

## Bill Summary

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

- The Constitution (One Hundred and Third Amendment) Bill, 2004 and the National Commission for Minorities (Repeal) Bill, 2004 were introduced in Lok Sabha on December 23, 2004. The Bills were referred to the Department-related Parliamentary Standing Committee on Social Justice and Empowerment (Chairperson: Smt Sumitra Mahajan) which submitted its report on February 21, 2006.
- The National Commission for Minorities (Repeal) Bill, 2004 repeals the National Commission for Minorities Act, 1992. The National Commission for Minorities, established to provide an institutional arrangement for evaluating the safeguards provided in the Constitution for protecting minorities, will be dissolved.
- Instead, the Constitution (One Hundred and Third Amendment) Bill, 2004 proposes to establish a new National Commission for Minorities, with a constitutional status, in order to inspire greater confidence towards the effectiveness of the Commission,
- The Commission would consist of a Chairperson, Vice-Chairperson and five other members. The condition and tenure of the office of the Chairperson, Vice Chairperson and other members may be determined by the President. At least five members including the Chairperson would be from the minority communities.
- The duties of the Commission are as follows:
  - It would evaluate the progress of the development of minorities under the Union and States.
  - It would monitor the effectiveness of the safeguards provided in the Constitution and the laws enacted by the Parliament and State Legislatures.
  - It would make recommendations for implementing the safeguards for protecting minorities in a meaningful manner. It would look into specific complaints regarding violations of rights and safeguards for the protection of minorities and take up such cases with appropriate authorities.
- It would commission studies into problems arising out of any discrimination against minorities and recommend measures for their removal.
- It would conduct studies, research and analysis on issues relating to socio-economic and educational needs of minorities.
- It would suggest appropriate measures with respect to any minority which would be undertaken by the Central and State Governments.
- It would make periodical or special reports to the Central Government on any matter regarding minorities and the difficulties faced by them.
- The recommendations made by the Commission would be referred to 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 non-acceptance of such recommendations.
- The Commission would have the powers of a civil court trying a suit while evaluating the progress of minorities, monitoring the working of the safeguards provided in the Constitution, and looking into specific complaints of discrimination against minorities. It would have the power to summon and enforce attendance of any person from any part of India and examine him on oath, to enforce the production of any document, to receive evidence on affidavits, requisition any public record, and issue commissions for the examination of witnesses and documents.

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