

The M.P. Rajya Alpsankhyak Ayog Adhiniyam, 1996

MADHYA PRADESH

India

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Act 15 of 1996

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The M.P. Rajya Alpsankhyak Ayog Adhiniyam, 1996(No. 15 of 1996)[Dated 26th September, 1996]Received the assent of the President on the 26th September, 1996, assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 1st October, 1996.An Act to constitute a State Commission for Minorities and to provide for matters connected therewith or incidental thereto.Be it enacted by the Madhya Pradesh State Legislature in the Forty-seventh Year of the Republic of India as follows:

Chapter I Preliminary

1. Short title, extent and commencement.

(1)This Act may be called The Madhya Pradesh Rajya Alpsankhyak Ayog Adhiniyam, 1996.(2)It extends to the whole of Madhya Pradesh.(3)It shall [come into force on such date] [Came into force w.e.f. 23-10-1996 vide Notification No. 1098-1985-54 (2)-96 dated 22-10-1996. Published in M.P. Gazette Extraordinary 23-10-1996.] as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires : (a)"Commission" means the Madhya Pradesh State Commission for Minorities constituted under Section 3; (b)"Member" means a Member of the Commission; (c)["Minority" for the purpose of this Act means,- [Substituted by M.P. Act No. 11 of 2001 Section 2, (w.e.f. 12-4-2001).] (i) a Community notified as such by the Central Government for the purpose of National Commission for Minorities Act, 1992 (No. 19 of 1992), or (ii) a Community notified as such by the State Government.]

Chapter II

The Madhya Pradesh State Commission for Minorities

3. Constitution of the Madhya Pradesh State Commission Minorities.

(1)The State Government shall constitute a body to be known as the Madhya Pradesh State 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 Chairperson and two members to be nominated by the State Government from amongst persons of eminence, ability and integrity :Provided that the Chairperson and one member shall be from amongst the minority communities.

4. Terms of office and conditions of service of Chair-person and Members.

(1)The Chairperson and every member shall hold office for a term of three years from the date he assumes charge.(2)The Chairperson or a Member may, by writing under his hand addressed to the State Government, resign from the office of Chairperson or, as the case may be, of the Member at any time.(3)The State Government shall remove a person from the office of Chairperson 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 State Government, involve 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 State Government so abused the position of Chairperson 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 he 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 Chairperson and Members shall be such as may be prescribed.

5. Officers and other employees of the Commission.

- 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 under this Act.

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 and allowances payable to the officers and other employees shall be paid out of the grants referred to in sub-section (1) of Section 10.

7. Vacancies, etc. not to invalidate proceedings of the Commission.

- No act or proceedings 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 by the Commission.

(1)The headquarters of the Commission shall be at Bhopal.(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 the Commission duly authorised by the Secretary in this behalf.

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 under the State;(b)monitor the working of the safeguards provided in the Constitution and in laws enacted by the Parliament and the State Legislature;(c)make recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the State Government;(d)look into specific complaints regarding deprivation of rights and safeguards of the minorities and take up such matters with appropriate authorities under the control of the State Government;(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 issue relating to socio-economic and educational development of minorities,(g)suggest appropriate measures in respect of any minority to be undertaken by the State Government;(h)make periodical or special reports to the State Government on any matter pertaining to minorities and in particular difficulties faced by them; and(i)any other matter which may be referred to it by the State Government:Provided that if any recommendation made by the Commission is repugnant to the recommendation made by the National Commission for Minorities on any matter relating to the State of Madhya Pradesh then the recommendation made by the State Commission shall prevail.(2)The-Commission shall, while performing any of the functions mentioned in sub-clauses (a), 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 any enforcing the attendance of any person from any part of the State 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 for examination of witnesses and documents; and(f)any other matter which may be prescribed.

Chapter IV

Finance, Accounts and Audit

10. Grants by the State Government.

(1)The State 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 State 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).

11. Accounts and Audit.

(1)The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of account in such form as may be prescribed by the State Government in consultation with the Accountant General, Madhya Pradesh.(2)The Accounts of the Commission shall be audited by the Accountant General at such intervals as may be specified by him and any expenditure in connection with such audit shall be payable by the Commission to the Accountant General.(3)The Accountant 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 authority in connection with such audit as the Accountant General generally has 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.

12. Annual Report.

- The Commission shall prepare, in such form and by such date 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 to be laid before the Assembly.

- The State Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein and the reasons for the non-acceptance, if any of such recommendations and the audit report to be laid as soon as may be after the report is received, before the Legislative Assembly.

Chapter V

Miscellaneous

14. Chairperson, Members and Staff 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.

15. Power to make rules.

(1)The State 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 subsection (5) of Section 4;(b)any other matter under clause (f) of sub-section (2) of Section 9;(c)the form in which the account shall be maintained and the annual statement of accounts shall be prepared under sub-section (1) of Section 11;(d)the form in, and the date by which the annual report shall be prepared under Section 12;(e)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 the Legislative Assembly.

16. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty. Notifications(i)[Notification under The National Commission for Minorities Act, 1992-No. S.O. 816 (E), dated 22-10-1993.] [Published in the Gazette of India (Extra.) Part II Section 3(ii) dated 23rd October., 1993 (S.N. 633).] - In exercise of the powers conferred by clause (c) of Section 2 of the National Commission for Minorities Act, 1992 (19 of 1992), the Central Government hereby notifies the following Communities as "the Minority Communities" for the purposes of the said Act, namely-

1. Muslims, 2. Christians, 3. Sikhs, 4. Buddhists, 5. Joroastrians (Parsis).

(ii)[Notification under The M.P. Rajya Alpsankhyak Ayog Adhiniyam, 1996-No. 11-18/98/54-2, dated 29-5-2001.] [Published in M.P. Rajpatra (Asadharan) No. 307, dated 29-5-2001.] - In exercise of the powers conferred by sub-clause (2) of clause (c) of Section 2 of The Madhya Pradesh Alpsankhayak Ayog Adhiniyam, 1996 (No. 15 of 1996) the Madhya Pradesh State hereby notifies native of Jain Community Madhya Pradesh as Minority Community for the purposes of the said Act.