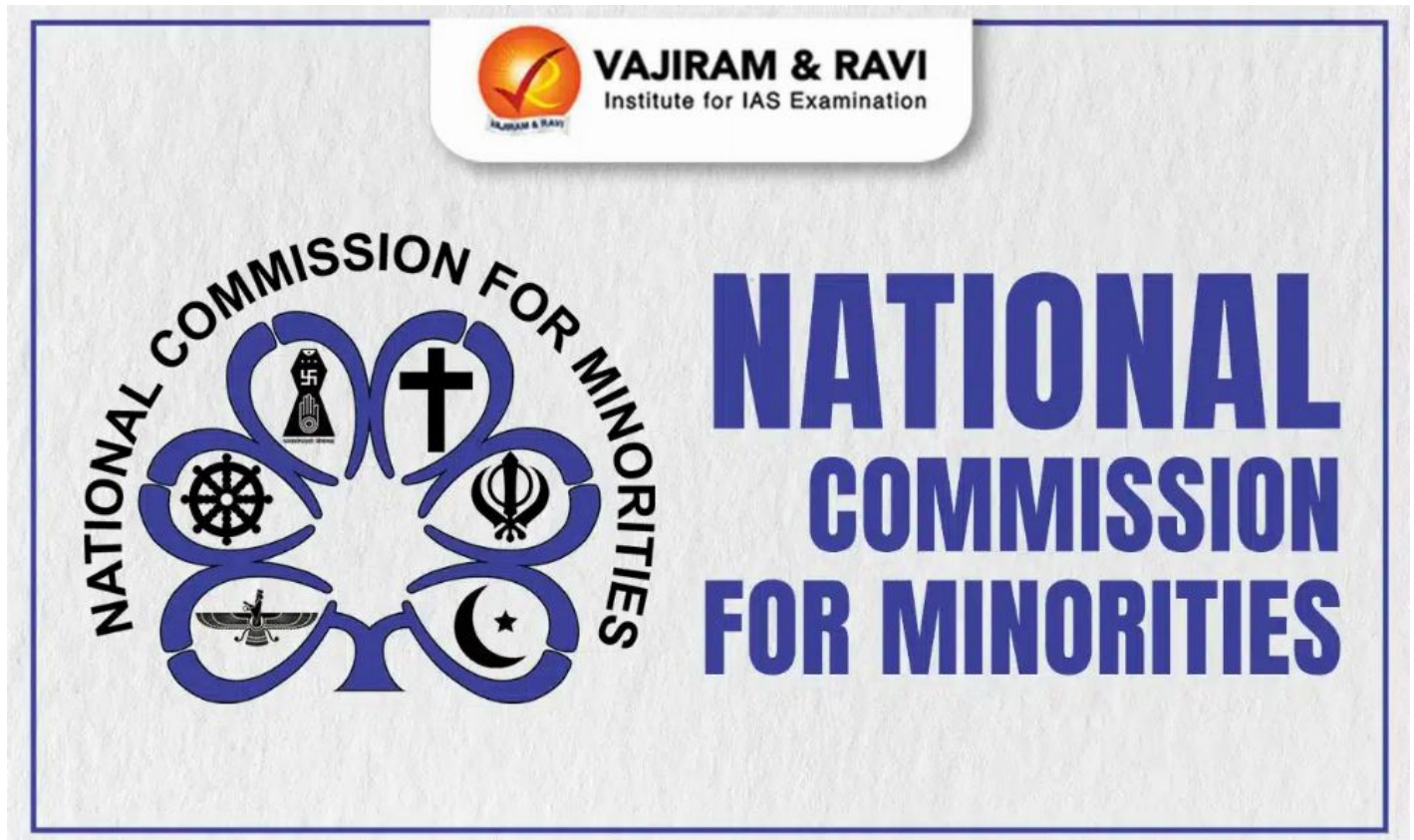


National Commission for Minorities, Act, Members, UPSC Notes

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National Commission for Minorities

The National Commission for Minorities (NCM) is an autonomous body established by the Indian government in 1992 under the **National Commission for Minorities Act, 1992**.

- The setting up of the Commission was envisaged in the **Ministry of Home Affairs Resolution of 1978** for the enforcement and implementation of all the safeguards provided for the Minorities in the Constitution.
- It is responsible for advising the central and state governments on matters related to the welfare and development of **minority communities** in India.
- Initially, five religious communities, **Muslims, Christians, Sikhs, Buddhists, and Zoroastrians** (Parsis), were notified as minority communities by the Union Government.
- Further, with the 2014 notification, **Jains** were also notified as another minority community.
- As per the 2011 Census, The Six religious minority communities constitute around **20%** of the country's population.

Religion	Number (In crores)	Proportion of population (%)
Muslims	17.22	14.2
Christians	2.78	2.3
Sikhs	2.08	1.7
Buddhists	0.84	0.7
Jains	0.45	0.4

NOTE: Population of Parsis is not mentioned in Census 2011. However, it is estimated to be around 57,000.

What are the constitutional provisions for minorities in India?

