



**Government of India
National Commission for Minorities**

**Agenda for
Annual Conference of the
State Minorities Commissions**

To be held on

31.3.2010

At

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INDEX

Agenda Item No.	Subject	Page No.
1.	Action Taken Report on the Recommendations of the Annual Conference of State Minorities Commissions held on 20.1.2009	1-25
2.	Agenda items proposed by NCM	26-27
3.	Agenda items proposed by the State Minorities Commissions	28-32
4.	Agenda items proposed by the State Governments	33-34
5.	Any other item with the permission of Chair	

Government of India
National Commission for Minorities

Agenda Item No. 1

Action Taken Report on the Recommendations of the Annual Conference of the State Minorities Commissions held on 20.1.2009

1.1 Recommendation No. 1

State Minorities Commissions should be set up in the States where they do not exist. In the States where the State Minorities Commissions already exist, there is no uniformity in their powers, functions, secretarial and other logistic support. The Model Act for State Minorities Commissions is, therefore, a welcome step in this direction. The same may be forwarded to the State Governments for speedy implementation. The State Governments may, for the purpose, consult their State Minorities Commission.

Action Taken Report

To provide a platform to look into various grievance of the minority communities and to monitor and suggest the mechanism for accelerating pace of socio- economic development of minority communities and their inclusion in the national mainstream, the setting up of State Minorities Commissions (SMCs) in all States and Union Territories is essential. The NCM reviewed the organizational structure and the legal status in respect of already existing Minorities Commissions in 15 states and devised a Model Act for SMCs which could be adopted by various States with suitable modifications as per specific requirements of the State. The matter was taken up by the Commission with all the State Governments and State Minorities Commissions. The reply/ report received from them is as under:

1. **Andaman and Nicobar:** Setting up of State Minorities Commission is under process.
2. **Assam:** Assam State Commission for Minorities has informed that it has adopted the Model Act prepared by the NCM. Follow-up action on the provisions laid therein are under process with the State Government. Further, it is suggested that the State Commission is to be made statutory in accordance with the National Commission for Minorities.
3. **Punjab:** The proposal of setting up of State Minorities Commission has been shelved. Further, it has been reported that the Minority Communities in the State are facing no problem.
4. **Lakshadweep:** Muslim population is 97%. Therefore, it will not be appropriate to constitute Minorities Commission and the indigenous population has been declared as Scheduled Tribes and are getting all the benefits of Scheduled Tribes.
5. **Haryana:** The State Govt. has informed that the matter has been referred to the Department of Social Justice & Empowerment for taking appropriate action in this matter expeditiously.

6. **Uttarakhand:** The Secretary, Uttarakhand Minorities Commission has informed that the matter regarding adoption of Model Act has been referred to the Social Welfare Department for taking appropriate action.

7. **West Bengal:** The West Bengal Minorities Commission has suggested the following amendments in the Model Act:-

In Sub Section (I) of Section (5): The State Government shall, in consultation with the Commission, provide it with a Secretary and such other officers and employees as may be necessary for efficient performance of the functions of the Commission under this Act. The Secretary of the Commission shall be full time and not below the rank of Joint- Secretary.

In Sub-section (3) of Section (8):- All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized by the Chairman or Vice – Chairman of the State Commission in this behalf.

8. **Chandigarh:** Chandigarh UT is under the Administrative Control of Central Govt. and the Ministry of Social Justice and Empowerment, Government of India has already been requested to exempt it from having a separate Minority Commission.

9. **Jammu and Kashmir:** The State Govt. has informed that the matter is under active consideration of the State Govt.

10. **Himachal Pradesh:** State Govt. has reported that the minority population in the State is 4.44% and the State has already set up the Minorities Finance & Development Corporation for the Welfare of these communities, in addition to H.P. Minorities Welfare Board under the Chairmanship of Hon'ble C.M. The establishment of State Minorities Commission in the State was not approved by the Council of Ministers.

11. **Madhya Pradesh:** At present State Minorities Commission has sufficient powers and responsibilities given under the M.P. State Minorities Commission Act, 1996.

12. **Manipur:** Effective provisions should be made to maintain uniformity in the composition, status, terms of office, salaries and allowances and other conditions of service of Chairperson, Members and Offices of all the SMCs.

13. **Puducherry:** The Government has taken a decision to constitute a Minorities Commission on the pattern of National Commission for Minorities and have submitted a proposal to the Ministry of Home Affairs, Govt. of India.

14. **Tripura:** The State Government has already drafted the Tripura State Minorities Commission Bill 2008 and the Bill has been passed by Tripura Legislative Assembly during the month of November 2008 and it was also informed that the Bill is lying with the Ministry of Home Affairs, Govt. of India and assent of the President of India is being awaited.

15. **Rajasthan:** It has been suggested by the Rajasthan State Minorities Commission that Section 2 (4), 3 (2), 9 (1) (d), 9 (2), 10, 11, 12 and 13 should be included in State Minorities Commission Act 2001 as per the Model Act.

16. **Chhattisgarh:** The matter has been forwarded to the Department of Welfare of the Scheduled Castes and Scheduled Tribes for necessary action on their end.

17. **Kerala:** It was informed by the State Government that the matter of setting up of State Minorities Commission is under consideration of the State Government and as a first step a Minority Cell has been constituted in General Administration Department of the Secretariat.

18. **Daman & Diu:** The Director, (Social Welfare) has informed that the total population of the UT is only 1.58 lakhs of which only 10% population is of minority communities. The welfare of the minority communities is well looked after by the UT Administration.

1.2 Recommendation No. 2

The proposal of IGNOU to set up study centres in minority concentrated districts was agreed to. The modalities of the implementation will be worked out by IGNOU in co-ordination with the State Minorities Commissions.

Action Taken Report

The Sachar Committee on the basis of Census 2001 identified 100 Muslim dominated Districts where educational opportunities are minimal. Indira Gandhi National Open University (IGNOU) in the 11th Plan (2007-2012) has decided to provide educational opportunities to the deprived regions and sections of the Society identified by the Sachar Committee by establishing at least one study centres in each block of the 100 Districts. The matter was taken up by the Commission with the IGNOU.

IGNOU informed that it has established 22 study centers under Economically and Educationally Backward (EEBB) schemes in 10 States to provide educational opportunities to the deprived regions and sections of the society identified by the Sachar Committee. The study centres will offer vocational programmes in addition to the BPP, BA, B.Com programmes of IGNOU. The IGNOU proposed that universities/ institutions/ blocks where the centres will be established will bear the cost of establishment and recurring expenditures of the study centres, such as rent free accommodation and help in identifying faculty/ teachers for delivering academic/ vocational programmes to the students. The Commission further requested the IGNOU to provide the details of the course contents of the courses offered by them in the study centres. The State Minorities Commissions were also advised by the NCM to visit the centres in their respective states and coordinate for utilization of these services by the minority communities. Information regarding the course contents offered by the IGNOU is awaited.

Govt. of Madhya Pradesh: The correspondence is being done with the IGNOU for opening of study centres in State.

1.3 Recommendation No. 3

The conferment of Constitutional status to the National Commission for Minorities is pending since 2004 and should be expedited by the Central Government.

