

### Threshold population to determine status of Minority

729. SHRI TARUN VIJAY: Will the Minister of MINORITY AFFAIRS be pleased to state:

(a) whether there is any Government policy regarding any threshold percentage in population beyond which a community can no longer be called a religious minority; and

(b) whether these limits apply only nationwide or State-wise as well and if so, the steps Government is taking for formation of Minority Commission to cater to minorities of Jammu and Kashmir, Nagaland, Mizoram and Lakshadweep?

THE MINISTER OF STATE OF THE MINISTRY OF MINORITY AFFAIRS (SHRI SALMAN KHURSHEED): (a) and (b) No, Sir. No policy regarding threshold percentage of population beyond which a community can no longer be called a religious minority has been laid down. The provision for declaration of a religious minority community is provided under Section 2 (c) of the National Commission for Minorities Act, 1992. Under this provision the Government of India, Ministry of Welfare *vide* a Gazette notification dated 23.10.1993 had declared five communities as Minority Communities which are as under:—

- (1) Muslims
- (2) Christians
- (3) Sikhs
- (4) Buddhists
- (5) Parsis (Zoroastrians)

The Hon'ble Supreme Court in the case of T.M.A Pai Foundation *Vs.* State of Karnataka, reported in AIR 2003 SC-2003, had laid down that for the purpose of determining a minority, the unit will be State and not whole of India. The Hon'ble Supreme Court in CA No. 4370/99 (Bal Patil and Another *Vs.* Union of India) held, *inter alia*, that statistical data showing that a community is numerically a minority cannot be the sole criterion; the declaration as minority has to be done on consideration of social, cultural and religious condition of that community. A review petition filed by Shri Bal Patil was considered by the Supreme Court on July 9, 2010 and referred to a larger bench and is pending before the Supreme Court for final hearing.

Minority Commissions in States are constituted by the State Government concerned.

### Welfare of minorities

†730. SHRI DHIRAJ PRASAD SAHU: Will the Minister of MINORITY AFFAIRS be pleased to state:

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†Original notice of the question was received in Hindi.