



# IAS PARLIAMENT

*Information is Empowering*  
A Shankar IAS Academy Initiative

## National Commission for Minorities

### Why in news?

\n\n

Delhi High Court last week sought the Centre's response on a plea against government "inaction" on making appointments to the National Commission for Minorities (NCM).

\n\n

### What is the issue?

\n\n

\n

- The governments' apathy towards minorities is clearly visible by its inaction by not appointing any members to the national Commission for Minorities.

\n

- Earlier in March, Opposition members in Rajya Sabha protested against unfilled vacancies in the commissions for Scheduled Castes, Scheduled Tribes, Backward Classes and Minorities.

\n

- The NCM is supposed to have a Chairperson, a Vice-Chairperson, and 7 members, at least 5 of whom should be from minority communities.

\n

- The communities listed as minorities under the National Commission for Minorities Act, 1992, are Muslims, Christians, Sikhs, Parsis and Buddhists.

\n

- Jains were included in the list in 2014.

\n

\n\n

### What does the commission deals with?

\n\n

\n

- It is a forum for appeal, set up to safeguard the rights and interests of India's minority communities.  
\n
- Unlike the National Commission for SCs and for STs, National Commission for Minorities is a statutory body.  
\n
- The NCM Act lists 9 functions of the Commission:  
\n
- to evaluate the progress of the development of minorities under the Union and states;  
\n
- to monitor the working of safeguards provided in the Constitution and in union and state laws;  
\n
- to make recommendations for effective implementation of safeguards for the protection of minority interests;  
\n
- to look into, and take up, specific complaints regarding deprivation of rights and safeguards of minorities;  
\n
- to get problems of discrimination against minorities studied, and recommend ways to remove them;  
\n
- to conduct studies, research, analysis on socioeconomic and educational development of minorities;  
\n
- to suggest appropriate measures in respect of any minority to be undertaken by central or state governments;  
\n
- to make periodic or special reports to the Centre on any matter concerning minorities; especially their difficulties;  
\n
- To take up any other matter that may be referred to it by the central government.  
\n

\n\n

### **What is the difference between a constitutional and statutory body?**

\n\n

- The power and authority vested in a constitutional body are very different from those vested in a statutory body.  
\n

- Constitutional bodies have greater autonomy; they can take up and inquire into many matters suo motu, and have powers of a civil court.  
\n
- Again, not all statutory bodies are the same — the National Human Rights Commission (NHRC) has more powers than the NCM.  
\n

\n\n

### **Why is there a need for such commission?**

\n\n

- The Constitution is unambiguous about the rights of individuals, and of certain groups and minorities.  
\n
- The success of a pluralistic democracy lies in these rational and robust institutions which protect those rights, or give those abstract ideas shape on the ground.  
\n
- The degree of autonomy with which organisations like the NCM, NCSC, NCST or NCBC are able to function eventually decides how healthy a democracy is.  
\n
- These are systems that allow for a healthy evaluation of the state of the nation, a forum for airing of discontent, which ultimately strengthens the system, apart from allowing individuals to fully exercise their rights.  
\n

\n\n

### **What happened to the move to give the NCM constitutional status?**

\n\n

- The Constitution (One Hundred and Third Amendment) Bill, 2004, proposed to establish a new Commission, with constitutional status.  
\n
- But it got trapped in the quagmire of who is a 'minority', and the Bill lapsed.  
\n
- The founding fathers of the Constitution, as well as the framers of the 1992 Act seemed to have a clear idea of who 'minorities' were.  
\n
- But the Supreme Court, in a matter concerning minority educational institutions, ruled in October 2002 that a state may be considered as the

basic unit for the protection of the right of minorities to set up minority educational institutions .

\n

- Subsequently, a May 2007 cabinet proposal defined minorities along these lines — so Hindus were a minority in states such as Jammu & Kashmir, Punjab, Arunachal Pradesh, Nagaland, Meghalaya and Mizoram.

\n

- This presented complications, as religious and linguistic minorities had been historically defined in terms of their overall numbers in the country.

\n

- While the NCM's recommendations are often ignored, the Centre is required to present its reports, along with an action taken report, to Parliament.

\n

- In cases involving states, the NCM is obliged to advise or act in some way.

\n

\n\n

\n\n

**Source: Indian Express**

\n



**IAS PARLIAMENT**

*Information is Empowering*

A Shankar IAS Academy Initiative