Action Taken Report

The Constitution (One Hundred and Third Amendment) Bill 2004 for granting constitutional status to the National Commission for Minorities (NCM) is pending since 2004 despite the fact that the Commission met with the Standing Committee on Social Justice and Empowerment along with the presentation for grant of Constitutional Status to the Commission. The basic objective for giving constitutional status to the National Commission for Minorities is to inspire greater confidence among the minorities and to make the National Commission for minorities more effective in safeguarding their interests. The matter was taken up by the Commission with the Ministry of Minority Affairs (MoMA). Subsequently, the Director, MoMA sought for the views as how it would be more effective if grant of Constitutional Status is provided to the NCM. A note indicating the views of the NCM about the need for conferring constitutional status to the NCM was sent to the Secretary, MoMA. **(Copy is annexed as Annexure I)** In order to give Constitutional Status to NCM, the Government had introduced the Constitution (One Hundred and Third Amendment) Bill 2004, and the NCM (Repeal) Bill, in the Lok Sabha. These were examined by the Parliamentary Standing Committee on Social Justice and Empowerment. Notices for official amendments and for consideration and passing of the Bills were sent to Lok Sabha in February 2009. However, the House was adjourned on 26.2.09 and the Bill was not presented. With the dissolution of the 14th Lok Sabha, the Bills have lapsed. The matter is being examined afresh for appropriate decision of the Government.

I

Conferment of Constitutional Status – Views of the National Commission for Minorities

The Constitution (103rd Amendment) Bill, 2004 was introduced in the Lok Sabha on 23rd December 2004 for insertion of a new Article (Article 340A) in the Constitution for conferring Constitutional status to NCM. The basic objective of the Bill was to inspire greater confidence amongst the minorities and to make the Commission more effective in safeguarding the interest of the minorities.

2. Immediately after the introduction of the Bill, in the Lok Sabha, it was referred to the Standing Committee of the Parliament on Social Justice & Empowerment for examination. In response to the suggestions invited by the Parliamentary Standing Committee, the Commission submitted a Memorandum on the above mentioned Bill. The Bill in effect was a replica of the NCM Act, 1992 with the only difference that it was to be a Constitutional body. The Commission was of the firm view that mere conferment of the Constitutional status without additional powers would not serve to achieve the objectives of the Bill.

3. A presentation was also made to the Committee and in response to the observations of the Committee, a statement outlining the formulation of amendments to the Bill was also forwarded for consideration of the Committee. It is understood that the suggestions made by the Commission has been agreed to by the Committee and the Committee has also forwarded its recommendations to the Government which is now under consideration of the Ministry of Minority Affairs.

4. The need for conferment of Constitutional status along with additional powers, for making the Commission more effective, was also put forth by the Secretary, NCM during the presentation made to the Hon'ble Minister. The Ministry of Minority Affairs have sought our views as to whether it would be sufficient if additional powers are given to the Commission instead of conferring Constitutional status. In their view, Commissions like National Human Rights Commission, Central Information Commission which are also statutory bodies have been effective in their functioning.

5. The additional powers sought by the Commission in our suggestions are briefly given below:

(i) Investigate and monitor (instead of just monitor) the working of safeguards provided in the Constitution and the laws enacted by Parliament and the State Legislatures;

(ii) Inquire (instead of to look into) into specific complaints regarding deprivation of rights and safeguards of the minorities and to take up such matters with appropriate authorities.

(iii) Participate and advise in the planning process of socio-economic development of minorities and evaluate the progress of their development under the Union and any State.

The powers of inquiry and investigation sought by the Commission are at par with other Constitutional bodies like the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes and on the pattern of those obtaining in the protection of Human Rights Act, 1993 (Sections 13 & 14) of the statutory body namely the National Human Rights Commission. The National Commission for Women and the National Commission for Protection of Child Rights have also almost similar powers.

6. Other important suggestions made to the Constitutional Bill relate to:

(i) Appointment of the Chairperson, Vice Chairperson and other Members and their removal by the President;

(ii) Presentation of the Annual Report of the Commission to the President and laying the same in both the Houses of the Parliament by the Central Government within a period of six months and the memorandum of action taken on the recommendations contained in the Annual Report of the Commission within a period of one year in both the Houses of the Parliament;

(iii) Adequate infrastructure to enable the Commission to exercise its powers of inquiry and investigation;

(iv) Insertion of a suitable provision to empower the Commission to take action under CrPC as and when its work as Civil Court is not responded to (for example enforcing the direction of the Commission like summons, orders etc.);

(v) Financing the Commission i.e. providing funds directly from the Consolidated Fund of India, as in the case of UPSC, instead of providing funds under Non-plan as a part of the budget of the Ministry of Minority Affairs.

7. The Commission can discharge its mandated function fully and effectively only if it is invested with instrumentalities on the lines of those given to other Commissions like for instance the National Commission for Scheduled Castes, the National Commission for Human Rights etc. Towards this end it is imperative to give more teeth to the Commission which is recognized by one and all. The priorities and problems of minorities especially their socio-economic development and the goal of inclusive growth cannot be addressed unless it gets focused attention. The findings and recommendations of the Sachar Committee have laid bare the backwardness of the Muslim community and has created a concern about their economic, professional, educational and political well being. The work profile of the Commission as a harbinger of securing justice for minorities and facilitate their development has assumed greater significance and importance. The conferment of the Constitutional status will not only enhance the status of the Commission, it will also strengthen the implementing framework intended to safeguard the rights of the religious minorities and help in realization of their aspirations. Secondly, it will ensure greater independence and autonomy to the Commission in fulfilling its avowed objectives. For instance the appointment of the Chairperson, Vice Chairperson and Members by the President and the mode of their appointment and procedure for removal would

ensure a free, fair, transparent, independent and effective functioning of the Commission without any fear or favour. Thirdly, as a Constitutional body the instrumentalities and powers given cannot be altered easily at a subsequent date in an arbitrary or discriminatory manner.

8. The Commission, therefore, is of the unanimous opinion that it should be conferred Constitutional status along with additional powers outlined above.

1.4 Recommendation No. 4

Similarly, the Communal Violence Bill is pending for consideration by the Central Government for a long time. The Central Government should take necessary steps to have the law passed by the Parliament.

Action Taken Report

“The Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill - 2005” was introduced in Rajya Sabha on 5.12.2005 and thereafter the Bill was referred to the Parliamentary Standing Committee on Home Affairs. The Bill was examined in the NCM and on scrutiny of the Provisions of the Bill, a number of suggestions for amendments to the Bill which were forwarded to the Parliamentary Standing Committee. The matter was taken up by the Commission with the Ministry of Home Affairs (MHA).

The MHA informed that as per the recent directives circulated by the Ministry of Parliamentary Affairs it will be necessary to seek fresh approval of the Cabinet before Notices are given for moving the Official Amendments and for consideration and passing of the Bill. The Bill is being examined at the Home Minister’s level and after that, necessary steps to seek the Cabinet’s approval for moving the Official Amendments and for consideration and passing of the Bill will be taken. Recently, the MHA has informed that notice was given in the Rajya Sabha on 9.12.2009, but the Bill did not come up for consideration. Action to give fresh notice in the current session of Parliament is being taken.

