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**THE ASSAM GAZETTE**

**EXTRAORDINARY**

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**GOVERNMENT OF ASSAM**

**ORDERS BY THE GOVERNOR**

**LEGISLATIVE DEPARTMENT : : LEGISLATIVE BRANCH**

## **NOTIFICATION**

The 9<sup>th</sup> May, 2003

**No. LGL. 92/2002/8. –**

The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

### **ASSAM ACT NO. XX OF 2003**

(Received the assent of the Governor on 8<sup>th</sup> May, 2003)

### **THE ASSAM STATE COMMISSION FOR MINORITIES ACT, 2003**

AN

ACT

**Preamble**

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

Whereas, it is expedient to constitute a State Commission for Minorities and to provide for matters connected therewith or incidental thereto,

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows: -

**Short title,  
extent and  
commencem  
ent.**

**1.** (1) This Act may be called the Assam State Commission for Minorities Act, 2003.

(2) It extends to the whole of Assam.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**Definitions.**

**2.** In this Act, unless the context otherwise requires :

(a) **“Commissions”** means the Assam State Commission for Minorities constituted under section 3;

(b) **“State Government”** means the Government of Assam;

- (c) **“Member”** means a Member of the Commission.
- (d) **“Minority”** for the purpose of this Act, means the persons belonging to Religious as well as Linguistic Minorities, residing in the State of Assam; who are otherwise eligible to be considered and declared by the State Govt. as Minorities mentioned in article 30 of the constitution of India;
- (e) **“Prescribed”** means prescribed by rules made under this Act.

**Constitution of the Assam State Commission for Minorities.**

- 3.** (1) The State Government shall constitute a body to be known as the Assam State Commission for Minorities to exercise the powers conferred on, and to perform the functions assigned to under this Act.
- (2) The commission shall consist of a Chairperson and two members to be nominated by the State Government from among persons of eminence, ability and integrity and they shall be from amongst

the Minorities Communities.

**Term of  
office and  
conciliations  
of service of  
Chairperson  
and  
Members.**

- 4.** (1) The Chairperson and every Member shall hold office for a term of three years from the date has assumes office.
- (2) The chairperson or a Member may, by writing under his hand addressed to the State Government, resign from the officer of the 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 referred to in sub-section (2) if that person.
- (a) become and 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 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;
- (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 interests of Minorities of 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 other wise shall be filled up by fresh nomination.
- (5) The salaries and allowances payable to,

and the other terms and conditions of service of this Chairperson and Member, shall be such as may be prescribed.

**Officer and other employees of the Commission.**

5. (1) The State 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
- (2) The salaries and allowances payable to, and the other terms and conditions of service of the Officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

**Salaries and allowance to be paid out of grants.**

6. The salaries and allowances payable to the Chairperson and Member 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.

**Vacancies etc. not to invalidate proceedings**

7. No act or proceedings 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

**of the  
Commission.**

defect in the constitution of the Commission.

**Procedure to  
be regulated  
by the  
Commission.**

- 8.** (1) The headquarter of the commission shall be at Guwahati.
- (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.

**Function 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 under the state;
- (b) Monitor the working of the safeguards provided in the constitution and in laws enacted by the provided 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 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 in to problems arising out of any discrimination against Minorities and recommend measures of 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 state

Government;

(h) make periodical or special reports to the state Government on any matter pertaining to minorities and in particular difficulties faced by them; and

(i) any other matter which may be referred to its by the State Government ;

(2) 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 civil court trying a suit and in particular, in respect of the following matters, namely:-

(a) summoning and any enforcing the attendance of any person from any part of the State and examining him on oath;

(b) requiring the discovery and production of nay document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any office;

(e) issuing commissions for examination of witnesses and documents; and

(f) any other matter which may be prescribed .

(3) The advice of the Commission and, especially, the findings of the Commission concerning deprivation of any right of the Minorities or any infringement of any well-being of the Minority by omission or commission, shall ordinarily be binding upon the State Government.

