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***For 6th sem. (Major), paper-6.6.***

**TOPIC:**

**Formation of National Commission for Minorities:**

The setting up of Minorities Commission was envisaged in the Ministry of Home Affairs Resolution dated 12.01.1978 which specifically mentioned that, “despite the safeguards provided in the constitution and the laws in force, there persists among the minorities a feeling of inequality and discrimination. In order to preserve secular traditions and to promote national integration the government of India attaches the highest importance to the enforcement of the safeguards provided for the minorities and is of the firm view that effective institutional arrangements are urgently required for the enforcement and implementation of all the safeguards provided for the minorities in the constitution, in the central and state Laws and in the government policies and administrative schemes enunciated from time to time”.

As such, the government of India had set up ’Minority Commission for Minorities’ in 1978 to assess the working of the various safeguards provided in the constitution for the protection of religious minorities. The Commission also asked to recommends ensuring proper execution of all protection and laws. The M.R Vasani as president, Justice M. R. A. Ansari and Prof. V.N. John appointed as member of the Commission. The Commission was assigned the following functions:

1. To report on the working of different constitutional provisions towards the welfare of the minority communities.
2. To give suggestions regarding effective execution of the protective measures adopted for the minorities.
3. To review the complaints filed with it relating to the curtailment of the rights and protection of minorities.
4. To study and research relating to the matters of minority discrimination.
5. To assess the policies towards minorities taken both by central as well as state governments, and
6. To prepare and submit reports to the government on the working of the Commissions.

However, the Commission was not a statutory body and void of and legal status. In view of this the government was not keen and interested about the reports submitted to it by the Commission. The Commission itself in its 3rd Repot had sought legal status with greater power and authority of the Commission. Accordingly, the government introduced the National Commission for Minorities Act, 1992.

**National Commission for Minorities (NCM) Act, 1992:**

With the enactment of the National Commission for Minorities Act 1992, the Commission for Minorities became a statutory body renamed as National Commission for Minorities, and was reconstituted with effect from 21st Jan, 2000.

The first Statutory National Commission for Minorities was set up on 17th May 1993; vide a Gazette Notification issued on 23rd October 1993 by Ministry of Welfare, Government of India. Five religious communities’ are- the Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis) and Jains, later on in 2014, were notified as minority communities. The Jains had been included as the sixth minority group later on. As per the 2001 Census, these six religious minority communities constitute 18.42% of the country’s population. The National Commission for Minorities has been observing the 18th December as a ‘Minorities Rights Day’ every year.

**Composition**

The NCM shall consist of a Chairperson, a Vice Chairperson and five other Members to be nominated by the central government from amongst persons of eminence, ability and integrity; provided that five members including the Chairperson shall be from amongst the minority communities.

**Functions**

As per Section 9(1) of the NCM Act, 1992, the Commission is required to perform following functions:-

1. Evaluation of the progress of the development of minorities under the Union and states;
2. Monitoring of the working of the safeguards for minorities provided in the constitution and in laws enacted by Parliament and the state legislatures;
3. Making recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the central or state government.
4. Looking into specific complaints regarding deprivation of rights and safeguards of minorities and taking up such matters with the appropriate authorities;
5. Letting studies to be undertaken into the problems arising out of any discrimination against minorities and recommending measures for their removal;
6. Conducting studies, research and analysis on the issues relating to socio-economic and educational development of minorities;
7. Suggesting appropriate measures in respect of any minority to be undertaken by the central or state government;
8. Making periodical or special reports to the Central Government or any matter pertaining to minorities and in particular the difficulties confronted by them; and
9. Any other matter, which may be referred to it by the Central Government.

**Powers of the National Commission for Minorities:**

The Commission shall, have all the powers of a Civil Court trying a suit and in particular, in respect of the following matters, namely:

1. Summoning and enforcing the attendance of any person from any part of India and examining him on oath.
2. Requiring the discovery and production of any document.
3. Receiving evidence of affidavits.
4. Requisitioning any public record or copy thereof from any court or office.
5. Issuing commissions for the examination of witnesses and documents; and
6. Any other matter which may be prescribed.

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