1.5 Recommendation No. 5

The recommendations of the Sachar Committee Report should be implemented fully and in true letter and spirit.

Action Taken Report

The Sachar Report on *Social, Economic and Educational Status of the Muslim Community of India* has produced a compendium of authentic information required by the Government for planning, formulating and implementing specific interventions, policies and programmes to address issues relating to the backwardness of the community. The National Commission for Minorities has a statutory responsibility, under Section 9(1) (g) of the NCM Act, 1992, to evaluate the progress of the development of the minorities and to suggest appropriate measures, to be taken by the Government, in respect of any community. Pursuant to this the Commission is of the view that amongst the recommendations of the Report, those pertaining to (1) education (2) economy and employment opportunities (3) access to bank credit (4) government programmes (5) public employment and recruitment procedures, require to be given the highest priority.

The Commission subsequently forwarded all the recommendations of the Sachar Committee along with the proceedings of the Annual Conference to MoMA requesting that the recommendations of the Sachar Committee Report should be implemented fully and in true letter and spirit.

Govt. of Tripura: All the concerned Departments have been requested for implementation of the various recommendations of the Sachar Committee Report. The Minority Welfare Department has also taken up a set of schemes which are being implemented for development of the minorities.

1.6 Recommendation No. 6

Enhanced compensation to the 1984 Sikh riot victims announced by the Government of India in 2005 have not been paid in many cases and the matter in all seriousness should be taken up with the concerned authorities.

Action Taken Report

The Union Cabinet on 29.12.2005 cleared a package comprising enhanced ex- gratia and relief and rehabilitation assistance to the victims of the 1984 Anti Sikh Riots amounting to Rs. 715 Crores. The ex gratia relief in the case of death, injury assistance per case and compensation for damaged property was also enhanced by the MHA. The matter was taken up with the MHA.

Ministry of Home Affairs: The state-wise break-up of 4274 pending claims under the Rehabilitation package for the 1984 Riot Victims which are pending at the disposal of the State Government was given by the MHA.

Subsequently, the NCM requested the State Governments of Bihar, Haryana, Himachal Pradesh, Jharkhand, Madhya Pradesh, Orissa, Punjab, Uttar Pradesh, NCT of Delhi and Uttaranchal to settle the cases expeditiously. Reply received is as under:

Government of Bihar: No case is pending.

Govt. of Himachal Pradesh: The enhanced compensation has been given to the recipients

Govt. of Madhya Pradesh: The compensation has been made by the Department of Home through District Magistrates.

Govt. of Uttar Pradesh: Out of 7442 cases, 6741 cases are settled and 701 cases are pending.

1.7 Recommendation No. 7

The criteria for identification of minority concentrated districts/towns needs to be looked into and modified, if need be.

Action Taken Report

In order to ensure that the benefits of schemes and programmes of Government reach the relatively disadvantaged segments of society it was decided that the Ministry of Minority Affairs may be requested to identify backward districts having a substantial minority population. In pursuance of this the Ministry of Minority Affairs identified 90 Minority Concentration Districts throughout the country taking into consideration the Minority population, on the basis of 2001 Census, backwardness parameters and other following aspects:

(a) Religion specific socio economic indicators at the district level:

(i) Literacy rate; (ii) Female Literacy Rate ; (iii) Work participation rate; and (iv) Female work participation rate.

(b) Basic amenities indicators at the district level:

(i) Percentage of households with pucca walls; (ii) Percentage of households with safe drinking water; (iii) Percentage of households with electricity; and (iv) Percentage of households with water closet latrines.

Further, the Ministry of Minority Affairs as well as the State Governments/ State Minorities Commission have included / suggested some more districts in the list of minority concentration districts:

Ministry of Minority Affairs: With the approval of the competent authority it has been decided to include Mewat District of Haryana in the list of 90 minority concentration districts.

Government of NCT of Delhi: The North East District has already been identified as Minority concentration district by Ministry of Minority Affairs,

Government of India. The basic parameters are minority population, illiteracy, work participation, health indicators etc. As such no modification of criteria is suggested.

Madhya Pradesh State Minorities Commission: The matter is not related to the State Minorities Commission.

Government of Tripura: Though there is no minority concentrated district/town in the State, the State Government has identified 72 villages having minority concentration for special stress for development of the minorities.

West Bengal Minorities Commission: It has requested the NCM to send necessary recommendation to the concerned authorities to include the Darjeeling district in the list of MCDs. This was forwarded to the Secretary, MoMA.

1.8 Recommendation No. 8

The State Minorities Commission should be given appropriate role and powers to implement, monitor and review all developmental programmes and welfare schemes under the P.M's new 15 Point Programme intended for the minorities.

Action Taken Report:

The Prime Minister's New 15 Point Programme has been launched for improvement of quality of life of minorities with time bound goals. The programme is meant to be specifically translated into action plans and resources allocation. The key to success lies in close monitoring of the implementation of these programmes at grass root level.

The Ministry of Minority Affairs was requested to apprise the Commission about the present status in this regard and whether the State Minorities Commissions have been associated with the implementation of the New 15 Point Programme. The State Governments were also requested to furnish information. Information received is:

Government of Bihar: The new State Level 15 Point Implementation Committee has been formed under the Chairmanship of the Chief Secretary and the Secretary of the State Minorities Commission has been made the Secretary of the Implementation Committee.

Government of NCT of Delhi: Under the New 15 point Programme Minority Scholarship Schemes such as Post Matric Schemes and Pre Matric Schemes have been in operation since 2007-08 & 2008-09 respectively. Recently Delhi Minorities Commission has published a booklet highlighting salient features of various Central and State Sector Scholarship Schemes with the objective of propagating the advantages of these schemes particularly amongst minority communities.

Government of Karnataka: The State Minorities Commission is monitoring the implementation of the PM's 15 Point Programme as directed by the Government of Karnataka. A state Level Committee is constituted headed by the Chief Secretary and consisting of all the Principal Secretaries/Secretaries/ Head of Departments who are

the implementing authorities as members of the Committee and also nine non-official members of the Committee. The Secretary of the KSMC is a Member Secretary of this Committee. District level committees are constituted under the Chairmanship of the Deputy Commissioners of the concerned District by the Government. It has to send the progress report every quarter to the Government.

Madhya Pradesh State Minorities Commission: The evaluation of the implementation of the PM's 15 Point Programme is done at the State Government level. The same is also being done by the MPSMC from time to time during the meetings of the District Level Minorities Welfare Committees.

Government of Maharashtra: A quarterly progress report ending June 2009, giving the current status on all the points has been forwarded by the State Government.

Government of Manipur: Manipur State Minorities Commission is associated with the implementation of Schemes for Minorities implemented by the Department of MOBC, Govt. of Manipur and some schemes under the Prime Minister's new 15 Point Programme.

