



The Andhra Pradesh State Minorities Commission Act, 1998

Act 31 of 1998

Keyword(s):

Commission, Minority, Vice-Chairman

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

ACT No. 31 OF 1998.

*[10th December, 1998.]

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF RELIGIOUS MINORITY COMMISSION TO SAFEGAURD 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:-

*[Received the assent of the Governor on the 15-05-1998, and assent of the President received on 25-11-1998. For statement of object and reasons please see the Andhra Pradesh Gazette, Part-IV-A, Extraordinary dated 27-11-1997 at Page 12.]

CHAPTER - I

PRELIMINARY

Short title, extent and commencement. 1. (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.

Definitions. 2. 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 nemely:-

- (i) Buddhism;
- (ii) Christianity;
- (iii) Islam;
- (iv) Sikhism;
- (v) Zorastrianism;

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.

CHAPTER - II

ANDHRA PRADESH STATE MINORITIES COMMISSION

3. (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.

Constitu-
tion of
the Andhra
Pradesh State
Minorities
Commission.

(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 thereunder, 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 Headquarters of the Commission as may be necessary from time to time.

Meetings of the Commission. 4. (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 meeting and the procedure to be followed therein shall be such as may be prescribed.

Composition of the Commission. 5 (1) The Commission shall consist of the following members:-

(a) a Chairman who shall be a 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 atleast one such member shall be a woman.

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

Term of office and conditions of service of Chairman and Members. 6. (1) The Chairman, Vice-Chairman or Members shall, unless otherwise disqualified for continuing as such under the rules, hold office for a term of three years from 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 Government 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 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) without obtaining leave of absence from the Commission, absents himself from 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 person's 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.

Appointment
of officers
and other
employees
of the
Commission.

7. (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.

Salaries
and
allowances
to be paid
out of
grants.

8. 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.

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

9. 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.

Procedure
to be regu-
lated by
the Commis-
sion.

10. (1) The Commission shall meet as and when necessary at such time and place as the Chairman may think fit.

327
(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 authorised by the Secretary in this behalf.

CHAPTER - III

POWERS AND FUNCTIONS OF THE COMMISSION

11. (1) The Commission shall, while Powers of performing its functions under section 12, the Commis- have the powers of a Civil Court trying sion. 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:

Functions of the Commission. 12. (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 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 and 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 thereunder.

13. The Commission shall prepare annual 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.

CHAPTER - IV.

FINANCE, ACCOUNTS AND AUDIT

14. (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.

Grants by
the Govern-
ment.

15. (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 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) thereof.

CHAPTER - V

MISCELLANEOUS

Constitu-
tion of
Cells.

16. 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.

Chairman
Vice-
Chairman
Members
and
employees
of the
Commission
to be
public
servants.
Central Act
45 of 1860.

17. 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.

Power to
make rules.

18. (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 modification 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. 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.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.