NATIONAL COMMISSION FOR MINORITIES (NCM)

IMPORTANT EVENTS/ACHIEVEMENTS
(March 2014 – February 2017)
The National Commission for Minorities (NCM) was set up as a statutory body with the enactment of the National Commission for Minorities Act, 1992 by the Parliament, which came into force with effect from 17.5.1993. The Act is supposed to be an important constituent of the human rights enforcement mechanism in India. Even before the Act was enacted, there was in existence a Minorities Commission which was established in 1978 under a Government Resolution. Under the Act of 1992 the Commission now consists of a Chairperson, a Vice Chairperson and five Members, out of which 5 members including the Chairperson shall be from amongst the notified minority communities. During the period being reported upon, the membership of NCM was as follows:

(i) Shri Naseem Ahmad - Chairman (04.03.2014 - 03.03.2017)
(ii) Shri Ajaib Singh – Member (06.09.2012 – 05.09.2015)
(iii) Shri Tsering Namgyal Shanoo (31.05.2013 – 30.05.2016)
(iv) Prof. Farida Abdulla Khan (23.10.2013 – 22.10.2016)
(vi) Shri Praveen Davar (27.01.2014 – 26.01.2017)
(vii) Shri Dadi E. Mistry (10.03.2014 – 09.03.2017)

As per the provisions of section 9 (1) of the NCM Act, 1992, the Commission has been mandated to perform the following functions:
(a) evaluate the progress of the development of notified minorities under the Union and the States;
(b) monitoring of the safeguards for minorities provided in the Constitution and laws enacted by Parliament and the State Legislatures;
(c) make recommendations for the effective implementation of safeguards for protection of interests of minorities by the Central Government or the State Governments;
(d) look into specific complaints regarding deprivation of rights and safeguards of minorities and taking up such matters with the appropriate authorities;
(e) cause studies to be undertaken into the problems arising out of any discrimination against minorities and recommend measures for their removal;
(f) conduct studies, research and analysis on the issues relating to socio-economic and educational development of minorities;
(g) suggest appropriate measures in respect of any minority to be undertaken by the Central Government or the State Governments;
(h) make periodical or special reports to the Central Government on any matter pertaining to minorities and in particular the difficulties confronted by them; and
(i) any other matter which may be referred to it by the Central Government.

The Commission, while performing any of the functions listed above in sub- paras (a), (b) & (d) above, has all the powers of a civil court trying a suit, in the matter of summoning of any person from any part of India and examining him on oath, discovery and production of any document, receiving evidence on affidavits, requisitioning of any public record from any court or office, and issuing commissions for the examination of witnesses and documents.
'Minority', for the purpose of the NCM Act, 1992, means a community notified as such by the Central Government. The functions of the Commission are thus currently related and confined to six so far notified minority communities based on religion which are Muslims, Christians, Sikhs, Buddhists, Parsis and Jains.

It may be mentioned here that on 13.8.2014 the Lucknow Bench (Division Bench) of the Allahabad High Court upheld the constitutional validity of the National Commission for Minorities Act, 1992, and held that the Act did not discriminate on ground of religion. While holding so, the High Court observed : "The object and purpose for the establishment of the Commission is to provide a safeguard that would instill a sense of confidence in the minorities, and it is in that context that the Commission is empowered to enquire into issues relating to development, protection of socio-economic rights and educational development among the minorities......The Commission cannot be regarded as a body which is constituted as an institution in aid of or for the protection of a religion, but it is an institution which has been created by the Act of Parliament to ensure that minorities are able to realize their rights to development and freedom."

Formal Meetings

During March 2014 to February 2017, the Commission held 145 formal meetings to discuss various issues related to notified minorities.

Disposal of Complaints

During March 2014 to December 2016, the Commission received 5733 complaints/petitions from the minorities and out of them 5657 complaints were disposed of during the said period.
Annual Conferences

Annual Conferences of State Minorities Commissions were held by NCM on 23.03.2015, 24.02.2016 and 17.01.2017. These Conferences are aimed at sensitising the State Minorities Commissions to work for the safeguarding of constitutional and legal rights of the minorities.

Annual Lecture

In order to commemorate the day of setting up of the Commission, an Annual Lecture is organised by NCM every year. Shri Fali S. Nariman, distinguished Jurist of International eminence and Sr. Advocate, Supreme Court of India delivered the Lecture on "Minorities at Cross Roads: Comments on Judicial Pronouncements" on 12.09.2014. Shri Arun Jaitley, Hon'ble Union Minister of Finance delivered the Annual Lecture on "Economic Empowerment of Minorites" on 23.03.2016. On 05.10.2016, Prof. Peter Ronald deSouza delivered the Annual Lecture on "Minority Rights and Democracy in India".

Resolutions

On different issues, the Commission adopted the following Resolutions:

Resolution dated 01.09.2014

"The National Commission for Minorities expresses serious concern at the rise of communal tensions and the sense of insecurity and fear being created amongst the minorities in the country. This has been widely reported in the media and brought to the Commission's notice through petitions and complaints. The NCM also condemns the communally charged statements attributed to prominent people in public life which are creating this atmosphere of mistrust and heightened tension. These happenings are violating the principles of the Indian Constitution and also the call given by the Hon'ble
Prime Minister that there should be a moratorium on communal riots. It is for one and all to honour the words of the Prime Minister and spare no efforts in preserving peace and communal harmony in the country.

The Commission would appreciate a public statement from the Government to reassure all minorities that their constitutional rights of safety, security and equality before the law cannot be compromised at any cost. The Government needs to send a clear signal that it is committed to the protection and security of all citizens and that no attempt at creating an atmosphere of fear and mistrust will be tolerated. It needs to verify the media reports to prevent any further deterioration of the situation, especially in the politically sensitive regions where byelections are due. The Commission also appeals to civil society to work for inter-faith understanding and mutual respect among the various communities."

The above resolution was forwarded to Hon'ble Home Minister and Minister of Minority Affairs vide letter dated 01.09.2014

Resolution dated 30.12.2014

"The National Commission for Minorities ( NCM) has taken cognizance of the recent and widespread media reports regarding several statements and references to religious conversions.

These statements are causing serious concern and creating a sense of insecurity across the country. The Indian Constitution guarantees every citizen the right to freedom of religion (Article 25) and any attempt to curtail this right goes against the Constitution of India. Ours is a secular nation where all religions are given an equal status and all persons are equally entitled to freedom of conscience and the right to freely profess, practise and propagate their religion. For proponents of any faith to claim pre-eminence in our multi-religious, secular environment and to indulge in forcible conversions through inducement, allurement or coercion, is highly condemnable.
The Commission expresses its deep concern at such acts and statements in the public domain. It appeals to all concerned to prevail upon all responsible persons in public life to refrain from encouraging religious polarization and creating mistrust and insecurity amongst the people."

The above resolution was forwarded to Hon'ble Union Home Minister and Minister of Minority Affairs vide letter dated 30.12.2014

Resolution dated 24.02.2015

"National Commission for Minorities is deeply saddened by some remarks highlighted by the media casting aspersions on the activities of the Late Mother Teresa.

The lifelong service and selfless love for her fellow humans exhibited by her has very few parallels in history. There have never been questions raised about any religious bias in her humanitarian work.

The Commission would request all concerned to exercise utmost restraint during discussion or debate regarding personalities wholly involved in selfless social service. Harsh and unfounded criticism needlessly hurts the feelings of large sections of society and is, therefore, avoidable."

Standard of up-keep and maintenance of religious monuments under ASI

The Commission had mooted a proposal in February, 2015 suggesting that Government may consider setting up of a mechanism that would allow public stakeholders to participate directly in funding targeted repair and maintenance work of religious monuments that are under ASI control and were facing neglect because of inadequate budgetary provision. The issue was taken up with Ministry of Culture and PMO. It came to light that Ministry of Culture has already set up a National Cultural Fund, to which funds can be donated for conservation of specific monuments including religious monuments and such
donations are 100% tax exempted. Further, ASI is also open to accept donations directly from the donors under Corporate Social Responsibility (CSR). NCM had circulated this information to all concerned through its website to give details of the proposed monuments whose maintenance is required to be done and nature of work to be carried out.

**Corporate Social Responsibility (CSR) funds for socio-economic development of minorities**

During the Annual Conference of State Minorities Commissions held on 23rd March, 2015, it was opined that the funds available with the public and private sector companies under CSR can go a long way towards the development of the marginalized and the economically backward classes. Accordingly, the Ministry of Corporate Affairs was requested to take up the matter so that companies allocate 20% of their CSR funds, which is 2% of their profit, towards the socio-economic development of minorities which essentially follows the simple rule of allocation of funds in the ratio equivalent to the percentage of minority population to the total population of country.

**Constitution of State Minorities Commissions**

State Minorities Commissions have been constituted in only 18 states, although in every state minorities notified by the Government face several problems that adversely affect their welfare as well as development. Therefore, each state should have its own Minorities Commissions for prompt and need-based interventions at the state level. Chairman, NCM vide letter dated 31.03.2014 requested the states where there are no Minorities Commissions to take appropriate steps to establish such Commissions in their states.
Meetings in different States

NCM team had meetings with representatives of minority communities in Mumbai on 26th and 27th March, 2015 and in Bengaluru on 2nd June, 2016 to discuss the problems being faced by them in the State of Maharashtra and Karnataka. The team had detailed discussions in separate groups with representatives of all the six notified minority communities. The issues emerging from these discussions were taken up for appropriate action with concerned authorities.

Important visits/interventions by the Commission

- A letter dated 5th May, 2014 was addressed to the Chief Minister, Assam regarding the happenings in Kokrajhar and Baksa districts resulting in death of many people, expressing deep concern about the incident. Thereafter, an NCM team headed by Chairman visited Baksa and Kokrajhar districts of Assam from 10th to 12th May, 2014. The team in its report made several recommendations for the State/District administration which was forwarded to the Chief Secretary, Assam. A copy of report is annexed herewith as Annexeure-I.

- As a follow up of the visit of NCM team to Muzaffarnagar and Shamli districts of UP, an NCM team headed by Chairman visited Muzaffarnagar on 28.06.2014 to review the action taken on the recommendations already made by the Commission and see various interventions needed in the aftermath of large scale communal violence which took place in 2013. The team made further recommendations which were forwarded to Hon'ble Union Home Minister, Minister of Minority Affairs and Chief Minister of UP vide letters dated 03.07.2014. A copy of NCM report is annexed herewith as Annexeure-II.

- A team from NCM visited Saharanpur on 31.07.2014 to review the situation in the aftermath of the violence and clashes of 26th July, 2014.
A copy of the report (Annexure-III) was forwarded by Chairman on 19.08.2014 to Hon'ble Union Home Minister, Minister of Minority Affairs and Chief Minister of Uttar Pradesh.

- A team of NCM Members visited Pune and Mumbai to review the situation in the aftermath of the violent incidents and killing of a person named Shri Mohsin Sheikh of Pune. The team had a meeting with Hon'ble Chief Minister, Maharashtra on 27.08.2014 regarding the matter. The report of the team (Annexure-IV) was forwarded to Hon'ble Chief Minister, Maharashtra by Chairman vide letter dated 04.09.2014 to look into the whole matter and give necessary directions to the concerned authorities.

- Vide letter dated 18.09.2014 addressed to Hon'ble Union Home Minister, Chairman had raised the issue of hate speeches and inflammatory remarks by public representatives, thereby disturbing the communal harmony and peace in the country. The Government was urged to demonstrate its unwillingness to tolerate any speech or action that was likely to aggravate communal tensions in any part of the country (Annexure-V).

- Vide letter dated 03.11.2014 addressed to Hon'ble Union Home Minister and Lt. Governor of Delhi, Chairman brought to their notice the grave and disturbing situation due to the instances of communal violence in Trilokpuri and Bawana, Delhi. They were urged to take necessary action to avoid any untoward incidents in these areas (Annexure-VI).

- NCM in its meeting held on 15.04.2015 took cognizance of the controversial statement regarding taking away the voting rights of Muslims alleged to have been made by a Member of Parliament. The Commission expressed its discomfort at such happenings as they could lead to disquiet among minority communities. The matter was forwarded to Chairman, Rajya Sabha for information and necessary action by Chairman vide letter dated 24.04.2015 (Annexure—VII).
• A team from NCM consisting of Members visited village Atali, Distt. Faridabad, Haryana on 27.05.2015 to review the situation in the aftermath of the violence of 25.05.2015. A copy of the report (Annexure-VIII) along with recommendations were forwarded by Chairman to Hon’ble Union Home Minister and Minister of Minority Affairs vide letter dated 29.05.2015. Subsequently, on reports of fresh violence on 01.07.2015, Chairman again wrote a letter on 03.07.2015 to Hon’ble Union Home Minister apprising him of the volatile situation in the area (Annexure-IX).

• Based on the highlighting of the problem being faced by the Christian community regarding land for graveyard at Manali in Himachal Pradesh by a Member of the Commission in his tour report, the matter was taken up by the Chairman, NCM with the Chief Minister of Himachal Pradesh vide letter dated 22.06.2015. The Chief Minister quickly wrote back to Chairman, NCM and assured that he would get the matter sorted out on priority. As a follow up action, a Notification dated December 17, 2015 was issued by the Deputy Commissioner, Kullu, whereby 00-08-25 hectare land in Tehsil Manali, Distt. Kullu was earmarked for use as burial ground (Cemetery) for the Christian community.

• A team from NCM headed by Chairman visited Tikri Brahman village in Palwal district of Haryana on 09.07.2015 to take stock of the situation after an incident of communal violence which took place on 05.07.2015. A copy of the report (Annexure-X) was forwarded to Hon’ble Union Home Minister, Minister of Minority Affairs and Chief Minister of Haryana vide letter dated 14.07.2015.

