

# VISHWA JAIN SANGATHAN

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(Regd. Under Income Tax Department, bearing PAN No. AAAAV3062C)  
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Dated: 23.09.2012

To,

**Dr Man Mohan Singh ji**  
**Hon'ble Prime Minister of India**  
**PMO, South Block, Raisina Hill**  
**New Delhi – 110001**

**Sub: REPRESENTATION PRAYING FOR DECLARING “JAIN RELIGION”  
IN INDIA AS RELIGIOUS MINORITY AT PAR WITH FIVE OTHER  
RELIGIOUS MINORITIES OF INDIA UNDER SECTION 2(C) OF THE  
NATIONAL COMMISSION FOR MINORITIES ACT, 1992**

Respected Sir,

**VISHWA JAIN SANGATHAN** is actively engaged in propogating the cause of ‘**Jain Religion**’ at different forums. Jainism is an ancient and independent religion of India with its own philosophy, worships & rituals, social customs and manners and is unquestionably a minority religious community.

It is respectfully submitted that the Jain community feels aggrieved because there is no uniform and statutory National recognition of their religious minority status. It is also aggrieved because it has no representation in the National Commission for Minorities. There is a feeling that Jains have been denied what is obviously due to them because they have not taken the turbulent path of agitation. The Jains are a peaceful community but appropriate representation should not be withheld from them because of their principled adherence to peace.

That the lack of recognition as a Minority community is affecting the Jain Community also in the field of education & saving ancient idols & temples. Educational Institutions run by Jain Societies / Trusts are compelled to seek judicial remedy to re-assert their minority benefits.

That Vishwa Jain Sangathan by this representation seeks protection of the fundamental constitutional rights under chapter III of the Constitution of India, guaranteed for the Jains who constitute a religious minority, in India.

1. That “The National Commission for Minorities Act, 1992” came into force on 17.05.1992. It does not specify as to which religion or religious minority is a minority community, nor does it lay down any criteria for so specifying. But **sub-section (C) of Section 2 of NCM Act, 1992 says “MINORITY” for the purpose of this act, means a community notified by the Central Govt.**

In the aforesaid context a grave injustice has been done to the Jain community in as much as its legitimate constitutional status as a religious minority community has been denied by the Govt of India vide notification no. 816 (E) dated 23.10.1993 by declaring five religious communities as minority communities **under the clause (C) of Section 2 of the NCM, 1992 Act.**

2. That Ministry of Minority Affairs had informed to Vishwa Jain Sangathan under RTI Act for enquiring about to get religious minority status. The Ministry answered vide letter no. 6-2/2007-MC (D) dated 15.01.2007 that:

A) **“A religious community gets ‘Minority’ status when it is notified under Article 2(C) of the NCM Act, 1992.”**

(A copy of the said RTI reply is annexed as annexure **I** to this representation)

3. That Ministry of Minority Affairs had informed to Vishwa Jain Sangathan under RTI Act for enquiring about the definition of minority in NCM Act, 1992. The Ministry answered vide letter no. A-47011/10/2006-Estt. (RTI) dated 01.02.2008 that:

A)1 and 2 => **“Sub-section (C) of Section 2 of the NCM Act, 1992 defines ‘minority’ as: “minority” for the purpose of this Act, means a community notified as such by the Central Government.”**

(A copy of the said RTI reply is annexed as annexure **II** to this representation)

4. That on March 17, 2008, replying to a written a question whether there is any official definition of minority, minister of Minority Affairs Shri. A.R. Antulay informed to Rajya Sabha that:

**“Section 2(C) of the NCM Act, 1992, defines “minority” as “Minority for the purposes of this Act, means a community notified as such by the Central Government.”**

(A copy of the said reply is annexed as annexure **III** to this representation)

5. That on 29.04.2010, Shri Salman Khurshid ji answered in Lok Sabha towards the question of Shri Harish Chandra Chauhan for national minority of Jains that:  
A decision of an 11-Judge bench of Supreme Court had become a hurdle to notify Jains as national religious minority.

