

5. National Commission for Minorities – Polity

National Commission for Minorities has barely served those for whom it was set up. The National Commission for Minorities (NCM), a statutory body under the 1992 Act, faces scrutiny over prolonged vacancies and weak enforcement powers, limiting its role in protecting minority rights. Strengthening its autonomy, clarity on minority definition, and better coordination are essential for its effectiveness.

National Commission for Minorities (NCM)

Context

The National Commission for Minorities (NCM) has recently been under scrutiny due to significant delays in the appointment of its chairperson and members. These prolonged vacancies have raised concerns about the Commission's ability to function effectively and independently in safeguarding minority rights.

1. Establishment and Background

The NCM is a statutory body, established under the National Commission for Minorities Act, 1992. Prior to this Act, a Minorities Commission was created as a non-statutory body by a Resolution of the Ministry of Home Affairs in 1978. The purpose of the Commission is to safeguard the rights and interests of minority communities and ensure effective implementation of constitutional and legal protections.

2. Composition

The NCM consists of –

1. A Chairperson
2. A Vice-Chairperson
3. Five Members

Out of these, five members (including the Chairperson) must belong to the notified religious minority communities. All members are nominated by the Central Government, based on their eminence, integrity, and experience. The tenure of each member, including the Chairperson, is three years.

3. Definition of Minority

The Constitution of India does not explicitly define the term 'minority'. However, Section 2(c) of the NCM Act, 1992 defines a 'minority' as "a community notified as such by the Central Government."

Currently notified minorities (national level) –

1. Muslims
2. Christians
3. Sikhs
4. Buddhists
5. Zoroastrians (Parsis)
6. Jains (added in **2014**)

4. Constitutional Protections for Minorities

1. Equality and Non-Discrimination

Article 14 – Equality before law and equal protection of laws.

Articles 15 & 16 – Prohibit discrimination on grounds of religion, race, caste, sex, or place of birth.

Freedom of Religion

Articles 25–28 – Guarantee freedom of conscience, the right to profess, practice, and propagate religion; manage religious affairs; and protection from religious instruction in state-funded institutions.

2. Cultural and Educational Rights

Article 29 – Protects the right of any section of citizens to conserve its distinct language, script, or culture.

Article 30 – Grants religious and linguistic minorities the right to establish and administer educational institutions of their choice.

3. Linguistic Rights

Article 350-B – Provides for a Special Officer for Linguistic Minorities to ensure protection of linguistic rights at the state level.

5. Key Functions and Powers of the NCM

a. Monitoring and Evaluation – Tracks the implementation of safeguards provided in the Constitution and various laws for minorities. Reviews development programs and welfare schemes targeted at minority communities.

b. Policy Formulation – Advises the Central and State Governments on policy matters affecting minorities. Recommends measures for effective implementation of protections and welfare initiatives.

c. Dispute Resolution – Investigates complaints of deprivation of rights and safeguards of minorities. Refers such issues to appropriate authorities for redressal.

d. Research and Analysis – Conducts studies, research, and surveys to understand socio-economic and educational conditions of minorities. Suggests policy interventions for improvement.

e. Government Reporting – Submits annual or special reports to the Central Government highlighting issues concerning minorities and recommending remedial action.

f. Judicial Authority – For investigative purposes, the NCM enjoys powers of a civil court, such as –

1. Summoning witnesses
2. Requiring document production
3. Accepting evidence under affidavit
4. Issuing commissions for witness or document examination

6. Key Challenges Faced by the NCM

a. Lack of Constitutional Status – The NCM is a statutory rather than a constitutional body, limiting its autonomy and enforcement power. Its recommendations are often advisory and non-binding, reducing its effectiveness.

b. Vacancies and Appointment Delays – Frequent vacancies for Chairperson and members hinder the Commission's functioning. Example – In 2017, all seven posts remained vacant for over two months. Since April 2025, appointments for the head and members have been pending, affecting hearings and complaint processing.

c. Limited Enforcement Powers – The NCM's role is mostly recommendatory, depending on government agencies for action. It lacks powers to enforce compliance or penalize violations.

d. Ambiguity in the Definition of 'Minority' – The Constitution does not define minorities, leading to differing interpretations. In the T.M.A. Pai Foundation case (2002), the Supreme Court ruled that minority status should be determined state-wise, not nationally. However, under the NCM Act, the Central Government notifies minorities at the national level, leading to a legal contradiction.

e. Overlapping Jurisdictions – Functional overlap with other commissions such as the NHRC, NCSC, and NCST, creating redundancy and inefficiency.

f. Ineffective State Minority Commissions – Only 18 states have established State Minority Commissions, many of which are underfunded or lack coordination with NCM. This weakens local-level grievance redressal mechanisms.

g. Non-tabling of Reports – Under Section 13 of the NCM Act, 1992, annual reports must be laid before Parliament. However, NCM reports have not been tabled since 2010, indicating a serious accountability gap.

7. Government Initiatives for Minority Welfare

a. Pradhan Mantri Jan Vikas Karyakram (PMJVK) – Centrally Sponsored Scheme for developing infrastructure in minority-concentrated areas. Aims to reduce socio-economic and educational disparities and ensure inclusive growth.

b. PM VIKAS (Pradhan Mantri Virasat Ka Samvardhan)

A **Central Sector Scheme** merging five previous schemes –

1. Seekho Aur Kamao
2. Nai Manzil
3. Nai Roshni
4. Hamari Dharohar
5. USTTAD

Focus areas – skill development, entrepreneurship, leadership training for minority women, **and** education for school dropouts.

c. National Minorities Development and Finance Corporation (NMDFC) – Provides concessional loans for self-employment, education, and micro-enterprises among minorities.

d. Jiyo Parsi Scheme – Special scheme to support the declining Parsi population through awareness, counseling, and medical assistance.

e. Waqf Management Reforms – Waqf Amendment Act, 2025 and UMEED Portal introduced for digitization, transparency, and better utilization of Waqf properties for community welfare.

8. Way Forward to Strengthen the NCM

a. Grant Constitutional Status – Providing NCM with constitutional status would ensure greater autonomy, authority, and legitimacy. It would bring the Commission at par with other constitutional bodies like the NCSC and NCST.

b. Strengthen Powers and Resources – Empower the NCM with quasi-judicial authority to enforce decisions. Increase budgetary allocation and staffing to ensure operational independence.

c. Streamline Appointments – Establish a transparent, merit-based, and timely appointment process for Chairperson and members to prevent prolonged vacancies.

d. Clarify Minority Definition – A clear legislative or judicial interpretation is needed to resolve the national vs. state-level definition conflict.

e. Enhance Coordination – Improve cooperation between NCM, NHRC, NCSC, NCST, and Ministry of Minority Affairs for integrated minority welfare strategies.

f. Outcome-Based Performance Monitoring – Implement performance metrics to measure NCM's efficiency in handling complaints and policy impact. Regular evaluation and public reporting to ensure accountability and transparency.

Conclusion

The National Commission for Minorities (NCM) plays a pivotal role in ensuring social justice, equality, and protection of minority rights. However, issues like vacancies, lack of autonomy, and limited enforcement powers have weakened its impact. To uphold India's pluralistic ethos and inclusive development, it is essential to revitalize the NCM through structural reforms, constitutional empowerment, and enhanced accountability.

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