• Letter dated 15.07.2015 was addressed to Hon’ble Chief Minister of J&K for the extension of NCM Act, 1992 to the State of J&K

• Letter dated 14.09.2015 was addressed to Hon’ble Chief Minister of Haryana requesting to settle the claim/request of the Faridabad Sarab Gurdwara Committee for allotment of land which was lingering for so many year.
• A team of NCM headed by Chairman visited village Bisahda, Tehsil Dadri, Distt. Gautam Budha Nagar on 15.10.2015 to assess the ground situation in the aftermath of the unfortunate happenings on 28.09.2015 which led to the killing of one person named Shri Mohd. Akhlaque. A copy of the report (Annexure-XI) was forwarded to Hon'ble Union Home Minister, Minister of Minority Affairs and Chief Minister of Uttar Pradesh vide letter dated 23.10.2015.

• Vide letter dated 10.02.2016 addressed to Hon'ble Union Home Minister and Chief Minister, UP, Chairman raised the issue of communally charged statements during assembly bypoll in UP and requested to take appropriate action against defaulters.

• Vide letter dated 01.03.2016 addressed to Hon'ble Union Home Minister (Annexure-XII), Chief Minister, UP, Minister of Minority Affairs and Chief Election Commissioner, Chairman NCM brought to their notice about highly provocative news item appearing on the front page of Indian Express dated 29.02.2016 regarding warning to Muslims of 'final battle' at a Sangh meet and requested to take appropriate action.

• Vide letter dated 19.04.2016 addressed to Hon'ble Chief Minister, Bihar, Chairman raised the pending issues related to Bodhgaya Temple for consideration.

• A team from NCM comprising of Members visited the districts of Hazaribagh and Latehar in Jharkhand with the objective of assessing the ground situation related to communal clashes in Hazaribagh and Latehar. A copy of the report (Annexure—XIII) was forwarded to Hon'ble Chief Minister, Jharkhand, vide letter dated 19.05.2016.

• Vide letter dated 19.09.2016 (Annexure—XIV) addressed to Hon'ble Union Home Minister, Chairman had urged the Central Government to ask the States to handle such situations with a heavy hand and to enforce sense of security among the minorities in all seriousness.

• A two-member team of NCM headed by Chairman visited village Dingerheri, District Mewat (Haryana) on 22nd September, 2016 where
two persons were brutally murdered, besides alleged gang rape of two women on the night between 24-25 August, 2016. A copy of the report (Annexure-XV) was forwarded to Hon'ble Chief Minister, Haryana to coordinate with CBI for quick completion of the investigation, for promoting communal harmony and restoring people's confidence.

- A two-member team of NCM comprising of Members visited Muzaffarnagar and Shamli districts on 17.10.2016 to review the initiatives for rehabilitation of victims of 2013 violence. A copy of their report (Annexure—XVI) was forwarded to Hon'ble Chief Minister, UP for appropriate action on the recommendations of NCM team.
REPORT OF THE VISIT OF NATIONAL COMMISSION FOR MINORITIES TO BAKSA AND KOKRAJHAR DISTRICTS OF ASSAM FROM 10\textsuperscript{TH} TO 12\textsuperscript{TH} MAY, 2014.

The tragic news of attacks on Muslims in the Bodo Territorial Autonomous Districts of Kokrajhar and Baksa in Assam were reported in the media on the 3rd May, 2014. The National Commission for Minorities took immediate note of the reports and decided to act swiftly. Chairman, NCM immediately called the Chief Minister, Assam to express the concern of the Commission and to request for all possible measures to be taken to protect the victims. On Monday, May 5th, 2014 an emergency meeting of the Commission was convened to discuss the brutal attack and tragic killings of Bengali speaking Muslims in the districts of Baksa and Kokrajhar, and to formally record Commission’s deep concern and shock at the news coming out of Assam. There was unanimous approval for a team from the NCM to visit the affected areas to assess the situation at the earliest possible. It was also decided to ask the Government of Assam for a report on the events in advance of the visit by the Commission.

2. A team of 5 members consisting of the Chairman Mr. Naseem Ahmad, Members Mr. T.N. Shanoo, Dr. Farida Khan and Captain Praveen Davar and Secretary NCM, Mr. Surjit Chaudhary arrived in Guwahati on 10\textsuperscript{th} May 2014 at 8 a.m. The team was received by a Protocol Officer and senior officials of the Department of Minority Affairs. The team headed straight for Baksa where two villages were reported to have been attacked and about 40 people comprising largely of women and children to have been killed in a brutal attack on the 1\textsuperscript{st} and 2\textsuperscript{nd} of May (the official figure of deaths as of 12th of May was 39). On arrival at Manas Wildlife Park the NCM team was met by senior officials of the district administration of Baksa district including the DC Mr. Vinod Seshan and the SP Mr. Vaibhav Numbalkar, both of whom have recently been assigned to this district. Following a short briefing about sequence of the tragic events and the measures taken by the state government to ensure relief and security to the victims, the team proceeded to visit the relief camp at Bhangar Bazar, where the survivors of the tragedy
have been accommodated. The camp was serving as a temporary abode for the surviving Muslim residents of the villages of Narainguri and Khagrabari. Although some killings had also taken place in village Narsinghbari, the villagers had returned to their homes. The residents of Narainguri and Khagrabari however also had their homes burnt down (70 of the 72 huts in the village have been completely gutted) and they cannot even think of returning to the village in the prevailing situation of extreme insecurity.

3. The Commission's team met and spoke to several residents in the relief camp to try to understand the depth of the tragedy as well as to verify the adequacy of the physical relief and safety measures being provided by the administration.

4. The sequence of events point to a well orchestrated attack of a brutal and extremely cold blooded nature targeted at an extremely vulnerable population of Muslims in an isolated and helpless location with no protection or means of escape. The details of the tragedy have been documented in several reports and its aftermath was evident in the misery and the wretched helplessness of those who have survived and are mourning tragic personal losses of a monumental tragedy.

5. The relief camp at Bhanga Bazar is situated in a low lying field opposite the bazaar and had about 498 residents at the time of the Commission's visit. The extremely precarious looking and tiny tents made of flimsy plastic sheets seemed very inadequate habitation for what is likely to be a long duration domicile for the displaced. According to the authorities the residents have been provided with basic amenities like bedding, cooking utensils, stoves, cooking fuel etc. and an adequate supply of daily rations, which was confirmed by the occupants. There are also toilets for men and women (although less than adequate) and provision for drinking water as well as hand pumps supplying water for bathing etc. A health care unit has also been put in place and the daily presence of doctors was confirmed by the residents.

6. Although the camp was less than a week old, all children from class 6 onwards were found to have been admitted and are attending classes in the nearby school where
midday meals have been arranged for not only the children attending the schools but for older children as well. Quite a few Anganwadi workers have also been deputed to the camp to cater to the physical and emotional well being of the younger children and the several bereaved mothers. Arrangements were apparently also being made to bring in counsellors and psychiatrists from the Kokrajhar Medical College and Hospital to provide psychological support that survivors desperately needed.

7. Later the team visited Narainguri and Khagrabari villages which, although fairly close to the site of the camp, are located to the north of the large Beki river and are accessible only by boat. Although the team travelled in what would be the most sophisticated motor boat in the area, the journey took almost an hour through strong currents. Beki river surrounds the village of Khagrabari which was attacked by the group of armed men and is the only means of exit, the other being the forest from where the killers reportedly entered the village. This is only to illustrate the desperately helpless situation of the victims of the attack. Khagrabari village has been completely burnt down, with only the school and the mosque remaining intact. Of the 72 houses in the village, 70 were set on fire and destroyed completely. The shooting and killing happened on a Friday afternoon when most of the men from the village had gone for Friday prayers and then to the weekly market. This explains the large number of women and children amongst the dead. The gushing river as the only route of escape evidently became a death trap for the fleeing residents and bodies of the missing were still being recovered during our visit.

8. A later visit to the camp in the evening of May 10th itself, when a sudden storm arose, revealed the precarious nature of the living conditions of those in the camp. Heavy rain blowing through the tents flooded them completely and it was evident that cooking would not be possible – but in the grip of extreme grief and despondency the inhabitants were hardly aware of or responding to the physical circumstances.
9. On the morning of 11\textsuperscript{th} May the team travelled to Kokrajhar and was briefed by the DC and SP at the circuit house at Kokrajhar. The Divisional Commissioner and a senior police officer of the rank of IG were also present in the meeting. The DC Mr. Nitin Khade explained the background of the violence, narrated the events of the 2\textsuperscript{nd} and 3\textsuperscript{rd} May and also described the measures that were being taken to prevent any further incidents of violence.

10. The team then visited Balapara village where seven members of three families were brutally murdered on the night of 2\textsuperscript{nd} May, 2014 and two injured. Amongst those shot dead in cold blood were two young children, a 2 year old and another 6 year old, five women and one man. The team talked to the surviving family members and other villagers who confirmed the reports of cold blooded killings in a late night raid, minutes after the moving away of a BSF patrol vehicle that had been stationed in the village for about an hour. Villagers reported having abandoned the village for fear of being targeted by the police who were reported to be raiding villages and arresting suspects in the aftermath of earlier violence in two polling booths in which a policeman was killed and another seriously injured. There were insinuations of involvement of the police although of course the team did not have the means to verify this. Ex-gratia advance payments were made to the families for conducting funerals and for immediate medical treatment of the injured and this was confirmed. A fixed police picket of Assam Police has been set up in the village as of the evening of 2\textsuperscript{nd} May, 2014.

11. There is, however, an extreme sense of insecurity given that this area has seen violent clashes for decades now and more and the Muslims, living here under extremely impoverished conditions, have been systematically targeted on one pretext or another. After each spate of violence and killing arrests are made and charge-sheets are filed but justice has not yet been delivered even in the case of one of the worst carnages in this area in 1994. The year 2012 saw yet another spate of violence and many of these families have suffered losses of life and property in recurring violence. We were also told that people have gone missing in the last two years and no investigation into these
cases has yielded any results. People have little confidence in the law, the security forces and police or the state machinery and the community lives in a constant state of fear and insecurity. The creation of the BTAD has created its own complexities and definitions of citizenship and rights in these and the neighbouring districts and yet there is little evidence of addressing these issues seriously by the authorities.

12. The NCM team returned to Guwahati on the 11th evening and met with some concerned citizens there on the 11th and 12th May 2014. The groups with whom discussions were held include the North Eastern Network (NEN), a member of the ABSU, the Women in Governance – India (WinG-India), and other citizens and intellectuals. There is widespread concern over the proliferation of illegal arms, especially with surrendered militants and the NCM team was repeatedly asked to persuade the government to take serious note of this issue and to take urgent steps to confiscate all illegal arms in the area. There is also concern over the longer term safety of the affected communities and their vulnerability and the demand for making Muslim habitations safe and secure on a more permanent basis. Further, apprehensions were expressed regarding every likelihood of violence again as soon as counting of votes for the Lok Sabha polls would be completed.

13. A delegation of Assam Pradesh Congress Committee also called on the NCM team and presented a memorandum highlighting their concerns regarding the carnage.

14. The team was also able to interact with the local wing of the Aman Baradari Trust that has been working with Bodo and Muslim groups in the area after 2012 and have been able to bring some sections of the two communities to work together. They and other local citizens seem hopeful that reconciliation could be possible if more stringent steps are taken to prevent violence from erupting and other local issues of development, employment and economic security are addressed more seriously.

15. On the 12th of May the team finally had two official meetings – one with the Chief Secretary and other senior officials of the state government, the other with the Chief
Minister where the Chief Secretary and the CM’s Principal Secretary were also present. The two meetings were useful in that the NCM team was able to put forward its concerns and make its recommendations based on the visit and the state administration was able to give clarifications and assurances on what they could possibly carry out.

16. In both the above meetings the NCM team put forward its dissatisfaction with the living arrangements in the camp especially the quality of the tents and bathroom facilities, given that the refugees were not likely to return to their villages any time soon. Although the administration is making all efforts to rebuild their homes and to provide increased security in the most severely affected village of Khagrabari, the vulnerable location of the village and the hostility towards the inhabitants is not likely to instill confidence for a long time to come unless some serious initiatives to tackle the conflict are undertaken.

17. However, the Commission was appreciative of the efforts made by the Deputy Commissioners of Baksa and Kokrajhar districts in the wake of the carnage, to have acted swiftly in asking for army reinforcements, in providing immediate relief and in recognizing the seriousness of the situation. Particular mention needs to be made of the efforts of the DC Kokrajhar to have also sought co-operation of local groups and community representatives in calling for restraint in order to avoid further violence and retaliation. The efforts made by DC Baksa at the Bhanga Bazar camp to provide adequate rations and especially nutrition for the children, to make arrangements for children’s education, to provide somewhat adequate medical facilities and also to explore and put into place some efforts at psychological counselling were appreciated.

18. In brief, the NCM team made the following suggestions/recommendations in their meeting with the Chief Secretary:

(i) Relief camp arrangements be improved. Given the occurrence of such incidents on a regular basis, the state should be better prepared and provision could be made for more durable and weather resistant canvas tents.
(ii) Occupants of relief camp to be shifted to a better site given the low lying nature of the camp site and the weather conditions. The present site is highly vulnerable to flash floods.

(iii) Better facilities for cooking, a common kitchen, if possible, to be set up or at least a pucca space that is rain proof and where cooking is not likely to be disrupted.

(iv) Better security for all the occupants but especially provision of women police, given that women in such circumstances become particularly vulnerable.

(v) More adequate provision for police pickets on a permanent basis in the remote villages and vulnerable habitations.

