

अण्डमान तथा
ANDAMAN AND



निकोबार राजपत्र
NICOBAR GAZETTE

असाधारण
EXTRAORDINARY
प्राधिकार से प्रकाशित
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No. 14, Port Blair, Wednesday, February 23, 1994.

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

NOTIFICATION

Port Blair, dated the 23rd Feb. 1994.

No. 12/F. No. 1-611/93-TW.—Whereas the Hon'ble Supreme Court of India, in its Judgement dated 16th November, 1992 in the Writ Petition (Civil) No. 930 of 1990 (Indira Sawhney and Ors Vs. Union of India and Ors), has directed that a permanent body be constituted for entertaining, examining and recommending upon requests for inclusion and complaints of over-inclusion and under-inclusion in the lists of Other Backward Classes of citizens.

2. NOW, THEREFORE, in compliance with the said direction of the Hon'ble Supreme Court of India, I, Vakkom Purushothaman, Lt. Governor, Andaman and Nicobar Islands, in exercise of the powers conferred by Article 239, read with Article 16 (4) of the Constitution of India, hereby constitute a permanent body for the said purpose and for the purpose of identification of Other Backward Classes to be known as the 'Andaman and Nicobar Commission for Other Backward Classes'. The Commission will consist of five persons as follows:—

- (a) A Chairperson, who is or has been a judge of a High Court or the Supreme Court.
- (b) Chairperson, Andaman and Nicobar Social Welfare Advisory Board (Member Ex-officio).
- (c) Two non-official members, who have special knowledge in matters relating to backward classes, to be nominated by the Administration.
- (d) Secretary (Social Welfare), Andaman and Nicobar Administration (Member Secretary Ex-officio).

Note : The non-official members shall be part time members.

3. Terms Of Office And Conditions Of Service Of The Chairperson And Members

- (a) The Chairperson as well as the two non-official members shall hold office for a term of three years from the date they assume charge of their office.
- (b) A member other than an ex-officio member may, by writing under his/her hand addressed to the Administration, resign from the office of Chairperson or of Member, as the case may be, at any time.
- (c) The Administration shall remove a person from the office of member, if that person—
 - (i) becomes an undischarged insolvent;
 - (ii) is convicted and sentenced to imprisonment for an offence which, in the opinion of the Administration, involves moral turpitude;
 - (iii) becomes of unsound mind and stands so declared by a competent court;
 - (iv) refuses to act or becomes incapable of acting as such;
 - (v) remains absent without obtaining leave of absence from the Commission, from three consecutive meetings of the Commission; or
 - (vi) has, in the opinion of the Administration, so abused the position of Chairperson or Member as to render that person's continuance in office

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detrimental to the interests of backward classes or the public interest;

Provided that no person shall be removed unless and until that person has been given an opportunity of being heard in the matter.

- (d) A vacancy caused under clause (b) or otherwise shall be filled by fresh nomination.
- (e) The salaries and allowances payable to and the other terms and conditions of service of the Chairperson and other members shall be such as may be prescribed by the Administration.

4. Officers And Other Employees Of the Commission

- (a) The Administration shall provide the Commission with such officers and subordinate employees and assessors as may be necessary for the efficient performance of the functions of the Commission.
- (b) The salaries and allowances payable to and the other terms and conditions of service of the officers and subordinate employees and assessors appointed for the purpose of the Commission shall be such as may be prescribed by the Administration.

5. Salaries And Allowances To Be Paid Out Of Grants

The salaries and allowances payable to the Chairperson and Members and other administrative expenses including salaries, allowances and pensions payable to the officers and other employees including assessors shall be paid out of the grants referred to in sub-clause (a) of clause 11 hereinafter.

6. Vacancies Etc. Not To Invalidate Proceedings Of The Commission

No act or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

7. Procedure To Be Regulated By The Commission

- (a) The Commission shall regulate its own procedure.
- (b) The Commission shall have its headquarters at Port Blair but may meet as and when necessary at such place (s) within the Union territory of Andaman and Nicobar Islands and time as the Chairperson may deem fit.
- (c) 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 Commission in this behalf.

