

STATES CAN IDENTIFY MINORITIES: GOVT.

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The governments in nine places, where followers of Hinduism, Baha'ism and Judaism are a 'minority', can consider laying down guidelines to identify them as minority communities at the State level, the Centre has told the Supreme Court.

"Matters like declaring that followers of Judaism, Baha'ism and Hinduism who are minorities in Ladakh, Mizoram, Lakshadweep, Kashmir, Nagaland, Meghalaya, Arunachal Pradesh, Punjab and Manipur can establish and administer educational institutions of their choice in the State and laying down guidelines for identification of minority at State level may be considered by the State government concerned," the Ministry of Minority Affairs told the Supreme Court.

The Centre was responding to a petition filed by advocate Ashwini Upadhyay that the followers of Judaism, Baha'ism and Hinduism — who are the real minorities in Ladakh, Mizoram, Lakshadweep, Kashmir, Nagaland, Meghalaya, Arunachal Pradesh, Punjab and Manipur — cannot establish and administer educational institutions of their choice.

The Centre said the allegation was "not correct".

The government's affidavit explained that Parliament and State legislatures have concurrent powers to enact law to provide for the protection of minorities and their interests.

"Religious and linguistic minorities are spread all over the country and are not related or restricted to any single State or Union Territory. A religious group that is in majority in one State may be in minority in another State," the Centre submitted.

The Centre gave the example of how Maharashtra notified 'Jews' as a minority community within the State. Again, Karnataka notified Urdu, Telugu, Tamil, Malayalam, Marathi, Tulu, Lambadi, Hindi, Konkani and Gujarati as minority languages within the State.

The government also defended the constitutionality of Section 2(f) of the National Commission for Minority Educational Institutions Act and Section 2(c) of the National Commission for Minorities Act of 1992.

Mr. Upadhyay had argued that the Centre has reserved for itself unbridled power to declare a community as a minority.

The Centre responded that Parliament was empowered under Article 246 of the Constitution read with Entry 20, "economic and social planning", of the Concurrent List to enact laws to promote and protect the interests of minorities.

The government said both Acts came into existence out of Parliament's intentions to safeguard minority interests.

Parliament has the legislative competence and the Central government has the executive competence to notify a community as a minority under Section 2(c) of the National Commission for Minorities Act of 1992. "The Central government notified six communities, namely Muslims, Christians, Sikhs, Buddhists, Parsis and Jains, as minorities under Section 2(c) of the National Commission for Minorities Act of 1992," the affidavit said.

[Our code of editorial values](#)

END

Downloaded from [crackIAS.com](https://crackias.com)

© **Zuccess App** by crackIAS.com

CrackIAS.com