(vi) Efforts be made to follow up the cases registered in 1994 and since, on which no progress has been made. The NCM team suggested setting up of fast track courts to enable justice to be meted out and for the guilty to be punished. The team strongly voiced their concern and suggested that the state must take responsibility and insist on speedy trials and convictions.

(vii) Disarming of extremist elements and trouble makers operating in the area must be intensified and it should be on a continuous basis.

(viii) The case of Narayanguri village was highlighted in that the original village was washed away and occupants have lost all legal rights to the property. They now live in a precarious condition of illegal occupancy of land to which no titles are available to them which makes them highly vulnerable. The administration needs to explore and resolve this issue with utmost urgency.

(ix) An NCC battalion be raised in the Kokrajhar area with the objective of motivating the youth to join the national mainstream. This will benefit over 3000 students from nearby schools and colleges. A proposal to this effect is already lying with the State Government.

19. In the final meeting with the Chief Minister, the above suggestions/recommendations were reiterated and assurances received that the
government would make all possible efforts to address the issues highlighted by the NCM team.

20. While parting with this report, the NCM team would like to add that it needs to be seen why the civil society normally feels that the Government does a shoddy job while attending to court cases against rioters. Even if there is only a fraction of truth in this kind of impression, the state authorities should explore the possibility of associating some reputed NGOs for pursuing court cases. For this, some state funding would be necessary.

Lastly, the team strongly feels and insists that the affected people living in the relief camp should not be forced to go back to their village till fool proof security arrangements are ensured.

(Naseem Ahmad) 15.05.2014
Chairperson

(T.N.Shanoo)
Member

(Farida Abdulha Khan)
Member

(Praveen Dabar)
Member

(Surjit Chaudhary)
Secretary
VISIT OF NCM TO MUZZAFARNAGAR (U.P.) ON 28.06.2014

A team from the National Commission for Minorities (NCM) comprising of Shri Naseem Ahmad, Chairman, Ms. Farida Abdulla Khan, Member, Shri Surjit Chaudhary, Secretary and Mr. Ajoy Kumar, Joint Secretary NCM made a day long visit to Muzaffarnagar on 28th June, 2014 to interact with the Divisional and Distt. Level officers of Muzaffarnagar, Shamli, Meerut and Saharanpur to follow up the progress made on the recommendations and assurances given by the Commission during its earlier visits to Muzaffarnagar and Shamli in the wake of the communal violence of September 2013.

In short, NCM wanted to have discussions on the following issues:

1. Status of efforts for rehabilitating the victims of the violence and compensation given for this purpose.
2. Status of efforts taken to comply with the directions given by the Supreme Court in their order dated 26.03.2014, especially in the cases involving rape and murder.
3. To bring to the notice of the state authorities major issues arising out of the petitions that have been received by the NCM, some of them needing urgent attention and action.

List of the officers present in the meeting is enclosed as Annexure.

Commissioner, Saharanpur, Shri Tanvir Zafar Ali welcomed the NCM team and summed up previous interactions with the teams of the NCM. He then briefly highlighted some of the major efforts that have been undertaken for relief and rehabilitation of the victims of the violence, quoting figures of rehabilitation process along with initiatives for peace building. He also mentioned efforts of the police in registering cases of rape and murder and compensations paid in these cases. Presentations giving detailed figures as well
as problems faced in sorting out the issues were made by the DMs and the Police Officers in charge of the investigations.

Chairman NCM then explained the purpose of the visit and highlighted the issues of concern for the Commission. He reiterated the desire of the Commission to see communal harmony restored in the region as the ultimate goal of all these efforts. The objective of the efforts of the State authorities and NCM being common, there was every hope that things will improve, he added.

He stated that the most tragic fallout of this violence was the damage that had been done to the secular fabric of the society and the distrust and suspicion that has been created between the communities that had traditionally lived and worked together. In this regard he referred to the recent newspaper reports regarding the proactive efforts of the Distt. Magistrate, Muzaffarnagar in establishing peace committees and starting a dialogue between the communities.

Chairman NCM highlighted particularly the following issues for consideration:

- The need to sort out all issues of compensation and resettlement as early as possible.
- The need to bring the guilty to book and to make all efforts to ensure quick start of criminal trials in cases of rape and murder.
- To demonstrate transparency in carrying out justice both in cases of payment of compensation and in registering cases and apprehending the guilty so that justice could be delivered for the heinous crimes that have been committed. This is paramount for restoring faith in the state machinery and in restoring the self confidence of those who have been affected so brutally by the tragedy.
- Chairman referred specifically to a number of complaints received by the NCM alleging bias in the investigations. While stating that he was not
making any accusations unless they could be verified, he however very forcefully exhorted the authorities to investigate these complaints with all seriousness so as to ensure objectivity in conduct of investigations in criminal cases. Any suspicions of foul play would need to be dispelled and a serious and unbiased investigation conducted in response to the complaints.

- He mentioned particularly cases of death where the bodies have not been recovered and urged the authorities to find a via media for confirming the deaths so that compensation could be disbursed and the families get relief. He suggested that the Uttarakhand example for confirming deaths in the absence of the bodies (in last year's Kedarnath tragedy) could be used here for expediting disposal of pending cases of compensation.

- Filing of chargesheets as early as possible and arrest of culprits.

The Chairman NCM assured all possible cooperation and support of the NCM so long as responsibilities are discharged in a transparent and unbiased manner, which the Commission does not have reason to doubt. He went on to assert that the commitment of the NCM was a long term one and that it would continue its engagement in assisting the State authorities to resolve the issues as and when it was necessary.

The Chairman also mentioned the satisfactory work of the administration in dealing with the problems of education of the displaced children which had been a cause of concern for the NCM and for which some recommendations had been made earlier. He praised the efforts of the administration in involving some reputed NGOs, and in making sincere efforts to resolve the problems pertaining to admissions, examinations etc. and hoped that these efforts would continue since the communities have been traumatized and would need long term interventions to come back to normalcy.
Subsequently, the DMs of Muzaffarnagar and Shamli, the more severely affected districts, and also DMs of Meerut and Baghpet where there were also incidences of violence and a spillover of the events of Muzaffarnagar and Shamli, made presentations that addressed the questions put by the NCM and provided a detailed status report on the displaced population as also all measures taken by the administration to resolve many problems that are associated with resettlement of large populations. The details of the presentations were made available to the Commission in the form of booklets which have been taken on Commission’s record.

The main areas in which considerable interventions have been put in place were as follows:

- Assessment efforts for establishing loss of property and affected people’s return to their original villages.
- Compensation and resettlement in cases of displacement and loss of property.
- Efforts at involving the local communities in the resettled areas to assist the victims of the violence.
- Efforts at helping displaced children to re-start their education.
- To create a safe environment for residents of the less hostile villages to move back to their original homes.
- Use of several general developmental schemes so that the people affected by the violence could benefit from them.
- Ration cards and BPL cards being made available without any risk of losing the original cards.
- Voter lists completed before Lok Sabha elections.
• Schemes for construction labourers being made accessible to those who were involved in construction activity to help them find employment.

Chairman observed that the Commission had received quite a few complaints regarding sanctioning of relocation package of Rs. 5 lakh per family. The complaints were regarding disregard of more than one 'chullah' in one house where married siblings were maintaining their separate units including separate 'chullahs.' The chairman urged the local authorities to review the "one chulha" norm and to take liberal view of the ground realities. The issue has been contentious and has caused much suffering and resentment. He urged the administration to find a way of interpreting the rule with an open mind to ensure equity in the matter.

This was followed by a detailed presentation by the Incharge Police Officer of the Special Investigation Cell (SIC) Shri Manoj Kumar Jha. He gave detailed figures of FIRs, chargesheets filed and arrests made. The figures however were not clearly desegregated and he was asked to prepare a detailed report with reference to the cases of murder and rape with the following: FIRs filed; number of accused named and identified; chargesheets filed; number of arrested and those on bail. (His report has been received and the same has been taken on NCM’s record). At this stage, it was confirmed that the compensation has already been disbursed in all the cases of confirmed deaths. Similarly, compensation has been paid in all but one case of rape. In the remaining one case, the investigation was yet to be completed.

Two issues that need particular attention were brought to the notice of SIC and the other police officers present at the meeting:

1. Cases of missing persons allegedly killed but whose dead bodies could not be found are to be settled quickly so that compensation could be disbursed. This seems to be a slightly complicated issue,
given that permissions from the State Govt. and the Centre have to be sought.

2. NCM has received complaints about harassment of rape victims. The officers present denied any knowledge of this although the NCM team showed them copies of complaints with postal receipts, sent to several levels of the district administration. The complaints also mentioned names of police personnel who have been specifically accused of abetting the harassment of the witnesses.

3. The possibility of setting up fast track courts to speed up the cases was suggested by the NCM for the administrative authorities to explore.

The umbrella group of NGOs under the name of MAJMA, who have been working with the victims of the violence over an extended period of time, expressed their concerns which related to the following issues:

1. The need to consider petitions from victims who feel that their cases have not been properly scrutinized. Some cases that have been filed, especially cases of injury were genuine and supporting evidence was available.

2. The need to publicise schemes, to assist victims with procedures etc

3. Transparency is important and should be adhered to. This would help in restoring trust in the administration

4. Education of children at the primary level needs more sustained attention, since children have been displaced and given the trauma their parents have no material resources to sustain the effort.

5. Although it is commendable that peace committees have been established, a larger based representation of ordinary citizens and villagers in these meetings would be more productive and helpful and therefore efforts may be made to involve them.
Shri Naseem Ahmad, a resident of Fugana, made a representation regarding pressure to withdraw the cases with offers of monetary compensation and also threats of implicating him in false cases and harassment of other kinds. This complaint has been submitted to the NCM and also sent to various authorities in the state.

It was decided that all petitions received by the NCM would be handed over to the local authorities and that they would be expected to scrutinize them and to take necessary action.

The team then visited a resettlement camp at Palda / Bassi Kalan of Muzaffarnagar district for a face to face interaction with a number of individuals and families who are rebuilding their homes here. They have been paid Rs. 5 lakh per family to build houses at new places. 150 houses are in the process of being constructed at this location. Efforts are being made by the local administration for electricity and water supply to be provided for them. All children seeking admission have been placed in schools. A group of 27 girls of this settlement colony have also received skill training in tailoring and embroidery. However, 21 cases of compensation are still pending and have to be verified. Amongst those present, a large number presented petitions and were not satisfied with the assessment and verification that has been carried out.

At the behest of the NCM the DM Muzaffarnagar took cognizance of the appeals and agreed for another round of assessments. A time and venue for fresh applications was announced for this purpose.

**Recommendations:**

1. The directions of the Supreme Court in their judgment of 26th March 2014 be complyed with in letter and spirit and without further delay
2. All pending disputes/cases of compensation must be scrutinized and settled dispassionately and at the earliest possible. The relocation compensation of Rs 5 lakhs should be interpreted in a positive manner so that families consisting of several married siblings who have been living in one house but maintaining different 'chulhas' are not deprived.

3. SIC must complete investigation of all pending cases and all charge sheets must be filed. Subsequently, SIC must monitor the efforts of the local police in following up the cases.

4. To confirm deaths of those listed as missing and where the bodies are not traceable, the possibility of applying the Uttarakhand model in such cases should be tried.

5. Investigations in all cases of rape and murder must be completed without further loss of time.

(Surjit Chaudhary)  
Secretary

(Farida Abdulla Khan)  
Member

(Naseem Ahmad)  
Chairperson
Tour report of NCM official visit

to Saharanpur, Uttar Pradesh on 31.7.2014

A team from the NCM, consisting of Members Dr. Ajaib Singh and Prof. Farida Abdulla Khan visited Saharanpur on 31.7.14 to review the situation in the aftermath of the violence and clashes of 26th July. The city had subsequently been put under curfew which was still partially in effect on the 26th.

The Members had meetings with the District administration, representatives of the Muslim community, representatives of the Sikh community and also a few prominent persons from the Hindu community through the day. The team also visited some of the localities that were affected by the violence.

The first meeting was held with the District Administration at 10:30am at the Circuit House. The District Magistrate Smt. Sandhya Tiwari, the SSP Shri Rajesh Kumar Pandey, Divisional Commissioner of Saharanpur Shri Tanveer Zafar Ali, DIG Shri N. Ravindra were present at the meeting.

The DM, on behalf of the district administration and the Police gave a detailed account of the events of 26th July to the team along with some documents that they are in the process of preparing to assess the damage and loss for purposes of granting compensations.

She stated that at 4 a.m. on 26.7.2014, a large crowd of Muslims had started to gather near the Singh Sabha Gurdwara demanding that the Developmental Authority issue the necessary orders to stop/demolish construction that they alleged was taking place in the plot adjacent to the Gurdwara. They were making this demand based on a restraining order against any construction at the site (effective since December 2013).

The District Administration immediately went into action and all efforts were made to contact the Development Authority personnel so that an order could be procured to deal with the situation. The administration summoned all the necessary help to try and control the crowds and the tense situation although not anticipating at this time that the situation was likely to worsen considerably. The local police force was called into action and the effort of the authorities was to keep the Sikhs and the Muslims present at the spot from getting into a physical confrontation. Appeals by the administration and also by several members of the Muslim community to the very large crowd (more than two thousand people) were not heeded and after some time the situation got out of hand and there was stone pelting from both sides. A little later, there was also firing from both sides and this made the situation very volatile and serious. The administration was completely absorbed with controlling this situation and to prevent physical injury and harm at this location. When things
started going out of control additional police force was called in even as senior persons belonging to both communities tried unsuccessfully to pacify the crowd.

