
Andhra Pradesh State Minorities Commission Act, 1998

31 of 1998

[10 December 1998]

CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Constitution of the Andhra Pradesh State Minorities Commission
4. Meetings of the Commission
5. Composition of the Commission
- 6 . Term of office and conditions of service of Chairman and members
- 7 . Appointment of the officers and other employees of the Commission
8. Salaries and allowances to be paid out of grants
9. Vacancies etc., not to invalidate proceedings of the Commission
10. Procedure to be regulated by the Commission
11. Powers of the Commission
12. Functions of the Commission
13. Annual Report
14. Accounts and Audit
15. Grants by the Government
16. Constitution of Cells
- 17 . Chairman, Vice-Chairman, Members and employees of the Commission to be public servants
18. Power to make rules
19. Validation

Andhra Pradesh State Minorities Commission Act, 1998

31 of 1998

[10 December 1998]

An Act to provide for the establishment of Religious Minority Commission to safeguard the interests of the Minority Communities in the State and for matters connected therewith or incidental thereto:

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-ninth year of the Republic of India, as follows:--

1. Short title, extent and commencement :-

- (1) This Act may be called the Andhra Pradesh State Minorities Commission Act, 1998.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall come into force on such date as the Government may, by notification appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,-

- (a) "Chairman" means the Chairman of the Andhra Pradesh State Minorities Commission appointed under Section 5;
- (b) "Commission" means the Andhra Pradesh State Minorities Commission constituted under Section 3;
- (c) "Government" means the Government of Andhra Pradesh.
- (d) "Minority" means the persons who profess faith in any one of the following religions namely.--
 - (i) Buddhism;
 - (ii) Christianity;
 - (iii) Islam;
 - (iv) Sikhism;
 - (v) Zoroastrianism; irrespective of the language spoken by them;
- (e) "Notification" means a notification published in the Andhra Pradesh Gazette and the word notified shall be construed accordingly;
- (f) "Prescribed" means prescribed by rules made by the Government under this Act;
- (g) "Vice-Chairman" means the Vice-Chairman of Andhra Pradesh State Minorities Commission appointed under Section 5.

3. Constitution of the Andhra Pradesh State Minorities Commission :-

- (1) The Government may by notification constitute a body to be known as the Andhra Pradesh State Minorities Commission to exercise the powers conferred on and to perform functions assigned to it under the Act.
- (2) The Commission shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act and rules made there under, to acquire, hold and dispose of property and to enter into contracts and shall in the said name sue and be sued.

(3) The Headquarters of the commission shall be at Hyderabad and the Government may, by notification, specify such other place to be the Head Quarters of the Commission as may be necessary from time to time.

4. Meetings of the Commission :-

(1) The commission shall hold ordinary meetings at such places and at such intervals as may be prescribed and meetings may be convened by the Chairman at any time for the transaction of any urgent business.

(2) Number of Members necessary to constitute a quorum of meetings and the procedure to be followed therein shall be such as may be prescribed.

5. Composition of the Commission :-

(1) The Commission shall consists of the following members .--

(a) a Chairman who shall be reputed member of the minority, to be appointed by the Government;

(b) a Vice-Chairman who shall be a reputed member of the minority community, different from the Community of the Chairman, to be appointed by the Government; and

(c) not more than six members to be appointed by the Government, of whom two shall represent Islam, and one each from Zoroastrian, Christian, Buddhist and Sikh:

Provided that at least one such member shall be a woman.

(2) the Secretary shall convene the meetings of the Commission from time to time.

6. Term of office and conditions of service of Chairman and members :-

(1) the Chairman, Vice-Chairman or the Members shall, unless otherwise disqualified for continuing as such under the rules, hold office for a term of three years form the date he assumes office and shall be eligible for re-appointment for a second term only.

(2) the Chairman, Vice-Chairman or a Member may by writing under his hand addressed to the government resign from the office, but he shall continue in office till his resignation is accepted by the Governments or his successor is appointed.

