



Standing Committee Report Summary

The Constitution (One Hundred and Third Amendment) Bill, 2004 and the National Commission for Minorities (Repeal) Bill, 2004

- The Standing Committee on Social Justice and Empowerment submitted its 14th Report on ‘The Constitution (One Hundred and Third Amendment) Bill, 2004 and the National Commission for Minorities (Repeal) Bill, 2004’ on February 21, 2006. The Chairperson was Smt Sumitra Mahajan.
- The Committee recommends that its suggestions be incorporated in the Constitution (One Hundred and Third Amendment) Bill, 2004. It also approves the National Commission for Minorities (Repeal) Bill, 2004 without any changes and states that it shall become effective after the Constitution Amendment Bill has been enacted.
- The Bill states that the National Commission for Minorities (NCM) shall consist of a Chairperson, Vice Chairperson and five other members. At least five of the members, including the Chairperson, shall be from the minority community. The communities notified as minorities are Muslims, Christians, Sikhs, Buddhists, and Zoroastrians. The Committee recommends that the post of Chairperson be rotated among all the minority communities. It further recommends that the post of Vice Chairperson should also be filled by a person from the minority community.
- The Committee notes that NCM has not been given the power to inquire and investigate on behalf of minority community unlike the National Commissions for Scheduled Castes and Scheduled Tribes. Therefore, the Committee recommends that NCM be given the power to inquire and investigate specific complaints with regard to deprivation of rights and safeguards of minorities.
- In order to make the NCM more effective, the Committee suggests that it should be allowed to advise the planning process of socio-economic development of the minorities and evaluate the progress of their development.
- The recommendations of the NCM have to be laid before each House of the Parliament along with a memorandum explaining the action taken or proposed to be taken for each recommendation. However, the last annual report of the NCM that was laid before the Parliament was in 1995-96. While expressing concern over tardiness of the government, the Committee recommends that certain provisions be included in the Bill that ensures that after the NCM presents its annual report to the President after which the central government lays it in both Houses of Parliament in the next session. Within a year of presenting the report to the President, the central government shall place a Memorandum of Action Taken on the recommendations contained in the report.
- A Supreme Court judgement dated August 8, 2005 decreed that Jains should not be treated as a minority at the national level and no more communities should be declared as a minority at the national level. Only the state government may declare communities as minorities. The Committee recommends that the government keep in view the judgement while finalising the Bill.

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