Government of Tamil Nadu: The Prime Minister's 15 Point Programme is being implemented by various departments. The programmes are being monitored by State Level Committee headed by Chief Secretary and District Level Committee headed by the Collector. This Department is also monitoring the implementation by calling for the monthly report from the Departments of Public, Rural Development and Panchayat Raj, Social Welfare and Nutritious Meal Programme, Municipal Administration and Water Supply, Labour and Employment etc. Regarding the role to be given to the State Minorities Commission to implement, monitor and review the PM's 15 Point Programme, it is stated that the subject is under examination of the Government.

Government of Tripura: The State Minorities Commission is yet to be set up. After setting up of the Minorities Commission the matter could be examined.

1.9 Recommendation No. 9

An independent, permanent and centralized institutional mechanism to monitor and evaluate the implementation of the schemes of the Government should be put in place to assess whether 15% target for minorities is being identified and achieved both in physical and financial terms.

Action Taken Report

Meeting their aspirations and ensuring their rights acknowledges the dignity and equality of all individuals and furthers participatory development. The Prime Minister's New 15 Point Programme has been launched for improvement of quality of life of minorities with time bound goals. Though India has achieved significant growth and development, there are indications, however, that not all religious communities and social groups have shared equally the benefits of the growth process. Accordingly, this recommendation was made during the Conference. Since, then the Ministry of Minority Affairs, the Nodal Ministry to monitor and evaluate the implementation of schemes under Prime Minister's 15 Point Programme have been addressed on 17.8.2009 and again on 1.10.2009 and 4.1.2010.

The Ministry of Human Resource and Development, Ministry of Finance and the State Governments were also requested to send status report to the Commission about the action taken by them. The Members of the Commission would also be following these issues with the State Governments allocated to them during their visits to States as per the decision of the Commission on 28.1.2010. Information received is:

Ministry of Finance: Since the Ministry of Minority Affairs is the nodal Ministry, it may take necessary action in this regard.

Government of Tripura: It has already set up State Level Committee under the Chairmanship of the Chief Secretary and 4 District Level Committees under the

Chairmanship of the District Magistrate and Collectors for monitoring the implementation of Prime Minister's 15 Point Programme.

1.10 Recommendation No. 10

Awareness campaigns to publicize the programmes of the Government should be undertaken in local and vernacular languages, in particular, Urdu. A compendium of schemes be prepared by every State in local vernacular language and widely distributed.

Action Taken Report

It is an acknowledged fact that presently the minorities are not able to get benefits from a plethora of schemes due to lack of awareness about the schemes. Since the schemes are not publicized in the local language. Therefore, the publicity of policies and programmes was urged to be in Urdu and Regional languages.

The Commission has called for status reports from the Ministry of Minority Affairs, Ministry of HRD on 17.8.2009 and again on 1.10.2009 4.1.10. The Chief Secretaries of the States / UTs have also been addressed in the matter on 4.1.2010.

To publicise the awareness programmes of Government sensitization workshops have been organized in the NCM as well as in urban areas from time to time. In order to sensitize the people living in the rural areas sensitization workshops have been proposed to be organized in Tijara in Alwar district in Rajasthan and in Mongoldoi and Morigaon districts of Assam. Measure taken by States are:

Madhya Pradesh State Minorities Commission: The booklets containing the information about the schemes for the welfare of the minorities have been published by the Government.

Govt. of NCT of Delhi: The Department for the Welfare of SC/ ST/ OBC/ Minorities publishes the schemes in at least two Urdu & Punjabi Newspapers, apart from English/ Hindi ones.

Govt. of Tripura: The Govt. has already published booklets containing Central Government and State Government schemes for the welfare of the minorities in Bengali and English versions. Programme has been taken for holding seminars in all the Sub-Divisions in the State for general awareness of the people. Besides, minority schemes are being published in the local dailies for public information.

1.11 Recommendation No. 11

Amendment to the Bodh Gaya Temple Act, 1949 restructuring the composition of the Management Committee, which at present appears to be in conflict with the secular fabric of the Constitution, should be got expedited.

Action Taken Report

For the last several years Buddhists have been raising the demand that the management of the Mahabodhi Mahavihara at Bodh Gaya should be exclusively in the hands of the Buddhists. During the last ten years the NCM has made recommendations on several occasions to the Union Government repeatedly for enactment of appropriate legislation for vesting the management of Bodh Gaya Temple exclusively with the Buddhists. In 1949, the Government of Bihar enacted the Bodh Gaya Temple Act, 1949 transferring the control and management of Mahabodhi Mahavihara to a Managing Committee of four Buddhists and four Hindus with the District Magistrate of Gaya as Chairman. As per Section 3 (2) of the Act, the total number of members in the Committee is 9, including D.M, Gaya, as the Chairman.

Legal opinion from the Solicitor General of India has been sought in view of different views given by constitutional experts Shri K. Parasaran and Dr. Rajeev Dhawan on the question whether the Act infringes upon the constitutional rights of the minorities and is against the secular fabric of the Constitution. The Commission appreciated the legal opinion given by Dr. Rajeev Dhawan and as directed this opinion was sent to Govt. of Bihar on 27.3.2009 for taking further action. A Statutory recommendation of the Commission reiterating the earlier recommendations of the NCM has been sent to the Government of Bihar on 08.2.2010. (**Annexure II**)

Annexure II

No.NCM/SRS/81/46/09-NCM

08.2.2010

Date of adoption by NCM 14.1.2010

1. **Subject** : Management of Bodh Gaya Temple
2. **Background** : Demand of Buddhist community to control & manage
Bodh Gaya Temple
3. **Recommendation:** Section 9(3)
**made under NCM
Act, 1992**
4. **The Commission's Recommendations:**
"The National Commission for Minorities (NCM) in its 45th Formal Meeting held on 14.1.2010 decided that the earlier recommendations for amendment to the Bodh Gaya Temple Act, 1949 for restructuring the composition of the management may be re-iterated as statutory recommendation and referred to the State Government. Copies of earlier recommendations are enclosed."
5. **Conveyed and forwarded for necessary action under intimation to this office.**

Sd/

Date & Seal 08/2/2010

(M.K. Khanna)

Secretary to Government of India

Chief Secretary,
Government of Bihar
Secretariat,
Patna.

1.12 Recommendation No. 12

Protection and preservation of old religious monuments of heritage value by ASI is necessary. Urdu and Gurmukhi should be promoted.

Action Taken Report

The Archaeological Survey of India (ASI), under the Ministry of Culture, is the premier organization for the archaeological researches and protection of the cultural heritage of the nation. Maintenance of ancient monuments and archaeological sites and remains of national importance is the prime concern of the ASI. Accordingly, the Director General, Archeological Survey of India (ASI) and the Ministry of Culture have been addressed bringing to their notice the observation of the Conference that ASI should be directed to take over, protect and preserve ancient Buddhist monuments. It was also suggested that prayers/ Namaaz should be allowed in the Mosques which have been declared as protected monuments in accordance with law. Steps taken for promotion of Urdu and Gurumukhi languages were also called for.

1.13 Recommendation No. 13

Representation of a member belonging to the minority community in selection committees for public appointments etc. should be ensured.

