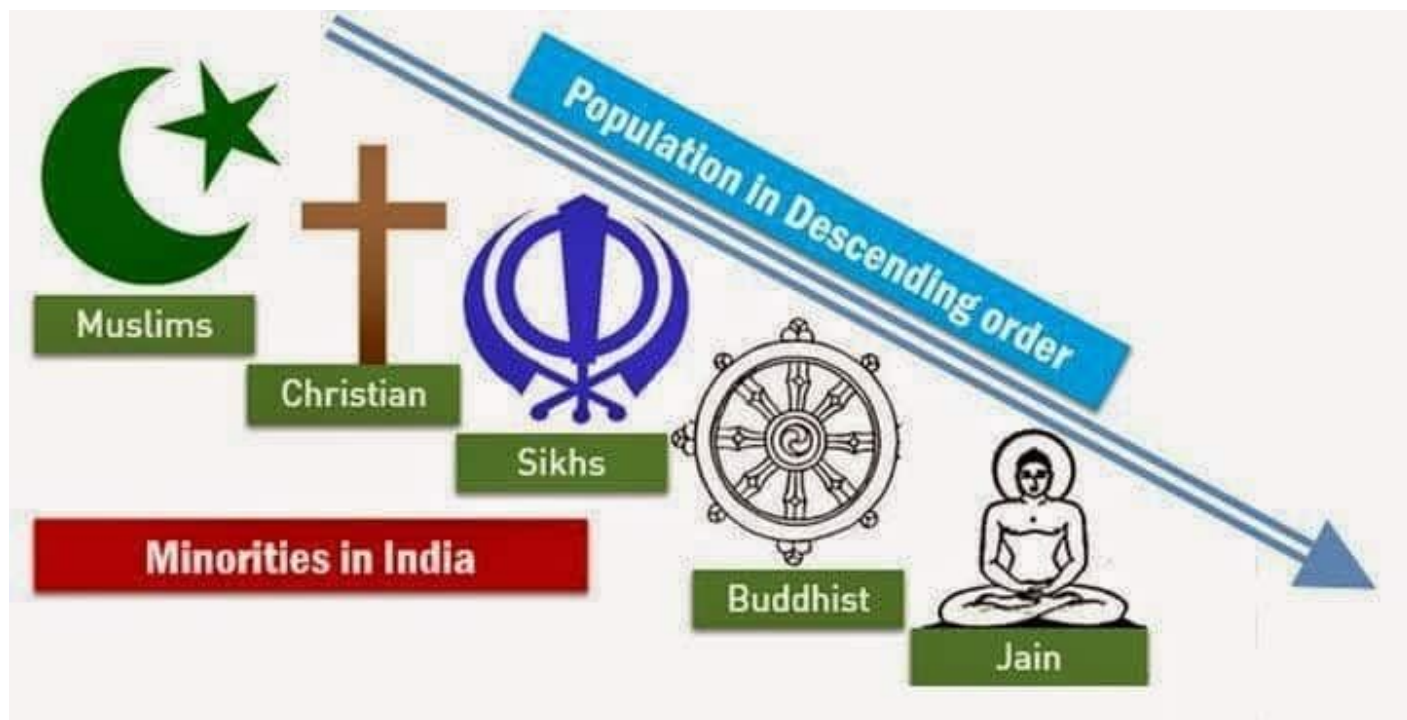


Identification of Minorities in India

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- What is National Commission for Minorities?
- What is the Purpose of these Commissions?
- What is the Population of Minorities in India?
- What are the Constitutional Safeguards provided to Minorities in India?
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Why in News?

- The Supreme Court has expressed displeasure over six states and UTs not yet giving their comments to the Centre on the issue of identification of minorities at the state level.

What is National Commission for Minorities?

- The Union Government set up the National Commission for Minorities (NCM) under the **National Commission for Minorities Act, 1992**.
- Initially, five religious communities, viz., **Muslims, Christians, Sikhs, Buddhists** and **Zoroastrians** (Parsis) were notified as minority communities by the Union Government.
- Further, in 2014, Jains were also notified as another minority community.
- On the lines of NCM, State governments also set up **State Minorities Commissions** in their respective State Capitals.

What is the Purpose of these Commissions?

- These organizations are **set-up to safeguard and protect the interests of minorities**.
- Aggrieved persons belonging to the minority communities may approach the concerned State Minorities Commissions for redressal of their grievances.
- Moreover, they may also send their representations to the National Commission for Minorities, after exhausting all other official mechanism of remedies available to them.

What is the Population of Minorities in India?

- The basic ground for a community to be nominated as a religious minority is the numerical strength of the community.
- Muslims, Sikhs, Christians, Buddhists, Jain and Zoroastrians (Parsis) have been notified as minority communities under Section 2 (c) of the **National Commission for Minorities Act, 1992**.
- As per the Census 2011, the percentage of minorities in the country is about **19.3% of the total population of the country**.
- The population of **Muslims are 14.2%; Christians 2.3%; Sikhs 1.7%, Buddhists 0.7%, Jain 0.4% and Parsis 0.006%**.

