

MADHYA PRADESH RAJYA ALPSANKHYAK AYOGE ADHINIYAM 1996

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2. Definitions

CHAPTER 11 - THE MADHYA PRADESH STATE COMMISSION FOR MINORITIES Constitution of the Madhya Pradesh State Commission for Minorities. 3

4. Terms of Office and conditions of service of Chairperson and Members. Officers and other employees of the Commission

5. Salaries and allowances to be paid out of grants

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

7. Procedure to be regulated by the Commission

8

CHAPTER III- FUNCTION OF THE COMMISSION 9. Function of the Commission

CHAPTER IV - FINANCE. ACCOUNTS AND AUDIT IO. Grants by the State Government

11. Accounts and Audit

12. Annual Report

13. Annual Report to be laid before the Assembly

CHAPTER V - MISCELLANEOUS 14. Chairperson, Members and Staff of the Commission to be public servants

15. Power to make rules

16. Power to remove difficulties. 9 MADHYA PRADESH ACT NO. 15 OF 1996 THE RAJYAALPASANKHAYAKAYOGE ADHINIYAM, 1996. (Received the assent of the president of the 26th September, 1996 assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 1st October, 1996.) An Act to constitute a State Commission for Minorities and to provide for matter connected therewith of incidental thereto. Be it enacted by the Madhya Pradesh State Legislature in the fortyseventh year of the Republic of India as follows:- Short title extent and commence- ment 2. Definitions. Constitution of the 3. Madhya Pradesh State Com- mission for Minorities CHAPTER - I PRELIMINARY (1) This Act may called the Madhya Pradesh Rajya Alpsankhyak Ayoge Adhiniyam, 1996. (2) It extends to the whole of Madhya Pradesh. (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint. In this Act, unless the context otherwise requires:- (a) "Commission" means the Madhya Pradesh State Com- mission for Minorities constituted under Section 3; (b) "Member" means a Member of the Commission; (c) "Minority" for the purpose of this Act, means* (1) A community notified as such by the Central Government for the purpose of the National Com- mission for minorities Act, 1992 (No. 19 of 1992). (2) A community notified as such by the State Gov- ernment. CHAPTER - 11 THE MADHYA PRADESH STATE COMMISSION FOR MINORITIES (1) The State Government shall constitute a body to be known as the Madhya Pradesh State Commission for Minorities to exercise the power conferred on and to perform the function assigned to it under this Act. (2) The Commission shall consist of a Chairpoerson and Four members to be nominated by the State Govern- ment from amongst persons of eminece, ability and integrity: •k * * (C) of section 2 has been amended by the Madhya Pradesh Rajya Alpsankhyak Ayoge (Sansodhan) Adhiniyam 2001 (no. of 2001) Published in the Madhya Pradesh Gazette (Extraordinary) Dated 17th April, 2001 Sub section 2 of

section 3 has been amended by the Madhya Pradesh Rajya Alpsankhyak Ayog (Sansodhan) Adhiniyam 2002 (no. of 4 of 2003). Published in the Madhya Pradesh Gazette (Extraordinary) Dated 31st January, 2003 10 4. (1) (2) (3) (4) Provided that the Chairperson and one member shall be from amongst the minority communities. The Chairperson and every member shall hold office for a term of three years from the date he assumes charge. The Chairperson or a Member may, by writing under his hand addressed to the State Government, Terms of office and conditions of service of Chairperson and Members. resign from the office of Chair person or, as the case may be, of the Member at any time. The State Government shall remove a person from the office of Chairperson or a Member referred to in sub-section (2) if that person:- (a) (b) (c) (d) (e) becomes an undischarged insolvent; is convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; becomes of unsound mind and stands so declared by a competent court; refuses to act or becomes incapable of acting; is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or 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 interests of minorities of 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. A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination. 11 Officers and other employees of the Commission Salaries and allowances to be paid out of grants. Vacancies, etc., not to invalidate proceedings of the Commission. Procedure to be regulated by the Commission Functions of the Commission. (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. 6. 7. 8