Even as the police force was deployed at the place where the clashes had erupted, suddenly and unexpectedly, the fire station in this locality was set on fire and following that, a large number of shops and business establishments belonging to Sikhs and vehicles were set on fire on a stretch of Ambala Road, Saharanpur. Those guilty of this arson (and looting reported by the Sikhs) have not been identified. Efforts are on to identify the culprits with the aid of CCTV footage that may be available.

Although it is for the administration to analyze the merits of the case, the tension erupted over a plot of land that was bought by the Gurdwara Committee in 2001, and had belonged to a Muslim family prior to 1947 and had been subsequently sold to a Hindu family. In 2010 when the Gurdwara Committee conducted a ceremony for the laying of the foundation stone for the construction of a religious hall on the site in the presence of the Jathedar Akal Takt Giani Gurbachan Singh, Jathedar Avtar Singh Makkar, President SGPC and many others, there were claims about a mosque on the premises and the construction was stopped.

The DM reported 3 deaths in all – one Hindu and two Muslims on 26th of July. There have been reports of unidentified masked gunmen on motorcycles around the city on that day and the Hindu victim was reportedly shot by them. This was referred to by the administrative authorities confirmed in the meeting with the Muslim community. There seems to be some insinuation that it might have been on purpose to foment trouble and does not involve the two communities that were involved in the dispute.

Of the two other deaths, the Muslim victim, Arif, was referred to a hospital in Meerut where he succumbed to his injuries although he seems not to have been wounded fatally. This was confirmed in the meeting with the Muslim community and there is anger over the incident, with accusations against the local hospital of having refused to treat him before directing him to the hospital in Meerut.

The administration and police claim that they are making all possible efforts to resolve the situation and to allow peace to return to the city. They have initiated the formation of peace committees involving all communities which have already had meetings, and on the 31st itself a peace march in the city had been scheduled. The march was successfully held (although on a smaller scale than the original plan) despite rumours around the city to try and scuttle it.

**Immediately after the meeting with the District Administration, the Members met with a delegation of the Muslim community.** Shri Sarfaraz Ali Khan, a Minister of the UP State Government, Shri Qazi Nadeem Akhtar, Senior Journalist Shri Shabbir Shad,
Molvi Farid of the Jama Masjid, Advocate Anwar Siddiqui, and other prominent citizens, teachers & Social Workers, also constituted the delegation. Some prominent persons belonging to the Hindu community namely Shri Mahendra Kundra and Ex-MLAs Shri Surendra Kapil and Shri Virendra Thakur were also part of the delegation.

The Muslims confirmed the sequence of events as reported by the Administration and attributed the initial tensions to be related to reports of construction on the plot of land in defiance of the restraining order. All those present in this meeting mentioned that when the dispute first emerged the two communities had resolved to arrive at a solution through detailed negotiations and had been able to arrive at an amicable settlement in 2011. However, this was then disrupted by some elements from both communities and the negotiations had stalled. This gathering however seemed to be optimistic about being able to arrive at a peaceful resolution of the whole issue between the two communities. This was later confirmed by the Sikh community as well. The delegation stated that Saharanpur has had a peaceful history of all communities living together and has been able to maintain communal harmony through many troubled periods.

The grievances of the Muslims were linked to the events after the curfew was put in place. They reported that the maximum damage to Muslim establishments around the city was in the hours after the curfew was in place. They suggested that the police allowed the violence to happen and that in fact they targetted Muslim homes and the community. They particularly referred to the case of police involvement in setting fire to a shop belonging to a Muslim family who live above the same premises and then arresting one of the members of this family, one Shri Asif Shailee.

They also alleged that Shri Arif, who had bled to death after having been referred by a local hospital to Meerut could have been saved had he received timely medical attention, and blamed the hospital authorities for it.

There were many heartening accounts of how persons of the Muslim, Sikh and Hindu communities had protected children belonging to each other’s communities. The children had left for school before imposition of curfew and had been stranded in several places owing to the gradual spreading of violence in different parts of Saharanpur. These were related in all three meetings.

The Muslim delegation alleged several false arrests of innocent people. They complained about the Police picket which is near the Gurdwara and wanted the personnel there to be shifted. They asked for a thorough probe into the looting and arson on the Ambala road stating that no Sikh establishment in any of the Muslim dominated area had been attacked or harmed. They also alleged that some of their complaints were not being registered by the police, a claim refuted by the DM and the police.
At 3pm, the Members met with a delegation of the Sikh Community at Gurdwara Singh Sabha led by Shri H.S.Chadda.

More than 100 people were present at the meeting most of them noticeably agitated and feeling extremely aggrieved. They too gave an account of the happenings of the 26th of July and blamed the police for not being able to prevent the damage to the Sikh establishments and the arson that destroyed the Sikh shops and other property. They handed over papers regarding the property to the NCM team. They claimed that there was no illegal construction going on and complained about innocent members of the community having been arrested.

They want the case to be resolved and the permission for the building to be granted. They handed over documents pertaining to the case to the NCM team. They constantly referred to one Shri Moharram Ali urf Pappu, a former councillor, who they claim is responsible for much of the present situation and the disturbances. He has however already been arrested. The Sikh community seem to be feeling a great sense of vulnerability and alleged that being in the minority they were being severely discriminated against. They also do not seem to have faith in the administration and the police to help them. They alleged that several Sikh had been wrongfully arrested for merely acting in self-defence.

They reported that 70 business establishments belonging to the community had been burnt. Many of them consisted of expensive electronic goods, transformers etc and that losses worth crores had been sustained. They demanded that adequate compensations should be granted them at the earliest in proportion to the heavy financial losses suffered by them and that enough security is provided to them to start working again. Thankfully there was no loss of life reported in the community as a result of the events of the 26th.

The community is running three charitable schools in the area, providing free education to the poor and needy. Many of their students belonged to the Muslim community, particularly the girls’ school where 70% of the students are Muslims. They therefore demanded that adequate security be provided to enable the reopening of the schools.

The Sikh community also demanded that proper security arrangements be made at the Gurdwara to thwart any possible attacks in the future. They demanded that a thorough search should be conducted to recover illegal weapons in possession of perpetrators of the violence. They also stated that several of the goods that had been looted from their shops could easily be recovered if a thorough search was carried out. They demanded that a high-level and impartial enquiry should be conducted and that all the culprits must be arrested and speedily brought to justice.
They also want the land matter to be amicably and conclusively resolved, so that they can carry forward the construction of the religious hall.

At 5pm, the Members held another meeting with the District Administration in the presence of the Divisional Commissioner.

The demands of both communities were conveyed to the authorities and the DM and the SSP assured the members that they would do everything in their power for an early resolution of the conflict. Saharanpur at present has 18 companies of police forces to keep the situation under control. The curfew is still in force and was being relaxed in stages. On 31.7.2014 for the first time the curfew was relaxed during the 10am to 4 pm in all parts of Saharanpur. A peace march was held and peace committees comprising of members from all communities have been set up. Both communities were appreciative of the efforts of the Civil Administration but were critical of the Police who they feel could have quelled the violence and the arson, particularly after the curfew had been imposed.

A short meeting to brief Commissioner Saharanpur and the DIG was also held before returning to Delhi.

Recommendations

1. Institution of a high level Commission to enquire into the Saharanpur violence.

2. The administration should complete the survey of damages suffered which it has already started to fix adequate compensation for the victims of violence.

3. All innocent who have been arrested should be released and the real perpetrators of violence and arson should be apprehended and speedily brought before justice.

4. All possible security arrangements must be employed to prevent recurrence of violence, especially since by-elections are due within 2 months.

5. The District Administration should facilitate the setting up of peace committees all across the district to ensure conflict resolution and soothing of tempers across all communities.

6. A Joint Committee comprising of members of both the Muslim and the Sikh communities under the Chairmanship of the District Magistrate, Saharanpur may be set up to amicably settle the land dispute.
Tour Report of the NCM team’s official visit to Pune & Mumbai from 24\textsuperscript{th} August to 27\textsuperscript{th} August 2014

1. A team of NCM Members consisting of Dr. Ajaib Singh, Shri T. N. Shanoo and Capt. Praveen Davar visited Pune and Mumbai to review the situation in the aftermath of the violent incidents and killing of Shri Mohsin Sheikh of Pune, allegedly by members of Hindu Rashtra Sena (HRS) on 2\textsuperscript{nd} June 2014.

2. The team arrived at Pune, late in the evening of 24.8.2014 by air from New Delhi.

25.8.2014 Meeting with the father and brother of the slain Mohsin Sheikh

3. Shri Sadique Sheikh F/o Mohsin Sheikh submitted to the NCM team that he had received Rs. 5 lakh as compensation from the Government of Maharashtra. He was satisfied with the swift action taken by the Police after the killing of his son, in identifying and arresting the accused. He stated that the hearing of the bail application of HRS Chief Dhananjay Desai is fixed for 3\textsuperscript{rd} Sep 2014. Desai had already been denied bail in the Sessions Court as well as the High Court. He feared that if Desai is released on bail, then the family of the deceased and eye witnesses would be in danger.

4. He made the following demands:

a) A government job for his younger son who is a Commerce graduate and has work experience in the private sector.

b) The family of the deceased and all the eye witnesses in the case feared for their lives and thus should be provide protection by the police.

c) Shri Dhananjay Desai, the mastermind behind the crime, be slammed with stringent provisions under the MCOCA.

d) Immediate ban of HRS, that had perpetuated violence to polarize the society on communal lines.
e) The trial proceedings may be held in a fast track court for the speedy delivery of justice and the punishing of the criminals. He expressed that no innocent Hindu should be punished.

Subsequent meeting with Muslim organizations in Pune

5. The following Muslim organizations met the NCM team:

a) Khudai Khidmadgar represented by Advocate Bilal Kagzi
b) Muslim Shikshan Hakka Manch
c) Jamiat Ulema Hind
d) All India Muslim OBC Organization
e) Rashtriya Premi Samiti

6. Almost all the organizations stated that the riot was pre-planned to target the Muslim places of worship, their business establishments and their homes. They alleged that the main conspirators behind this riot were the members of HRS and its Chief Shri Dhananjay Desai, a well known criminal having more than 20 cases against him. Since the last 3 months, Desai had continuously been circulating provocative pamphlets in Pune city to instigate Hindu youths to indulge in violent acts against Muslims. On 31st May 2014 there were reports that morphed pictures of iconic figures of Maharashtra had been uploaded on social media sites including facebook. Members of HRS started pelting stones on buses, setting fire on Madarasas, Masjids and shops. From 31st May to 2nd June, several hooligans on motorcycles, holding saffron flags, were seen making rounds of the city, stoning and setting fire on Muslim places of worship, Madarasas and businesses in the Hadapsar area of Pune. The Bhosari area of Pune was severely affected. The mob burnt the Welcome Bakery and Patel Bakery.

7. In spite of repeated calls to the Police by Muslims, the Police had failed to take any concrete action against the hooligans. They had arrived late in spite of the local police station being located close to the place of violence.
8. On the night of 2\textsuperscript{nd} June 2014, 28 year old techie Shri Mohsin Sheikh along with his younger brother and friends were returning after their prayers from the masjid when he was brutally attacked and critically injured by a mob in the Hadapsar area. The victim is believed to have been targeted because of his skull cap and his beard, which identified him easily as Muslim.

9. The attack took place in a narrow street with high walls on both sides with no way of escape. Hearing his cries for help from far away, a policeman had rushed to the spot. Seeing the policeman, the attackers fled the scene leaving behind 2-3 motorcycles. The policeman communicated the direction in which the attackers had fled through walkie talkie to other police personnel. A few of them were thus apprehended while some others fled, leaving behind another 2-3 motorcycles.

10. Since Mohsin was gravely injured, he was rushed to the hospital between 8pm and 9pm where he ultimately succumbed to his injuries after midnight.

11. They also submitted that:

   a) The Police had failed to take preemptive action against Desai and other members of the HRS in spite of repeated prior information given to the Police. Timely action by the police could have easily averted the violent communal incidents.

   b) Owners of the business establishments and shops that had been burnt down in the violence are yet to receive compensation.

   c) Several notorious criminals involved in the killing of Mohsin Sheikh are yet to be arrested:

      (i) Shri Prashant Tusare, a member of the Pune Central Jail Citizen Committee.
      (ii) Shri Pandi Modak
      (iii) Shri Tushan Ambar
d) In the Bhosari area, Muslims are still living in fear, as no action has been taken by the police even after the destruction of graveyard and other properties belonging to Muslims, especially in localities of Landewali.

12. However, some of the Muslim Organizations expressed satisfaction with the work done by the Police in containing the riots after the killing of Mohsin Sheikh.

13. The Muslim Organizations apprised the NCM team that this recent violence is the only incidence of communal violence in Pune post independence. All the communities had been living in absolute peace and harmony. This incident had occurred only due to the hatred spread by HRS Chief Dhananjay Desai against the Muslims in Pune. They stated that in spite of being attacked by the HRS, the Muslims had not reacted violently, even after the unfortunate killing of Shri Mohsin Sheikh.

Meeting with the District Administration

14. The NCM team held a meeting at with the Pune Commissioner of Police Shri Satish Mathur, Joint Commissioner Shri Sanjay Kumar, Divisional Commissioner of Pune Shri Vikas Deshmukh, District Collector Shri Sourabh Rao and Deputy Commissioner of Police Special Branch Shri Srikanth Pathak.

15. Shri Satish Mathur, Pune Commissioner of Police made a detailed power point presentation of the violent incidents that occurred in Pune from 31st May 2014 to 3rd June 2014. He stated that highly objectionable Facebook posts that were picked up and highlighted by the HRS were the root cause of the violent incidents that occurred in Pune and ultimately resulted in the murder of Shri Mohsin Sheikh. The FIR was lodged at 1 AM on 3rd June 2014 by Cr. No. 305/14, u/s 302, 307, 143 etc. Investigation of the crime by the Crime Branch is at its final stage and the Chargesheet is to be submitted within a few days.

