The National Commission of Minorities (NCM) has refused to entertain a plea to declare Hindus a “minority community” in those States where they do not form a majority of the population.

A report of its sub-committee, which was approved and adopted by the NCM on July 26, said the role of the minorities commission was not to declare new minority communities but to, instead, work and ensure the progress and development of minorities and protect their religious, cultural and educational rights.

The NCM was responding to a petition filed by advocate Ashwini Upadhyay to either frame guidelines for identification of minorities at the State level or use the powers under Section 2(c) of the NCM Act of 1992 to declare Hindus a minority in States where they do not form the majority of the population.

Mr. Upadhyay had approached the NCM on the basis of an order by the Supreme Court to the Commission to consider his plea.

Sub-committee formed
The NCM formed a sub-committee of George Kurian, Manjit Singh Rai and Atif Rasheed, which met five times between February and April to deliberate on the issue.

The committee report said the priorities in Mr. Upadhyay’s plea were misplaced. The NCM has no such jurisdiction to declare minorities. The repository of such powers to declare a community as minority lies with the Central government. It cannot be usurped by the NCM, the report said.

Besides, Section 2(c) of the NCM Act itself clearly states that a community is notified as “minority” only by the government.

The NCM said the function awarded to it was not to identify a community as “minority”. The report refers to the Supreme Court’s own judgment in 1999 in *Bal Patil vs Union of India* which detailed the function of the NCM.

Constitutional goal
The court had said the constitutional goal of minority commissions is to “create social conditions where there remains no necessity to shield or protect the rights of minorities”.

The minority commissions have to direct their activities “to maintain the unity and integrity of India by eliminating the need for identifying communities as majority and minority”, the 1999 judgment said.

One group would vie with another for minority status if it is solely given on the basis of claims of religious thoughts, less numerical strength, lack of health, welfare, education or power or social rights made by a section of the society.Conflict and strife would ensure, the judgment had added.