



HARYANA STATE LAW COMMISSION

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TWENTY SECOND REPORT

Recommendation to enact The Haryana State Commission Minorities Act, 2024.

Government of Haryana

HARYANA STATE LAW COMMISSION

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Chairperson**

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Government of Haryana

HARYANA STATE LAW COMMISSION**TWENTY SECOND REPORT****7th November, 2024****Recommendation to enact The**
Haryana State Commission Minorities
Act, 2024.

Haryana is a multi-religious, multi-cultural, multi-lingual and multi-racial State, however, united by the common thread of national integration and communal harmony. India is a secular State as declared in the preamble of the Constitution. It is a general natural trend that majority prevails over minority. In developing State/Country, majority community generally dominates the minority communities. Therefore, certain provisions have been incorporated in the Constitution of India to provide protection to the minority communities so that the majority community shall not be able to exploit them. In the Chapter of Fundamental Rights in the Constitution (Part III of the

Constitution), certain fundamental rights have been provided to the minorities such as special provisions in employment, educational institutions and even to establish and administer educational institutions of their choice, freedom of religious worship, etc. Government of India has specially established Ministry of Minority Affairs to frame various schemes for the uplift and social, economic empowerment of minority communities across the country. Government of India has already established a statutory body i.e. National Commission for Minorities under the National Commission for Minorities Act, 1992, on the basis of which so many States have also established their own State Commission for Minorities by passing State Commission for Minorities Act. Even Karnataka State has passed The Karnataka State Minorities Commission Act, 1994 and Uttar Pradesh Government has passed The Uttar Pradesh Commission for Minorities Act, 1994 i.e. as long as 30 years ago. No doubt, the Ministry of Minority Affairs framed so many schemes for the uplift and empowerment of the minorities in the country, but to watch that those schemes are implemented in the proper ways and that no person or majority community shall violate those schemes and to bring such violators

to the notice of law and order so that the minority communities are not deprived of their special rights and benefits provided by law and constitution, establishment of State Commission for Minorities is very much necessary. It can be established only by framing the State Commission for Minorities Act. To protect and safeguard the interests of the minority communities, to recommend social economic, educational, cultural requirements of religious and linguistic minorities and to preserve secular tradition, to promote national integration, communal harmony, etc., there is need to enact The State Commission for Minorities Act.

Keeping in view the above discussion, the Haryana State Law Commission is of the opinion that like other States, such as Punjab, Kerala, Uttarakhand, Karnataka, Maharashtra, Uttar Pradesh, the Haryana State should also have The Haryana State Commission for Minorities Act. Haryana State Law Commission, therefore, drafted The Haryana State Commission for Minorities Bill, 2024 for consideration of the Government of Haryana.

**THE HARYANA STATE
COMMISSION FOR MINORITIES Bill,
2024.**

A

Bill

to constitute a Commission for Minorities in the State of Haryana with a view to protecting and safeguarding the interests of minority communities, to recommend additional social, economic, educational and cultural requirements of religious and linguistic minorities and to preserve secular traditions, promote national integration and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Haryana in the Seventy-Fifth Year of the Republic of India as follows: -

1. Short title and commencement. -

(1) This Act may be called the Haryana State Commission for Minorities Act, 2024.

(2) It shall be deemed to have come into force on and with effect from the date of its publication in the official gazette.

2. *Definitions. -*

In this Act, unless the context otherwise requires,-

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

(b) “Chairperson” means the Chairperson of the Commission;

(c) “Government” means the Government of the State of Haryana in the Department of Home Affairs and Justice;

(d) “Member” means a Member of the Commission and includes the Chairperson and the Secretary;

(e) “Minorities” means communities residing in the State of Haryana declared by the Government as minority communities by notification in the Official Gazette, from time to time; and

(f) “prescribed” means prescribed by rules made under this Act.

3. *Constitution of the Commission. -*

(1) The Government shall, by notification in the Official Gazette, constitute a body to be known as the Haryana State Commission for Minorities to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Commission shall consist of, -

(a) a chairperson, a person of eminence and who has done outstanding work regarding

safeguarding the interests of the minority communities, to be appointed by the Government;

(b) five non-official Members to be nominated by the Government from amongst the persons of eminence, ability and integrity:

Provided that the number of the Members may vary due to increase or decrease in population of the minority communities:

Provided further that all the Members including the Chairperson shall be from amongst the members of the Minorities; and

(c) Secretary, who shall be appointed by the Government under section 8.