Action Taken Report:

The Prime Minister's 15 Point Programme for the welfare of the minorities *inter- alia* provides for giving special consideration to minorities in recruitment and for this purpose making the Selection Committees representative. Since the Government is committed to ensure fair representation to the minorities in Government employment including public sector enterprises, financial institutions etc., it is expected that the Central and State Governments will give special consideration to the minorities in appointments.

Union Public Service Commission and State Public Service Commissions were requested to intimate NCM on the representation of minority communities in Selection Committees/Boards for recruitment to services on 17.9.2009. The Secretaries of Goa, Gujarat, Sikkim and Uttarakhand Public Service Commissions were asked to clarify on 19.11.09 whether the Members of the Minority Community are associated in the Selection Committees/ Boards for various posts as their responses were not specific.

The Secretaries of State Public Service Commissions of the defaulting States namely Arunachal Pradesh, Bihar, Chhattisgarh, Himachal Pradesh, Jammu and Kashmir, Karnataka, Manipur, Punjab and West Bengal have been reminded.

Responses received are summarized as under:

1. **Department of Personal and Training, Govt. of India-** The Department has already issued instructions/ necessary guidelines to all the Ministries/ Departments of the Government regarding inclusion of the representative of minorities in the Selection Board/ Committee for compliance scrupulously
2. **Ministry of Railways (Railway Board)-** The Ministry of Railways, Govt. of India has already issued necessary instructions to all Indian Railways/ PUs to ensure representation of Minorities under PM's new 15 Points Programme and in Selection Committees/ Boards.
3. **Andhra Pradesh Public Service Commission (APPSC) -** The State Public Service Commission consists of Chairman and nine Members, out of which two members belong to Minority Communities i.e. Muslim and Sikh. Regarding the recruitment of police personnel, it has been informed that for the selection of Group – I i.e post of Deputy Superintendent of Police by the Public Service Commission there are two minority members each from Muslim and Sikh community in the Services Selection Board.
4. **Assam Public Service Commission-** It consists of one Chairperson and six Members which has the representation of one minority community member.
5. **Goa Public Service Commission-** There is no representation of minority community members in the Selection Committee/ Boards for recruitment. However, due care is

being taken by the Commission to protect the interest of reserved category candidates in the selection process.

6. **Gujarat Public Service Commission-** The Chairman and Members of the State Public Service Commission are appointed by His Excellency the Governor of Gujarat under the provisions of Article 317 of the Constitution of India. As far as Police personnel are concerned no recruitment is being made by the State Commission.
7. **Karnataka Public Service Commission-** With the appointment of one more member to the Karnataka Public Service Commission, the present composition is one Chairman and 8 members, of whom one belongs to Minority (Muslim) Community.
8. **Kerala Public Service Commission-** The Chairman and Members of Kerala Public Service Commission are appointed by His Excellency the Governor of the State. The 40% vacancies are filled by the backward classes, 8% by the Scheduled Castes, 2% by the Scheduled Tribes and remaining 50% by Open Competition. However, the National Commission for Minorities has not received the copy of Kerala State and Subordinate Service Rules as mentioned in the letter.
9. **Madhya Pradesh State Minorities Commission-** The system has already been implemented by the order of the General Administrative Department, Govt. of Madhya Pradesh since 1988.
10. **Manipur Public Service Commission (MPSC)-** One member of the minority community is always included in the Selection Committee/ Board constituted by the Manipur Public Service Commission.
11. **Sikkim Public Service Commission-** Minorities as such have not been defined as yet. The selection Committees/ Boards for recruitment to service are constituted by designation.

- 12. Tamil Nadu Public Service Commission-** The State Public Service Commission consists of a Chairperson and fourteen other Members, 2 members are from Minority communities, i.e Christian and Muslim who actively take part in the Selection Boards/ Committees.
- 13. Govt. of Tripura –** All the Departments including the Police Organization have been requested to include a member of the Minorities in the Interview Board/ Selection Committee for recruitment by the concerned Departments/ Organizations.
- 14. Uttarakhand Public Service Commission-** The State Public Service Commission consists of a Chairperson and four Members who are appointed by the Governor. The Selection Boards are constituted as per rules for selection of different posts.
- 15. Uttar Pradesh Public Service Commission -** The recruitments by the Selection Boards/ Technical Advisors are as per the directions of the Chairman, in the concerned fields and the experts from the minority communities are invited.
- 16. Union Public Service Commission:** The UPSC has created an additional column relating to religion of the candidates in the Application Form.

1.14 Recommendation No. 14

Reservation for Dalit Christians and Muslims at par with SCs /STs should be considered by the Government in all seriousness and all facilities extended. There are instances where certain category of the Muslim community (namely Shaikh and Sayyed) has been excluded from the list of OBCs for reservation in Karnataka. This anomaly has to be rectified.

Action Taken Report

The NCM on 6.5.1997 had made statutory recommendations under Section 9 of the NCM Act 1992 reiterating its earlier recommendation of August 1995 and also recommended removal of proviso in the Constitution (Scheduled Castes) Order 1950.

The NCM in this regard entrusted a study on “Dalits in the Muslim and Christian Communities” to Prof. Satish Deshpande. The Report was submitted on 21.2.2008 and the Commission adopted the report in its meeting held on 3.4.2008. The Report found that Dalit Muslims are worst off among all Dalits and Christian Dalits lag far behind their non-Dalit Christians. The Report was forwarded to the Ministry of Minority Affairs on 5.5.2008. On 17.8.2009 the Commission again reiterated its

earlier recommendations to the Ministry of Minority Affairs recommending that reservation to SC/STs convert to Christianity and Islam should continue to enjoy all privileges and benefits as SCs/STs on par with the SC/ST converts to Buddhism so as to remove this anomaly.

The Ranganath Mishra Commission Report has also addressed this issue and is under consideration of the Government.

1.15 Recommendation No. 15

The thrust of the programme of educational advancement of the minorities should be to ensure access to education at all levels and delivery of quality education. Emphasis should be on vocational and technical courses, opening/capacity building of schools, training of teachers and coaching schemes. Modernization of Madarasas should be taken up for speedy implementation, in right earnest. The number of scholarships and amount disbursed under the scholarships schemes should be enhanced.

Action Taken Report:

A strong nation can only be built when all segments of the society are treated at par and conditions created enabling all citizens to have access to education at all levels.

The Government has taken many path breaking steps to address issues of equity, access and inclusion of education and permanent mechanism. Madarasa education has received special attention and equivalence of Madarasa qualification with that of Education Boards like CBSE has been approved which will make Madarasa students

eligible for job. The Secretary MoMA, Secretary (SE &HE) Ministry of HRD, Secretary NCMEI were requested to send the present status vide letters dated 18.8.09, 30.9.09 and as recently as 5.1.2010. Report received are:

Ministry of Human Resource and Development: Vide their letter dated 16.2.2009 the MoHRD has mentioned that under the erstwhile scheme of Madarasa Modernization, all the Madarasa teachers would receive honorarium under the SPQEM Scheme in the XIth Plan. However, teachers without requisite qualifications prescribed in the revised scheme of SPQEM would be paid at pre-revised rates. Other financial and eligibility conditions under the revised scheme will continue to apply.