What are the Constitutional Safeguards provided to Minorities in India?

- The Constitution uses the term 'minority' without defining it.
 - It refers to Minorities as those '**based on religion or language**'.
- The rights of the Minorities have been spelt out in the Constitution in detail.
- In **Part III of the Constitution**, which deals with the Fundamental Rights, it is divided into two parts viz. (a) the rights which fall in the 'common domain' and (b) the rights which go to the 'separate domain'.
- In the '**Common Domain**', the following fundamental rights and freedoms are guaranteed –
 - **[Article 14]:** people's right to 'equality before the law' and 'equal protection of the laws'.
 - **[Article 15 (1) & (2)]:** prohibition of discrimination against citizens on grounds of religion, race, caste, sex or place of birth.

- **[Article 15 (4)]**: authority of State to make 'any special provision for the advancement of any socially and educationally backward classes of citizens' (besides the Scheduled Castes and Scheduled Tribes).
- **[Article 16(1)&(2)]**: 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 discrimination on grounds of religion, race, caste, sex or place of birth.
- **[Article 16(4)]**: Authority of State to make 'any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.
- **[Article 25(1)]**: people's freedom of conscience and right to freely profess, practice and propagate religion – subject to public order, morality and other Fundamental Rights.
- **[Article 26]**: right of 'every religious denomination or any section thereof – subject to public order, morality and health – **to establish and maintain institutions for religious and charitable purposes**, 'manage its own affairs in matters of religion', and own and acquire movable immovable property and administer it 'in accordance with law.
- **[Article 27]**: prohibition against compelling any person to pay taxes for promotion of any particular religion.
- **[Article 28]**: people's 'freedom as to attendance at religious instruction or religious worship in educational institutions' wholly maintained, recognized, or aided by the State.
- In the '**Separate Domain**', the following fundamental rights and freedoms are guaranteed –
 - **[Article 29(1)]**: right of 'any section of the citizens' to 'conserve' its 'distinct language, script or culture'.
 - **[Article 29(2)]**: restriction on denial of admission to any citizen, to any educational institution maintained or aided by the State, 'on grounds only of religion, race, caste, language or any of them'.
 - **[Article 30(1)]**: right of all Religious and Linguistic Minorities to establish and administer educational institutions of their choice.
 - **[Article 30 (2)]**: freedom of Minority-managed educational institutions from discrimination in the matter of receiving aid from the State.
 - **[Article 347]**: special provision relating to the language spoken by a section of the population of any State.
 - **[Article 350 A]**: provision for facilities for instruction in mother-tongue at primary stage.
 - **[Article 350 B]**: provision for a Special Officer for Linguistic Minorities and his duties.
 - Sikh community's right of '**wearing and carrying of kirpans**'.

News Summary

- The Supreme Court of India was hearing a **batch of petitions challenging nation-wide identification of minorities**.
- The Central government had written a letter to all States/UTs seeking comments on the issue of 'identification and notification of religious and linguistic minorities' in India.
 - 6 States/UTs have not responded to the notification yet.

- In this regard, the Supreme Court has asked the Central government that why these states/union territories are not responding to its query.

What is the Context?

- A batch of petitions had **sought a direction asking the Central government to define the term ‘Minority’ and lay down ‘guidelines for identification of minorities at district level’**.
 - The reason behind doing this is to ensure that only those religious and linguistic groups, which are socially, economically, politically non-dominant and numerically very inferior, get the benefits and protections guaranteed under **Article 29** and **Article 30**.
- The petitioners **challenged the constitutional validity of Section 2(c) of the National Commission for Minorities Act, 1992** which gives Central government the power to notify minorities.
- The Central government responded that a stand in this regard can be taken only after “wide consultations with State governments and other stakeholders” to avoid “unintended complications in future”.
- In May 2022, the SC had directed the Central government to hold consultations with the States/UTs w.r.t. issue of identification of Minorities in India.
- However, 6 States/UTs (Arunachal Pradesh, Jammu & Kashmir, Lakshadweep, Rajasthan, Telangana, Jharkhand) have not responded yet to the notification.
- The Supreme Court has listed the matter for next hearing for 21st March, 2023.

Q1) Who has the power to accord ‘Minority’ status in India?

Currently, only those communities notified under section 2(c) of the NCM (National Commission for Minorities) Act, 1992, by **the central government** are regarded as minorities.

Q2) How is Linguistic Minorities defined in India?

A linguistic minority is a class of people whose mother tongue is different from that of the majority in the state or part of a state.

Source: [SC gives Centre last chance to wrap up collection of States’ views on minority identification](#) | [Indian Express](#) | [Livelaw.in](#)

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