4. *Headquarters of the Commission.* -

The Headquarters of the Commission shall be located at Chandigarh/Panchkula.

5. *Term of office of Chairperson and Members.* -

(1) The Chairperson and every Member shall hold office for a term of three years from the date he assumes office and shall be eligible for re-appointment for another term of the said duration or until he attains the age of seventy years, whichever is earlier.

(2) Whenever a vacancy occurs by removal of the Chairperson or the Member, as the case may be, such a vacancy shall be filled up by the Government by nomination and such a person appointed shall remain in office for the remainder of his predecessor's term of office.

6. *Resignation and removal of Chairperson or Member.-*

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

(2) Notwithstanding anything contained in subsection (1), the Government may, by order, remove the Chairperson or a Member, as the case may be, if he, -

- (a) is adjudged as an insolvent;
- (b) is convicted and sentenced to imprisonment for an offence which in the opinion of the Government involves moral turpitude;
- (c) is of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) absents himself from three consecutive meetings of the Commission without obtaining leave of absence from the Chairperson;
- (f) has, in the opinion of the Government, so abused the position of the Chairperson or the Member, as the case may be, as to render that person's continuance in office detrimental to the interests of Minorities or the public interest:

Provided that no person shall be removed except as in clause (a), (b) and (c) until that person has been given a reasonable opportunity of being heard in the matter.

7. *Salary and allowances of Chairperson and Members. -*

The salary and allowances payable to, and other terms and conditions of service of, the Chairperson and the Members shall be such, as may be prescribed.

8. *Secretary of the Commission. -*

(1) The Government shall make available to the Commission an officer, not below the rank of an Additional Secretary from amongst the officers belonging to the Haryana Civil Services (Executive Branch) or the Indian Administrative Service, for appointment as the Secretary.

(2) The Secretary shall cause the accounts of the Commission to be maintained and shall discharge the duties cast on him by or under this Act.

(3) The Secretary shall be the Chief Executive of the Commission and shall be responsible for the proper administration of the affairs of the Commission and its day-to-day management and shall, -

- (a) operate the grants of the Commission;
- (b) discharge such other functions, which are conferred upon him by or under this Act or any other law for the time being in force; and
- (c) delegate any of its functions or authority to a subordinate officer of the Commission.

9. *Staff of the Commission. -*

(1) The Government shall provide such staff to

the Commission, as may be required for its proper functioning.

(2) The salary, allowances and conditions of service of the staff shall be such, as may be prescribed.

10. Salaries and allowances to be paid out of grants. -

The salaries and allowances payable to the Chairperson and the Members and the administrative expenses of the Commission including the salaries and allowances payable to the Secretary and staff of the Commission shall be paid in the prescribed manner out of the grants referred to in sub-section (2) of section 16.

11. Procedure to be regulated by the Commission.-

(1) The Commission shall regulate its own procedure with the prior approval of the Government.

(2) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized by the Chairperson.

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

No act, decision or proceeding of the Commission shall be questioned or shall be invalid merely on the ground of any vacancy or defect in the constitution of the Commission or any defect in the appointment of a person acting as Chairperson or a Member or any irregularity in the procedure of the Commission,

including issuing a notice for holding of a meeting, not affecting merits of the matter.

13. Meeting of the Commission. -

(1) The Commission shall meet as and when necessary, at Chandigarh/Panchkula or at any other place, as the Chairperson may think fit:

Provided that the Commission shall meet at least once in three months.

(2) The Chairperson shall preside over the meeting of the Commission.

(3) One-half of the Members shall form the quorum for a meeting.

14. Functions of the Commission. -

(1) The functions of the Commission shall be as follows, -

(a) to examine the working of various safeguards provided in the Constitution of India or the laws enacted by the Parliament or the laws passed by the State Legislature for the protection of Minorities and to make recommendations to ensure their effective implementation;

(b) to make recommendations with a view to ensuring effective implementation and enforcement of all the safeguards;

(c) to monitor the working of the safeguards provided in the Constitution of India, laws enacted by the Parliament or State Legislature and policies and schemes of the Government for Minorities;

- (d) to conduct studies, research and analysis on the questions of avoidance of discriminations against Minorities;
- (e) to make assessment of the representation of Minorities in the various services under Government of Haryana and the means to achieve the desired level;
- (f) to make recommendations for ensuring, maintaining and promoting communal harmony in the state;
- (g) to make periodical or special reports to the Government on any matter pertaining to the minorities and in particular difficulties confronted by them;
- (h) to study any other matter, which in the opinion of the Commission, is important from the point of view of the welfare and development of Minorities, and to make appropriate recommendations;
- (i) to consider the grievances of the Minorities and to suggest appropriate solution from time to time;
- (j) to look into specific complaints regarding deprivation of rights and safeguards of Minorities and take up such matters with the appropriate authorities; and
- (k) to co-ordinate and supervise the implementation of the Prime Minister's 15-Point Programme for Welfare of Minorities:

Provided that, if any matter specified in sub section (1) is undertaken by the National Commission for Minorities constituted under section 3 of the National Commission for Minorities Act, 1992 (Central Act 19 of 1992), the State Commission shall cease to have jurisdiction in such matters.