16. Within 24 hours, 23 members of HRS were arrested including the Founder President of HRS Shri Dhananjay Desai. He is suspected to be the main
instigator in the crime, though he was not present at the spot of the killing. The Pune Police had established his involvement in this crime and thus arrested him. He is still under custody and his plea for bail has been rejected by the Sessions Court as well as the High Court. He also mentioned that a ban of the HRS has been recommended to the State Intelligence Department under the Unlawful Activities Prevention Act.

17. The Pune Police has organized various programs to create awareness in the society and to establish a peaceful environment. Peace Committees have been organized by the Police with greater emphasis on the youth to become ambassadors of peace and harmony.

18. Immediately after the incident, Iftar parties were organized by the police on a regular basis. Rs.40,000 was arranged from private sources for Shri Mobeen, younger brother of the deceased, to clear his motorcycle loan. Many public awareness programmes were held to propagate and promote communal harmony.

19. During the discussion, the Police Commissioner clarified that Police had acted swiftly and brought the situation under control within the shortest possible time. Police had been able to avert major clashes between the two communities. He also stated that ASI Shri N. J. Jagadel had been awarded Rs. 50,000 for his bravery in protecting a Mosque from fire.

26.8.2014

20. The NCM team departed from Pune by road at 9 AM and arrived at the Sahyadri Guest House, Malabar Hill, Mumbai at 1:30 PM. The meeting with Shri Prithviraj Chavan, Chief Minister, Maharashtra that was originally scheduled for the afternoon was rescheduled for 27th August 2014.

27.8.2014 Meeting with the Chief Minister of Maharashtra

21. The NCM team had a meeting with Shri Prithviraj Chavan, Chief Minister, Maharashtra at the Sahyadri Guest House. The demands of the family of the deceased and Muslim organizations in Pune were discussed with the Chief
Minister who assured the NCM team that his Government was taking all necessary action and also looking into the request of giving a government job to Shri Mobeen, the younger brother of the deceased.

22. The NCM team departed from Mumbai by air and arrived at New Delhi at 10:45pm.

23. **Recommendations:**

   a) Shri Mobeen, the younger brother of the deceased, may be given a permanent government job.

   b) Immediate ban of HRS, to send a strong message that such hate-mongering would not be tolerated and would be dealt with, quickly and decisively.

   c) Round-the-clock protection may be provided to the family of the deceased and other key eye witnesses in the case who have reasonable apprehension of threat to their lives.

   d) The trial of the murder case of Shri Mohsin Sheikh may be assigned to a fast track court. A strong prosecution team may be set up to ensure that no criminal goes scot-free.

   e) Adequate compensation may be given to the business and religious establishments that were affected in the violence.

24. The Report and Recommendations need to be taken up with the MHA and Chief Minister, Maharashtra.

(Dr. Ajaib Singh)  
Member, NCM

(Shri T. N. Shanoa)  
Member, NCM

(Capt. Praveen Davar)  
Member, NCM

29th August 2014
Annexure-V

Respected Shri Rajnath Singh ji,

I am writing to you to express concern of the National Commission for Minorities at the spate of hate speeches and inflammatory remarks by public representatives that are aimed at disturbing the communal harmony and peace in the country.

2. The Commission has already passed a resolution in this regard on 1-9-2014 and the same was sent to you for your kind attention. However, the incidents are only increasing and we have received several petitions against such vitriolic utterances. These statements are being made by prominent members of political parties and of the Parliament and violate the spirit of our Constitution as well as the Indian Penal Code.

3. I wish to bring to your kind notice a few of these caustic comments, although several others have been reported, and urge you to have them investigated and duly dealt with, in the interest of communal harmony and a sense of security that a secular country such as ours guarantees to all its minorities:

1. Comments by Sakshi Maharaj associating terrorism with Madrasas and with Muslims.

2. Derogatory comments on Muslims with regard to Garba celebrations by Ms. Usha Thakur, MLA Madhya Pradesh.

3. Unfounded and extremely offensive comments about Muslims by Yogi Adityanath, MP regarding 'love jihad' and riots being engineered by the Muslims.

4. In view of the above, we would like your assurance that the Government will take appropriate action against any act or speech that violates the provisions of Indian Penal Code and the spirit of the Indian Constitution. The Government must demonstrate its unwillingness to tolerate any speech or action that is likely to aggravate communal tensions in any part of the country.

With my warm regards,

Yours sincerely,

(Naseem Ahmad)

Shri Rajnath Singh
Hon'ble Home Minister
Govt. of India
North Block
New Delhi-110001

D.O.No...P/DDL/301/191/2014

September 18, 2014
Dear Shri Jung,

The National Commission for Minorities (NCM) wants to bring to your notice the grave and disturbing situation that is being sought to be created in Delhi around the occasion of Muharram. Already there have been instances of communal violence in Trilokpuri last week which were brought under control, although tensions still persist and the Muslims in the area are feeling an immense sense of insecurity.

Over the last few days tension has been building up in Bawana where some untoward incidents were already reported around Eid when unfounded rumours about cow slaughter were floated and several Muslims were subjected to unnecessary harassment.

We want to bring to your notice the convening of the Mahapanchayat in Bawana on 2nd November, 2014 which should have been prevented from taking place. An anonymous pamphlet which clearly stated the communal nature of the gathering is indicative of the malignant intentions which were the basis for calling this Mahapanchayat and the police would have been well advised to prevent it from taking place. Inflammatory statements were made there to polarize communities and to prevent Muslims from observing an occasion which has been a long tradition. The Mahapanchayat was called in spite of written assurances from Muslims to curb the route of the Tazia procession.

The NCM has been receiving phone calls from residents of Bawana as well as other concerned citizens since Friday to intervene in controlling the situation and in preventing instigation and incitement of communal violence in the area. A delegation of citizens also met with the Chairman and Members of the NCM today and presented a memorandum (copy enclosed).

The NCM urges you to kindly consider this situation as extremely urgent and dangerous and therefore asks for the following:

1. That police and paramilitary forces be deployed in Bawana, Trilokpuri and also Nangloi, Nandnagri and Majnu ka Tila where the local Muslim population is anxious to avoid any confrontation on the occasion of Muharram, which falls on November 4th, i.e. tomorrow.
2. That gatherings that are openly and blatantly inciting communal prejudice and hate be banned.
3. That strict action be taken against those who have been promoting communal hatred and inciting religious passions, especially where they are responsible office holders.
4. That no one be allowed to threaten the minority community or to curb their religious or citizenship rights.

Regards,

Encl: as above

H.E. Shri Najeeb Jung
Hon'ble Lt. Governor
Govt. of NCT of Delhi
New Delhi

Yours sincerely,

(Naseem Ahmad)

0/C 5510/2014
Dear Shri Rajnath Singh Ji,

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With my warm regards,

Yours sincerely,

(Naseem Ahmad)

Encl: as above

Shri Rajnath Singh
Hon’ble Home Minister
Govt. of India
New Delhi
Your Excellency,

The National Commission for Minorities in its meeting held on 15.04.2015 took cognizance of the controversial statement regarding taking away the voting rights of Muslims alleged to have been made by a serving Hon’ble Member of Parliament, as reported in the media, and later denied by him in the media. The Commission expressed its discomfort at such happenings and reports as they could lead to disquiet among minority communities.

In view of the sensitivity of the matter, the Commission is forwarding the matter for your kind information and such necessary action as deemed fit.

With my warm regards,

Yours sincerely,

(Naseem Ahmad)

Janab Mohammad Hamid Ansari
Chairman
Rajya Sabha
New Delhi
National Commission for Minorities

Tour Report of the NCM team’s official visit to Atali Village, Ballabgarh,
Faridabad on 27th May 2015

A team of NCM Members consisting of Dr. Ajaib Singh, Shri T. N. Shanoo and Prof. Farida Abdulla Khan visited Atali Village, Ballabgarh, Faridabad, Haryana on 27.5.2015 to investigate the incidents of attacks on the Muslim community that occurred there from 25.5.2015 onwards.

The incident came to the notice of the Commission on 25th May itself when Hon’ble Chairman, Mr. Naseem Ahmad received several phone calls from residents of Atali village seeking police intervention and protection in the context of reports of impending trouble in the vicinity of the construction site of a mosque in the village. According to reports of the residents and from the newspapers, the Muslim community of Village Atali in district Faridabad, had resumed construction of a mosque after having obtained all due permissions for the same. Earlier attempts to build the mosque had been stopped by some local elements on technical grounds which had subsequently been set aside by the court as well as the local revenue and administrative authorities. As a result of the resistance from some local residents the construction, which had begun some years ago, had to be suspended on two previous occasions. In May, 2015 all legal and administrative clearances were obtained, and the construction was resumed. On the evening of 25th May, however, a mob gathered around the mosque and attacked the construction site as well as the Muslim neighbourhood living around the mosque. The fracas started with stone throwing but violence spread rapidly and a large mob started burning and vandalizing Muslim properties. The Muslims were forced to leave the village and under police protection were moved to the premises of the Police Station in Ballabgharh.

Meeting with District Authorities and with residents of Atali Village:

The NCM team arrived at the Circuit House Faridabad and held a meeting at 9 AM with the Commissioner of Police, Faridabad, Shri Subhash Yadav, ADC Faridabad Shri Aditya Dahiya, SDM Ballabgarh, Ms. Priyanka Soni and other officials from the police and the administration. The Deputy Commissioner, Faridabad was on leave.

The Police Commissioner, the ADC and the SDM Ballabhgarh, confirmed the reports of violence and arson against the Muslim community in Atali village and assured the team that the situation had been taken care of. The Police Commissioner confirmed that the construction was started with the support of the administration and that the police was present in the village as a precaution against any untoward incident. According to him, the attack was sudden and took the police by surprise and while the force that was
present was engaged in protecting the site of the construction, the mob had managed to set fire to a number of the houses and to vandalize property. They described the violence as acts of some young men from the village aided by elements from outside (and linked it to the upcoming panchayat elections) but claimed that the communities had been able to resolve the differences and that the Muslims could move back to their homes or at least to the village without fear. They assured the team that all efforts were being made to protect Muslim property in the village and that adequate Police deployment had been put in place within the village. They also mentioned having organized meetings of peace committees with representatives of both communities and reported that the Hindus of the village have given their assurances to protect their Muslim neighbours. The Police and the district administration were confident that the Muslim residents need not fear moving back to the village.

Asked about the arrangements for those who have fled the village, we were told that they have been accommodated adequately and that food and other amenities are being provided to them. It was also reported that a survey of the damaged properties had already been carried out and that compensation would be paid to the victims as early as possible. On the question of apprehending the guilty, the NCM was told that the accused were abscending but that efforts were on to book and arrest those responsible for the violence.

Immediately after the meeting with the district authorities, the NCM team met several members of the Muslim community who had gathered at the Circuit House, amongst whom were several of the injured and victims of the violence, arson and looting. It was reported that they were aware of plans to disrupt the construction and had telephoned the police and had asked for added protection. They especially named the local SHO one Shri Babu Lal, who was present at the site and had been warned about impending trouble. According to them, he, in fact, sent away some of the personnel who had been deputed to the site and accused him of abetting the perpetrators. They are convinced that the violence was planned and systematic and had the support of several of the local residents of the village including women. They have identified and named several of the perpetrators and filed an FIR but no action has yet been taken on their complaints. There was a demand from those present at this meeting, as well others who were present in the village on the 25th May, that strong action be taken against Shri Babu Lal. They stated that although some efforts had been made to involve the Hindus of the village to help the return of the Muslims, those leading the violence were threatening them with impunity and therefore they did not feel safe to return, nor did they feel confident of police protection against further attacks.

Visit to Atali village and survey of the damage:

The NCM team visited Atali village and found that extensive damage had been caused to many houses and several shops belonging to the Muslim community. Several large houses had been burnt, horribly vandalized and looted. ACs, fridges, almirahs and
furniture of all sorts of items had been maulled and broken, and several cars and motorcycles and scooters burnt to cinders. Residents described how families with children in the homes were caught in the fires and had to escape over the roofs. Several people have mild as well as serious burn injuries and two people are reported to be still in hospital. The residents also reported one person as missing after the incidents of the 25th May.

Although a couple of the Hindu residents met us and assured us that they were making efforts to bring the situation back to normal the atmosphere in the village was visibly and extremely tense. The residents living there refused to come out and when they did there were bitter exchanges between the two communities in our presence.

As stated by the authorities, additional police personnel have been deployed in the village and there is a marked presence of police all around. Notwithstanding this however, the Muslims of a neighbouring site in the village that were not affected by the violence of the 25th, expressed their anxiety and confirmed that the atmosphere in the village is extremely tense especially since several of the perpetrators of the violence continue to be around.

There was no evidence of any remorse from the residents that we met. The main accused, who it is alleged was directing the violence, was present and got into an altercation with some Muslims accompanying the team. The police at this time apprehended him but he had been released by the time the NCM team reached Ballabhgarh, "for fear of creating a situation that may get out of hand" according to the Police.

The Muslim residents however were extremely resentful of the fact that no arrests had been made and that the police was being intimidated by the offending parties.

Visit to Balabgarh Police Station

The NCM team then visited the Ballabhgarh Police Station to meet the victims who have been accommodated at the police station, and were horrified to see about 3 to 4 hundred people in the open grounds of the police station totally exposed to the blistering heat with no signs of provision of even drinking water. In the presence of the authorities we were told that no amenities had been provided to them, and when the SDM mentioned food that had been sent, she was told that it arrived so late that it had to be returned, which she then admitted. In the meantime local Muslim groups and organizations have made arrangements for food and water to be distributed to the victims.

