

The U.P. Commission for Minorities Act, 1994

UTTAR PRADESH

India

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Act 22 of 1994

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The U.P. Commission for Minorities Act, 1994(U.P. Act No. 22 of 1994)(As passed by the Uttar Pradesh Legislature)Vide Notification No. 1328 (2)/XVII-V-1-1 (KA) 29/1994, dated August 31, 1994.An Act to constitute a Commission for Minorities in Uttar Pradesh and to provide for matters connected therewith or incidental thereto.It is hereby enacted in Forty-fifth year of the Republic of India as follows :

Chapter I

Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Uttar Pradesh Commission for Minorities Act, 1994.(2)It shall extend to the whole of Uttar Pradesh.(3)It shall come into force on such date as the Government may, by notification, appoint in this behalf.

2. Definitions.

- In this Act,-(a)"Commission" means the Uttar Pradesh Commission for Minorities constituted under Section 3;(b)"Government" means the Government of Uttar Pradesh;(c)"Member" means a Member 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 Uttar Pradesh Commission for Minorities.

(1)The Government shall constitute a body to be known as the Uttar Pradesh 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 and six Members to be nominated by the Government from amongst persons of eminence, ability and integrity including a woman :Provided that five Members including the Chairman shall be from amongst the minority communities.

4. Term of office and conditions of service of Chairman and Members.

(1)The Chairman and every Member shall hold office for a term of three years from the date he assumes office.(2)The Chairman or a Member 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 court;(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 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.(2)The salaries and allowances payable to, and the other terms and conditions referred to, the service 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 grants.

- The salaries and allowances payable to the Chairman and Members and the administrative expenses, including salaries, allowances and pensions 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 proceedings 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 by the Commission.

(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 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 the minorities in Uttar Pradesh; (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 socioeconomic 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 each house of State Legislature along with a memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for the non-acceptance, if any, of any of such recommendations. (3)The Commission shall, while performing any of the functions mentioned in clauses (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 attendances 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 Court or 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 Audit

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 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 audits.

(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 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 non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as possible after the reports are received, before each House of the State Legislature.

Chapter V

Miscellaneous

14. Chairman, members and staff of the Commission to be public servants.

- The Chairman, 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. 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 Offence.

- 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 authorised in this behalf by the Commission.

17. Power to make rules.

(1)The Government may, by notification, make rules for carrying out the purpose 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 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 which 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 both Houses of the State Legislature and the provisions of sub-section (1) of Section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the Government under any Uttar Pradesh Act.

19. Repeal and savings.

(1)The Uttar Pradesh Commission for Minorities Ordinance, 1994 is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken by the Ordinance referred to in sub-section (1) shall be deemed to have done or taken under this Act as if the provisions of this Act were in force at all material times.