(2) The Government shall cause the recommendations of the Commission to be laid before the House of the State Legislature along with the memorandum explaining the action taken or proposed to be taken on the recommendations and the reasons for non-acceptance, if any, of such recommendations.

15. Powers of the Commission. -

The Commission shall, while carrying out its functions under this Act, have the powers of a civil court 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 documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any office of the Government;
- (e) issuing commissions for the examination of witness and documents; and
- (f) any other matter which may be prescribed.

16. Budget of Commission and grants by the Government. -

(1) The Commission shall prepare every year a budget estimate of its income and expenditure for the financial year and shall forward it to the Government for approval.

(2) 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 are adequate for carrying out the purposes of this Act.

(3) The Commission may spend such sums out of the grants as it thinks fit for performing its functions under this Act, or incidental thereto in accordance with the Haryana Financial Rules.

17. Accounts and Audit. -

(1) The Commission shall maintain proper accounts and other relevant record in such Form, as may be prescribed.

(2) The accounts of the Commission shall be audited by the auditors deputed by the Examiner, Local Funds, Haryana, after the close of each financial year and any expenditure in connection with such audit, shall be payable by the Commission to the Examiner, Local Funds, Haryana.

(3) The auditors shall have access to all the accounts and other records of the Commission.

(4) The accounts of the Commission, as certified by the auditors, together with a copy of the

audit report, shall be forwarded to the Government by the Commission.

18. *Annual report. -*

The Commission shall prepare, in such Form and at such time, for each financial year, as may be prescribed, its annual report giving a true and full account of its activities during the previous financial year, along with its recommendations, and forward a copy thereof to the Government.

19. *Annual report and audit report to be laid before the State Legislature. -*

The Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, and the audit report to be laid, as soon as may be, after the reports are received before the State Legislature.

20. *Special report. -*

The Commission may submit to the Government a special report on any matter of public importance pertaining to the interests of the Minorities.

21. In the case of non-acceptance of any recommendations, the Commission shall have the right to be heard by the Government.

22. *Powers to utilize services of agencies. -*

The Commission may, for the purposes of conducting any examination under this Act, utilize the

services of any agency of the Government with the prior approval of the Government.

23. Protection for statement made to the Commission.-

No statement made by a person to the Commission in the course of giving evidence shall be used against him in any civil or criminal proceedings, except for prosecuting him for giving false evidence.

24. Chairperson, Members and staff of Commission to be public servant. -

The Chairperson, Members and officers authorized by the Commission to perform functions under this Act, shall be deemed to be public servants within the meaning of section 2 (28) of the Bhartiya Nyaya Sanhita, 2023 (45 of 2023).

25. Protection of action taken in good faith. -

No suit, prosecution or other legal proceedings shall lie against the Chairperson, Members or officers performing functions under this Act or under the authority of the Commission, in respect of anything which is done in good faith or intended to be done in pursuance of this Act by or under the authority of the Commission.

26. Establishment of Library and Cell. -

The Government may establish a Library, an Information Cell, a Research Cell and such other Cells, as may be recommended by the Commission.

27. Power to make rules. -

(1) The 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 power, such rules may provide for all or any of the following matters, namely: -

(a) the terms and conditions of service and salary and allowances of the Chairperson and Members under section 7;

(b) the manner for paying the administrative expenses of the Commission, including the salaries and allowances payable to the Secretary and staff of the Commission under section 9;

(c) the procedure for maintaining the accounts of the income and expenditure under sub-section (1) of section 17;

(d) the Form of annual statement under section 18; and

(e) any other matter which is required to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rule, or the House

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, however any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

28. *Power to remove difficulties.* -

If any difficulty arises in giving effect to the provisions of this Act, the Government may, in consultation with the Commission by order published in the Official Gazette, make such provision including an adoption or modification of any provision of this Act, as appears to the Government to be necessary or expedient for the purpose of removing the difficulty:

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