9. The State Government shall provide the Commission with a secretary and such other officers and employees as may be necessary of the efficient performance of the functions of the Commission under this Act. 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 10. 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. (1) (2) (3) The headquarters of the Commission shall be at Bhopal. The Commission shall regulate its own procedure. 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

CHAPTER III- FUNCTION OF THE COMMISSION (1) The Commission shall perform all or any of the following functions, namely:- (a) (b) (c) Evaluate the progress of the development of minorities under the state; Monitor the working of the safeguards provided in the Constitution and in laws enacted by the Parliament and the State Legislature; Make recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the State Government. 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. Cause studies to be undertaken into problems arising out of any discrimination against minorities and recommend measures for their removal; Conduct studies, research and analysis on the issue relating to socioeconomic and educational development of minorities; Suggest appropriate measures in respect of any minority to be undertaken by the State Government; Make periodical or special reports to the State Government; Any other matter which may be referred to it by the State Government; Provided that if any recommendation made by the Commission is repugnant to the recommendation made by the National Commission for Minorities- (2) In any matter relating to the State of Madhya Pradesh then recommendation made by the State Commission shall prevail. The commission shall, while performing any of the functions mentioned in sub-clauses (a), 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 (b) (c) (d) any person from any part of the State and examining him on oath; Requiring the discovery and production of any document; Receiving evidence on affidavits' Requisitioning any public record or copy thereof from any office; issuing commission for examination of witnesses and documents; and Any other matter which may be prescribed. **CHAPTER - FINANCE ACCOUNTS AND AUDIT** Grants by the State Government Accounts and Audit. (2) 11. (1) (2) (3) 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 utilised for the purpose of this Act. The Commission may spend such sums as it thinks fit for performing the function under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in subsection (1). The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of account in such form as may be prescribed by the State Government in consultation with the Accountant General, Madhya Pradesh. The Account 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. 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

12. The Commission shall prepare, in such form and by such date 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 State Government

13. The State Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, and the reasons for the non-acceptance, if any of such recommendations and the audit report to be Laid as soon as may be after the report is received, before the Legislative Assembly

14. The Chairperson, 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. (1) (2) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act. 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 and Members under sub-section 15 (b) (c) (d) (5) of Section 4; any other matter under clause (f) of sub-section (2) of section 9; The form in which the account shall be maintained and the annual statement of account shall be prepared under sub-section (1). of Section 11; The form in and the date by which the annual report shall be prepared under section 12; Any other matter which is required to be or may be prescribed.

16. (3) Every rule made under this Act shall be laid as soon as may be after it is made before the legislative Assembly. 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 the Act as appear to it to be necessary or expedient for removing the difficulty.

16.1. 2. 3 4 1996 15 1996 8 2 1996" t 2— 31 1997 I 1996 "VfG1" a-aft, Rfāl I a-tr 6 7 8 9 10 äTRT Qh-å fiqT RTH-Å NT@51N 3P--TQT 1.9 17 / 2 / 97 / 1324—QTINër 343 T<-IT I MADHYAPRADESH ALPASANKHAYAK AYOGA, BHOPAL No.MPRAA/2/97/1323 BHOPAL, Dated 19.3.97 In exercise of the powers conferred by Section A, sub- Section 2 of the Madhya Pradesh Rajaya Alpasankhayak Ayog Adhiniyam, 1996 (No. 15 of 1996), The Madhya Pradesh Rajaya Alpasankhayak Ayog (Madhya Pradesh State Minorities Commission) hereby frames the following regulations, namely : 1. 2. 3

4. Short title and commencement (i) These regulations may be called the Madhya Pradesh Minorities Commission (Procedure) Regulation, 1996.(ii) These regulations will come into force with effect from the 31st day of March, 1997. Definitions (a) (b) (c) (d) (e) (f) 'Act' means the Madhya Pradesh Rajaya Alpasankhayak Ayog Adhiniyam, 1996 . 'Chairman' means the Chairman of the Madhya Pradesh Rajaya Alpasankhayak Ayog 'Member' means a Member of the Madhya Pradesh Rajaya Alpasankhayak Ayog. 'Secretary' means the Secretary of the Madhya Pradesh Rajaya Alpasankhayak Ayog. 'Commission' means the Madhya Pradesh Rajaya Alpasankhayak Ayog. Government means the Government of Madhya Pradesh Bhopal. Head Quarters of the Commission The Headquarters of the Commission Shall be E-Block, Old Secretariat, Bhopal-462001 Place of Meeting The commission shall normally meet at its headquarters at Bhopal and its sitting will be held in the office of the Commission. However the

