

*The Orissa State Commission for Backward Classes Rules, 2001*

*Published vide Notification No. 858-OBC-85/2001-M&BCW., dated 10th December, 2001, Orissa Gazette Extraordinary No. 153, dated 31.1.2002*

**No. 858-OBC-85/2001-M&BCW. The 10th December, 2001.** - In exercise of the powers conferred by Section 17 of the Orissa State Commission for Backward Classes Act, 1993 (Orissa Act 16 of 1993), the Governor is pleased to make the following rules, namely :

1. **Short title and commencement.**- (1) These rules may be called the Orissa State Commission for Backward Classes Rules, 2001.

(2) They shall come into force with effect from the date of their publication in the Orissa Gazette.

2. **Definition.**- (1) In these rules unless the context otherwise requires

(a) "**Act**" means the Orissa State Commission for Backward Classes Act, 1993;

(b) "**Chairperson**" means the Chairperson of the Commission;

(c) "**Government**" means the Government of Orissa;

(d) "**Member**" means a Member of the Commission and includes the Member Secretary; and

(e) "**Section**" means a section of the Act.

(2) All other words and expressions used but not defined in these rules shall have the same meaning as respectively assigned to them in the Act.

3. **Nomination of Chairperson or Member.**- The Chairperson or Member nominated by the State Government may hold office for a term of three yeas from the date he/she assumes office on full time or part time basis as the case may be.

4. **Status of Members.**- (1) The Member-Secretary shall be entitled to the same status as that of an officer of State Government not below the rank of a Joint Secretary to Government of Orissa.

(2) Other three Members shall be entitled to the same status as that of an officer not below the rank of a Class-I Officer of the State Government.

5. **Salaries and Allowances.**- (1) The Chairperson of the Commission shall be paid the same pay and allowances, perquisites and other facilities as were drawn by him/her as a sitting Judge of High Court. In case of

nomination of retired Judge of High Court, he/she shall be paid pay which together with pension and pension equivalent to other forms of retirement benefits not exceeding to Rs. 26,000 per month. Each Member/Member-Secretary, if a retired person, shall receive such consolidated salary which together with pension including commuted portion thereof and pension equivalent to other forms of retirement benefits, if any, shall not exceed their pay and allowances which they were getting before superannuation.

(2) The Chairperson shall be paid Dearness Allowance on pay so fixed for the sitting Judge of High Court per month from the date he/she assumes office. The temporary increase on pension shall remain suspended in the case of nomination of a retired judge of High Court.

(3) If a person who was neither in Government Service nor a retired official is nominated as a Member he/she shall be paid a consolidated salary of Rs. 4,000 per month.

(4) If a Government Servant is nominated as a Member, he/she shall be paid his/her grade pay and other financial benefits as admissible to him/her in his/her parent posting.

6. **Leave.**- (1) If the Chairperson of the Commission is a retired Judge of High Court, he/she will enjoy leave as admissible to other re-employed pensioners under the Central Civil Services (Leave) Rules, 1972.

(2) The Member/Member-Secretary, who on the date of his nomination as such was in the service of the Government still until he/she retires from such Services continue to be governed by the leave rules applicable to him/ her in such service and his/her service as Member and Member-Secretary during the said period shall count for leave in accordance with the said rules and after retirement, he/she shall be governed by Sub-rule (3) as if he/she were a Member/Member-Secretary who had entered on his duties as such immediately after such retirement.

(3) The Member/Member-Secretary who on the date of his nomination was not in the service of the Government or has retired from Government Service may be granted leave or leave salary equivalent to full consolidated salary as admissible to State Government employees subject to maximum period of 3 months during the tenure as Member/Member-Secretary as the case may be :

Provided that if the Member/Member-Secretary avails leave in excess or maximum period as specified above the period of such leave shall be treated as extraordinary leave for which no salary shall be paid.



7. **Travelling Allowances.**- (1) If the Chairperson nominated to the Commission is a retired Judge of the High Court :

(a) He/she shall be entitled to Travelling Allowance as per the High Court Judges Travelling Allowance Rules, 1956.

(b) He/she shall also be entitled to conveyance facilities as admissible to the sitting Judge of the High Court.

(c) He/she shall be entitled to draw for the journey to join in the assignment travelling allowance as journey on transfer admissible to a Government Servant of 1st Grade.

(2) For journey and duty inside or outside the State, a Member/Member-Secretary may draw such travelling allowance and daily allowances as would be admissible to a Government Servant of the 1st Grade under the Orissa Travelling Allowance Rules :

Provided that if a Member/Member-Secretary was not on the date of his nomination in the service of the Government, he/she shall be entitled to draw for the journey to join his/her assignment travelling allowances as a journey on transfer admissible to a Government Servant of 1st Grade.