Second meeting with District Administration

The NCM team then held a meeting with the district authorities to put forward the concerns and points raised by the victims, to convey their observations and to put forward the following immediate demands.
1. The appalling conditions of the victims were highlighted and the administration was advised to make adequate arrangements for the victims to be housed and fed with immediate effect.
2. That immediate action is taken to arrest and punish the culprits.
3. That individual FIRs be filed immediately, instead of the joint FIR that the residents have been coerced into filing.
4. That the damage is adequately assessed and compensation be accordingly calculated.
5. That all efforts be made to protect the properties of the Muslims till they are able to return to the village
6. That all efforts be made to provide adequate protection to the victims for them to feel safe and to return to their homes.

The District authorities took note of our observations and assured the team that all of the above recommendations would be acted upon on an urgent basis. The NCM team also advised proactive measures by the authorities to remove the trust deficit between different communities, alongside continued police deployment to prevent any further incidents.

P.S. By the time the team arrived back in Delhi at 3.30 p.m. (on 27.05.15 itself) there were reports of another incident of violence where an elderly Muslim man had been attacked and seriously wounded and more property burnt despite large scale police deployment in the village.

(Dr. Ajaib Singh) 28/5/15
Member, NCM

(T. N. Shanoor) 28/5/15
Member, NCM

(Prof. Farida A. Khan) 28/5/15
Member, NCM
Respected Shri Rajnath Singh Ji,

I am sure you are aware of the reports of fresh violence on 1st July, 2015 in village Atali of Faridabad district in Haryana. This village has been a flash point since 25th May, 2015 when the Muslim residents of this village were forced to seek shelter in the Ballabhgarh Police Station for several days after they were physically attacked. There was large scale arson and looting, in which several Muslim houses and other property were destroyed or badly damaged. Although some calm was restored thereafter, things have again taken an ugly turn.

A team of Members of NCM had earlier visited Atali on May 27th to review the situation both in terms of restoring peace and maintaining law & order and quick relief / compensation to the victims. Although the team was not satisfied with the police intervention when the trouble started or the arrangements that had been made for the victims, both the police and the administrative authorities then and in later meetings had assured the Commission that all measures would be taken to protect the community and to prevent any further violence.

In spite of the assurances the reports from Atali and fresh violence suggests that the local administration and the police are not able to bring the situation under control. We have been constantly in touch with the local administration and state authorities at Chandigarh in this regard. I thought I must apprise you of the volatile situation which has a potential to spread to other areas.

With my warm regards,

Yours sincerely,

(Naseem Ahmad)

Shri Rajnath Singh
Ho’ble Minister of Home Affairs
Govt. of India
Room No. 104, North Block
New Delhi-110001

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VISIT OF NCM’S TEAM TO VILLAGE TIKRI BRAHMAN, DISTRICT PALWAL, HARYANA ON 09.07.2015

A team of National Commission for Minorities (NCM) comprising of Shri Naseem Ahmad, Chairman, NCM, Shri Ajaib Singh, Prof. Farida Abdulla Khan and Capt. Praveen Davar, Members, NCM visited Village Tikri Brahman, District Palwal (Haryana) on 09.07.2015 to look into the incident of communal violence that occurred there on 05.07.2015. Shri A. Sengupta, Under Secretary, NCM accompanied the team. Before going to the village the NCM team stopped at Palwal (Distt. H.Q.) to have first hand briefing from the senior government functionaries and hearing the people's version. This visit was planned in the aftermath of reports of communal violence at Tikri Brahman village on 05.07.2015 that had appeared in the media, as also the information given by a delegation from the area which had met the Chairman NCM and a few members of the Commission on 07.07.2015.

Meeting with District Authorities: The NCM team arrived at PWD Rest House, Palwal and held a meeting at 9:45 A.M. with Shri Ashok Kumar Meena, Deputy Commissioner, Palwal, Ms. Mamta Singh, IG, Rewari and Shri Mitesh Jain, SSP, Palwal. SDM, Palwal and DSP (Sadar), Palwal were also present during the meeting.

The DC informed that there had been trouble in the village a few days earlier regarding encroachment on Panchayat land, which was brought under control with quick police intervention followed by a meeting between the two communities and the issue had been satisfactorily resolved.

The incident of the 5th of July had therefore taken the local authorities by surprise, but as soon as they were alerted all measures were taken to bring the situation under control. Quite a few Muslim homes had been set on fire, people had been injured and when the police and other authorities reached the village, stone pelting from both sides was going on.
I.G. Rewari and D.C. Palwal further informed that the situation was now under control and a large police contingent, including RAF personnel, was stationed in the village to prevent any untoward incident. Shops in the village have been opened and people were moving freely in the village without any fear. On being asked whether the elders from both the communities have been able to sit together for resolving their differences and restoration of peace, the team was told that this had not yet been achieved and that there was still some reluctance from both sides in this regard. The D.C. Palwal, however, informed that a Peace Committee already stood constituted. He also informed the team that trouble started due to an alleged incident on 05/07/2015 of teasing (objectionable remarks) of a girl from the majority community by some Muslim youths at a tube well.

The NCM team was informed that a preliminary survey of damaged properties has been done and the compensation would be paid to the victims very soon. Out of the injured people, 4 seriously injured were still in the hospital, two in the District Hospital and two in Safdarjung Hospital, Delhi. A total of 29 FIRs have been lodged regarding the incident and 17 persons have been arrested out of which 5 were preventive arrests. On a query, it was also confirmed by D.C. Palwal that the expenditure on the treatment of injured persons would be reimbursed by the Administration.

The NCM team was also informed that a SIT has been formed under a DSP rank officer for investigating the matter. The Chairman NCM urged the Administration to bring the two communities together for removing their trust deficit and to boost confidence building measures. He observed that the reports of seemingly organized involvement of persons from outside the village were disturbing and should be immediately investigated. D.C. Palwal admitted that two days before the incidence of violence he had received a telephone call from Chairman NCM wherein he had warned him of impending trouble in the area, although not specific to Tikri Brahman. Chairman NCM observed that it seemed that perhaps the people somehow were having a feeling that no action would result against them, no matter
how serious were allegations of violence against them. This erosion of state authority will have serious ramifications on law and order front, he added.

Immediately after the meeting with the District Authorities, the NCM team met several persons of the Muslim community who had gathered at the PWD Guest House, amongst whom were some of those injured in the violence. Chairman expressed his dissatisfaction that only one community was present in the meeting. It was, however, clarified that the authorities were expecting that people from both sides would meet the team in the village itself. Those present gave their version. Although appreciative of the efforts of the government authorities, including the DC and the Police, they were not fully satisfied with the handling of the incident. Arrests, according to them, have been indiscriminately made and the tensions prevailing prior to the actual violence were not adequately dealt. A resident of the village, Shri Aziz Qureshi, complained about the arrests of 9 members of his family although they were in their home which was at a considerable distance from the site where the violence was raging. Other such instances were mentioned, as also the fact that the Muslim community was not feeling safe and was not confident of the goodwill of the majority community under the present circumstances.

Sarpanch of the village, Shri Ravi Dutt, was mentioned by several persons from the Muslim community as being one of those responsible for creating tensions and for fanning hatred, as also his active role in getting innocent Muslims arrested. It was further alleged that he was openly threatening Muslims of the village and claiming that they would be forced to leave the village. The other name that was mentioned here and later in the village was of one, Manish Bhardwaj, associated with the Bajrang Dal who was allegedly seen to be active in creating tension and instigating attack on the Muslims.

Visit to Village Tikri Brahman:

The NCM team then visited the village which was around 10 minutes drive from the PWD Rest House, Palwal. A meeting of the residents had
been arranged in a school where representatives of the Hindu community were initially present. The Chairman pointed out that the two communities not being able to come together to meet the team was a sign of continued tension and lack of trust within the village residents and that this did not bode well for restoring peace and normalcy. The Sarpanch, Shri Ravi Dutt was present at this meeting and unfortunately did not seem very sympathetic to those who suffered in the violence. While the meeting was on, some representatives of the Muslim community also joined. Chairman urged both the communities and the district authorities to resolve the tension through a meeting of elders from both the communities. Restoring of normalcy and removal of trust deficit should be the first priority, he added.

Chairman NCM was intrigued to learn about the involvement of outside elements in the violence which, according to him, was a new phenomenon that would need to be dealt with a very heavy hand. Chairman also stated that it was clear that the brunt of the violence, including burning and damage to houses, vehicles and other moveable was borne by the minority community although both communities were reported to have indulged in brickbattering. Similarly, majority of the injured (27 out of a total of 39 injured, as reported by the D.C., Palwal) belonged to the minority community.

The team then visited the site of the violence and surveyed the nature and extent of loss / damage to the properties including burnt houses. 12 Muslim houses were damaged extensively during the incident. Houses had not only been burnt but also ransacked with all kinds of household articles badly damaged and broken. In fact, one victim even alleged that his two buffaloes were also taken away by the rioters. The fact that in a village where houses of the two communities are cheek by jowl, only Muslim homes were damaged, does not point to the violence being spontaneous and sudden. Several people had burn injuries and others were attacked brutally and have serious injuries. Four of the injured were still in hospitals.
on the day of NCM's visit and quite a few who had been discharged were still recovering.

There was a marked presence of police and Rapid Action Force all around in Tikri Brahman. However, the villagers from the minority community were not feeling safe in spite of the heavy police presence. The open bias of Sarpanch against them, as alleged by them, was a further cause of their fears. Most of the victims also expressed doubts whether the authorities would assess their loss correctly. The Deputy Commissioner, in presence of the NCM team, advised the villagers that they need to fill up a form for getting compensation for the damaged properties and that his staff would assist them in filling of these forms.

The team was informed that the local SHO happened to be related to the Sarpanch, Shri Ravi Dutt, thus raising doubts about his impartiality. The team quietly asked IG Police to look into it. This is seen as a cause of insecurity since the villagers belonging to the minority community feel that the police would be influenced by the Sarpanch who inspired little trust within them. There was a general feeling among the Muslim residents that polarization was being deliberately attempted in view of the upcoming Panchayat elections.

The NCM team conveyed the following observations to the District Administration:-

(i) Adequate compensation to be paid to the victims at the earliest.
(ii) All efforts be made to provide adequate protection to the victims and others who were feeling highly insecure.
(iii) Strict action to be taken against the culprits by quick investigation of FIRs by the SIT.
(iv) Meeting of elders from both the communities (i.e. The Peace Committee) should be held without any further delay to calm down the tempers and remove the trust deficit.
(v) Insurance companies may be contacted and advised to quickly settle the insurance claims in respect of damaged vehicles.
(vi) Intelligence gathering activities of the police must be intensified to sniff out impending troubles before they erupt out into actual violence.

The District Authorities took note of the above observations and assured that all the above observations would be acted upon on an urgent basis.

(Naseem Ahmad) Chairman

(Ajaib Singh) Member

(Farida A. Khan) Member

(Praveen Davar) Member

10.7.15
Report regarding the visit of NCM team to Bisahda village, Distt. Gautam Budha Nagar (U.P.) on 15.10.2015

A team of the National Commission for Minorities led by its Chairman, Shri Nasem Ahmad, and members Shri T.N. Shanoo and Ms. Farida Abdulla Khan visited village Bisahda (Distt. Gautam Budha Nagar, U.P.) to assess the situation in the village and also the progress of the investigation into the incidents of the 28th Oct. 2015.

Meeting at Dadri:

The team first stopped at the Guest House of NTPC, Dadri and held a meeting with the district administration, where the NCM team was given a report of the incidents of 28.09.15 which led to the killing of Shri Akhlaque Ahmad, grave injuries to his son Danish and injuries to other members of the family who were present in the house that night. Chairman, NCM expressed anguish on the delay in submission of report by the district authorities on the asking of the Commission. Present at this meeting were the D.M. Shri N.P. Singh, SSP Shri Kiran S., SDM Shri Rajesh Kumar Singh and Circle Officer of Police (Dadri) Shri Anurag Singh. After narrating the sequence of happenings in the fateful night, the administration also gave an account of the steps being taken to:

1. Protect the minority population of the village;

2. To ensure the safety and medical care of the victims i.e members of deceased Akhlaque's family;

3. To ensure that police investigations are quickly concluded so that the guilty could be brought to book; and
To restore peace and communal harmony in the village as well as in surrounding areas where this heinous incident is causing apprehensions within the Muslim community.

The version of happenings on the night between 28-29 September, 2015 given by the district authorities was similar to what has been reported in the media. They stated that no tensions were apparent in the village prior to this incident and therefore, they were taken totally by surprise. The incident took place at night and by the time the police reached the place of occurrence, Shri Akhlaque was too grievously injured to be saved. According to them, the police reached the spot within half an hour of receiving the information on phone. This version of the facts was corroborated by other residents of the village as well as by members of the victims’ family.

An FIR was subsequently lodged and police investigations under the charge of Circle Officer are continuing. Since there are several eye-witnesses, and most of the culprits have been identified, the Commission expressed its expectation that the police investigation would be concluded quickly so that charge sheet could be filed and the judicial process commenced. The NCM team was also informed that out of ten culprits named in the FIR nine persons have already been arrested. The district authorities further reported that after this incident rumours concerning the killing of cow were instigated at two other places and there was an attempt to gather people and to incite them, but the police in both cases responded instantly, established that there was no truth in either of them and did not allow the situation to escalate. The first of these rumour mongering was at Village Chitehra (P.S.Dadri) and the second one in Kudi Khera village (P.S.Badalpur).