**Grants by State Government.**

10. (1) The State Government, shall after the 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 State Government may think fit or 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 subsection (1).

**Accounts  
and audit.**

**11.** (1) The commission shall maintain proper account and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Accountant General, Assam.

(2) 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 part of the office of the Commission.

**Annual  
Report.**

**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 accounts of its activities during the previous financial year and forward a copy thereof the state Government.

**Annual  
Report to be  
laid before  
the  
assembly.**

**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, such recommendations and the audit report to be laid as soon as may be after the report is received, before the Legislative Assembly.

**Chairperson,  
Member and  
staff to  
public  
servants**

**14.** The Chairperson, Member and employees of the Commission shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

**Central  
Act  
45 of  
1860**

**Power to  
make rules...**

**15.** (1) The State Government may by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

- (2) In particular and without prejudice to the generality of the forgoing powers, such rules may provide for all or any of the following matters, namely: -
- (a) Salaries and allowances payable to, and other terms and conditions of services of the Chairperson and Members under Sub-section (5) of section 4 and other officers and employees under sub-section (2) of section 5;
  - (b) any other matter under clause (f) of sub section (2) of Section 9;
  - (c) the form in which the accounts shall be maintained and the annual statement of accounts shall be prepared under sub section (1) of section 11;
  - (d) the form in and the time at, which the annual report shall be report shall be prepared under section 12;
  - (e) any other matter which is required to

be or may be prescribed.

3. Every rule made under this section shall be laid as soon as may be after it is made, before the Assam Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is also laid or the sessions immediately following the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agrees that the rule should not be made, the rule 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 under that rule.

**Power to  
remove  
difficulties.**

16. (1) If any difficulty arises in giving effect to the provision 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 State Legislature.

**ARVIND DAVE**  
**GOVERNOR OF ASSAM**

**K. D. PHUKAN**  
**Secretary to the Govt. of Assam**  
**Legislative Department**

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# LEGISLATIVE DEPARTMENT : : LEGISLATIVE BRANCH

## CORRIGANDUM

**The 25<sup>th</sup> July, 2003**

**No LGL.92/2002/25. -**

In the Assam State commission for Minorities Act, 2003 (Assam Act No XX of 2003), published in the Extra Ordinary Assam Gazette vide this Department Notification No LGL. 92/2002/8, dated 9<sup>th</sup> May, 2003, -

- (i) in section 2, in clause (a), please read “Commission” in lieu of “Commissions”;
- (ii) please read the provisions of sub-section (2) of section 3 as -  
  
“(2) The commission shall consist of a chairperson and two murderers to be nominated by the State Government from amongst person of eminence, ability and integrity and they shall be from amongst the Minority communities:

Provided that one such member shall be from the Religious Minority and the other from the Linguistic Minority community.”

in lieu of the existing provisions-

“(2) The commission shall consist of chairperson and two members to be nominated by the State Government from amongst persons of eminence, ability and integrity and they shall be from amongst the Minorities Communities.”,

(iii) in section 4, in sub-section (3), in clause (f), in the first paragraph, please read “Minorities or public interest:” in lieu of “ Minorities of public interest:”;

(iv) in section 9, in sub-section (2),-

(a) in clause (a), please read “ summoning and enforcing” in lieu if “summoning and any enforcing”;

(b) in clause (e), please read “issuing summons” in lieu of “issuing commissions”;

(v) please read the provision of section 10 as-

**“Grants by  
State  
Government.”**

**10.** (1) The State Government shall, after the 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 State Government may think fit for being utilized for the purposes of this Act.

(2) Specific Budget provision shall be made in the State annual Budget estimates for providing grants referred to in sub-section(1).

(3) 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).”

in lieu of the existing provisions-

**“ Grants by  
State  
Government.”**

**11.** (1) The State Government shall after the appropriation made by the State Legislature by law in thins behalf, pay

to the Commission by way of grants such sums of money as the 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).”

**K.D. PHUKAN**

**Secretary to the Govt. of Assam**

**Legislative Department.**

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