

**Bill No. 79 of 2021**

THE NATIONAL COMMISSION FOR MINORITIES (AMENDMENT)  
BILL, 2021

By

DR. SANJAY JAISWAL, M.P.

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BILL

*further to amend the National Commission for Minorities Act, 1992.*

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

**1.** (1) This Act may be called the National Commission for Minorities (Amendment) Act, 2021. Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

19 of 1992

**2.** In section 2 of the National Commission for Minorities Act, 1992 for clause (c), the following clause shall be substituted, namely:— Amendment of section 2.

"(c) 'minority', means,—

(i) a religious community notified as such by the Central Government; and

(ii) religious communities notified as such by the State Government based on the demographic data calculated on the basis of the latest decadal census data of the State concerned:

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Provided that no religious community shall be notified as a minority community in a State if the population of that community is more than twenty per cent. of the total population of that State;"

## STATEMENT OF OBJECTS AND REASONS

The National Commission for Minorities was established under the National Commission for Minorities Act, 1992 with the vision of addressing the feeling of inequality and discrimination that pervaded among some sections of the minorities. However, the term 'minority' has neither been clearly defined in the Constitution nor in the original legislation. This has led to conflicting interpretations by the judiciary.

A minority, normatively, may be differentiated from the dominant group on the basis of the power asymmetry. Religious minorities are sometimes not able to preserve their culture, ethnicity and educational system on account of not being at par with the immediate majority community. It is thus imperative that religious minorities be defined on a State-wise basis rather than on a pan India basis. Linguistic minorities are already being defined in this manner.

Defining religious minorities on a pan India basis has not only created a wave of inequality across different States but has also encouraged those who do not belong to religious minorities and to convert for social, political and economic benefits.

Further, the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December, 1992 had called for protecting minorities within their respective territories. This would be possible only if minorities are defined State-wise.

The Bill, therefore, seeks to amend the National Commission for Minorities Act, 1992 with a view to provide that a religious community shall be a 'minority' community for the purposes of this Act only if,—

- (a) notified as such by the Central Government; or
- (b) notified as such by the State Governments based on the demographic data calculated on the basis of the latest decadal census data of the State concerned only if population of such religious community is less than twenty per cent. of the total population of that State.

Hence this Bill.

NEW DELHI;  
*February 23, 2020*

SANJAY JAISWAL

*ANNEXURE*

EXTRACT FROM THE NATIONAL COMMISSION FOR MINORITIES ACT, 1992

(No. 19 OF 1992)

\* \* \* \* \*

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) \* \* \* \* \*

(c) 'minority', for the purpose of this Act, means a community notified as such by the Central Government.

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further to amend the National Commission for Minorities Act, 1992

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*(Dr. Sanjay Jaiswal, M.P.)*