

THE RAJASTHAN STATE COMMISSION FOR MINORITIES ACT, 2001

(Act No. 8 of 2001)

[Received the assent of the Governor on the 12th day of December, 2001]

An Act to constitute a State Commission for Minorities and to provide for matters connected therewith and incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Fifty-second Year of the Republic of India as follows:-

CHAPTER - I PRELIMINARY

1. Short title, extent and commencement.- (1) This Act may be called the Rajasthan State Commission for Minorities Act, 2001.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless the context otherwise requires, -

(i) "Commission" means the Rajasthan State Commission for Minorities constituted under section 3;

(ii) "Member" means a member of the Commission.

(iii) "minority" for the purpose of this Act means a community notified as such by the Central Government for the purpose of the National Commission for Minorities Act, 1992 (Central Act No. 19 of 1992).

CHAPTER - II THE STATE COMMISSION FOR MINORITIES

3. Constitution of the Commission.- (1) The State Government shall constitute a body to be known as the Rajasthan State Commission for Minorities to exercise the power conferred on, and to perform the functions assigned to it under the Act.

(2) The Commission shall consist of a Chairperson and four Members to be nominated by the State Government from amongst persons of eminence, ability and integrity;

Provided that the Chairperson and at least three Members shall be from amongst the minority communities.

4. Term of office and conditions of service of Chairperson and Members.- (1) The Chairperson and every Member shall hold office for a term of three years from the date he assumes charge.

(2) The Chairperson or a Member may, by writing under his hand addressed to the State Government, resign from the office of Chairperson or, as the case may be, of the Member at any time.

(3) The State Government shall remove a person from the office of Chairperson or a 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 State 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 State Government, so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the interest of minorities or the public interest;

Provided that no person shall be removed under this clause until he 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 Chairperson and Members shall be such as may be prescribed.

5. Secretary and Staff and their salary etc. – (1) The State Government shall provide the Commission with a Secretary and such other officers and employees as may be necessary for the efficient functioning of the Commission under this Act.

(2) The salaries and other allowances payable to and the other terms and conditions of Service of the Secretary other officers and 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 Chairperson and Members and the administrative expenses, including salaries and allowances payable to the officers and other employees shall be paid out of the grants referred to in sub-section (1) of section 12.

7. Vacancies not to invalidate proceedings of the Commission.- No act or proceeding of the Commission shall be called in question or shall be invalid merely on the ground of the existence of any vacancy or defect in its Constitution.

8. Procedure to be regulated by the Commission.- (1) The Headquarters of the Commission shall be at Jaipur.

(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 Chairperson in this behalf.

CHAPTER - III FUNCTIONS OF THE COMMISSION

9. Functions of the Commission.- The Commission shall perform all or any of the following functions, namely -

- (a) evaluate the progress of the development of minorities under the State;
- (b) monitor the working of the safeguards provided for minorities in the Constitution and in laws enacted by the Parliament and the State Legislature;
- (c) make recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the State Government;

- (d) look into specific complaints regarding deprivation of rights and safeguards of the minorities and take up such matters with appropriate authorities under the control of the State Government;
- (e) cause studies to be undertaken into problems arising out of any discrimination against minorities and recommended 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 welfare schemes for minorities to be undertaken by the State Government;
- (h) make periodical or special reports to the State Government;
- (i) look into any other matter which may be referred to it by the Government, the general public, the press, or take *suo moto* cognizance of any rights infringement as is perceived by the Commission to be detrimental to the cause of minorities and to suggest for appropriate remedial measures to the State Government.

10. Commission to have powers of Civil Court.- (1) The Commission shall, while performing any of its functions, have 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 from any part of the State 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 office;
- (e) issue commissions for examination of witnesses and documents; and
- (f) any other matter which may be prescribed.

(2) Every proceeding before the Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 as also for the purposes of section 196 of the Indian Panel Code, 1860 (Central Act 45 of 1860) and the Commission shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1974 (Central Act 2 of 1974).

11. State Government to consult the Commission.- The State Government may, from time to time, consult the Commission on major policy matters affecting minorities.

CHAPTER - IV FINANCE, ACCOUNTS AND AUDIT

12. Grants by the State Government.- (1) The State 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 State 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).

13. Accounts and Audit.- (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such forms as may be prescribed by the State Government in consultation with the Accountant General, Rajasthan.

(2) The Accounts of the Commission shall be audited by the Accountant General at such intervals as may be specified by him and any expenditure in connection with such audit shall be payable by the Commission to the Accountant General.

(3) The Accountant General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and authority in connection with such audit as the Accountant General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) On receipt of the Audit Report the Commission shall, as soon as may be, submit the same to the State Government together with memorandum of explanations and the State Government shall cause the Audit Report to be laid before the House of State Legislature.

CHAPTER - V MISCELLANEOUS

14. Annual and special reports of the Commission.- (1) 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 submit that report to the State Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The State Government shall cause the annual and special reports of the Commission to be laid before the House of the State Legislature, alongwith a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any.

15. Chairperson, Members, Officers and employees of the Commission to be public servants.- The chairperson, members, officers and other employees of the Commission shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

16. Power to make Rules.- (1) The State Government may, by notification in the Official Gazette, 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 Chairperson, Members, Secretary and other employees of the Commission;
- (b) any other matter referred to in clause (f) of sub-section (1) of section 10;
- (c) the form in which the account shall be maintained and the annual statement of accounts shall be prepared under sub-section (1) of section 13;
- (d) the form in which and the date by which the annual report shall be prepared under section 14;
- (e) any other matter which is required to be or may be prescribed.

(3) All rule under this Act shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session for a period of not less than fourteen days which may be comprised in one session or in two successive sessions, and, if, before the expiry of the session in which they are so laid or of the session immediately following, the House of State Legislature makes any modification in any such rules, or resolves that any such rules should not be made, such rules shall thereafter have effect only in such modified form,

or be of no effect, as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

17. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty;

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the House of the State Legislature.