Government of NCT of Delhi: The number of Scholarships Schemes, under Post Matric and Pre Metric Schemes have been enhanced. But the amount of scholarships is decided by MOMA and it is the same as that of 2008-09.

Government of Tripura: Higher Education and School education Departments have taken measures to ensure access to education at all levels and delivery of quality education. The School Education Department has taken schemes for modernization of the Madrasas and 86 Madrasas have come under the scheme.

Members would be taking up these issues with the State Governments during their visits to States as per the decision of the Commission on 28.1.10.

1.16 Recommendation No. 16

Issuing minority status certificate to educational institutions and certificate to minorities should be made hassle free and simplified and could be accorded by the authorities of the State Government on the recommendations of the State Minorities Commission.

Action Taken Report:

Issue of minority status certificate to an educational institution is actually grant of recognition of minority status to the institution. This is done by a State Government under the relevant provision of its State Education Act or rules made thereunder. The legal basis of grant of recognition to an educational institution as a minority educational institution by a State Government flows from Article 30 of Constitution of India titled 'Right of minorities to establish and administer educational institutions'.

The Ministry of Minority Affairs and Ministry of HRD have been suitably addressed in the matter. The replies received from the States namely, Madhya Pradesh and Tripura are as below:

Government of Madhya Pradesh: The Directives for issuing of Minority Status Certificate to educational institutions and certificate to minorities has been issued by the M.P. Government since 2007.

Government of Tripura: After setting up of the State Minorities Commission, this matter may be examined by it towards issuing of Minority Status Certificate to educational institutions and certificate to minorities.

Members would be taking up these issues with the State Governments during their visits to States as per the decision of the Commission on 28.1.10.

Recommendation No. 17

Ensure easy access of credit flow to minorities and monitor loans/advances sanctioned by Banks and NMDFC/SMDFC on an ongoing basis. An allocation of Rs.750 crores has been made to NMDFC in the XIth Plan. But the functioning of NMDFC/SMDFC leaves much to be desired and needs improvement. Restructuring of NMDFC needs immediate attention.

Action Taken Report:

The importance attached by the Government for equitable and inclusive growth of the minorities has always been highlighted. With this ultimate goal of bringing the minorities into the mainstream, the Planning Commission has formulated various developmental plans and schemes in the 11th Five Year Plan. This includes credit flow to the minority communities. The matter was taken up with MOMA and the

State Governments with a request to intimate about the latest development on 18.8.09. On the advice of the Ministry, RBI was also addressed. Reply received are:

Ministry of Finance: Ministry of Minority Affairs being the nodal Ministry may take necessary action regarding constitution of an independent, permanent, centralized institutional mechanism to monitor and evaluate the implementation of the schemes of the Government.

Regarding ensuring of easy access of credit flow to minorities and monitoring of loans advances sanctioned by Banks and NMDFC/ SMDFC on an ongoing basis, the Public Sector Banks (PSBs) were directed by the Department of Financial Services to step up lending to minorities from the existing level of 9% of total priority sector advances to 15% over the next three years.

Public Sector Banks have set State Wise targets for lending to Minority Communities as a percentage of Priority Sector Advances for the year 2009-10.

CEOs of the Convener of State Level Bankers' Committee (SLBCs) have been advised that progress of lending to Minorities be reviewed in coordination with Department of State / UT Government, in regular meetings of SLBC.

The Chief Secretaries of ALL States / UTs have also been requested that progress in lending to Minority Communities may be closely monitored and reviewed in regular meetings of SLBC so as to achieve the targets set for their State/ UT.

Reserve Bank of India: vide its letter dated 16.3.2009 has informed the Commission that for priority sector lending, no percentage share has been fixed for the minority communities since minorities have been categorized as a category under the weaker sections and the credit flow to the weaker sections including minorities is monitored

regularly and steps taken as far as possible to achieve the 15% target under Prime Minister's 15 Point Programme in MCDs. On November 9, 2009 it was informed by the RBI that Micro Studies on Situation on Minorities in selected districts will be carried out and the results shared with the Commission.

Government of Tripura: In the State, Tripura Minority Cooperative Development Corporation Limited (TMCDCL) has been created in 1996. Since then, the TMCDCL has been functioning with support from State Government as well as financial assistance from the NMDFC for the economic upliftment of the minorities of the State.

The present status of implementation has been called for from the Secretary (Financial Services), Ministry of Finance and Secretary MoMA on 22.1.2010.

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Agenda Item No. 2

Agendas proposed by the National Commission for Minorities

2.1 NATIONAL POLICY ON MINORITIES:

The minorities constitute 18.4% of our population according to 2001 census; that is every 5th person in the country is from a minority community. As India moves on to a higher growth path, it becomes important that they are not left behind but participate in and share equally in our progress. Equitable and inclusive growth is necessary for the all round progress of the country. The minorities need not only assurance of physical security and life of dignity but also equality of treatment. The Sachar Committee report on the socio-economic and education status of Muslims depict the nature and extent of deprivation or exclusion in education, employment, housing, health, access to credit provided by the Government or private sector, earlier Reports on other minorities are not too bright either. They, therefore, stand in need of accelerated development and affirmative action to achieve substantive equality and contribute in full measure to the national effort. A National Policy on minority is, therefore, needed to provide them a level playing field and to achieve the goal of inclusive growth. Accordingly, a draft policy document on minority communities in India was prepared by the National Commission for Minorities and forwarded to the Ministry of Minority Affairs for taking appropriate necessary action. A copy of the Draft Policy Document is placed for consideration and further suggestions/recommendations, if any.

2.2 AFFIRMATIVE ACTION FOR MINORITIES:

The P.M's New 15 Point Programme for the welfare of minorities is an important aim to ensure that benefits of various Government schemes flow equitably to the minorities and wherever possible 15 percent of the targets and outlays under various schemes should be earmarked for minorities. The programme lays emphasis on maintenance of communal peace & harmony and ensuring a reasonable representation of minorities in Government, including public sector. As a sequel to this programme and Sachar Committee recommendations, scholarship schemes, area specific programmes and of late empowerment of women through leadership training have been devised by the Ministry of Minority Affairs. Available evidence does not inspire confidence that the benefits have flowed equitably to the eligible sections amongst the minorities. The Commission initiated a monitoring mechanism in 2008 on the various development schemes being operated by Central & State Governments. But the response has been lukewarm. The success of the programme, to a large extent, it is observed depends on the cooperation of the State. The State Commissions should play a major role in monitoring the implementation of the programme and giving feed back to the National Commission such that necessary corrective measures/action needed can be taken up with the appropriate quarters of the Central Government.

The Commission entrusted a study on the status of Dalit Muslims & Dalit Christian to Prof. Satish Deshpande. The study report submitted in the year 2008 has

come to the unequivocal conclusion that Dalit Muslims and Dalit Christian have to be treated at par with those of SCs and provided reservation in Government jobs and educational institutions and all other benefit with which the Commission is fully in agreement. The Renganath Mishra Commission has also addressed this issue and advocated reservation for minorities. The matter is still under consideration of the Government and its views have not fined up keeping in view the aforesaid study and Renganath Mishra Commission report as well as the judgment of the High Court of Andhra Pradesh on the reservation issue, the matter needs to be discussed threadbare and “way forward” arrived at.