Commission at its discretion may sit at any other place in Madhya Pradesh provided if considers it necessary and expedient to do so 5. 6. 7

8. Periodicity of meeting (a) The Commission shall ordinarily hold at least one meeting every month on a date other than a holiday. The date of the meeting shall be fixed by the Chairman at least a week prior to the date of meeting. The Chairman may at his own volition or on a requisition made by a member or members direct the convening of a meeting to consider any specific matter. (b) The quorum for the meeting shall comprise the Chairman and at least one member. Agenda (a) (b) (c) The Secretary of the Commission in consultation with the Chairman shall draw up the Agenda for each meeting and have a note prepared which, as possible shall be self-contained. Files connected with the items on the Agenda shall be made available to the Commission for ready reference. Normally the agenda and the note of the Secretary shall be circulated to the Chairman and the Members at least two days before the date of the meeting. However, the meeting may consider any other matter not included in the agenda with the permission of the Chairman. When the Commission convenes to hear any case a cause list shall be prepared and exhibited at the place of sitting. However, the Commission shall not consider matter which is : Subjudice in any court of Law : (ii) Vague, anonymous or pseudonymous : (iii) Frivolous or outside the purview of the Commission. No fees shall be chargeable on any representation or case filed before the Commission. Ordinarily a representation or case will be presented to the Commission in writing. However, in its own discretion the Commission may accept a representation or case sent to it by telegram or fax. 9. 10. 11. 12. 13. 14

15. The Commission shall have the right to dismiss any representation or case in limine. The Chairman, may whenever he deems proper forward to the Government or officers concerned of the Government for their comments any representation or case and make his recommendations after due consideration of such comments. When the Commission sits to hear any case copies of documents connected with the case shall be made available to any applicant on payment of fees to be prescribed by the commission. The Chairman or with the consent of the Chairman any Member may make a spot inspection to study any matter and where such a study is undertaken, a brief report shall be prepared for the consideration of the Commission. The Commission may forward such a report to the Government, if it considers it necessary to do so. Minutes of the meeting (a) The Minutes of each meeting of the Commission shall be recorded by the Secretary or any officer authorised by the Secretary immediately after the meeting. Such minutes shall be submitted to the Chairman for his approval and upon approval be circulated to members of the Commission and forwarded to the Government. Follow up action Follow up action on the minutes of the meeting shall be taken as directed by the Chairman and a report on it shall be placed at the next meeting of the Commission by the Secretary. Annual report For each year beginning on 1st April and ending on 31st March, the Commission shall prepare annual report which shall contain an account of the work done by the commission recommendations made to the Government and important correspondences. The original copy of the report shall be signed by the Chairman and Members and the Secretary shall present it to the Government together with his brief comments not later than the month of May of the succeeding year. The annual report shall be properly preserved. 16

17. Special report However, the Commission may send to the Government any Special report on any specific subject of importance at any time during the year. Such a report, after being signed by the Chairman shall be forwarded to the Government by the Secretary of the Commission. Printing of the annual report The Secretary of the Commission shall be responsible for the expeditious printing of the annual report and the special report and shall ensure their printing as early as possible. (M.A.KHAN) SECRETARY Madhya Pradesh State Minorities Commission Bhopal No. MPRAA/2/97/1324 In pursuance of part III of Article 348 of the Constitution of India an English translation of the Madhya Pradesh Rajya Alpasankhyak Ayog (Procedure) Regulations, 1996 is hereby published. (M.A.KHAN) SECRETARY Madhya Pradesh State Minorities Commission Bhopal