In this connection, we want to inform you that:-

a) That In Civil Appeal no. 4730 of 1999 (Bal Patil V. UOI), the hon’ble Supreme Court ordered on 29.07.2004 to the Central Govt that:

“In T.M.A. Pai Foundation case (Supra) the point raised in this appeal was neither raised nor decided. A final decision has now to be taken by the Govt on the aforesaid recommendations made by the commission.”

**“Since the recommendations are pending for consideration before the Central Govt for the last ten years and a final decision has to be taken,we adjourn this case to enable the Govt to take a final decision on the point within four months from today. It is made clear that no further time shall be granted to the Union of India.”**

Above judgment of the Apex Court is fully binding upon the Central Govt.

(A copy of the said judgment is annexed as annexure **IV** to this representation)

- b) That the National Commission for Minority Educational Institutions had informed to Vishwa Jain Sangathan under RTI reply vide its letter no. 52208 dated 09.05.2011 that:-

Ans 6. **“The law relating to the educational rights of the minorities has been enunciated by the Hon’ble Supreme Court in TMA Pai Foundation Vs State of Karnataka case.”**

(A copy of the said RTI reply is annexed as annexure V to this representation)

6. That on 08.08.2205, in the Appeal (civil) 4730 of 1999 (Bal Patil Vs UOI), the hon’ble Supreme Court also mentioned the power of Central Govt to accept or reject the claim of minority under the section 2( C) of NCM Act in its judgment that:

**“The power under section 2(C) of the Act vests in the Central Govt which alone, on its own assessment, has to accept or reject the claim of status of minority by a community.”**

7. That the earlier judgment of the Apex Court delivered in Bal Patil Vs. UOI has been overruled by the Apex Court in Committee of Management Kanya Junior High School, Etah, UP Vs. Sachiv, U.P. Basic Shikhsa Parishad, Allahabad reported in 2006 VII AD (SC) 445. The relevant extract of this judgment is quoted as under

**“59. Jain religion indisputedly is not a part of Hindu religion.”**

8. That on January 25, 1950, a delegation of Jains met the then prime minister, Shri Jawaharlal Nehru, to draw his attention to the anomalous position of Jains under sub-clause (b) of Clause 2 of Article 25. Jawaharlal Nehru clearly assured the delegation that Jains were not Hindus and their separate status would be preserved.

Six days later on January 31, 1950 the principal private secretary of Prime Minister, Shri A.V. Pai replied to the petition vide letter No. 33/94/50 where he said:-

**“There is no doubt that the Jains are a different religious community and this accepted position is in no way affected by the Constitution.”**

(A copy of the said reply is annexed as annexure VI to this representation)

9. That the **“National Commission for Minorities”** had earlier made following recommendations to the Govt. of India to include **‘Jain Community as minority community nationally’** in the notification dated 23.10.1993 issued under Section 2 (c) of the Act but no action was taken by the Union of India till date on the said recommendations:-

- i) 1<sup>st</sup> recommendation on 01.11.1994:-

Justice Mohd Sardar Ali Khan sent a letter to Shri Sitaram Kesari, Union Minister for Welfare on the basis of the commission’s 172<sup>nd</sup> meeting, held on 03.10.1994 as stated follows :-

**“the Jains belong to a separate religion, quite distinct from the Hinduism and that, therefore, they deserve to be included in the list of Minorities already notified by the Government on October 23, 1993.”**

- ii) 2<sup>nd</sup> recommendation on 22.02.1996 vide letter no. 10103/95-NCM, Shri Tirlochan Singh, Secretary, NCM sent to Shri K.B.Saxena, Secretary to the Govt. of India, Ministry of Welfare on the basis of commission’s meeting held on 05.02.1996 as follows:-

**“that a statutory recommendation be made to the Government for inclusion of Jains in the list of minority community. I am accordingly directed to convey to the Govt. of India.”**

iii) 3rd time Shri P. Sharma, Legal Officer of the National Commission for Minorities forwarded the representation dated 30.08.2007 of Vishwa Jain Sangathan, to Shri S.K.Mishra, Asst. Director, Ministry of Minority Affairs, New Delhi-3 on dated 17.09.2007 by letter no. 81/71/04-NCM, in this letter it was mentioned that:-