2.3 SHARING OF INFORMATION BETWEEN NCM AND SMCs:

At present there is little synergy between the NCM and the SMCs. There is hardly any sharing of information between these bodies. In a federal set up like ours, the National Commission has to a large extent depend upon State authorities for looking into specific complaints of deprivation of rights of minorities or for examining general issues relating to minority concerns and interests. An exchange of information by the SMCs with the National Commission on all such mattes and issues through a structured review meeting every month can be of immense help in mitigating the sufferings of minorities. The State Minorities Commission may also facilitate obtaining of reports called for by the National Commission from the State Government Departments concerned for speedy and quick redressal of grievances/disposal of cases.

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Agenda Item No. 3

Agendas proposed by the State Minorities Commissions

The agenda items proposed by the State Commissions generally relate to institutional mechanism for implementation of the P.Ms 15 Point Programme and other developmental schemes and suggestions for improvement police reforms; mechanism and procedure for redressing grievances of minorities including those relating to exploitation and atrocities; Extension of benefits to linguistic minorities; empowerment of women minorities; Reservation for all Muslims under the OBC quota; and creation of awareness about various schemes. These along with the observations of the NCM are listed below:

3.1 IMPLEMENTATION OF SCHEMES/PROGRAMMES OF THE GOVERNMENT

- (a) Minorities Directorate should be established and the State Commission should be associated in implementation of the Schemes/ Programmes meant for the minorities.
- (b) Separate academy for each minority community should be established in the State such as Muslim Education Mission since the Muslims have been declared by the Government as educationally backward community.
- (c) Necessary provisions should be made to establish a separate Minorities Welfare Department and State Minorities Development & Finance Corporation in every State.
- (d) One Nodal Officer should be appointed in each district to coordinate the implementation of the schemes taken up for the benefit of the minorities.
- (e) State Commission should be made nodal agencies to monitor all Central Government Schemes including PM's 15 Point Programme as envisaged in the Act.
- (f) All communities listed as minorities should find representation in bodies that has been constituted for the welfare and development of the minorities.
- (g) The financial assistance provided to the students of the religious minorities can also be provided to the students belonging to the linguistic minorities.
- (h) The number of scholarships stipulated for the students of Bihar should be increased so that students from all minority communities are provided the benefit.
- (i) The number of persons belonging to the linguistic minority communities should also be considered while allocating funds by the State Minorities Finance Corporations. The linguistic minority communities, especially those refugees from erstwhile East Pakistan who have been settled in Bihar. These people need financial assistance in order to start new businesses.

- (j) The Committee set up to Implement the Prime Minister's 15 Point Programme did not include the State Minorities Commission. Therefore, Central Government should pass such order so that the Commission could be invited as special invitee.
- (k) The point no. 6 of the PM's 15 PP Programme should be implemented in at least 10 districts of all the States in India.
- (l) Minorities Students' Hostels of 50 seats each should be constructed in each of the District Head Quarters of all the States.
- (m) Only a meagre no. of students are able to get the benefit under the Kasturba Gandhi Valika Vidyalaya Scheme. Therefore, 40% seats should be reserved for the minorities.
- (n) Financial aids to the States should be provided as per the directions of the State Minorities Commission.
- (o) In Madhya Pradesh only Bhopal is included in the "Multi Sectoral Plan" since this is a minority concentrated place. All the Districts of the State where there are more than 10% of Minority population may be included in this plan.
- (p) The formalities for applying for minority student scholarships should be simplified and all the students applying for the scholarships should be granted scholarships. Information about scholarship should be provided at school level. The quota and the level of income for providing minority students scholarships should be done away with. Financial Quota should be stipulated for the Pre Matric, Post Matric and Merit cum means scholarships. The Jains who have been declared as minority community may also be given the benefit of the minority scholarship.
- (q) Proper planning should be formulated to disseminate the PM's 15 Point Programme.
- (r) Under the Allied Coaching Scheme of the Ministry of Minority Affairs, coaching centres should be established at Tehsil and Block level. More coaching centres should be established at District level and Special Coaching Centres may be established for the Competitive Examinations.
- (s) The students who are pursuing higher studies should be given financial loans without interest through banks and Minorities Development Finance Corporation.
- (t) The Commission should be given the power to implement, monitor and review all developmental progress and welfare schemes being undertaken by the State Welfare Departments for the minorities.
- (u) Frequent awareness campaign should be launched for publicizing the problems intended for the minorities and undertaken by the Government.

(v) There should be proper provision for the renovation and repair of school building in the minority concentrated areas. Adequate funds should be allocated for this purpose.

(w) There has not been significant improvement of the society due to the running of Anganwadi centres by the Central and State Governments. Only a meager number of persons have been benefited by those Centres.

(x) The official formalities prevent the students from poor background from getting the benefits of the scholarships for them. Proper arrangements should be made so that they are provided the books and other study materials free of cost.

(y) The schemes for the welfare of the minorities are being implemented in a scattered manner. One department should be established so that all the schemes for the minorities are run from the same department. Strict rules should be formulated so that implementation of the schemes are done only after informing the SMCs.

3.1 The proposals made that there should be a separate department for minorities and State Minorities Development and Finance Corporation in every State to give focused attention on development of minorities is necessary. Appointment of a nodal officer in each district to coordinate implementation is a welcome suggestion. Similarly, there should be representation of every minority community in the bodies constituted for minorities. Linguistic minorities are beyond our jurisdiction. But those who are religious minorities also will be covered by the various schemes and no exclusive demarcation of benefit seems desirable. The parameters for identification of minority concentration districts is not based on population alone but socio-economic indicators also. Hence multi sectoral plan based on population alone are not being included by the Government. While coverage of all minorities under the scholarship schemes is ideal, resource constraints come in the way. In the light of these observations, the matter may be considered.

3.2 REDRESSAL MECHANISM:

(a) The complaints received by the State Commission are not investigated by the Administrative Officers with sincerity. Moreover, the Commission does not get the replies to its communication within the stipulated time. Rules should be formulated so that the complaints are looked into on time.

(b) A special Cell should be set up in each State which would look after the cases relating to exploitation and atrocities against the minority communities.

3.2 The State Commissions, as per the draft model Act can formulate its own rules for speedy disposal of complaints and can create a special cell within the Commission to look after complaints of exploitation and atrocities, if need be. In this connection, the feasibility of making a recommendation to the Government for enactment of a law similar to those for prevention of atrocities against SCs & STs can be explored.

3.3 POLICE REFORMS:

Regular training should be organized for police officers/ officials of lower cadres to establish peace and communal harmony between different communities, by the State Governments.

