

# Uttarakhand Commission for Minorities Act, 2002

UTTARAKHAND

India

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### Act 09 of 2002

- Published on 1 January 2002
- Commenced on 1 January 2002
- [This is the version of this document from 1 January 2002.]
- [Note: The original publication document is not available and this content could not be verified.]

Uttarakhand Commission for Minorities Act, 2002(Act No. 09 of 2002)Last Updated 4th March, 2020To constitute a Commission for minorities in Uttarakhand and to provide for matters connected therewith or incidental thereinAn Act It is hereby enacted in the fifty-third year of the Republic of India as follows:-Chapter - I Preliminary

#### 1. Short title, extent and commencement.

(1)This Act may be called the Uttarakhand Commission for Minorities Act 2002.(2)It shall extend to the whole of Uttrankhand.(3)It shall come into force on such date as the Government may by notification, publish in this behalf.

#### 2. Definitions.

- In this Act unless a contrary intention appears from the context -(a)"Commission" means the Uttarakhand Commission for Minorities constituted under section 3;(b)"Government" means Government of Uttarakhand.(c)"Member" means a Member of the Commission and includes the Chairman [and Vice-Chairman] [Substituted by section 2 of Uttarakhand Act No. 03 of 2004.] of the Commission;(d)"Minority" for the purposes of this Act, means a community notified as such by the Government.Chapter - II The Commission

#### 3. Constitution of the Uttarakhand Commission for Minorities.

(1)The Government shall constitute a body to be known as the Uttarakhand Commission for minorities to exercise the powers conferred on, and to perform the functions assigned to it under this Act,(2)[The Commission shall consist of a Chairman, two Vice-Chairman and nine members which includes a woman amongst the person of eminence ability and integrity from minority communities] [Substituted by section 2 of Uttarakhand Act no. 13 of 2014.]

#### **4. Term of office and conditions of service of Chairman and members.**

(1)[The Chairman, Vice-Chairman and every Member shall hold office for a term of five years from the date he/she assumes office.] [Substitute by section 3 of Uttarakhand Act No. 13 of 2014.](2)The [Chairman, Vice-Chairman and Members] [Substitute by section 4 of Uttarakhand Act no. 13 of 2014.] may, by writing under his hand addressed to the Government, resign from the office of the Chairman or, as the case may be, of the member at any time.(3)The Government shall remove a person from the office of the Chairman or a member referred to in sub-section(2) if that person;(a)becomes an undischarged insolvent;(b)is convicted and sentenced to imprisonment for an offence, which in the opinion, of the Government involves moral turpitude;(c)becomes of unsound mind and stands so declared by a competent Courts;(d)refuses to act or becomes incapable of acting;(e)is, without obtaining leave of absence from the Commission absents from three consecutive meetings of the Commission; or(f)has, in the opinion of the Government, so abused the position of the Chairman or Member as to render that person's continuance in office detrimental to the interests of minorities or the public interest; Provided that no person shall be removed under this clause until that person has been given a reasonable 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 Chairman and members shall be such as may be prescribed.

#### **5. Officers and other employees of the Commission.**

(1)The State Government shall provide the Commission with a secretary and such other 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 services 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 grant.**

- The salaries and allowances payable to the [Chairman, Vice-Chairman and Members] [Substituted by section 4 of Uttarakhand Act No. 03 of 2004.] and the administrative expenses, including salaries allowances and pension 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 10.

#### **7. Vacancies etc. not to invalidate proceeding of the Commission.**

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

## **8. Procedure to be regulated.**

(1)The commission shall meet as and when necessary at such time and place as the Chairman may think fit.(2)The Commission shall regulate its own procedure.(3)All orders and decisions of the commission shall be authenticated by the secretary or any other officer of commission duly authorized by the secretary in this behalf.(4)[If the office of the Chairman becomes vacant or if the Chairman is, for any reason, absent or unable to discharge the duties of his office, these duties shall, until the new Chairman assumes office or the existing Chairman resumes his office, as the case may be, be discharged by the Vice-Chairman.(5)If the officers of both Chairman and Vice-Chairman become vacant, the duties of the office of Chairman shall be discharged by such member, as the State Government may, by order, direct.] [Substituted by section 4 of Uttarakhand Act No. 03 of 2004.]Chapter - III Functions of the Commission

## **9. Functions of the Commission.**

(1)The Commission shall perform all or any of the following functions namely: -(a)evaluate the progress of the development of minorities in Uttarakhand;(b)monitor the working of the safeguards in respect of minorities provided in the constitution and in laws enacted by the State legislature;(c)make recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the Government;(d)look into specific complaints regarding deprivation of rights and safeguards of the minorities and take up such matters with the appropriate authorities;(e)cause studies to be undertaken into problems arising out of any discrimination against minorities and recommend measures for their removal;(f)conduct studies, research and analysis on the issues relating to socio-economic and educational development of minorities;(g)suggest appropriate measures in respect of any minority to be undertaken by the Government;(h)make periodical or special reports to the Government on any matter pertaining to minorities and in particular difficulties confronted by them; and(i)any other matter which may be referred to it by the Government.(2)The Government shall cause the recommendations referred to in clause (c) of sub-section (1) to be laid before the State legislature along with a memorandum explaining the action taken or proposed to be taken on the recommendations and the reason for the non-acceptance if any of such recommendations.(3)The Commission shall, while performing any of the functions mentioned in clause (a) (b) and (d) of sub-section (1) 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 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 office ;(e)issuing commissions or the examination of witnesses and documents; and,(f)any other matter which may be prescribed.Chapter - IV Finance, Accounts and Audits

