

The Delhi Minorities Commission Act, 1999

DELHI

India

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Act 1 of 2000

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The Delhi Minorities Commission Act, 1999 (Delhi Act No. 1 of 2000) Received the assent of the Lt. Governor of Delhi, on 7.2.2000. An act to provide for the establishment and functioning of a Minorities Commission to safeguard the rights and interests of the Minority communities in the National Capital Territory of Delhi and for matters connected therewith or incidental thereto. Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the 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 Delhi Minorities Commission Act, 1999. (2) It extends to the National Capital Territory of Delhi. (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires :- (a) "Commission" means the Delhi Minorities Commission constituted under section 3 of this Act; (b) "Chairperson" means the Chairperson of the Delhi Minorities Commission appointed under sub-section (2) of Section 3 of this Act; (c) "Delhi" means the National Capital Territory of Delhi; (d) "Government" means the Lieutenant Governor referred to in article 239 AA of the Constitution; (e) "Lieutenant Governor" means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under article 239 of the Constitution; (f) "Member" means a member of the Commission; (g) "Minority Community" for the purpose of this Act, means a Community notified as such by the Central Government as per provisions of the National Commission for Minorities Act, 1992; (h) "prescribed" means prescribed

by the rules made under this Act;

Chapter II

The Delhi Minorities Commission

3. Constitution of the Commission.

(1)As soon as may be after the commencement of this Act, the Government shall constitute a body to be called the Delhi Minorities Commission to exercise the powers conferred on and to perform the function assigned to it, under this Act.(2)The Commission shall consist of a Chairperson and Two members to be nominated by the Government from amongst persons of eminence, ability and integrity belonging to the minority communities of Delhi who may be full time or part time .

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

(1)The Chairperson or a Member shall hold office for a term of three years from the date he assumes office and be eligible for reappointment for one more term.(2)The Chairperson or a Member may resign from his office in writing under his signature addressed to the Government.(3)The Chairperson and Members shall be entitled to such salary, allowances, status and other facilities as may be prescribed.(4)The Government shall remove a person from the post of Chairperson or Member referred to in sub-clause (2) if that person-(a)becomes an undercharged insolvent;(b)is convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;(c)become 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 absences from the Commission, absent from three consecutive meetings of the Commission; or(f)has, in the opinion of the Government of National Capital Territory, 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 to that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.(5)Any vacancy occurring in the Commission shall be filled as soon as may be by the Government for the un-expired part or the term of the out-going member

5. Secretary of the Commission.

(1)The Secretary of the Commission shall be appointed by the Government in consultation with the Chairperson, and he shall not be below the rank of a Secretary to the Government.(2)The Secretary shall look after the day-to-day administration and shall work as directed by the Commission.(3)The Secretary shall cause the accounts of the commission to be maintained and shall discharge the duties cast on him by or under this Act.(4)The Secretary will be entitled to such salary and allowances as may be prescribed.

6. Staff of the Commission.

(1)The Government shall provide such staff, amenities and facilities to the Commission as may be determined by the government for the effective functioning of the commission.(2)The administrative expenses of the Commission, including the salaries, allowances, pensions and other amounts payable to the Secretary, officers and staff of the commission shall be paid as prescribed and paid out of the grants referred to in sub-section (2) of section 11 of this Act.

7. Procedure to be regulated by the Commission.

- The Commission shall regulate its own procedure with prior approval of the Government.

8. Authentication of orders and decisions of the Commission.

- All the orders and decisions of the Commission shall be authenticated by the secretary, or any other officer of the commission duly authorized by the chairperson.

9. Vacancies, etc. not to invalidate proceedings of the commission.

- No act, decision or proceeding of the commission shall be called in question or held invalid merely on the ground of any vacancy or defect in the constitution of the commission.

Chapter III

Functions and Powers of the Commission

10. Functions of the Commission.

(1)The Commission shall perform all or any of the following functions:-(a)examine the working of various safeguards provided in the Constitution of India or laws enacted by Parliament and the laws passed by the Legislative Assembly of Delhi for the protection of the Minority Communities, and to make recommendations to ensure their effective implementation;(b)monitor the implementation of the policies and schemes of the government for the welfare of Minority communities;(c)conduct studies, research and analysis in order to make recommendations to promote the socio-economic enlistment of the Minority Communities and facilitate their optimum participation in nation-building.(d)Cause studies to be undertaken into problems arising out of any discrimination against Minority Communities and recommend measures for their solutions;(e)hold seminars, debates and discussions on problems affecting the Minority Communities of Delhi to raise public awareness;(f)Assess the representation of minority Communities in the services of the government, semi-Government bodies and Government Undertakings, Municipal Corporation of Delhi, Delhi Development Authority, New Delhi Municipal Council, other local authorities and in case of inadequate representation, to recommended remedial measures;(g)Make recommendations for ensuring, maintaining and promoting communal harmony in Delhi;(h)Look into specific complaints

