



The Uttar Pradesh Commission for Minorities Act, 1994
Act 22 of 1994

Keyword(s):
Commission, Member, Minority

Amendments appended: 23 of 1999, 30 of 2001, 20 of 2004

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Dated; Lucknow, August 31, 1994

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Alpa Sankhyak Ayog Adhiniyam, 1994 (Uttar Pradesh Adhiniyam Sankhya 22 of 1994) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 27, 1994.

**THE UTTAR PRADESH COMMISSION FOR MINORITIES
ACT, 1994**

[U.P. ACT No. 22 OF 1994]

(As passed by the Uttar Pradesh Legislature)

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 the Forty-fifth year of the Republic of India as follows :

CHAPTER—I

Preliminary

1. (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.

Short title, extent and commencement

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in this Act,—

- (a) "Commission" means the Uttar Pradesh Commission for Minorities constituted under section 3;
 - (b) "Government" means Government of Uttar Pradesh;
 - (c) "Member" means a Member of the Commission;
- "Minority" for the purposes of this Act, means a community notified as such by the Government.

CHAPTER—II

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3. (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.

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4. (1) The Chairman and every Member shall hold office for a term of ~~three~~ 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, absent 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.

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5. (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 service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

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6. 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.

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7. 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.

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8. (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.

Procedure to be regulated by the Commission

CHAPTER—III

Functions of the Commission

9. (1) The Commission shall perform all or any of the following functions, namely :—

Functions of the Commission

(a) evaluate the progress of the development of 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 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 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 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 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. (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.

Grant by the Government

(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).

and 11. (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.

Report 12. 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.

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egislature 13. 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, 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

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public 14. 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. 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.

ance of 16. (1) 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.

to make 17. (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 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.

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ties 18. (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.

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is 19. (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.

By order,
N. K. NARANG,
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Dated Lucknow, May 10, 1999

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Alpasankhyak Ayog (Sanshodhan) Adhiniyam, 1999 (Uttar Pradesh Adhiniyam Saakhya 23 of 1999) as passed by the Uttar Pradesh Legislature and assented to by the Governor on May 8, 1999.

THE UTTAR PRADESH COMMISSION FOR MINORITIES
(AMENDMENT) ACT, 1999

(U. P. ACT No. 23 OF 1999)

[As Passed by the Uttar Pradesh Legislature]

AN

ACT

furth~~er~~ to amend the Uttar Pradesh Commission for minorities Act, 1994

IT IS HEREBY enacted in the Fiftieth Year of the Republic of India as follows :—

Short title

1. This Act may be called the Uttar Pradesh Commission for Minorities (Amendment) Act, 1999.

Amendment of
section 4 of U.P.
Act no. 22 of
1994

2. In section 4 of the Uttar Pradesh Commission for Minorities Act, 1994 for sub-section (1) the following sub-section shall be substituted, namely:—

“(1) (a) The Chairman and every Member shall hold office for a term of one year from the date he assumes office.

(b) The provisions of clause (a) shall apply also to the Chairman and every member who assumed his office before the commencement of the Uttar Pradesh Commission for Minorities (Amendment) Act, 1999.

(c) The term of the Chairman and every Member, who has completed on or before the commencement of the Act referred to in clause (b), the period of one year from the date he assumed his office shall expire on such commencement.”

By Order,

Y. R. TRIPATHI,

Pranukh Sachiv

No. 2441(2)/XVII-V-1—1(KA)28-2001

Dated Lucknow, October 6, 2001

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Alpsankhyak Ayog (Sanshodhan) Adhiniyam, 2001 (Uttar Pradesh Adhiniyam Sankhya 30 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 5, 2001:—

THE UTTAR PRADESH COMMISSION FOR MINORITIES
(AMENDMENT) ACT, 2001

(U. P. Act No. 30 of 2001)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Commission for Minorities, Act, 1994.

IT IS HEREBY enacted in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Commission for Minorities (Amendment) Act, 2001.

Short title and commencement

(2) It shall be deemed to have come into force on June 8, 2001.

