



National Commission for Minorities

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Why in News

Recently, the Delhi High Court directed the Centre to nominate persons to all the vacant positions in the National Commission for Minorities (NCM) by 30th September, 2021.

This is to ensure that the commission functions efficiently and the purpose of the commission as envisaged under the National Commission for Minorities Act (NCM), 1992 is also fully given effect to.

Key Points

- **Background:**
 - **In 1978**, setting up of the Minorities Commission (MC) was envisaged in the Ministry of Home Affairs Resolution.
 - **In 1984**, the MC was detached from the Ministry of Home Affairs and placed under the newly created Ministry of Welfare, which excluded linguistic minorities from the Commission's jurisdiction in 1988.
 - **In 1992**, with the enactment of the **NCM Act, 1992**, the MC became a **statutory body** and was renamed as the NCM.
 - **In 1993**, the first Statutory National Commission was set up and five religious communities viz. The Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) were notified as minority communities.
 - **In 2014**, Jains were also notified as a minority community.
- **Composition:**
 - NCM consists of a **Chairperson, a Vice-Chairperson and five members** and all of them shall be from amongst the minority communities.
 - Total of **7 persons to be nominated by the Central Government** should be from amongst persons of eminence, ability and integrity.
 - **Tenure:** Each Member holds office for a **period of three years** from the date of assumption of office.

- **Functions:**

- **Monitoring of the working of the safeguards for minorities** provided in the Constitution and in laws enacted by Parliament and the state legislatures.
- Ensures that the **Prime Minister's 15-Point Programme for the Welfare of Minorities is implemented** and the programmes for minority communities are actually functioning.
- **Making recommendations** for the effective implementation of safeguards for the protection of the interests of minorities by the central or state governments.
- **Looking into specific complaints** regarding deprivation of rights and safeguards of minorities and taking up such matters with the appropriate authorities.
- **Investigates matters of communal conflict** and riots.
For example, the 2011 Bharatpur communal riots, as well as the 2012 Bodo-Muslim clashes in Assam, were investigated by the commission and their findings were submitted to the government.
- Observes the **Minorities Rights Day** every year on **18th December** which marks the adoption of the "**Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities**" by the **United Nations** in 1992.

Constitutional and Legal Provisions Related to Minorities

- The NCM Act defines a minority as "**a community notified as such by the Central government.**"
The Government of India has declared six religions namely, **Muslims, Christians, Sikhs, Buddhists and Parsis (Zoroastrian) and Jain as religious minorities** in India.
- **National Commission for Minority Education Institution (NCMEI) Act, 2004:**
It gives minority status to the educational institutions on the basis of six religious communities notified by the government.
A **recent Report by NCPR** has highlighted the disproportionate number of minority institutions or **dominance of non-minority category in Minority institutions.**
- The term "**minority**" is not defined in the Indian Constitution. However, the Constitution recognises religious and linguistic minorities.
- **Article 15 and 16:**
 - **Prohibition of discrimination** against citizens on grounds of religion, race, caste, sex or place of birth.
 - Citizens' **right to 'equality of opportunity'** in matters relating to employment or appointment to any office under the State, and prohibition in this regard of any discrimination on grounds of religion, race, caste, sex or place of birth.

- **Article 25 (1), 26 and 28:**
 - People's freedom of conscience and right to **freely profess, practise and propagate religion.**
 - Right of every religious denomination or any section to establish and maintain **institutions for religious and charitable purposes, manage its own religious affairs**, and own and acquire property and administer it.
 - People's freedom as to attendance **at religious instruction or religious worship in educational institutions** wholly maintained, recognized, or aided by the State.
- **Article 29:**
 - It provides that any **section of the citizens residing in any part of India having a distinct language, script or culture of its own**, shall have the right to conserve the same.
 - It grants **protection to both religious minorities as well as linguistic minorities.**
 - However, the **Supreme Court** held that the scope of this article is not necessarily restricted to minorities only, as use of the word '**section of citizens**' in the Article includes minorities as well as the majority.
- **Article 30:**
 - All minorities shall **have the right to establish and administer educational institutions** of their choice.
 - The protection under **Article 30 is confined only to minorities** (religious or linguistic) and does not extend to any section of citizens (as under Article 29).
- **Article 350-B:**
 - The **7th Constitutional (Amendment) Act 1956** inserted this article which provides for a **Special Officer for Linguistic Minorities appointed by the President of India.**
 - It would be the duty of the **Special Officer to investigate all matters relating to the safeguards** provided for linguistic minorities under the Constitution.

Source: TH