The Supdt. of Police stated that recording of statements of witnesses was taking some time because eye witnesses are members of Shri Akhlaque's family.
who were not in a state to be questioned immediately, especially Danish (Shri Akhlaque’s son) who is still in the ICU in an Army Hospital in Delhi.

The district administration also reported that the villagers have been brought together for several peace meetings and efforts were being made to rebuild the trust between the communities. Such peace meetings have also been arranged in surrounding villages.

The Chairman, NCM advised that providing security to the Muslim families in the village at this time was paramount and also that all efforts have to be made to expedite the police investigations so that the guilty are brought to book quickly. He also emphasised that all assistance to the victim's family has to be provided whether it is legal, material or emotional. He also cautioned the administration and especially the Police to be extra vigilant in the district especially in light of the efforts to instigate violence that have already been reported from two other villages. The NCM team was informed that the State Government has already given a compensation of Rs. 30 lakh to the family of deceased Shri Akhlaque, besides Rs. 5 lakh each to the three brothers of Shri Akhlaque. Further, the State Government was bearing the expenses of treatment of Danish s/o Late Shri Akhlaque.

Visit to Bisahda Village:

Thereafter, the NCM team visited the village Bisahda and met the immediate family of Shri Akhlaque as well as his brothers who live next door. The team members talked to the family at some length and they confirmed that there had been no previous tensions and that their neighbours had visited them on last Eid as usual. They claimed that the attack was sudden and vicious and that the men were particularly and brutally targeted but women were also assaulted and injured in the attack. They were, however, all praise for the help provided by the administration.
The team feels that a crowd of large numbers appearing within minutes of the announcement from temple’s loudspeaker and at a time when most villagers claimed they were asleep seems to point to some pre-meditated planning.

The NCM team also met three brothers of deceased Akhlaque who were visibly shaken and stated that they were feeling highly vulnerable. Although right now there is a strong police presence in the village and the administration has given all assurances, they are feeling insecure and are keen to move out of the village. Same fear were also expressed by Shri Akhlaque’s family. In fact, they have already shifted their belongings to some other place. At the time of team’s visit to Shri Akhlaque’s house, the team could see only bare cots with no household goods in the house. The NCM team thereafter met the members of the majority community in the neighbouring house of Shri Rajinder Singh where several persons were present, including two brothers of Shri Akhlaque. The community expressed its regret over the shameful incident and claimed that no such incident had ever occurred in the village in the past. The present Pradhan and an ex-Pradhan were present at this meeting and assured the team that they were determined to see that justice was done and that the guilty were punished. They were also willing to re-assure the Muslims in the village that they would do their best to prevent any such incident from happening. However, the brothers of Shri Akhlaque felt that such a guarantee was difficult to be ensured in the light of what had happened. From the side of the majority community it was also stated that one instance of their sincerity in the matter was the initiative taken by them in making elaborate arrangements at their cost during the marriage of two Muslim girls of the village after the unfortunate incident.

Recommendations:

1. It would be quite an understatement to say that Bisahda killing was merely an accident, as has been claimed even by some persons in authority. The whole episode was the result of a planning, in which a
sacred place like a temple was used for exhorting people of one community to attack a hapless family. Moral policing with impunity is being resorted to at many places. The malaise is spreading fast, especially in Western Uttar Pradesh. What is more disturbing is that responsible persons converge at the place of any such incident and make irresponsible statements which further vitiates the relations between the communities. This has to be stopped at all costs; otherwise things will go out of hand. It seems that intelligence gathering is no more occurring in the rule book of the authorities. It has to be revived with utmost sincerity if we are really interested in restoring communal amity. It is an issue on which both the central and state authorities are to work in tandem without blaming each other.

2. Without waiting for such incidents to happen again at other places, sensitization of people of various communities through inter-faith dialogue is required to be put in place by activating peace committees. Although it is something which has to come from the civil society, the state machinery needs to get involved in such an initiative. Sooner it is done, the better.

3. As already stated, the families of deceased Mohd. Akhlaque and his three brothers have already shifted out of Bisahda because of fear and trauma. Although the people of majority community are now assuring that they will ensure their safety, the victims are not convinced. There are media reports that the state government was contemplating to provide a house each to the four affected families somewhere in Noida. The gravity of the situation has already been gauged by the state authorities by providing enhanced monetary compensation. Providing dwelling units to the four affected families will, therefore, further prove their resolve to help the victims lead a life without fear.
4. Social media are being extensively used to flare up communal passions. Some form of vigilance and curb on such hateful attempts is the need of the hour.

5. Police investigations regarding the incident need to be completed expeditiously so that the culprits are brought to book and dealt as per law. The long arms of the law must prevail.

6. All the political establishments need to counsel their cadres and sympathisers to desist from making irresponsible statements and making capital out of such outrages.

7. The state Government of U.P. should advise the concerned authorities to respond quickly to this Commission as and when a report regarding such happenings is sought from them.

(Naseem Ahmad)  
Chairperson  
19.10.2015

(T.N. Shanoor)  
Member

(Farida Abdulla Khan)  
Member  
19/10/2015
Respected Shri Rajnath Singh Ji,

We want to bring to your kind notice a highly provocative news item which appeared on the front page of Indian Express dated 29 February, 2016 (copy enclosed). What is more disturbing is the fact that responsible persons from the government are reported to have made some of these vitriolic statements. This Commission has unanimously resolved that these developments may be brought to your notice for taking appropriate action in the matter, lest the situation takes an ugly and violent turn.

Regards,

Encl: as above

Yours sincerely,

(Naseem Ahmad)

Shri Rajnath Singh
Hon’ble Union Home Minister
Govt. of India
Room No. 104, North Block
New Delhi-110001
Dear Dr. Zaidi,

The National Commission for Minorities (NCM) would like to draw your attention to the enclosed front page clipping from The Indian Express dated February 29, 2016.

The coverage relates to a public meeting held on February 28, 2016 at Agra, in which highly offensive and derogatory remarks were made against a particular community.

As the remarks made are highly communal and violative of the Representation of the People’s Act, 1951, you are requested to take appropriate action as per the law and mandate of the Election Commission of India. If such irresponsible and communally charged utterances are not checked, the situation is likely to take an ugly and violent turn.

Regards,

Yours sincerely,

(Naseem Ahmad)

Encl: as above

Dr. Naseem Zaidi
Chief Election Commissioner of India
Nirvachan Sadan
Ashoka Road
New Delhi
Respected Mukhyamantri Ji,

We want to bring to your kind notice a highly provocative news item which appeared on the front page of Indian Express dated 29 February, 2016 (copy enclosed). What is more disturbing is the fact that responsible persons from the government are reported to have made some of these vitriolic statements. This Commission has unanimously resolved that these developments may be brought to your notice for taking appropriate action in the matter, lest the situation takes an ugly and violent turn.

Yours sincerely,

(Naseem Ahmad)

Encl: as above

Shri Akhilesh Yadav
Hon’ble Chief Minister
Govt. of Uttar Pradesh
Lucknow

[Signature]

March 1, 2016
Dear Madam,

We wish to bring to your notice the utterly shocking and extremely provocative statements that were made at a meeting in Agra on 28/02/2016 at a condolence meeting held for VHP worker Arun Mahaur. This has been brought to our attention by a front page news item in the Indian Express of 29th February, 2016 (copy enclosed) and also through a petition from Shri Shehzad Poonawalla, received by the NCM on the same day.

The Indian Express has quoted MPs and MLAs of the BJP referring to Muslims as "descendants of Ravana" and as "demons" and exhorting the audience to a final battle with slogans such as "ek sar ke badle das sar kaat lo". A BJP MLA, Shri Jagan Prasad Garg has been quoted as saying "You will have to fire bullets, take up rifles, wield knives. Elections are approaching in 2017, start showing your strength." This kind of open incitement to violence without any fear of the law is extremely disturbing.

We hope that you will see this as a serious breach of constitutional principles and convey our distress to the appropriate authorities within the Government. We urge you to kindly take quick action to reassure the minorities that such a behavior will not be tolerated.

With my warm regards,

Yours sincerely,

Encl: as above

Dr. Najma A. Heptulla
Hon’ble Minister for Minority Affairs
11th Floor, Paryavaran Bhawan
CGO Complex
Lodhi Road
New Delhi-110003

(69)

लोक नायक भवन, (पांचवीं मंजिल) खान मार्किट, नई दिल्ली-110 003
Lok Nayak Bhawan, (Fifth Floor), Khan Market, New Delhi-110003

Email: chairman-ncm@nic.in Website: www.ncm.nic.in
Tour Report: Jharkhand – Districts Hazaribagh and Latehar from 10 May to 12 May 2016

1. A two member NCM team comprising Prof. Farida Abdulla Khan and Shri Praveen Davar visited the districts of Hazaribagh and Latehar in Jharkhand from 10 May, 2016 to 12 May, 2016 with the objective of assessing the ground situation relating to communal clashes in Hazaribagh and hanging of two members of Muslim Community (including a 13 year old boy) in Latehar.

Visit to Hazaribagh – May 10, 2016

2. The team reached Ranchi Airport on 10 May, 2016 at 1330 hrs and drove straight to Hazaribagh, arriving there at 1545 hrs.

3. Soon after reaching Hazaribagh the team was briefed by the District Administration and Police officials regarding the communal violence which had occurred in Hazaribagh town on April 17, 2016. According to the officials the trouble commenced when objectionable recorded slogans were played in a Ram Navami procession triggering clash between the two groups near Hazribagh railway station. Over a dozen shops and several vehicles were set ablaze by the mobs. We were told that the Puja committees are advised every year to avoid playing songs that are directed against any community. All these check-lists are given to them every year and although they agree to abide by these, they circumvent it by using one excuse or the other. Such songs with twisted lyrics were being played for last many years defying orders of the administration. Though opinion varied, it appears the tenor of the songs being played this time was much sharper in their anti-minority bias. A large number of participants consume heavy quantities of liquor which adds to making the situation more aggressive.
4. Soon after the briefing the team, accompanied by District officials and some members of the minority community led by Ghulam Moideen, Member State Wakf Board, visited the area of communal clashes and were shown around number of shops and houses which had been set afire. The members of minority community complained that neither the Police nor any of the neighbours came to their rescue when the shops and houses were being set on fire. They also complained that the administration has not even come to assess the damage so far and no compensation has been paid for the losses incurred during the riot.

5. The NCM team physically saw 8/9 shops and two houses that were burnt, the worst affected was a bakery that had been completely gutted in the fire along with several vehicles outside the bakery.

6. It was also reported that on the night of April 17 (8 p.m) six young men belonging to the Muslim community died in a blast. Following this incident the police carried out a search in which locals claimed that they used unnecessary force and intimidating tactics especially in the area surrounding the site of the blast in Habibi Nagar. Several residents from that area complained that police has been conducting searches and that the residents of the area are afraid to allow their children to move out or even to attend school. Those present were particularly upset by the announcement by an ex Minister that those involved in the blast were Pakistanis and Bangladeshis, even before any investigation could be initiated. This mention of Pakistan in reference to the Muslim community is being used freely and is meant to paint them as 'anti-national' and to create a polarization on the basis of religion. The NCM members met a group of women from this area who complained that police constables had misbehaved with them while carrying out search operations. Although, this was denied by the Police stating that each time such an operation takes place where women are present; at least one woman
constable is always present, the residents insisted that there had been police searches inside homes in Habibi Nagar without the presence of women police.

7. The team also met Manzur Ansari, father of Naushad Alam, a young boy who was killed outside Hazaribagh on April 18 at 11 AM. and which the locals claim was a communal attack. The police say they are investigating the case but have not made any arrests yet. The parents have been asking for a copy of the FIR which has not yet been given to them.

8. In the evening, nearly 15 youth led by one Amandeep Yadav, social media secretary to the Ranchi MP met Shri Davar and demanded compensation for, what they claimed, 6 houses burnt belonging to the majority community. They also demanded compensation for Bhairo Gop (55) killed during rioting.

9. In two separate memorandums (copies enclosed) submitted by the Muslim Samaj of Village Pandu and All India Tanzim e Insaf, the names of victims and alleged perpetrators of the communal violence have been mentioned. One such victim Md. Hafeez, whose fore arms were badly broken and needs some additional medical attention which has been recommended by the local hospital. A copy of his medical report was also handed over to the Chief Secretary during the meeting of NCM team with her requesting assistance by the state government.

Visit to Latehar and Balumath - May 11, 2016:

10. The NCM team arrived in Balumath on the morning of 11th May and was briefed by the local administrative authorities – ADM Shri Dheeraj K. Thakur, SDM Shri Kamleshwar Narain and Sub-Inspector Nawada, Shri Arun Kumar.

11. An account of the events of 18th March when police was intimated about the deaths of two local Muslims is enclosed in the report presented to the NCM team.
by the DC and the SP of Latehar district. The two mutilated bodies of 45 year old Mazlool Ansari of Nawada village and 13 year old Imtiaz Khan of Arahara village were discovered hanging in the forest adjoining Jhabhar on the morning of 18th March 2016. The local authorities were alerted to the presence of the two bodies at 6 a.m., by which time the news had spread and a large numbers of Muslims (including the families of the victims) from the area were protesting the killings and demanding justice while blockading the main road in Balumath. According to the authorities, the situation got out of hand and amidst stone pelting by the protestors, the police resorted to lathi charge in which several persons including policemen were injured. After several hours the situation was brought under control and the bodies were taken for a post mortem.

12. In explaining the State's response to the gruesome incident, we were told that the following steps had been taken and assured that justice would be delivered:

- That an immediate search for the accused was launched and 6 persons were apprehended within 24 hours and another two soon thereafter. All 8 accused are in police custody.
- The police investigation is in the process of being completed.
- A charge-sheet is likely to be prepared within the next few days and would be filed well within the stipulated period of 90 days.
- The victims’ families had been offered an initial compensation of Rs. 1 lakh each, which they have refused to accept.
- Two daughters of Mazlool Ansari have been admitted to the local K.G. Balika Vidyalaya and moved into the hostel.