3.3 The NCM has organized sensitization programmes for its employees. Besides a proposal to hold a National Workshop on “Sensitization of Police towards minorities” is on the anvil. It is relevant to mention here that the Supreme Court by its order dated 16.5.2008, has advocated setting up of a Monitoring Committee in the Prakash Singh case to look into compliance of its orders on police reforms by the States and Union Territories. These relate to transfer/postings, tenure, non-interference by politicians, ensuring impartiality, independence etc. The Monitoring Committee is mandated to examine the affidavits filed by the States and Union Territories, taking into account reported difficulties in implementation and unnecessary objections. Further, the Court will examine the new police legislations passed after the judgment in 2006, to examine if the legislations are in compliance with the letter and spirit of the Apex Court’s directions. The Committee has been allocated infrastructure and financial assistance by the Ministry of Home Affairs and the Bureau of Police Research and Development (BPRD). Till recently only a handful of States have complied with the directives handed down by the Court on 22nd September 2006. These states include Arunachal Pradesh, Meghalaya, Mizoram, and Nagaland. A majority of States are still to fully comply with the directives despite months having passed since the original judgment. Most states are dragging their feet on making Police Reform a reality in India. In addition to implementing the Supreme Court's directives on Police Reform, some States have drafted new police laws, but in complete absence of public consultation.

3.4 RELIEF AND REHABILITATION OF VICTIMS OF COMMUNAL RIOTS:

A committee should be constituted at central level so that the victims of communal violence are properly compensated. This committee should be given the power to grant compensation and distribute the amount within one month. The families which have lost their principal bread earners should be considered as special cases and one member of that particular family should be provide employment on compassionate ground. The recruitment should be completed within 3 months.

Needs to be examined in the light of Communal Violence Bill to be considered and passed by the Government.

3.5 STATE MINORITIES COMMISSIONS, THEIR ROLE, COMPOSITION, POWERS ETC.:

(a) Every State Government should be made obligatory to constitute State Minorities Commission with Statutory status.

- (b) Effective provisions should be made to maintain uniformity in the composition, status, terms of office, salaries and allowances and other conditions of service of Chairperson, Members and Offices of all the SMCs.
- (c) A National Policy should be adopted to direct all the State Governments to make all the Departments dealing with the Welfare of the Minorities to function as per the recommendations/ guidelines of the Minorities Commissions.
- (d) There has been deduction in the budgets allotted for the SMCs during the last 15 years. Allocation of the funds should be enhanced on the basis of the population so that the SMC can function properly.
- (e) SMC should be given the right to punish/ issue warrant/ summons to those who do not comply with the orders of the SMC.
- (f) Minorities Commission should be entrusted with the rights of a Civil Court. One Legal Expert should be appointed with funding from Central Government.

The setting up of State Minority Commissions in every State and the draft model Act for SMCs was considered and approved in the last Conference. For status, action taken report (Agenda Item No.1) may be referred to.

3.6 EMPOWERMENT OF WOMEN:

In all the states high power coordination committee should be formed with all the concerned departments, which would provide benefits to the women minority communities in starting small scale industries which would in course lead to the welfare of the minority communities as a whole.

This suggestion may be considered.

3.7 Separate reservation for all Muslims in the OBC quota for Central Government appointment and education purposes with annual income limit of Rs. 5 Lakhs.

This forms part of Agenda Item No.2.2.

3.8 MISCELLANEOUS:

(a) Organisation of two conferences of National Commission for Minorities in a year (i.e. once in every six months).

The National Commission for Minorities is holding the State Minorities Commission Conference every year. The State Commissions likewise by rotation, may host the Conference of the State Minorities Commissions in which NCM may be invited. This will provide an opportunity for two way interaction between the State Minorities Commission and NCM along with the concerned authorities.

(b) It should be ensured that a meeting is organized so that the representatives of the minority communities can interact with the Prime Minister and the concerned Minister as well as the officials.

This depends upon the convenience of the Hon'ble Prime Minister and Minister concerned though the Commission invites them for Annual Conference invariably.

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Agenda Item No. 4

Agendas proposed by the State Governments for the Annual Conference 2010

4.1 Government of NCT of Delhi:

Pre Matric Scholarship for Minorities (Class I to X): The quota allotted for students belonging to Muslim communities for the year 2009-10 may be enhanced to 45000 to cover all eligible students of Education, MCD, NDMC, Delhi Cantonment Board, Kendriya Vidyalaya, National Open Schools and Unaided but recognized public schools.

Merit cum means scholarship for minorities: Under this scheme there are courses such as bachelor in Unani Medicine & Surgery, Bachelor in Physiotherapy, Bachelor of Fine Arts which is of less course fee. It is proposed that there should be a quota on the basis of courses listed under the scheme or some of the courses can be included under Post Matric Scholarships for Minorities with a course fee ceiling of Rs. 10000.00. Out of the present quota of 247, Muslim quota is 171 which is also hardly sufficient. The same may be enhanced to 400 to cater to all the eligible students.

Pre Matric, Post Matric and Merit cum Means Scholarship for Minorities: Presently scholarship is granted on fresh and renewal basis. It is proposed that the same may be dispensed with. Further, a course started during 2007-08 but eventually continues up to 2010-11, then each year, the status of renewal also undergoes change. It is proposed that fresh and renewal should be merged and scheme should be on financial year basis. The application format should also be reduced in a concise manner so that it becomes student friendly. Ministry of Minority Affairs should develop a uniform online format for all the 3 schemes so that uniformity in selection is achieved with regard to National Capital Territory, States and Union Territories.

The proposals may be taken up with the Central Government, if backed by full details to be provided.

4.2 Government of Kerala: The honorarium, which was given to the Urdu Language teachers by the National Urdu Language Promotion Council under the Ministry of Human Resources Development Department, have been stopped for several years, Government of India should continue the Urdu Language Promotion Programme.

- Muslim representation should be ensured in the Interview Boards that are formed from time to time for the appointments in Public Sector Banks and Public Sector Institutions.
- Central Government should maintain reservation properly in the appointments to the Military Service Sectors.

- The reservation status in the Central Public Sector Institutions including the Railways should be reviewed and Central Government should take steps to preserve reservations fully in these fields.
- Necessary steps should be taken to maintain the reservation which will be lost if Cochin University is upgraded to A.I.S.T status and to implement reservation in the Central Higher Educational Institutions.
- Central Government should take steps to revise the Wakf Rules.
- The Minorities Package (Multi Sectoral Programme) should be implemented immediately in Kannur, Kozhikode, Malappuram, Palakkad, Ernakulam, Kollam and Alappuzha districts.

Specific proposals may be taken up with the appropriate authorities, if backed by full details.

4.3 Govt. of Punjab, Department of Home Affairs (Minority Cell)

- Payment through Electronic Transaction through Banks.
- Income Certificate in spite of self certification to avoid any false representation.
- Income ceiling of all schemes should be at par.
- Application form, for pre Matric Scholarship Scheme should be in local language as well as in English language.
- There should be separate format for fresh and students who are renewing the application. For the students who are renewing, the receipt of scholarship amount and detail of the previous year must be mentioned in the application forms.
- Applications of the student should be collected and processed at District Level.
- Under Merit cum Means based scholarship target of students for Punjab State should be enhanced from 1615 to 4000 and BCA course should also be added in this scheme.

The proposals may be taken up with the Central Government, if backed by full details.