The safeguards for the protection of the interests of minorities are mandated in the following provisions of the Constitution of India:

Provision	Feature
Article 29	Protection of interests of minorities. • Right of 'any section of the citizens' to 'conserve' its 'distinct language, script or culture'. • Non-denial 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	Right of minorities to establish and administer educational institutions. • Right of all religious and linguistic minorities to establish and administer educational institutions of their choice. • State laws providing for the compulsory acquisition of property of minority educational institutions shall ensure that the compensation amount to be paid does not restrict or abrogate the right guaranteed above. • 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	Provision for a Special Officer for Linguistic Minorities and his duties.
Article 350 A	Provision for facilities for instruction in mother-tongue at the primary stage.

What is the composition of NCM?

Detail	Explanation
Composition	As per Section 3 of the NCM Act 1992, the Commission consists of • Chairperson • Vice-Chairperson • Five Members
Nomination	The Chairperson, Vice-Chairperson, and five Members are 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.
Term	Each Member holds office for a period of three years from the date of entering the office.
Removal	The Central Government may by order remove the Chairperson or any other Members from the office if the Chairperson other Member: • Is adjudged insolvent. • Engages during his term of office in any paid employment outside the duties of his office. • Refuses to act or becomes incapable of acting. • Is of unsound mind and stands so declared by a competent court. • Has abused his office to render his continuance in office detrimental to the public interest. • Is convicted and sentenced to imprisonment for an offense, which in the opinion of the Central Government, involves moral turpitude.

National Commission for Minorities Functions and Responsibilities

As per **Section 9 of the NCM Act, 1992**, the Commission is required to perform the following functions:

- **Evaluation** of the progress of the development of minorities under the Union and States.
- **Monitoring** of the working of the safeguards for minorities provided in the Constitution and in laws enacted by Parliament and the State Legislatures.
- **Making recommendations** for the effective implementation of safeguards for the protection of the interests of minorities by the Central Government or the State Governments.
- **Looking into specific complaints** regarding deprivation of rights and safeguards of minorities and taking up such matters with the appropriate authorities.
- **Conducting studies, research**, and analysis on the issues relating to the socio-economic and educational development of minorities.
- **Suggest appropriate measures** in respect of any minority to be undertaken by the Central Government or the State Governments.

- **Making periodical or special reports** to the Central Government or any matter pertaining to minorities and, in particular, the difficulties confronted by them.

National Commission for Minorities Powers

The Commission, while investigating, shall have all the powers of a Civil court in respect of the following matters:

- **Summoning** and **enforcing** the attendance of any person from any part of India and examining him/her on oath.
- **Requiring** the discovery and production of any document.
- **Receiving** evidence on affidavits.
- **Requisitioning** any public record or copy thereof from any court or office.
- **Issuing** commissions for the examination of witnesses and documents.

What is the responsibility of the Central and State Governments towards the reports and recommendations of the Commission?

- The Central Government shall lay before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance of any of such recommendations.
- The state Government concerned shall lay before the Legislature along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance of any of such recommendations.

National Commission for Minorities Limitations

The National Commission for Minorities (NCM) has faced a number of challenges in fulfilling its mandate. Some of these challenges include

- **Human resource deficiency:** The composition of NCM over the years shows inconsistencies in the staffing and appointments of key officials in the Commission.
- **Limited role of state-level minority commissions:** There is a lack of case processing capacity due to the lack of integration of Minority Commissions in the states with the National Minorities Commission.
- **Underutilization of technology:** While the Commission utilizes a complaint monitoring system, it is still a rather basic software that does not by itself facilitate an end-to-end complaint handling mechanism.
- **Financial planning & expenditure-related challenges:** Only a small proportion of the allocated budget of the Commission is spent in research activities. Due to financial constraints and the non-allocation of funds for research on minority-related issues, there is an obstruction in the achievement of the mandate of the Commission.
- **Legal and constitutional authority-related challenges:** NCM hasn't been provided with any real power in terms of its legal capacity to carry out its constitutional mandate. The decision of the Commission can be overturned by the District and High courts.

What are the recommendations for the effective functioning of the NCM?

There have been a number of recommendations made to improve the effective functioning of the National Commission for Minorities (NCM). Some of these recommendations include:

- **Outcome-based performance measurement:** NCM should evaluate the performance of its members based on specific performance criteria to ensure accountability.
- **Setting baseline targets to keep pendency in check:** To reduce the pendency of cases at the organizational level, the Commission should set certain baseline targets related to the pendency rates.
- **Feedback mechanisms:** NCM should develop a Stakeholder Satisfaction Survey for parties to anonymously provide feedback regarding how their appeal was processed, irrespective of the decision made.
- **Technological upgrades for efficiency:** The Commission may invest in an “e-hearing” mechanism that connects appellants from their home districts to the Commission through audiovisual conferencing for appearing in hearings.
- **Expanding the role of State Minorities Commissions:** The strengthening of the State Commissions and setting up new state-level commissions can help in reducing the pendency rates and increasing the effectiveness of the Commission.

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