National Commission for Minorities

Why in news?

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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).

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What is the issue?

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- The governments' apathy towards minorities is clearly visible by its inaction by not appointing any members to the national Commission for Minorities.
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- Earlier in March, Opposition members in Rajya Sabha protested against unfilled vacancies in the commissions for Scheduled Castes, Scheduled Tribes, Backward Classes and Minorities.
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- The NCM is supposed to have a Chairperson, a Vice-Chairperson, and 7 members, at least 5 of whom should be from minority communities.
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- The communities listed as minorities under the National Commission for Minorities Act, 1992, are Muslims, Christians, Sikhs, Parsis and Buddhists.
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- Jains were included in the list in 2014.
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What does the commission deals with?

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- It is a forum for appeal, set up to safeguard the rights and interests of India's minority communities.
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- Unlike the National Commission for SCs and for STs, National Commission

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

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- The power and authority vested in a constitutional body are very different from those vested in a statutory body.
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- Constitutional bodies have greater autonomy; they can take up and inquire into many matters suo motu, and have powers of a civil court.
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- Again, not all statutory bodies are the same — the National Human Rights

Commission (NHRC) has more powers than the NCM.
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Why is there a need for such commission?

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- The Constitution is unambiguous about the rights of individuals, and of certain groups and minorities.
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- 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.
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- 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.
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- 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.
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What happened to the move to give the NCM constitutional status?

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- The Constitution (One Hundred and Third Amendment) Bill, 2004, proposed to establish a new Commission, with constitutional status.
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- But it got trapped in the quagmire of who is a ‘minority’, and the Bill lapsed.
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- 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.
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- 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 .
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- 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.
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- This presented complications, as religious and linguistic minorities had been historically defined in terms of their overall numbers in the country.
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- While the NCM's recommendations are often ignored, the Centre is required to present its reports, along with an action taken report, to Parliament.
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- In cases involving states, the NCM is obliged to advise or act in some way.
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Source: Indian Express

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