regarding the deprivation for the rights and safeguards of the Minority communities and to take up such matters with the appropriate authorities for necessary action;(i)Serve as a Clearing House for information in respect of the Minority Communities in Delhi;(j)Deal with any other matter pertaining to the welfare of the Minority communities which may be referred to it by the Government.(2)Annual report - The Commission shall prepare every year an annual Report giving a true and full account of its activities during the year, along with its recommendations, and copies there of shall be forwarded to the Government. The government shall without delay cause the same to be laid before the House of the Legislative Assembly of Delhi along with a report setting out the action taken, or proposed to be taken, on the recommendations and the reasons for non-acceptance, of such recommendations.(3)Special report - The commission may submit to the Government special report on any matter of public importance pertaining to the interest of the Minority Communities.(4)Right to be heard - In case of non-acceptance of any recommendations, the Commission shall have the right to be heard by the Minister-in-charge.(5)Quasi-judicial powers - The Commission shall have, in carrying out its Function, 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 or institutional record, or copy thereof, from any office or institution of the government.(6)Power to utilize services of agencies. - The commission may, for the purposes of conducting any examination under this Act, utilize the services of any agency of the government with the prior approval of the government.(7)Protection for statement made to the commission. - No statement made by a person to the commission in the course of giving evidence shall be used against him any court proceeding except for perjury.

Chapter IV

Finance, Accounts and Audit

11. Budget and grants by the Government.

(1)The Commission shall prepare every year a budget estimate of its income and expenditure for the financial year and shall forward it to the Government.(2)The government shall, after due appropriation made by the Legislature of Delhi in this behalf, pay to the Commission by way of grants such sums of money as are adequate for carrying out the purposes of this Act.(3)The Commission may spend such sums out of the grants as it think fit for performing its functions under this Act, or incidental thereto

12. Accounts and Audit.

(1)The accounts of the income and expenditure of the Commission shall be kept in accordance with the rules.(2)The Commission shall prepare an annual statement of accounts in the prescribed form.(3)The accounts of the Commission shall be audited annually by the auditors appointed by the Comptroller and Auditor General of India.(4)The auditors shall have access to all the accounts and other records of the Commission.(5)The Commission shall send a copy of the annual statement of

accounts together with a copy of the audit report to the government to be published in the prescribed manner.

Chapter V

Miscellaneous

13. Chairperson, Members and staff of commission to be public servants.

- The Chairperson, Members and officers authorized by the commission to perform functions under this Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45) of 1860.

14. Protection of action taken in good faith.

- No civil, criminal or other legal proceeding shall lie against the chairperson, embers or officers performing functions under this Act. Or under authority of the Commission, in respect of anything which is done in good faith or intended to be done in pursuance of this Act by or under the authority of the Commission.

15. Establishment of library and cell.

- The Government may establish a Library, an information Cell a Research Cell and such other Cells as may be recommended by the Commission.

16. Power to make rules.

(1)The 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 power, such rules may provide for all or any of the following matters namely:(a)Salary, allowances, status and other facilities to which the Chairperson or a Member shall be entitled;(b)Salary and allowances payable to the Secretary;(c)Prescribing of the administrative expenses of the Commission, including the salaries, allowances, pensions and other amounts payable to the Secretary, officers and staff of the Commission;(d)Making of rules in accordance with which the accounts of the income and expenditure of the Commission shall no kept;(e)Prescription of the form in which the annual statement of accounts of the Commission shall be prepared.(f)Prescribing the manner of publication of the annual statement of accounts of the Commission together with a copy of the audit report by the Government.(g)Any other matter which is required to be or may by prescribed(3)Every rule made under this Act shall be laid, as soon as may be after it is made, before the House of the Legislative Assembly of Delhi, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the sessions immediately following the session or the successive aforesaid, the House agrees in making any modification in the rule, or the House agrees that the rule should not be made,

the rule shall there after have effect only in such modified form or be of no effect, ad the case may be without prejudice to the validity of anything previously done under that rule.

17. Repeal and saving.

(1)the Resolution made vide No. F. 10/3/98-HP/Estt./MC/2527 dated 20-05-1999 by the Government constitution the Delhi Minorities (Provisional) Commission (hereinafter referred to as "the former Commission") is hereby repealed.(2)Notwithstanding such repeal, anything dine or any action taken by the Resolution referred to in sub-section (1) shall be deemed to have been done or taken under this Act as of the provisions of this Act were in force at all material times.

18. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, the Government may, in consultation with the Commission, and by order published in the official gazette, make such provisions not inconsistent with the provisions of this Act, as may be necessary of removing the difficulty.Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.(2)Every order made under this Act shall, as soon as, may be after it is made, be laid before the House of the Legislative Assembly of Delhi.