Annual Conference of State Minorities Commissions

16th January 2008
Vigyan Bhawan, New Delhi

Working Session – II
2:30 P.M to 4:30 P.M

Agenda Item No.2

Status and Role of State Minorities Commissions

National Commission for Minorities
## Contents

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Subject</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Setting up of State Minorities Commissions</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Strengthening of the State Minorities Commissions</td>
<td>2</td>
</tr>
<tr>
<td>3.</td>
<td>Coordination between NCM and State Minorities Commissions</td>
<td>3</td>
</tr>
<tr>
<td>4.</td>
<td>Public Awareness and interface with media</td>
<td>4</td>
</tr>
<tr>
<td>5.</td>
<td>Status of Minorities in the BPL category</td>
<td>4</td>
</tr>
<tr>
<td>6.</td>
<td>Vocational and skill development of minorities</td>
<td>5</td>
</tr>
<tr>
<td>7.</td>
<td>Issue of caste Certificate belonging to Buddhists community</td>
<td>5</td>
</tr>
<tr>
<td>8.</td>
<td>Parsi Representation in State Minorities Commissions</td>
<td>6</td>
</tr>
<tr>
<td>9.</td>
<td>Transparency in religious conversions</td>
<td>6</td>
</tr>
</tbody>
</table>
Agenda Item No.2 : Status and Role of State Minorities Commissions.

(i) Setting up of State Minorities Commissions

The Preamble of the Constitution of India sets the tone of the governance of the country. It imbibes secularism along with socialism as the main theme for the people of this country. Similarly, Article 14 of the Constitution states about equality before law and Article 15 prohibits discrimination on grounds of religion. There are special provisions under Article 29 and 30 of the Constitution giving protection of interest of minorities and right of minorities to establish and administer educational institutions. It was in this background that the National Commission for Minorities was set up as a Statutory Commission on 5th July, 1992. To ensure that the provisions and benefits of the Constitution of India are enjoyed by the minorities throughout the country, it was felt necessary that the State Governments should also set up State Minorities Commissions on similar lines. However, at present 15 State Minorities Commissions (SMCs) are in existence in the States of Assam, Andhra Pradesh, Bihar, Chhattisgarh, Delhi, Jharkhand (expired on 30.11.07), Karnataka, Madhya Pradesh, Maharashtra, Manipur, Rajasthan, Tamil Nadu, Uttar Pradesh, Uttranchal (since expired) and West Bengal. The Manipur and Tamil Nadu Commissions are non-Statutory bodies. Apart from the above, no other State Government has a State Minorities Commission.

Even in the States where Minorities Commissions have been set up, there are variations regarding the powers, status and emoluments of Chairman, Vice-Chairman and Members of the State Minorities Commissions and most of the State Governments do not pay any salary to the Chairman and Members of the State Minorities Commission. This matter was discussed in NCM and it was decided to recommend a uniform
pattern of powers and functions of the State Commissions. It was also felt necessary that each State Commission should at least be provided with a functional and adequate secretariat.

In response to the request from the National Commission for Minorities for setting up of State Minorities Commission, the north-eastern states like Arunachal Pradesh except Manipur and Assam stated that there is no need for a separate State Minorities Commission. The States of Punjab, Haryana, Himachal Pradesh and Gujarat did not agree to set up their own Minorities Commissions. No response was received from Orissa and Kerala.

The SMCs of Rajasthan and Karnataka have suggested that broad framework of the State Minorities Commission should be more or less on similar lines. It would help if a model Act is drafted. For this purpose, National Commission for Minorities at the central level can undertake the exercise for preparing a model Act taking into account the provisions as incorporated in the existing Central and State Acts as also the emerging needs. This model Act would then be circulated to all the States and would be finalized in consultation with them. It may be that in the earlier days, there was no need for a separate Minorities Commission in all the States. However, with free mobility of people from one part to another part of the country and new settlements, the demography is changing rapidly and a State Minorities Commission in every State would help in protecting the rights of minorities as enshrined in the Constitution.

(ii) **Strengthening of State Minorities Commissions**

It has been the general impression that the State Minorities Commissions wherever these have been set up do not have adequate secretarial and logistic support. The State Commissions can be expected to
deliver goods only if they have adequate support. In other words, these need to have adequate space to function; sufficient secretarial assistance and logistic support in terms of equipment. State Commissions needs to be IT enabled with their own websites and online computerized grievance redressal mechanism. They need to have inhouse capabilities for monitoring and evaluation of various schemes and activities which have direct or indirect bearing on minorities.

It is, therefore, suggested that the existing State Minorities Commissions may look into various aspects of their functioning and needs and propose up gradation and strengthening of the Commissions in terms of space, staff and logistics. The National Commission for Minorities would take up these issues and proposals not only with all the respective State Governments but also with the Central Government.

