shall, until the new Vice-Chairperson assumes office or the existing Vice-Chairperson resumes his office, be discharged by such other Member as President may direct.

8. Special provision for retired persons appointed as Chairperson, Vice-Chairperson and other Members of the Commission.- Where any person, being a retired judge of Supreme Court or of a High Court or a retired government servant or retired servant of any other institution or autonomous body and in receipt of a pension in respect of any previous service, is appointed as Chairperson, Vice-Chairperson or a Member, the salary admissible to him under these rules shall be reduced by the amount of that pension and if he had received in lieu of a portion of the pension, the commuted value thereof, by the amount of that portion of the pension.

9. Resignation and Removal.- (1) The Chairperson and Vice-Chairperson and any other Member, may, by notice in writing under his hand addressed to President, resign his post.

(2) (a) The Chairperson shall only be removed from his office by order of President on the ground of misbehavior after the Supreme Court, on reference being made to it by President, has on inquiry held in accordance with the procedure prescribed by it under sub-clause (i) of clause (1) of article 145 of the Constitution, reported that the Chairperson ought on any such ground to be removed.

(b) President may suspend from office the Chairperson in respect of whom a reference has been made to the Supreme Court under this sub-rule until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(c) Notwithstanding anything in clause (a), the President may by order remove from office the Chairperson, if the Chairperson,-

- (i) is adjudged an insolvent; or
- (ii) engaged during his term of office in any paid employment outside the duties of his office; or
- (iii) gets convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude; or
- (iv) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body or has so abused the position of Chairperson as to render that person's continuance in office detrimental to the interests of the socially and educationally backward classes:

Provided that the Chairperson shall not be removed under this clause until he has been given a reasonable opportunity of being heard in the matter.

(d) If the Chairperson, is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State, participates in any way in the profit thereof or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of clause (a) be deemed guilty of misbehavior.

(3) The President shall remove a person from the office of Vice-chairperson or Member, if that person,-

- (a) becomes an un-discharged insolvent;
- (b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude;
- (c) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body;
- (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) in the opinion of the President, has so abused the position of Vice-Chairperson or Member as to render that persons continuance in office is detrimental to the interest of the socially and educationally backward classes:

Provided that no person shall be removed under this sub-rule until he has been given reasonable opportunity of being heard in the matter.

[F.No.12015/11/2017-BC-II (Vol. II)]

B.L. MEENA, Jt. Secy.