8. **Medical Facilities.**- (1) The Chairperson of the Commission shall be entitled to medical facilities as available to a Cabinet Minister of the State.

(2) Medical facilities as admissible to the State Government employees shall be admissible to a Member/Member-Secretary.

9. **Accommodation.**- (1) The Chairperson of the Commission shall be entitled to a rent free accommodation or house-rent allowance in lieu thereof, as admissible to Government Servant in essential service.

(2) The Member or Member-Secretary shall be entitled to use of a residence provided by the Government in Bhubaneswar during the term of his/her office without payment of rent.

10. **Honorarium on part time nomination.**- (1) When the Chairperson is nominated on part time basis, he/she shall be paid a consolidated honorarium of Rs. 200 per day of sitting alongwith Daily Allowance as admissible to a sitting judge of High Court. Besides, he/she shall be paid conveyance and telephone allowances of Rs. 1,500 per month.

(2) When a Member is nominated on part time basis, he/she shall be paid a consolidated honorarium of Rs. 150 per day of sitting along with D.A. as

admissible to a Class I Officer of State Government. Besides, he/she shall be paid conveyance and telephone allowance of Rs. 1,000 per month.

**Note** - Those who are holding posts under the State Government/ Quasi-Government Organisation/Universities will continue to draw the emoluments as above from their parent organisation with special pay, if any, sanctioned in individual cases.

11. **Administration.**- The Commission shall function under the administrative control of the Minorities and Backward Classes Welfare Department. The Headquarters of the commission shall be at Bhubaneswar. The Member-Secretary shall remain in general control of the affairs of the office of the Commission and look to smooth functioning of its business. The Administrative Officer shall, subject to the control of the Member-Secretary, remain in over all charges and establishment matters except powers relating to appointment, promotion and disciplinary proceedings.
12. **Condition of Service.**- Terms and conditions of service of the Officers and other employee of the Commission will be same as that of their counterpart in the State Government.
13. **Audit reports.**- The Commission shall maintain the account and relevant records and prepare an annual statement of accounts in Form I appended to these rules.
14. **Annual Report.**- The Commission shall prepare an annual report giving a full account of its activities for each financial year and submit the same to Government by the end of June of each succeeding financial year In the Form II appended to these rules.
15. **Drawal of Grants.**- The administrative Officer of the Commission shall deposit the amount drawn as grants to the Commission in the Bank Account in a Nationalised Bank located at Bhubaneswar to be opened by him pending opening of personal ledger accounts. Withdrawals from the Bank for day to day transaction's of the office of the commission shall be made jointly by the Administrative Officer and Accountant in the rank of Section Officer (Level II) in shape of Cheques till finalisation of the Accounting procedure in this regard.
16. **Maintenance of Cash Book.**- Accounting procedure as followed in State Government shall be adopted for maintenance of Cash Book.

**Note** - All orders and instructions issued earlier in this regard shall cease to operate from the date of their publication in the *Orissa Gazette*.

**Form I**

**[See Rule 13]**

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## Annual statement of Accounts of the Orissa State Commission for Backward Classes for the Financial year.....

Receipts		Expenditure	
1. Opening balance of the Rs. beginning of the year (if any).		1. Non recurring Rs. expenditure (with details)	
2. Grants received from the Rs. State Government under Section 12(1) of the Act (with details)		2. Recurring expenditure-	
		(i) Salary and Rs. allowances of the staff of the Commission	
3. Other Miscellaneous Rs. receipts, if any (with details).		(ii) Travelling expenses Rs.	
Grand Total ...	Rs.	(iii) Other allowances, if any	
		(iv) Rent and Taxes	Rs.
		(v) Books and Rs. periodicals	
		(vi) Telephone and Rs. Trunk calls	
		(vii) Printing and Rs. Stationery	
		(viii) Water and Rs. Electricity	
		(ix) Other contingencies	Rs.
		Total - 2 ...	Rs.
		3. Court Expenses -	
		(i) T.E. to witnesses	Rs.
		(ii) Copying and Typing Rs. charges, if any.	
		(iii) Other Court Rs. expenses	
		Total - 3 ...	Rs.
		4. Total of all expenses	Rs.
		5. Balance carried forward Rs. to next year	
		Grand Total	Rs.

### Form II

**[See Rule 14]**

Sl. No.	Name of the Profession/Community/Caste applied for	Reasons of the Adv. for community/Caste	Date of hearing, if any	of Recommendation, of Commission to Government	Remarks
(1)	(2)	(3)	(4)	(5)	(6)