(iii) **Coordination Between NCM and State Minorities Commissions**

At present there is little synergy between National Commission for Minorities (NCM) and State Minorities Commissions. There is hardly any sharing of information between NCM and State Minorities Commissions in regard to various activities and initiatives undertaken by them. As a result neither one functional areas clearly demarcated nor one the problems faced by each known to the other. It is, therefore, essential to evolve and lay down an institutional mechanism for coordination between National and State Minorities Commissions especially for sharing of information. One way is to use information technology through web enabled programmes. Another is to bring out Newsletters on quarterly basis. Sharing of information on various activities undertaken by various Commissions coordinated at the national level is another channel. Frequent visits of the Members and officers of NCM vis-à-vis State Minorities Commissions would further help
in better understanding and appreciation of each others’ functioning. These efforts would help in adopting best practices and in turn better delivery mechanisms for the minorities.

(iv) Public Awareness and Interface with Media

Public Awareness of the role and functions of the State Minorities Commissions tends to be minimal or marginal. State Minorities Commissions have a larger role to play in safeguarding the rights and protecting the interests of the minorities. Their activities need to be brought to the knowledge of the public in general and minorities in particular. Therefore, there is urgent need for the State Minorities Commissions to play a pro-active role by undertaking regular field visits and having interaction with NGOs, academic institutions etc. Organizing of regular meetings at State and district levels would not only help in understanding the difficulties and problems of the minorities but would also help in forging communal harmony. The frequency of interaction with local media also needs to be increased so that minority issues get wider coverage. Awareness campaigns through media on regular basis would help in building the image of States Minorities Commissions would increase the confidence level of the minority communities, in them. Regular interactions with academic institutions, academicians and experts is equally important. This would help to keep the State Commissions to have a larger canvas and better appreciation of policy issues and inter communal relationships. The State Minorities Commissions need to be supported to design their activities on the above lines and popularize them for the benefits of the minority communities.

(v) Status of Minorities in the BPL category

The State Government/Central Government have launched various schemes for the benefit of BPL families in the fields of housing, education
and health. It is not known whether minority communities of this category suffer from any discrimination in receiving these benefits. The State Minorities Commissions can examine existence or otherwise of discrimination, if any, in this regard and ensure that the minority communities belonging to this category are not deprived of the benefits of the schemes available to the BPL families.

(vi) Vocational and Skill Development of Minorities

In order to improve socio-economic condition of the minorities, new training and employment opportunities such as ITIs being set up in districts having large concentration of minorities, are on offer. The State Minorities Commissions should serve as a link between such opportunities and minority community members, frequently interact with the State Governments and provide a platform for the minorities to avail of such facilities so that they are not left behind in the race for employment/self-employment and growth. Schemes of different Ministries need to be brought to the notice of leaders of the minority communities at the grass roots and their participation facilitated. The State Commissions have a proactive role in this regard.

(vii) Issue of caste certificate to Scheduled Castes belonging to Buddhist community

Instances have come to light that caste certificates have not been issued to the members of the scheduled castes who have embraced Buddhism in the States of Karnataka and Maharashtra. The Constitution provides for reservation to scheduled castes even if they profess Buddhism & Sikhism and as such the members of these communities should not be deprived of their rights. Necessary guidelines and orders issued by the Central Government in this regard need to be followed.
(viii) Parsi representation in State Minorities Commissions

The Parsi community is primarily concentrated in Maharashtra and to a lesser extent in other States. The Birth Rate Study of the Parsi Community reveals a declining trend. This has given rise to various problems. In order to look after their interests and to enable them to avail of various facilities and benefits extended to minorities (like education facilities, employment and self employment opportunities, priority sectors lending schemes, loans and scholarships etc.) it is necessary that they find representation in various State Minorities Commissions wherever their presence is registered.

(ix) Transparency in religious conversion

Every citizen has been given the right to freely profess, practice and propagate his religion under Article 25 of the Constitution of India. Any citizen is thus free not only to practice the religion of his choice but also free to preach his religion and to propagate it for the edification of others. This is, however, subject to public order, ethics and morality. Of late an increasing trend in conflicts and tensions on account of religious conversions have been noticed and reported in various States. The conversion of religion by a citizen should be by own volition and not by force or coercion or by way of financial allurement. There is, therefore, a strong felt need for transparency in religious conversions. The State Minorities Commissions being better equipped to assess the ground situation should look into this aspect and take remedial steps to avoid estrangement arising due to claims and counter claims. State Minority Commission of Rajasthan has suggested that the conversion should be before District Magistrate or Sub-Divisional Magistrate with one month’s notice to the members of the family/village head to ensure transparency and adequacy of decision.

* * * * * * * *