## **10. Grant by the Government.**

(1)The Government shall, after due appropriation made by the State Legislature by law in this behalf pay to the commission by way of grants such sums of money as the government may think fit for being utilized for the purpose of this Act.(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).

## **11. Accounts and Audit.**

(1)The Commission shall maintain proper accounts and other relevant records and shall cause to be prepared an annual statement of accounts in such form as may be specified by the Government by general or special order in this behalf.(2)A copy of the annual statement of accounts and the balance sheet shall be submitted to the Government which shall cause the same to be audited.

## **12. 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 State Government.

## **13. Annual Report and audit report to be laid before State Legislature.**

- The Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein and the reason for the non-acceptance of any of such recommendations and the audit report to be laid as soon as possible after the reports are received before the State legislature.

## **14. [Chairman, Vice- Chairman, Members] [Substituted by section 4 of Uttarakhand Act No. 03 of 2004.] and staff of the commission to be public servant.**

- The [Chairman, Vice-Chairman, members] [Substituted by section 4 of Uttarakhand Act No. 03 of 2004.] and employees of the commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code 1860.

## **15. Penalty.**

- Whoever, being legally bound to obey any order or direction of the commission under sub-section (3) of section 9, disobeys such order or direction shall be punishable under sections 174,175,176,178,179 or 180 of the Indian Penal Code,1860 (Act XLV of 1860) as the case may be.

## **16. Cognizance of offences.**

- No court shall take cognizance of the offences specified in section 15 except on the complaint in writing of the chairman or a Member or of an Officer of the Commission authorized in this behalf by the commission.

## 17. Power to make Rule.

(1)The Government may by notification make rules for carrying out the purposes 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 an allowances payable is and the other terms and conditions of service of the Chairman and Members under sub-section 5 of section 4 and of officers and other employees under sub-section 2 of section 5.(b)any other matter under clause (f) of sub section(3) of section 9;(c)the form in while the annual statement of accounts shall be maintained under sub-section (1) of section 11;(d)the form in and the time at which the annual report shall be prepared under section 12;(e)any other matter which is required to be; or may be prescribed.

## 18. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act the Government may by a notified order make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.(2)No order under sub-section (1) shall be made after the expiration of the period of two years from the commencement of this Act.(3)Every order made under sub-section (1) shall be laid as soon as may be before the State Legislature and the provisions of sub-section (1) of section 23-A of Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the Government under any Uttarakhand Act.

## 19. Repeal of U.P. Act no 22 of 1994.

- The Uttar Pradesh commission for Minorities Act, 1994 is hereby repealed in Uttaranchal after the publication under sub-section (3) of section 1 of notification of this Act.Requirement of Staff for the Minority Commission

Sl. No.	Designation	No. of Post	Pay Scale
1	2	3	4
1	Secretary of the commission (class II post	1	8000-13500
2	Accountant	1	5000-8000
3	Personal Assistance for Chairman of thecommission	1	35000-8000
4	Senior clerk	1	4000-6000
5	Junior clerk com computer operator	1	3050-4590
6	Driver (one for chairman - one for Secretary)	2	3050-4590
7	Fourth class(one for chairman, one for twoother member, one for secretary and one for office)	4	2550-3200

Note. - Arrangement of sweeper and security will be done on contact basic;Financial requirement for minority Commission

(Amount in lakh)

1	Lump sum honorarium for chairman and other twomember @ 15,000 per month	5.40
2	Pay and allowances for secretary of thecommission at pay scale of 8000-13500 for class II post	1.44
3	Pay and allowances of Accountant at pay scale5000-8000	0.90
4	Pay and allowances of P.A. to chairman at thepay scale of 5000-8000	0.90
5	Pay and allowances of senior clerk at the payscale of 4000-6000	0.72
6	Pay and allowances of junior clerk cum computeroperator at the pay scale of 3050-4590	0.56
7	Pay and allowances of Driver at the pay scaleof 3050-4590	1.12
8	Fourth class employees at the pay scale of2550-3200	1.836
9	One car for chairman and one Diesel jeep forsecretary	8.00
10	Rent of office building @ 10,000 per month	1.20
11	Computer	1.00
12	Photostat Machine	1.00
13	Telephone	0.50
14	Fax machine	0.20
15	Furniture and furnishing	2.00
16	Office stationery and contingency	1.00
17	Travelling allowance	0.50
	Total	28-276