**“I am directed to refer letter dated 30.08.2007 received from Shri Sanjay Kumar Jain through his advocate Shri Ravi Prakash Gupta regarding declaring Jain religion as religious minority in the light of Division Bench judgment of the apex court dated 21.08.2006 for necessary action at your end.”**

iv) 4<sup>th</sup> time Shri Wajahat Habibullah, Chairperson of National Commission for Minorities had sent his recommendation with all facts to you vide letter no. 81/71/04-NCM-II dated 16.02.2012 by mentioning that:-

**“In light of the decision of the apex court therefore it is recommended that the Ministry of Minority Affairs take up this matter with Ministry of Law & Justice to bring this long standing issue to a close”.**

10. That on 16.01.2011, in his inaugural speech in JITO Global Summit 2011, held in Chennai, the hon’ble **Union Law Minister Shri M. Veerappa Moily**, said:-

**“We are working on a definite formula and intend to come out with a practical and workable solution to accord minority status to the Jain community nationally.”**

**“We are definitely working out a formula to execute it as early as possible.”**

– “published in The Hindu on 17.01.2011 & in Hindustan Times on 18.01.2011”

11. That on 13.06.2010, in national conference of **JITO**, held at Bangalore, the hon’ble **Union Minority Affairs Minister Shri Salman Khurshid** said:-

**“Constitutionally, it’s imperative for the Jains to get the minority community status.”**

**“If there is any example of any community being majority community despite being in minority, it’s the Jain community.”** - PTI, June 13, 2010

12. That on 19.12.2008, the hon’ble **Union Home Minister Shri P. Chidambaram**, after the approval of proposal to introduce the Constitution 103<sup>rd</sup> Amendment Bill (which could enable it to designate Jains as minority community) in the Union Cabinet meeting, chaired by Dr Man Mohan Singh, hon’ble Prime Minister of India, said that:-

**“This Bill is about the power to define a minority. The Supreme Court directed the Centre to decide the issue of giving minority status to Jains. A number of orders have been passed by the Supreme Court of India in this regard.”**

13. **STRENGTH OF JAINS:-**

i) That Vishwa Jain Sangathan has received the following information under Right of Information Act from the **Office of the Registrar of General, India** vide letter no. 28/1/2006-RTI(SS) dated 14.01.2008 against the enquiry of Censuses related to the religions:

Ans. of Q.A) **“Yes, since 1872 the Census of India has been collecting and publishing information on the population of each religious communities at the national and sub-national levels once in ten years.”**

Ans. of Q.B) **“In Census, ‘religious communities’ wise information is collected & published.”**

Ans. of Q.C) **“Yes, Hindu & Jain religions were recorded Separately in the censuses.”**

Ans. of Q.D) **“As per 1991 Census the percentage of population by ‘religious communities’ as sought were :- Muslims (12.1%), Christians (2.3%), Sikhs (1.9%), Buddhists (0.8%), **Jains (0.4%)**, & other religious / persuasions (0.4%).”**

(A copy of the said RTI reply is annexed as annexure **VII** to this representation)

ii) That Vishwa Jain Sangathan has received the following information under RTI Act from Deptt. Of Higher Education, Minority Cell under **Ministry of Human Resource Dev.** vide letter no. F.No. 15-1/2006-MC dated 10.03.2008 for the getting status of Jains:-

**“Cl. 3.1.3 of National Policy on Education, 1986, Programme of Action 1992 has mentioned that Jains according to 1981 Census constitutes a minority in the numerical sense.”**

(A copy of the said RTI reply is annexed as annexure **VIII** to this representation)

iii) That **as per 1<sup>st</sup> Indian Census Report by British India taken on the 17.02.1881, Jains had been counted separately and the population of Jains were 12,21,896** which was shown in Table III of census of religious faiths.  
(published by W.Chichele Plowden ,(1883), London, Eyre and Spottiswoode at S.No. 43 at page 23)

iv) That **British Indian empire: 1909 map**, published in Imperial Gazetteer of India **“Prevailing Religions map shows to Jains separately with Buddhists & Sikhs population percentage wise”**

(A copy of the said map is annexed as annexure **IX** to this representation)

v) That as per **Census of India for different decades from 1961-2001** Jains are in tiny minority not only in every State of India but also in every districts. The relevant facts and figures showing percentage of jains after every ten years are stated as under:-

Year	(Population by Jain religion)	(Percentage of Jain population)
1951	16, 18,406	
1961	20, 27,000	0.5%
1971	26, 05,000	0.5%
1981	32, 06,000	0.5%
1991	33, 53,000	0.4%
2001	42, 25,000	0.4%

The above information clearly shows that the **Jain religion** is an independent religion and Jains were also in religious minority In India, even in 1991 but the Jain religion had not been granted minority status nationally till date.

