

INTRODUCTION

The commission and its task

On October 29, 2004 the Government of India resolved to constitute a national commission consisting of (i) a chairman (ii) three members – one of them being an expert in Constitution and law – and (iii) a member-secretary with administrative experience, to be entrusted with the following terms of reference:

(a) to suggest criteria for identification of socially and economically backward sections among religious and linguistic minorities;

(b) to recommend measures for welfare of socially and economically backward sections among religious and linguistic minorities, including reservation in education and government employment; and

(c) to suggest the necessary constitutional, legal and administrative modalities required for the implementation of its recommendations.

The commission was asked to present a report on its deliberations and recommendations within a period of six months from the date of assumption of charge by the chairman.

2. The actual composition of the commission was notified nearly five months later, in March 2005, by the union ministry of social justice and empowerment.

3. On March 21, 2005 the following took charge as chairman and members of the commission:

(a) Justice Ranganath Misra: Former Chief Justice of India and Ex-Chairman, National Human Rights Commission ... (*Chairman*)

(b) Professor Dr Tahir Mahmood: Former Chairman, National Commission for Minorities and Ex-Dean, Faculty of Law, Delhi University

(c) Dr Anil Wilson: Principal, St Stephen's College, Delhi

(d) Dr Mohinder Singh: Director, National Institute of Punjab Studies, Delhi

4. The commission held its first meeting on the same date with Dr Sundeep Khanna, additional secretary in the union ministry of social justice and empowerment, as its acting secretary. At this meeting the commission assumed for itself the abbreviation NCRLM – National Commission for Religious and Linguistic Minorities – and charted out its future programme of action.

5. The commission was allotted an office at the Jawaharlal Nehru Stadium in Delhi and sanctioned a secretariat of 40 posts in various cadres (later increased to

44), which were gradually filled in the coming months.

6. Mrs Asha Das, a former secretary to the Government of India, was later appointed as the member-secretary of the commission and assumed charge of her office on May 10, 2005.

7. After nearly five months of its work, the commission's terms of reference were modified so as to add the following to its original terms of reference:

To give its recommendations on the issues raised in writ petitions 180/04 and 94/05, filed in the Supreme Court and in certain high courts, relating to para 3 of the Constitution (Scheduled Castes) Order 1950 in the context of ceiling of 50 per cent on reservations as also the modalities of inclusion in the list of Scheduled Castes.

8. In view of the extensive work required to be done by the commission to answer its various terms of reference, original and extended, its tenure was periodically extended – finally up to May 15, 2007.

Procedure adopted

1. As the commission was authorised by the government to adopt its own procedure, it was decided to gradually follow an action programme comprising of the following:

(a) assessments of data available through Census reports, National Sample Survey Organisation survey reports and National Family Health Survey and other special agencies;

(b) obtaining people's views and public opinion on each of its terms of reference through a multilingual press notification;

(c) collecting necessary information, through personal meetings and questionnaires, from the ministries and departments of the union government and from the governments of the states and union territories;

(d) meeting representatives of and collecting relevant information from the central and state-level governmental and parastatal commissions, corporations, federations, boards and organisations, etc especially working for the minorities, like the central and state Minorities Commissions, National Minorities Development and Finance Corporation and its state channelising agencies, Central Wakf Council and state Wakf Boards, etc;

(e) collecting necessary information from major outfits, organisations, associations and institutions of each of the minority communities;

(f) having discussions with and collecting relevant information from public sector undertakings, financial institutions, major banks and select NGOs;

(g) visiting the states and union territories to interact with members and officers of the local governments and the local minority community leaders and representatives;

(h) inviting researchers, subject experts, academics, and representatives and spokespersons of various minorities, etc – individually and in groups – for a discussion of

issues relevant to the commission's work;

(i) examining the old and recent reports of bodies and panels like Kaka Kalelkar

Commission, Mandal Commission, Backward Classes Commission, Gopal Singh Panel, etc;

(j) sponsoring seminars, symposia and workshops on the issues involved, to be organised by outside institutions with a wide participation of subject experts, academics, researchers and fieldworkers; and

(k) procuring special studies of select topics relevant to the commission's work by assigning these to individual experts and researchers.

