

# THE UTTAR PRADESH COMMISSION FOR MINORITIES

ACT, 1994<sup>1</sup>

**[U. P. Act No. 22 of 1994]**

*Amended by*

U. P. Act no. 23 of 1999

U. P. Act no. 30 of 2001

U. P. Act no. 20 of 2004

U. P. Act no. 8 of 2007

U. P. Act no. 25 of 2013

[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 Act 22 of 1994 as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 27, 1994 and published in U.P. *Gazette* extraordinary on August 31, 1994.]

**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 Forth fifth year of the Republic of India as follows :—

## **CHAPTER-I**

### ***Preliminary***

**Short title  
extent and  
commencement**

**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.

**Definitions**

**2.** 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 ;

(d) “Minority” for the purposes of this Act, means a community notified as such by the Government.

## **CHAPTER-II**

### ***The Commission***

**Constitution of  
the Uttar  
Pradesh  
Commission for  
Minorities**

**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.

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1. For SOR see Uttar Pradesh *Gazette* extraordinary dated 31 August, 1994 (at the end of this Act).

<sup>1</sup>[(2) The Commission shall consist of a Chairman six male members and two female Members from amongst minority.]

Provided that five Members including the Chairman shall be from amongst the minority communities.

**Term of  
office and  
conditions of  
service of  
Chairman  
and Members**

**4.** <sup>2</sup>[(1) (a) The Chairman and every Member shall hold office for a term of <sup>3</sup>[three years] from the date he/she assumes office ;]

Provided that the Chairman and every Member shall hold office during the pleasure of the State Government.]

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

(c) The term of the Chairman and every members, 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.

<sup>4</sup>[(d) The provisions of clause (a) as amended by the <sup>5</sup>[Uttar Pradesh Commission for Minorities (Amend) Act, 2004] shall apply also to the Chairman and every other member holding office immediately before the commencement of the said Act.]

(e) <sup>4</sup>[The Chairman or other member who has attained the age of 65 years, or before the commencement of the Act referred to in clause (d) shall cease to hold office as such a on such commencement]

(2) The [Chairman]<sup>6</sup> or a Member may, by writing under his hand addressed to the Government, resign from the officer of the Chairman or, as the case may be, of the Member at any time.

<sup>7</sup>(3) [x x x x]

(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, <sup>8</sup>[the Chairman and Members] shall be such as may be prescribed.

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[1. Sub. by sec. 2 of U. P. Act No. 25 of 2013. \(earlier subs. by s. 2 of U.P. Act No. 8 of 2007\)](#)  
[2. Renumbered and Sub. by sec. 2 of U. P. Act No. 23 of 1999 and Sub. by sec. 3 of U.P. Act No. 25, 2013.](#)  
[3. Sub. by sec. 2 of U.P. Act No. 20 of 2004.](#)  
[4. Ins. by sec. 2 of U.P. Act No. 30 of 2001.](#)  
[5. Subs. by sec. 2\(b\) of U.P. Act No. 20 of 2004.](#)  
[6. Subs. by sec. 3\(b\) of U.P. Act No. 25 of 2013.](#)  
[7. Omit. by sec. 3\(c\) of U.P. Act No. 8 of 2007.](#)  
[8. Subs. by s. 3\(c\) of U.P. Act No. 25 of 2013.](#)

**Officers and other employees of the Commission**

**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.

**Salaries and allowances to be paid out of grants**

**6.** The salaries and allowances payable to the <sup>1</sup>[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.

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

**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.

**Procedure to be regulated by the Commission**

**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 authorized by the Secretary in this behalf.

### **CHAPTER-III**

#### **Function of the Commission**

**Functions of the Commission**

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

(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 ;

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1. Subs. by s. 4 of U.P. Act No. 25 of 2013. (for words Chairman & Vice-Chairman)

(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 an 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**

###### **Grant by the Government**

**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.

(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).

###### **Accounts and audit**

**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.

**Annual  
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.

**Annual  
Report and  
audit report  
to be laid  
before State  
Legislature**

**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**

**Chairman  
members and  
staff of the  
Commission  
to be public  
servants**

**14.** <sup>1</sup>[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.

**Penalty**

**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.

**Cognizance  
of Offence**

**16.** (1) No Court shall take cognizance of the offences specified in section 15 except on the complaint in writing of the <sup>2</sup>[Chairman or a Member] or of an officer of the Commission authorized in this behalf by the Commission.

**Power to  
make rules**

**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, <sup>3</sup>[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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1. [Subs. by s. 5 of U.P. Act No. 25, 20013 \(for words the Chairman, Vice-Chairman, Members and employees\).](#)

2. [Subs. by s. 6 of U.P. Act No. 25, 2013.](#)

3. [Subs. by s. 7 of U.P. Act No. 25, 2013.](#)

**Power to  
remove  
difficulties**

**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.

**Repeal and  
savings**

**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.

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STATEMENT OF OBJECTS AND REASONS

A Commission for Minorities to study various problems and difficulties of the minorities of the State and advise the State Government from time to time was working in the State. The constitution of the said Commission was being regulated by the orders of the State Government. Since the Commission had no legal status, its constitution was affected on account of change of the Government from time to time due to which the Commission could not function effectively. It was, therefore, decided to enact a law to provide for the constitution of a Commission for Minorities on the pattern of the National Commission for Minorities Act, 1992 enacted by the Government of India so that it would work independently to safeguard the interests of the minorities in the State.

Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh Commission for Minorities Ordinance, 1994 (U.P. Ordinance No. 13 of 1994) was promulgated by the Governor on July 15, 1994.

This Bill is introduced accordingly to replace the aforesaid Ordinance.