14. That the **report of the Mandal Commission also places Jainism as a religion separate religion.** In the report while stating percentage distribution of Indian population by caste and religious groups,

**“Jains have been grouped with Muslims, Christians, Sikhs and Buddhists and under Category II,** the heading of which is given as

**“Non-Hindu Communities, Religious groups etc.”**

{ This report has also been accepted by the Hon’ble Supreme Court in Indra Sawhney matter & in M. Ismail Faruqui (Dr) Vs. UOI (1994) 6 SCC 360 }

15. That in “**Report of the National Commission for Religious and Linguistic Minorities**”, prepared **under the chairmanship of Shri Rang Nath Mishra**, submitted to the **Ministry of Minority Affairs**, it was stated at S. No. 6 that:-

“The Jain Community approached the Supreme Court seeking a direction to the Central Govt for a similar recognition at the national level and their demand was supported by the National Commission for Minorities.

**But the Supreme Court did not issue the desired direction, leaving it to the Central Govt to decide the issue (Bal Patil’s case, 2005).”**

**“In a later ruling, however, another bench of the Supreme Court upheld the UP Law recognising Jains as a minority (Bal Vidya’s case, 2006).”**

16. That in **Report No. 468(55/10/6) for year 1999-2000** and **521 (61/10/51) for year 2004-2005** on **Employment and Unemployment Situation among Religious Groups in India**, prepared by **National Sample Survey Organisation** under **Ministry of Statistics & Programme Implementation**, it has been mentioned that:

“**Seven main religions were identified in the survey.** They were Hinduism, Islam, Christianity, Sikhism, **Jainism**, Buddhism and Zoroastrianism. Among these the followers of Hinduism, Islam and Christianity formed the three major religious groups.”

17. That the Government of India Resolution No.F.8-9/93-SC/ST dated 28-7-95 of the **Ministry of Human Resources Dev, Dept of Education**, Sc/St Cell, constituting a **National Monitoring Committee for Minorities Education** (Published in Part I, Section I of the Gazette of India) in its Memorandum of Minorities Education Cl.3.1.3, mentions that:

**“According to 1981 Census the religious minorities constitute about 17.4% of the population of which Muslims are 11.4%, Christians 2.4%, Sikhs 2%, Buddhists 0.7% and Jains 0.5%. It means that per 10,000 persons in India** 8,264 are Hindus, 1,135 are Muslims, 243 are Christians, 196 Sikhs, 71 Buddhists and **48 are Jains.”**

18. That as per “**THE EMBLEMS AND NAMES : PREVENTION OF IMPROPER USE ACT, 1950** No.12 of 1950 /SEAL/(01.03.1950) by Ministry of consumer affairs”:-

“this emblem is a Sarvadharm ( multi-religious) Symbol and equality of all religions symbol. It depicts symbols of major world religions- Om-in Sanskrit/Devnagri (Hinduism and Sikhism), Cross (Christianity), Crescent & Star (Islam), Fire (Zoroastrianism), and **Wheel (Dharma Chakra revered by Buddhists & Jains)**. All signs are placed in a circle signifying their equality.”

19. That the **founding fathers of the Constitution** had unequivocally recognized the Jains as a minority community as is evident from the proceedings of the Constituent Assembly:-

**“While keeping in view that the Jains are a minority community, a representative of the Jain Community was taken in the minority advisory committee of the constituent assembly.”**

{above noted para taken at S. No. 18 in the matter of 2006 VII AD (SC) 445}

20. That **Jainism shown separately in Mulla Hindu laws** at chapter XXX (Jains : Jain tenets and Jain Law):-

“Jainism flourished several centuries before Christ. The Jain Religion refers to a number of Tirthankars the last of whom was Maha Veera. Jainism rejects the authority of the Vedas which form the bedrock of Hinduism and denies the efficacy of various ceremonies which Hindu consider essential.”

