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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 533-L.—25th March, 2013.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XXXIX of 2012

**THE WEST BENGAL BACKWARD CLASSES (OTHER THAN
SCHEDULED CASTES AND SCHEDULED TRIBES)
(RESERVATION OF VACANCIES IN SERVICES AND
POSTS) ACT, 2012.**

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 25th March, 2013.]

An Act to provide for the reservation of vacancies in services and posts for the Backward Classes of citizens other than the Scheduled Castes and Scheduled Tribes.

WHEREAS clause (4) of article 15 of the Constitution enables the State to make any special provisions for the advancement of any socially and educationally Backward Classes of citizens;

AND WHEREAS clause (4) of article 16 of the Constitution enables the State to make any provision for the reservation of appointments or posts in favour of any Backward Classes of citizens which in the opinion of the State is not adequately represented in the services under the State;

The West Bengal Backward Classes (Other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Act, 2012.

(Sections 1, 2.)

AND WHEREAS clause (1) of article 38 of the Constitution states that, the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic and political, shall inform all the institutions of the national life;

AND WHEREAS under clause (2) of article 38 of the Constitution, the State shall, in particular, strive to minimize the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations;

AND WHEREAS under clause (b) of article 39 of the Constitution, the State shall in particular, direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

AND WHEREAS under clause (c) of article 39 of the Constitution, the State shall in particular direct the policy towards securing that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

AND WHEREAS under article 46 of the Constitution, the State shall promote, with special care the educational and economic interests of the weaker sections of the people, and shall protect them from social injustice and all forms of exploitation;

AND WHEREAS the members of the Backward Classes of citizens other than the Scheduled Castes and Scheduled Tribes who are socially and economically backward, are not adequately represented in the services and posts within the State of West Bengal;

AND WHEREAS it is expedient to provide for the reservation of vacancies in services and posts for them;

It is hereby enacted in the Sixty-third Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the West Bengal Backward Classes (Other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Act, 2012.

(2) It extends to the whole of West Bengal.

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

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) “appointing authority”, in relation to a service or post in an establishment, means the authority empowered to make appointment to such service or post;
- (b) “cadre” means the strength of a service or a part of a service sanctioned as a separate unit;
- (c) “establishment” means any office of the State Government, a local authority or statutory authority constituted under any State Act for the time being in force, or a corporation in which not less than fifty-one *per cent* of the paid up share capital is held by the State Government, and includes universities and colleges affiliated to the universities, primary and secondary schools and also other educational institutions which are owned or aided by the State Government, and an establishment in public sector;
- (d) “establishment in private sector” means any industry, trade, business or occupation which is not an establishment in public sector;