

GOVERNMENT OF INDIA
MINISTRY OF MINORITY AFFAIRS
LOK SABHA
UNSTARRED QUESTION NO. 2534
ANSWERED ON 07.08.2024

NATIONAL COMMISSION FOR MINORITIES

2534. SHRI CHANDRA PRAKASH CHOUDHARY

Will the Minister of MINORITY AFFAIRS be pleased to state:

- (a) whether the National Commission for Minorities has got judicial powers like National Commission for Scheduled Castes and National Commission for Scheduled Tribes;
- (b) if so, the details thereof;
- (c) whether the Government is planning to delegate the judicial powers (civil and criminal) to the National Commission for Minorities ; and
- (d) if so, the details thereof?

ANSWER

THE MINISTER OF MINORITY AFFAIRS
(SHRI KIREN RIJJU)

(a) to (b): The judicial powers of National Commission for Scheduled Castes (NCSC) as per Article 338 (8) of the Constitution of India and National Commission for Scheduled Tribes (NCST) as per Article 338A (8) of the Constitution of India are as under:

“The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5) have all the power of a civil court trying a suit and in particular in respect of the following matter, namely:-

- (i) Summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (ii) Requiring the discovery and production of any documents;
- (iii) Receiving evidence on affidavits;
- (iv) Requisitioning any public record or copy thereof from any court or office;
- (v) Issuing commissions for the examination of witnesses and documents;
- (vi) Any other matter which the President may by rule determine”.

So far as the National Commission for Minorities (NCM) is concerned, as per section 9(4) of the National Commission for Minorities Act, 1992:-

“The Commission shall, while performing any of the functions mentioned in sub clauses (a), (b)& (d) of sub-section (1), have all the powers of a Civil Court trying a suit and, in particular, in respect of the following matters, namely :-

- (i) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (ii) requiring the discovery and production of any document;
- (iii) receiving evidence on affidavits;
- (iv) requisitioning any public record or copy thereof from any Court or office;
- (v) issuing commissions for the examination of witnesses and documents; and
- (vi) any other matter which may be prescribed”

The judicial powers of NCM are similar to the powers of NCSC and NCST except for point (vi) wherein the NCSC and NCST the provision is “any other matter which the President may, by rule, determine”. While for the NCM it is “any other matter which may be prescribed”.

(c) to (d): In view of the position above, no such requirement is felt.