21. That In 1923 by an amendment of special **Marriage Act** inter-religious civil marriages between Hindus, Buddhists, Sikhs and Jains were legalized and the same position is maintained in the Special Marriage Act, 1954 as well.

22. That it may be stated that the following State Govts. have already been included the Jain religion in the list of Minority Religions:-

- i) **Maharashtra** vide order no RMN-2003/1216/C.R. 114/04/35 dated 07.05.2004
- ii) **Madhya Pradesh** vide order no. f 11-18/98/54-2 dated 29.05.2001
- iii) **Uttar Pradesh** vide order no. 440/52-4-2003-1(3)/96 dated 29.03.2003
- iv) **Chhattisgarh** vide order no. f/5882/2614/2002 dated 24.12.2002
- v) **Uttaranchal** vide order no. 2756/2003-411/2002 dated 07.10.2003
- vi) **Govt of Karnataka** vide order no. SWD 150 BCA 94 dated 17.09.1994
- vii) **Delhi** vide order no. 13/21/2000/HP-I/Estt./2662-65 dated 13.10.2008
- viii) The Minority Affairs Minister of **West Bengal Govt.**, announced on 27.09.2007 for giving minority status to Jains (Kolkata, Sep 27, PTI)
- ix) **Haryana** vide order no. 335-SW (4) 2012 dated 06.04.2012
- x) **Rajasthan** vide order no. 62784 dated 19.09.2003
- xi) **Andhra Pradesh** vide order no. 89 dated 08.03.2011

23. Mr Bal Patil filed Writ Petition No. 5009 of 1997 in the High Court of Bombay, seeking mandamus, for directing the Government to include the Jain community in the notification dated 23.10.1993 The relevant extract of the judgment dated 23.10.1997 is quoted as under:-

**“We direct the Central Government to take the decision in the matter expeditiously and as early as possible having regard to the significance of the question involved. With this direction, the petition is disposed off.”**

24. That **Vishwa Jain Sangathan** had filed a Writ Petition (C) No. 2685 in year 2008 in the Hon'ble High Court of Delhi for declaring Jain community as minority community nationally in the light of Div. Bench judgment of the Apex Court in Committee of Management, Allahabad, UP Vs. U.P.Shiksha Parishad which was accepted by the hon'ble Court and issued notices to the UOI and its ministries.

- i) On 23.07.2009, the hon'ble court instructed to the Counsel of Respondents / UOI & Ministries for clarify the status of bill.
- ii) On 10.11.2009, the counsel of Respondents / Ministries requested for more time to obtain instructions.
- iii) On 12.07.2010, the counsel of Respondents / Ministries requested for last opportunity to obtain instructions on whether any proposal to amend the notification is pending with the Govt which was granted by the Hon'ble Court.

25. **That, the Chronological order of various Courts Judgments on Jainism as an ancient and independent religion of India is as follows:-**

i) As early as 1927 Madras High Court the acting chief justice, Kumar Swami Shastri, in Gateppa v. Eramma and others reported in AIR 1927 Madras 228 held that :-

"I would be inclined to hold that modern research has shown that the Jains are not Hindu dissenters but that Jainism has an origin and history long anterior to the Smritis and Commentaries which are recognised authorities on Hindu law and usage. The Jain religion refers to a number of previous Tirthankaras and there can be little doubt that Jainism as a distinct religion was flourishing several centuries before Christ."

ii) The Division Bench of the Bombay High Court consisting of Chief Justice Chagla and Justice Gajendragadkar in respect of Bombay Harijan Temple Entry Act, 1947 (C.A. 91 of 1951) held that:-

**"Jains have an independent religious entity and are different from Hindus."**

iii) That in the Commissioner Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt reported in AIR 1954 SC 282, this Court observed that:-

**"there are well known religions in India** like Buddhism and **Jainism** which do not believe in God, in any Intelligent First Cause. The Court recognized that Jainism and Buddhism are equally two distinct religions professed in India in contrast with Vedic religion."

