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Q5(e)

National Commission for Minorities.

UPSC Civil Services Mains 2023 · PSIR GS 1 · 10 marks · Statutory Institutions/Commissions

Statutory Institutions/Commissions: Election Commission, CAG, Finance Commission, UPSC, NCSC, NCST, NCBC, National Human Rights Commission, National Commission for Women and National Commission for Minorities, NITI Aayog.

Core demand of the question

- **Answer the following in about 150 words:** National Commission for Minorities. (10 marks)

Revision summary

The National Commission for Minorities is a statutory body under the 1992 Act, not an Article 338 constitutional commission.

It covers Union-notified religious minorities, including Jains after later notification.

Functions are evaluation of safeguards, complaints, studies, and reports to the Central Government for Parliament.

Articles 29 and 30 are the core constitutional backdrop.

Enforcement of rights remains primarily with governments and courts.

Introduction

The National Commission for Minorities is a statutory body under the National Commission for Minorities Act, 1992. It evaluates the safeguards of notified religious minorities at the Union level. It is not a constitutional commission on the model of Article 338.

Body**Legal basis and who is covered**

- The Act reconstituted an earlier 1978 executive commission as a statutory authority.
- The Union has notified Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis), and Jains as minority communities for this Commission.
- Articles 29 and 30 of the Constitution are the main cultural and educational safeguards the Commission watches.
- A National Commission for Minority Educational Institutions exists separately under a 2004 Act for Article 30 disputes.

Functions

- The Commission evaluates the progress of minority development and of constitutional and legal safeguards.
- It monitors the working of those safeguards and looks into specific complaints of deprivation of rights.

- It causes studies, recommends effective implementation, and presents annual and special reports to the Central Government, which places them before Parliament.
- It can take up matters with the appropriate government and, for some inquiries, uses civil-court powers as the Act provides.

Assessment

- Statutory status, recommendatory reports, and dependence on the Union limit its teeth compared with a constitutional rights court.
- **T. M. A. Pai** and later minority-education cases show that the real enforcement of **Articles 29 and 30** is still judicial.
- **Walzer's** and **Kymlicka's** group-rights arguments explain why such a body exists; **Ambedkar's** warning is that minority protection must not become a substitute for equal citizenship.
- State minority commissions vary, so the national body is a Union watchdog, not a substitute for State politics.

Flow diagram

NCM Act 1992 -> Safeguards Arts 29 30
NCM Act 1992 -> Reports to Union
NCM Act 1992 -> Complaints and studies
Safeguards Arts 29 30 -> Courts still enforce

Conclusion

The **National Commission** for Minorities is a 1992 statutory watchdog of notified religious minorities' safeguards under **Articles 29 and 30**. It inquires, recommends, and reports. Courts and governments still decide; the Commission does not replace them.

Facts & figures

National Commission for Minorities Act, 1992

Statutory basis of the Commission; reports go to the Central Government and then to Parliament.

Notified communities

Muslims, Christians, Sikhs, Buddhists, Parsis, and Jains are the Union-notified minorities for this Commission.

Articles 29 and 30

Cultural conservation and minority educational institutions, the main constitutional safeguards watched.

Article 338

Constitutional National Commission for Scheduled Castes; the NCM does not have that status.

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