(3) the successors so appointed under sub-section (2) shall hold office for the remainder of the term of his predecessor .--

- (4) The Government may remove a person from the office of Member, if that person, -
- (a) becomes an undercharged 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 become incapable of acting;
 - (e) without obtaining leave of absence from the Commission, absents himself from the three consecutive meetings of the Commission;
 - (f) has in the opinion of the Government, so abused the position of the Chairman, Vice-Chairman or Member as to render that persons continuance in office detrimental to the interest of the minorities or the public interest:

Provided that no person shall be removed under this clause until that person has been given an opportunity of being heard in the matter.

7. Appointment of the officers and other employees of the Commission :-

- (1) The Government may appoint the Secretary who shall be an officer of the Government not below the rank of Deputy Secretary to Government 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 other terms and conditions of service of the Secretary, Officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.
- (3) the Secretary shall be the Chief Executive Officer of the Commission and shall exercise such powers and perform such functions as may be prescribed.

8. Salaries and allowances to be paid out of grants :-

The Salaries and allowances payable to the Chairman, Vice-Chairman and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in Section 7 shall be paid out of the grants referred to in sub-section (1) of Section 15.

9. Vacancies etc., not to invalidate proceedings of the Commission :-

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

10. 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 signature of the Secretary or any other officer of the Commission authorized by the Secretary in this behalf.

11. Powers of the Commission :-

(1) The Commission shall, while performing its functions under Section 12, have the powers of a Civil Court trying a suit and in particular, in respect of the following matters namely.--

(i) summoning and enforcing the attendance of any person from any part of the State and examining him on oath;

(ii) requiring the discovery and production of any document;

(iii) receiving evidence on affidavits;

(iv) requisitioning any public record or copy thereof from any Court or office;

(v) issuing Commissions for the examination of witnesses or documents; and

(vi) any other matter which may be prescribed.

(2) The Commission shall have the power to requisition such information, document and such assistance as may be required from any department of the Government for the effective implementation of the provisions of this Act.

12. Functions of the Commission :-

(1) The Commission shall perform the following functions, namely .-

(a) to evaluate the working of various safeguards provided in the Constitution for the protection of minorities and in the laws passed by the Union and State Governments;

(b) to make recommendations with a view to ensure effective

implementation and enforcement of all (safeguards and) the laws;

(c) to -undertake a review of the implementation of the policies, pursued by the union and the State Governments with respect to the minorities;

(d) to look into specific complaints regarding deprivation of rights and safeguards in the interest of the minorities:

(e) to conduct studies, research any analysis on the question of avoidance of discrimination against minorities;

(f) to suggest appropriate legal and welfare measures in respect of any minority to be undertaken by the Government:

(g) to serve as a State Clearing House for information in respect of the conditions of minorities;

(h) to invite one or more prominent persons to participate in the meetings of the Commission to advise on such matters as may be necessary;

(i) to make periodical reports at prescribed intervals to the Government; and

(J) to exercise such other powers and perform such other functions as may be conferred or enjoined upon it by this Act or the rules made there under.

13. Annual Report :-

The Commission shall prepare once in every year, in such form at such time as may be prescribed an Annual Report giving a true and full account of its activities during the previous years and copies thereof shall be forwarded to the Government, and the Government shall cause the same to be laid before the Legislative Assembly of the State.

14. Accounts and Audit :-

- (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form and in such manner as may be prescribed;
- (2) The accounts of the Commission shall be audited by such authority, at such times and in such manner as may be prescribed.

15. Grants by the Government :-

- (1) The Government shall, after due appropriation made by the Andhra Pradesh Legislative Assembly 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) thereof.

16. Constitution of Cells :-

The Government may on the recommendations of the Commission establish a Library! an Information Cell, Research Cell or such other Cells as may be necessary from time to time.

17. Chairman, Vice-Chairman, Members and employees of the Commission to be public servants :-

The Chairman, Vice-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 (Central Act 45 of 1860).

18. Power to make rules :-

(1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modifications in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified have effect only in such modified form or stand annulled as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

19. Validation :-

Notwithstanding anything contained in this Act, the Commission constituted under an order issued by the Government in G.O. Ms. No. 345 G.A. (SCF) Dept, dt. 28th April, 1979 and functioning

before the commencement of this Act, shall continue to be such Commission and function as such until a new Commission is constituted under sub-section(1) of Section 3 of this Act.