(this para has also been mentioned at S.No. 13 in matter AIR 1995 SC 2089)

iv) That in Ratilal Panachand Gandhi vs State of Bombay (1954, '56 Bom. LR 1184 (SC)) the Supreme Court, taking a wider view of fundamental rights and a more realistic view of what religion is and how its nature and content should be determined, laid down:-

"It may be noted that 'religion' is not necessarily theistic and in fact **there are well-known religions in India like** Buddhism and **Jainism** which do not believe in the existence of god or of any intelligent first causes." (Religion, Law and the State in India by J. Duncan M. Derrett, 1968).



v) That in AIR 1954 SC 388 (392), the hon'ble Apex Court observed that:-

**“Religion is not necessarily theistic e.g. Buddhism and Jainism”**

vi) That in well known Kerala Education Bill's case, 1957 reported in AIR 1958 SC 956, the apex court mentioned that:-

**“to claim the minority rights, the Community must be numerically a minority by reference to the entire population of the State or country where the law is applicable. In that way also, the Jain Community is eligible for the claim.”**

{this para has also been mentioned by the apex court at S.No. 47 in 2006 VII AD (SC) 445}

vii) That in Tilkayat Shri Govindlalji Maharaj v. State of Rajasthan, AIR 1963 SC 1638 at 1660, the hon'ble apex Court mentioned that:

**“Religion is certainly a matter of faith with individuals or communities and it is not necessarily theistic. There are well-known religions in India like Buddhism and Jainism which do not believe in God or in any intelligent first cause.”**

viii) That in Commissioner of Wealth Tax, West Bengal Vs. Smt. Champa Kumari Singhi reported in AIR 1968 Calcutta 74 (V 55 C 14), a division bench of the Calcutta High Court observed that:

**“On reading this, we are of the opinion that Jains are not Hindus, we therefore, agree with the contention raised on behalf of the assessee that Jains are not Hindus.”(para 5)**

ix) That in matter reported as AIR 1972 SC 2119 (2115) : 1972 Tax LR 2400, the hon'ble supreme court observed that :-

**“Expression “Hindu Undivided family” – includes “Jain Undivided Family”- even though Jains may not be Hindus by religion they are to be governed by the same law as Hindus.”**

x) That in matter of AIR 1976 Delhi 207, the hon'ble Court held as under:-

**“The recognition of Jainism as separate religion having made by article 25 of the Constitution itself which is supreme law.”**

xi) That in Babari Masjid case CWP No. 317 of 1993 (Ibid at p. 442), the hon'ble Court has observed Jainism to be a separate religion from Hinduism. The Court stated:

**“156. Hinduism is a tolerant faith. It is that tolerance that has enabled Islam, Christianity, Zoroastrianism, Judaism, Buddhism, Jainism and Sikhism to find shelter and support upon this land.”**

xii) That in a historical judgment, the hon'ble Supreme Court reached at conclusion in an important matter of Indra Sawhney Vs. UOI (AIR 1993 SC 761), at para 700 (3) that:-

**“Reservation under Article 16(4) being for any class of citizens and citizen having been defined in chapter II of the constitution includes not only Hindus but Muslims, Christians, Sikhs, Budhs, Jains etc. the principle of identification has to be of universal application so as to extend to every community.”**

xiii) That in Civil Special Leave (W) No. 58 of 2001 (DB), The UOI, through its Deputy Secretary in Virendra Jain Vs. UOI has submitted a written reply to the writ petition, wherein it was stated at Para (11) (III) of the reply as :

“In a secular State like India several religions have thrived and every decennial census provided an interesting picture of the religious persuasions of the people. **Ever since the beginning of the modern census taking in India ‘Jain’ has been treated as one of the main religions and its population has been shown separately.**”

xiv) That in Islamic Academy of Education V. State of Karnataka (AIR 2003 SC 724), the Hon’ble Court observed at para 128 that :

“Indeed India has sent out to the world her message of goodwill enshrined and proclaimed in our National Anthem:

**“Day and night, thy voice goes out from land to land, calling Hindus, Buddhists, Sikhs and Jains round thy throne”** (Ravindranath Tagore)

xv) That in matter of 2006 VII AD (SC) 445, the apex court observed that:-

At S.No. 29:-

**“In Re: Kerala education Bill, 1957 reported in AIR 1958 SC 956, the apex court accepted the literal meaning of word “minority” to mean numerically less than 50%.”**

At S.No. 54:-

**“Not only the Constitution but also the Hindu Code and the Census reports have recognized Jains to belong to a separate religion.”**

26. That as per the hon’ble Ruma Pal j. in the T.M.A. Pai case (2002 IX AD S.C. 497) :-

i) What is the meaning and content of the expression “minorities” in article 30 of the constitution of India? The word minority means “numerically less”. The question then is numerically less in relation to the country or the state or some other political or geographical boundry?

“If the source of the infringing action is the state, then the protection must be given against the state and the status of the individual or group claiming the protection must be determined with reference to the territorial limits of the state. If however the protection is limited to state action, it will leave the group which is otherwise a majority for the purpose of state legislation, vulnerable to Union legislation which operates on a national basis. When the entire nation is sought to be affected, **surely the question of minority status must be determind with reference to the country as a whole.**” (para 251)

(above para also reffered in VI 2005 SLT 423 at para 96 of P.A.Inamdar V State of Mah)

ii) “Article 30 is a special right conferred on the religious and linguistic minorities because of their **‘Numrical handicap’** ” (para 157)

iii) At para no. 158, the Hon’ble Court mentioned that:

“The one billion population of India consists of six main ethnic groups and fifty two major tribes; **six major religions.**”

=> The Hon’ble Court accepted itself Jain religion as a major religion among the six major religions of India. The six major religions shown clearly mentioned in the 2001 Census of India as follows:-

**“DISTRIBUTION OF POPULATION BY RELIGION”**

S No.	Religious compositions	Persons	Males	Females
1	All Religions	1,028,610,328	532,156,772	496,453,556
2	Hindus	827,578,868	428,678,554	398,900,314
3	Muslims	138,188,240	71,374,134	66,814,106
4	Christians	24,080,016	11,984,663	12,095,353
5	Sikhs	19,215,730	10,152,298	9,063,432
6	Buddhists	7,955,207	4,074,155	3,881,052
7	<b><u>Jains</u></b>	<b><u>4,225,053</u></b>	<b><u>2,177,398</u></b>	<b><u>2,047,655</u></b>
8	Others	6,639,626	3,332,551	3,307,075
9	Religion not stated	727,588	383,019	344,569

⇒ The matter was disposed of by the **Eleven Judges Bench** on 31.10.2002, reported in 2002(8) SCC 481 but no such issue relating to minority character of Jain religion had been decided by the Apex Court.

⇒ In P.A. Inamdar Vs State of Maharashtra, reported in VI (2005) SLT 423 SC that:-

“We have placed on record in the earlier part of this judgment and, yet before parting we would like to reiterate, that certain recitals, certain observations and certain

findings in PAI Foundation are contradictory inter se and such conflict can only be resolved by a bench of a coram larger than PAI Foundation.” Epilogue (Point No. 154)

27. That Shri Eknath M. Gaikwad, hon’ble MP of Lok Sabha from Mumbai forwarded representation dated 31.08.2010 with request to Shri Salman Khurshid for including Jain community in NCM by the Union Govt.

(A copy of the said letter is annexed as annexure X to this representation)

**P R A Y E R**

**In the light of above mentioned facts and judgements, we hope that you will put your sincere efforts in this direction and we are submitting this representation to you Sir with the earnest hope that justice will be done and the Govt of India will take all appropriate constitutional and legal steps to declare Jain religion as minority religion under clause (C) of section 2 of the National Commission for Minorities Act, 1992 (19 of 1992) nationally at par with five other minority religions of India.**

Delhi, Friday, dated this

23<sup>rd</sup> Day of September, 2012

Yours’ respectfully  
**SUNJAY KUMAR JAIN**  
National President  
**VISHWA JAIN SANGATHAN** (Regd.)