2. In section 4 of the Uttar Pradesh Commission for Minorities Act, 1994, hereinafter referred to as the principal Act in sub-section (1),—

Amendment of section 4 of U.P. Act no. 22 of 1994

(a) for clause (a) the following clause shall be substituted, namely:—

“(a) the Chairman or every other Member shall hold office for a term of one year from the date he assumes office:

Provided that no Chairman or other Member shall hold office as such after he has attained the age of sixty-five years:

Provided further that the Chairman shall not be eligible for reappointment as Member.

(b) after clause (c) the following clauses shall be inserted, namely:—

(d) The provisions of clause (a) as amended by the Uttar Pradesh Commission for Minorities (Amendment) Act, 2001 shall apply also to the Chairman and every other Member holding office immediately before the commencement of the said Act.

(e) The Chairman or other Member, who has attained the age of sixty-five years, on or before the commencement of the Act referred to in clause (d) shall cease to hold office as such on such commencement.”

Repeal and
saving

3. (1) The Uttar Pradesh Commission for Minorities (Amendment) Ordinance, 2001 is hereby repealed.

U. P.
Ordinance
no. 13 of
2001

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if this Act were in force at all material times.

By order

Y. R. TRIPATHI,

Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh State Commission for Minorities Act, 1994 (U.P. Act no. 22 of 1994) has been enacted to constitute a Commission for Minorities in Uttar Pradesh and to provide for matters connected therewith or incidental thereto.

The said Act though provided for the constitution of the Commission and the term of office of its Chairman and the members but it did not provide their maximum age limit till when, they could hold their respective offices. It was, therefore, decided to amend the said Act to fix the maximum age of the Chairman and the members of the said Commission as sixty five years and to provide that the Chairman, and other members of the Commission, who have already attained the age of 65 years 2001 shall cease to hold their office as such.

Since the State Legislature was not in session and immediate legislative measure was necessary to implement the aforesaid decision, the Uttar Pradesh Commission for the Minorities (Amendment) Ordinance, 2001 (U. P. Ordinance no. 13 of 2001) was promulgated by the Governor on June 8, 2001.

This Bill is introduced to replace the aforesaid Ordinance.

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Dated Lucknow, August 13, 2004

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Alp Sankhyak Ayog (Sanshodhan) Adhiniyam, 2004 (Uttar Pradesh Adhiniyam Sankhya 20 of 2004) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 12, 2004.

THE UTTAR PRADESH COMMISSION FOR MINORITIES (AMENDMENT)
ACT, 2004

(U.P. ACT NO. 20 OF 2004)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Commission for Minorities Act, 1994

IT IS HEREBY enacted in the Fifty-fifth Year of the Republic of India as follows :—

Short title

1. This Act may be called the Uttar Pradesh Commission for Minorities (Amendment) Act, 2004.

Amendment of
section 4 of U.P.
Act. no. 22 of
1994

2. In section 4 of the Uttar Pradesh Commission for Minorities Act, 1994 in sub-section (1),—

(a) In clause (a) for the words "one year" the words "three years" shall be substituted;

(b) In clause (d) for the words and figures "Uttar Pradesh Commission for Minorities (Amendment) Act, 2001" the words and figures "Uttar Pradesh Commission for Minorities (Amendment) Act, 2004" shall be substituted.

(c) Clause (e) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Section 4 of the Uttar Pradesh Commission for Minorities Act, 1994. Provides that the Chairman and every Member of Uttar Pradesh Commission for Minorities shall hold office for a term of one year from the date he assumes office. The said term of the Chairman and every Member is not adequate to benefit the Commission with the services, of more and more persons of eminence, ability and integrity. It has, therefore been decided to amend the said Act to increase the term of the Chairman and every Member of the Commission from one year to three years so as to make the said Commission more effective.

The Uttar Pradesh Commission for Minorities (Amendment) Bill, 2004 is introduced accordingly.

By order,
D. V. SHARMA,
Pramukh Sachiv.