



Legislative Assembly of the State of Goa

The Goa Commission for Minorities Bill, 2012

(Bill No. 19 of 2012)

As

~~To be~~ introduced in the Legislative Assembly of the State of Goa

GOA LEGISLATURE SECRETARIAT

ASSEMBLY HALL, PORVORIM

JULY, 2012

THE GOA COMMISSION FOR MINORITIES BILL, 2012

(Bill No. 19 of 2012)

A

Bill

To provide for the establishment of the Goa
Commission for Minorities to safe guard, the
interests of the minorities in the State of Goa
and to provide for matters connected therewith
or incidental thereto.

Be it enacted by the Legislative Assembly of Goa
in the Sixty third year of the Republic of India, as
follows :—

CHAPTER – I

PRELIMINARY

1. Short title, extent and commencement.—

(1) This Act may be called the Goa Commission for
Minorities Act, 2012.

(2) It shall extend to the whole of the State of
Goa.

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

2. Definitions.— (1) In this Act, unless the
context otherwise requires,—

(a) "Commission" means the Goa Commission
for Minorities constituted under section 3.

(b) "Government" means the Government of Goa;

(c) "member" means a member of the Commission and includes its Chairperson and Vice Chairperson;

(d) "minorities", for the purposes of this Act, means minority communities notified by the Central Government under section 2 (c) of the National Commission for Minorities Act, 1992 (Central Act No. 19 of 1992), and who are domiciled in the State of Goa;

(e) "notification" means a notification published in the Official Gazette of the Government of Goa ;

(f) "prescribed" means prescribed by the rules made by the Government under this Act.

CHAPTER - II

THE GOA COMMISSION FOR MINORITIES

3. Constitution of the Goa Commission for Minorities.— (1) The Government may, by notification, constitute a body to be known as the Goa 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 Chairperson, a Vice-Chairperson and five members to be nominated by the Government from amongst persons of eminence, ability and integrity:

Provided that five members including the Chairperson shall be from amongst the minority communities.

4. Term of office and conditions of service of Chairperson, Vice-Chairperson and members of the Commission.— (1) The Chairperson, Vice-Chairperson and every member shall hold office for a term of three years from the date he assumes office or until he attains the age of sixty-five years, whichever is earlier.

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

(3) A person shall be disqualified for being appointed as and for being continued as a Chairperson or Vice-Chairperson or a member, as the case may be, if he,—

(a) is an undischarged insolvent; or

(b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government involves moral turpitude; or

(c) is of unsound mind and stands so declared by a competent Court; or

(d) has been removed or dismissed from service of the Central Government or any State Government or a body or Corporation owned or controlled by the Central Government or a State Government; or

(e) refuses to act or becomes incapable of acting; or

(f) without obtaining leave of absence from the Commission, absents himself from three consecutive meetings of the Commission; or 5

(g) has, in the opinion of the Government, so abused the position of Chairperson, Vice-Chairperson or member, as to render that person's continuance in office detrimental to the interests of minorities or the public interest : 10

Provided that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.

(4) Any person who is disqualified under sub-section (3) shall be removed by the Government 15

(5) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

(6) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson, Vice-Chairperson and Members shall be such as may be prescribed. 20

5. Officers and other employees of the Commission.— (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. 25

(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. 5

6. Salaries and allowances to be paid out of grants.— (1) The salaries and allowances payable to the Chairperson, Vice-Chairperson 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. 10

7. Vacancies, etc, not to invalidate proceedings of the Commission.— No act or proceeding of the Commission shall be questioned or shall become invalid merely on the ground of the existence of any vacancy or defect in the constitution of the Commission. 15

8. Procedure to be regulated by the Commission.— (1) The Commission shall meet as and when necessary and at such time and place as the Chairperson may think fit. 20

(2) The Commission shall regulate its own procedure. 25

(3) All orders and decisions of the Commission shall be authenticated by the signature of the Secretary or any other officer of the Commission duly authorized by the Secretary on his behalf.

CHAPTER-III

FUNCTIONS OF THE COMMISSION

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

(a) evaluate the progress of the development of minorities in the State;

(b) monitor the working of the safeguards provided in the Constitution of India and in laws enacted by Parliament and the State Legislative Assembly of the Goa.

(c) make recommendations for the effective implementation of safeguards for the protection of the interest 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;

(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 the difficulties confronted by them; and

(i) consider the grievances of the minorities and to suggest appropriate solution from time to time;

(j) any other matter which may be referred to it by the Government : Provided that if any matter specified in sub-section (1) is under taken by the National Commission for Minorities constituted under section 3 of the National Commission for Minorities Act, 1992 (Central Act 19 of 1992), the Goa Commission for Minorities shall cease to have jurisdiction in such matters.