8. Functions Of The Commission

(a) The Commission shall identify other backward classes in respect of the Union territory of Andaman & Nicobar Islands and 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 Administration as it deems appropriate.

(b) The advice of the Commission shall ordinarily be final and binding upon the Administration.

9. Powers Of The Commission

The Commission shall, while performing its functions under sub-clause (a) of clause (8) above, 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/her on oath;
- (b) requiring the discovery and production of any documents;
- (c) receiving evidence on affidavit (s);
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for examination of witnesses and documents; and
- (f) any other matter, which may be prescribed.

10. Periodic Revision Of Lists By The Administration

(a) The Administration may, at any time, and shall, at the expiration of ten years from the date of publication of this Notification in the Official Gazette and every succeeding period of ten years thereafter, undertake revision of the lists with a view to excluding from such lists those classes which have ceased to be backward or for including in such lists any new backward classes they deem fit for inclusion.

(b) The Administration shall, while undertaking any revision referred to in sub-clause (a) above, consult the Commission.

11. Grants By The Administration

(a) The Administration shall pay to the Commission by way of grants, such sums of money as the Administration deem fit for being utilised for the purpose of this Commission.

(b) The Commission may spend such sum, as it deems fit for performing its functions and such sums shall be treated as expenditure payable out of the grants referred to in sub-clause (a) above.

12. Accounts And Audits

(a) The Commission shall maintain proper accounts and other relevant records and also prepare an Annual Statement of Accounts in such form, as may be prescribed by the Administration.

(b) The accounts of the Commission shall be audited at such intervals as may be specified by the Administration and any expenditure incurred in connection therewith shall be payable by the Commission.

(c) Any person appointed by the Administration in connection with the audit of the accounts of the Commission 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, as he may consider necessary, and to inspect any of the offices of the Commission.

13. Annual Report

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

14. Annual Report And Audit Report To Be Laid Before Parliament

The Administration shall cause the Annual Report, together with a memorandum of action taken on the advice tendered by the Commission under clause (6) and the reasons for the non-acceptance, if any, of such advice and Audit Report to be laid as soon as received before each House of Parliament.

15. Chairperson, Members And Employees Of The Commission To Be Public Servants

The Chairperson, Members and other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

16. Miscellaneous

The Administration may, by notification in the Official Gazette, make regulations to 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 and of officers, subordinate employees and assessors;
- (b) the form in which the Annual Statement of Accounts shall be maintained;
- (c) the form in, and the time at which the Annual Report shall be prepared and submitted to the Administration; and
- (d) any other matter which is required to be, or may be prescribed.

17. Power To Remove Doubts Or Difficulties

If any difficulty arises in giving effect to the provisions hereinabove prescribed, the Administration may, by order, to be published in the Official Gazette, make suitable provisions, not inconsistent with the provisions hereinabove given for removal of doubts or difficulties, if any.

Explanation

For the purpose of this Notification—

(i) "Backward Classes" means such backward classes of citizens other than the Scheduled Tribes as may be specified by the Union Territory of Andaman and Nicobar Islands in the lists.

(ii) "Administration" means the Andaman and Nicobar Administration.

(iii) "Commission" means the Andaman and Nicobar Commission for Other Backward Classes.

(iv) "Lists" means lists prepared by the Administration from time to time for purposes of making provisions for the reservation of appointments or posts in favour of backward classes of citizens which, in the opinion of the Administration, are not adequately represented in the services under the Administration and any local or other authority owned or controlled by the Administration.

(v) "Member" means a member of the Commission and includes the Chairperson.

Sd/-

(Vakkom Purushothaman)
Lieutenant Governor
Andaman and Nicobar Islands

Port Blair, dated the 23rd Feb. 94