(2) The Government shall cause the recommendations referred to in clause (c) of sub-section (1) to be laid before Legislative Assembly of Goa 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 or part thereof.

(3) The Commission shall, while performing any of the functions mentioned in sub-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 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 court or office; 5

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

(f) any other matter which may be prescribed.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT 10

10. Grants by the Government.— (1) The Government shall, after due appropriation made by Legislative Assembly of Goa 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. 15

(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). 20

11. Accounts and Audit.— (1) The Commission shall maintain proper accounts of income and expenditure of the commission and other relevant records and prepare an annual statement of accounts in such form as may be prescribed. 25

(2) The accounts of the Commission shall be audited by such authority and at such intervals

as may be prescribed and any expenditure incurred in connection with such audit shall be payable by the Commission.

(3) As soon as may be after the receipt of the report of the auditor, the Commission shall send a copy of the annual statement of accounts, together with a copy of the report of the auditor to the Government. 5

(4) The Government may, after perusal of the report of the auditor give such directions, as it thinks fit, to the Commission and the Commission shall comply with such directions. 10

12. 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 full account of its activities during the previous financial year and forward a copy thereof to the Government. 15

13. Annual Report and Audit Report to be laid before Legislative Assembly.— The 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 any of such recommendations and the Audit Report to be laid, as soon as may be after the reports are received, before the Legislative Assembly of Goa. 20 25

CHAPTER – V

MISCELLANEOUS

14. Chairperson, Vice-Chairperson, Members and staff of Commission to be public servants;— The Chairperson, Vice-Chairperson, members 30

and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

15. Power to make rules.— (1)The Government may, by notification make rules for carrying out the provisions of this Act. 5

(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:— 10

(a) Salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson, Vice-Chairperson and members under sub-section (6) of section 4 and of officers and other employees under sub-section (2) of section 5; 15

(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; 20

(d) the authority, and the intervals at, which the accounts of the Commission shall be audited;

(e)the form in, and the time at, which the Annual Report shall be prepared under section 12; 25

(f) 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 Legislative Assembly of Goa, while it is in session for a total period of fourteen days which may be 5 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 session immediately following, the Legislative Assembly makes any modification in the rules or decides that 10 the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that such modification or annulment shall be without prejudice to the validity of anything 15 previously done under those rules.

16. Power to remove difficulties.— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions, not 20 inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years 25 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 Legislative Assembly of Goa.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to provide for the establishment of the "Goa Commission for Minorities" to safeguard the interests of the minorities in the State of Goa and for the matters connected therewith.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The creation of new establishment called "Goa Commission for Minorities" is proposed to be implemented by the Home Department. In terms of clause 6 and 10(2) of the Bill, financial implications are involved towards payment of salaries and allowances of the staff and other administrative expenses of the Commission. Besides, depending upon schemes to be formulated from time to time, financial implication will be involved for the release of grants/loans/subsidies etc. However, presently it may not be possible to exactly quantify the financial implications in this regard.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause I(3) of the Bill empowers the Government to appoint a date, by notification in the official Gazette, for bringing the Act into force.

Clause 3(I) of the Bill empowers the Government to constitute, by notification in the Official Gazette, the Goa Commission for Minorities.

Clause 4(6) of the Bill empowers the Government to frame rules for providing salaries and allowances payable to, and other terms and conditions of service of the Chairperson, Vice-Chairperson and Members of the Commission.

Clause 5(2) of the Bill empowers the Government to frame rules for providing salaries and allowances payable to, and the other terms and conditions of service of, the officers and employees appointed for the purpose of Commission.

Clause 9(3) (f) of the Bill empowers the Government to frame rules for providing other matters where under the Commission shall have powers for the purposes of sub-clause (3) of Clause 9.

Clause 11(1) of the Bill empowers the Government to frame rules for providing the form in which the annual statement of accounts shall be prepared.

Clause 11(2) of the Bill empowers the Government to frame rules for providing an authority by whom, and the intervals at which, the accounts of the Commission shall be audited.

Clause 12 of the Bill empowers the Government to frame rules for providing the form in which, and the time at which, the annual report shall be prepared for each financial year.

Clause 15 of the Bill empowers the Government to frame rules for carrying out the purposes of the Act.

Clause 16 of the Bill empowers the Government to make order for removing any doubt or difficulty, which arose while giving effect to the provisions of the Act.

These delegations are of normal character.

Porvorim - Goa
30th July, 2012

Manohar Parrikar
Minister for Home

Assembly Hall
Porvorim - Goa
30th July, 2012

N. B. Subhedar
Secretary to the Legislative
Assembly of Goa.

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of the Article 207 of the Constitution of India, I Bharat Vir Wanchoo, the Governor of Goa hereby recommend the introduction and consideration of the Goa Commission for Minorities Bill, 2012 by the Legislative Assembly of Goa.