13. We then proceeded to village Nawada, accompanied by Shri Dheeraj Thakur, ADM, the SDM and the SI (Police) to meet with the bereaved families and representatives of the local Muslim community. A large number of people were gathered along with the families of the two vicitms, Mazlool Ansari (resident of
village Nawada) and Imtiyaz Khan (resident of village Arahara). Some members of the majority community were also present during this meeting.

14. Although the rough details of the incidents of 18th March 2016 were similar to the official version, the residents had a very different version of what happened at the protest subsequent to the killings and the bodies being recovered. Those present overwhelmingly stressed the fact (and this was reiterated in meetings with members of the Muslim community in Hazaribagh and Ranchi) that attacks on the community especially those dealing with cattle trading, have been taking place and increasing in number and viciousness over the last two to three years. Muslims rearing and trading in cattle are being threatened, harassed and physically attacked and although they have approached the authorities over this, no action has been taken against any of the perpetrators.

15. According to the residents, the violence that erupted at the protest was a result of the disappointment and anger against the administration for not taking any action when complaints against those who have been inciting communal tensions and indulging in violence were reported to them in the months leading up to the murders. The local Muslim population had voiced their apprehensions of the possibility of more serious consequences but were stunned by the gruesome hanging of two innocent citizens, one a mere 13 year old, struggling to help his poverty stricken family make ends meet.

16. Especially disturbing for the team were reports of the brazen communal reaction of the local police, especially the behaviour of the officer in-charge of Chandwa Thana, one sub-inspector Ratan Kumar Singh, who physically attacked several of the protestors and used extremely provocative, abusive and communally charged language against Muslims at this protest. His communal bias in dealing with the local population they claim is well known and his presence and actions only served to aggravate the situation on March 18. While
lauding the efforts of the senior administration to resolve the immediate tensions at this protest, the gathering expressed its disappointment at the administration's refusal to record the role of the police officials and for pinning responsibility only on the protestors.

17. The ensuing violence at the protest ended in a lathi charge and the police had to resort to firing in the air. Several policemen and civilians were injured in this incident. While the perpetrators of the killings were still at large, the police at this gathering filed charges against around 110 Muslim youths.

18. Also disturbing are reports of a sustained campaign of incitement to communal tensions by Gau Rakshak Committees in the district. The residents mentioned a Baba Gopal Maniji Maharaj from Dehradun who started coming to the region in 2012 and initiated this movement which has since become more widespread (His name is also mentioned in a Hindustan Times Report, 22nd March 2016). The locals report that at meetings of these committees, there is incitement to hatred and an attempt to target Muslims in the name of protection of cows. This was reported at this meeting and also by other minority groups that met with us during the course of this visit. It is in the wake of these meetings that attacks on Muslims in the name of cow protection have been taking place.

19. Although the authorities kept reassuring us of the attempts to restore communal harmony and to prevent any further incidents of violence, the local community has not been taken into confidence and is not aware of what steps are being taken to protect them and to allow them to carry on their legal and long practiced cattle trade. They have also not been informed of the progress of the police investigation or the intentions of the government with regard to the compensation.

Following were the demands made by the Muslim Community and conveyed to us at the end of this meeting:
• That the victims' families be adequately compensated keeping in view the gravity of the crime and also the helplessness of the families and especially the fact that the two victims were primary bread-earners of their families.

• That the case be handed to the CBI since the Muslim community are not confident of the intentions of the local authorities.

• That all cases against those present at the protest dharna be dropped.

• That stern action be taken against all incitement to communal violence, whether in word or in deed.

• That action be taken against the Sub-inspector Chandwa Thana for his reprehensible behaviour as a police officer.

• That the guilty be brought to justice at the earliest possible.

• That all attempts be made by the state functionaries to reassure the Muslim community that their lawful activities and life and limb will be protected and that no attacks by any self-proclaimed upholders of law and justice will be tolerated.

• That the local affected community be kept aware of the progress of the actions being taken by the local administration to crack the case and their cooperation be sought in police investigation.

20. On 12th May the NCM team met with DG Police, Mr. D.K. Panday, Additional DG Police, Mr. S. N. Pradhan and Special Secretary Home, Mr. N. N. Panday at the Secretariat in Ranchi. The team briefed the officers about their visits to Hazaribagh, Bhalumath and Latehar and their observations after travelling to the two districts, their meetings and discussions with both the authorities and the local representatives of the affected community over the two days of their visit and their analysis of the situation on the ground. The apprehensions and the complaints of the Muslim community were conveyed to them along with some
recommendations on possible initiatives to restore peace and security in these districts.

21. The officers assured us that all steps were being taken to punish the guilty and to mete out justice and gave us their version of the present state of affairs in both districts. We were also told that compensations in the murder cases were being worked out. The officers present assured the team of their sincere efforts to bring the situation back to normal and to reassure the Muslim community.

22. The team finally met the Chief Secretary, Ms. Raj Bala Verma and conveyed to her the expectations of the NCM and the apprehensions of the Muslim community in the two districts.

**Recommendations:**

**A) Pertaining to the incidents in Hazaribagh**

1. Loss in each shop/house should be properly assessed and adequate compensation be paid to each victim.

2. State Govt must issue strict instructions to the District Administration to explore if the Ramnavmi celebrations could be restricted to only one day as in other parts of the country.

3. All perpetrators and instigators of violence must be identified and proceeded against as per law and a speedy trial.

4. Mohd Hafeez, whose forearms have been shattered in an attack should be provided urgent medical attention by referring him to AIIMS, Delhi.

**B) Pertaining to the incidents at Latchar:**

1. Adequate compensation should be given to the victims' families at the earliest possible.
2. All efforts be made to punish the guilty and all those associated with the crime either directly or indirectly.

3. Immediate steps to be taken to monitor the Gau Rakshak Committees and to take serious action against those who are attempting to create communal tensions and encouraging vigilante groups into taking the law into their own hands.

4. The Muslim community must be reassured about their physical safety and protection of their livelihoods.

5. The events of 18/03/2016 should be properly screened and charges against the innocent to be dropped.

6. Serious allegations against Ratan K. Singh Sub-inspector Chandwa Thana be investigated and appropriate action be taken.

Farida Abdullah Khan
Member

Praveen Davar
Member

16/05/2016
Dear Shri Rajnath Singh Ji,

We wish to bring to your kind notice the increasing violence against the Muslims by the so called vigilante groups and the fear that this is creating across the country. This Commission has been receiving petitions and has prepared reports on some of these incidents. Victims, in some cases, have also cited police apathy. The recent attack in West Delhi is yet another such event which reinforces the feeling of insecurity among the Muslims.

All of this is vitiating the social fabric of the country and is bound to disturb the overall climate of co-existence amongst communities. In particular, it is creating an atmosphere of extreme insecurity and suspicions among the Muslims across the country and a deteriorating communal amity amongst communities that have traditionally lived together in peace and harmony.

We believe that there is a need for a very strong statement from the highest levels of the government stating that such outlandish behavior will neither be tolerated nor can it go unpunished and that the secular credentials of India will be protected by the State at all costs. It is true that law & order is a state subject, but certainly the Central Government would be well within its powers to ask the states to handle such situations with a heavy hand and to enforce sense of security among the minorities in all seriousness.

With my best regards,

Sincerely yours,

(Naseem Ahmad)

Shri Rajnath Singh
Hon’ble Minister of Home Affairs
Govt. of India
Room No. 104, North Block
New Delhi-110001
NATIONAL COMMISSION FOR MINORITIES

Tour Report of Shri Naseem Ahmad, Chairman, and Shri Praveen Davar, Member, National Commission for Minorities regarding their visit on 22\textsuperscript{nd} September, 2016 to Village Dingerheri, District Mewat, Haryana to look into the incident of two murders and gang rape of two women during the night of 24/25 August, 2016.

1. Following media reports and petitions received in the National Commission for Minorities (NCM) regarding murder of a couple and gang rape of two women, all belonging to Muslim community, in Village Dingerheri in Mewat District of Haryana during the night of 24/25 August, 2016, we visited the site of the incident on 22\textsuperscript{nd} September, 2016. A report dated 20.09.2016 regarding the incident had already been received in the Commission from the Deputy Commissioner, Mewat.

2. As per the report of Deputy Commissioner, Mewat, Tauru Police Station received information about the incident through a mobile phone call at 3:15 AM on 25.08.2016. Immediately thereafter S.H.O. Tauru Police Station reached the site along with his police staff to get first hand details of the crime. One of the rape victims told them that she, along with other
members of the family, was sleeping in their house within their agricultural land; that at around 12 midnight 4/5 unknown persons forced their entry into their house and, after thrashing them, killed Ibrahim s/o Zahuruddin and Rasheeda w/o Ibrahim, and raped Smt. Sarjina w/o Major and Ms. Aneesa d/o Zafruddin; that four other members of the family were grievously injured; that the culprits also took away jewellery and cash and a motorcycle. The injured, according to D.C. Report, were quickly taken to hospital by the police. Superintendent of Police, Mewat and Deputy Superintendent of Police (DSP) also reached the site quickly and as per their directions the crime spot was thoroughly examined and site evidences were protected. Zonal Inspector General, Police also visited the site quickly. A dog squad was also pressed into service at the crime spot. The evidence materials were collected from the scene and sent to Police Lab, Madhuban for analysis. The entire police team of high officials quickly rushed to the Medical College, Nalhar (Near Nuh) to enquire about the injured persons and hear their version of the incident. After post-mortem examination, the dead bodies of two murdered persons were handed over to their kins for last rites. Five special investigation teams were set up under the supervision of DSP, Tauru, and statements of rape victims were got recorded under section 164 Cr.P.C. before a
Magistrate. Giving further details of investigation, it was stated in the report of D.C. that four persons so far (Sandeep s/o. Ram Niwas Ahir, Amarjeet s/o Virender Ahir, Karamjeet s/o Brahamjeet Ahir and Rahul Verma s/o Suneel Verma Bania) have been arrested and are presently lodged in Bhondsi Jail after their police remand, and Identification Parade of arrested persons was also got conducted on 14.09.16 as per the orders of the court. The report also mentioned that a report dated 19.09.16 was also sent to the State Government for giving compensation to the victims @ Rs.5 lakh each to two rape victims and kins of two persons killed, besides Rs. 1 lakh to injured Zafruddin s/o Hasan Mohd and Rs. 50 thousand each to three other injured persons.

3. It is worth mentioning here that the State Government has lately decided to hand over the entire case to CBI for carrying out the investigation and taking further necessary action. This fact was confirmed by the District authorities during our visit to the site on 22.09.16.

4. The NCM team reached the crime site in Village Dingerheri at 11:00 AM on 22.09.16 and interacted with the families of the victims, village locals and district officials, including Shri Mani Ram Sharma, Deputy Commissioner, Mewat and Shri Kuldeep Singh, Superintendent of Police, Mewat, and gathered details from them. The head of victims' family
Zahuruddin s/o Kale Khan narrated the entire sequence of events that took place during mid-night of 24/25 August, 2016 and also explained his relationship with all the victims. He also said that the family had no enmity with anybody in the village or outside. Most of the persons who interacted with us at the crime spot were critical of the role of the police so far. In short, they stated that some more persons were involved in the crime and the police was still clueless about them; that statement of the rape victim was got recorded in utmost haste while she was still in severe trauma and was breathless; that the rape victim had stated that the accused persons confronted them whether they ate beef, but this fact has been omitted from the statement recorded u/s 164 Cr.P.C; and that the accused persons were 'gau rakshaks'. One person who spoke before us also said that Muslims felt hurt by Chief Minister, Haryana's reported statement that it was a small issue. They also complained that in spite of Chief Minister's assurance that victims/their dependents would be given government jobs, the district authorities were merely offering casual employment on D.C. rates, which was not acceptable to them.

5. The Deputy Commissioner, Mewat informed us that he has already received a sum of Rs. 45 lakh from the State Government for giving compensation at double the rates recommended by him as per extant
government instructions. Thus, each rape victim and kins of the dead will be paid @ 10 lakh each, while one seriously injured person will get Rs. 2 lakh, and the remaining three injured persons will be paid @ Rs. 1 lakh each. He assured us that these payments would be made on that very evening. Regarding giving of jobs to the victims or their kins, he said that he has so far received instructions to offer employments to three persons at DC rates only.

6. A close look at the F.I.R. dated 25.08.16 of the incident reveals that it has been registered against 4 or 5 unknown persons under sections 459, 460, 302, 376D, 396 and 397 of the IPC, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 25, 54 and 59 of the Arms Act, 1959 at Tauru Police Station. As the case now stands transferred to CBI, it is now for CBI to quickly carry out investigation and file charge sheet against the culprits.

7. After staying at the site of crime and interaction with the district authorities, victims and their families, and also village locals, we left for Delhi at 12:30 PM the same afternoon, and reached NCM office at 2:30 PM.
Summation & Recommendations:

8. The incident has shaken the people of the area and there is a lot of resentment, especially among Muslim community, partly due to allegations that the culprits were ‘gau rakshaks’. The role of the police in handling the case is also being widely criticized. Although, on the demand of the people of the area the State Govt. has transferred the case to CBI, but since law & order is the state subject, the State govt. is well advised to take steps to promote communal harmony and restore people’s confidence in the functioning of the police. There is a need to convey a clear message that culprits of such heinous crimes would not be spared. Such a step is more relevant in the context of Mewat district.

8.1 The State authorities should co-ordinate with CBI to ensure quick completion of investigation in the case by the latter. This will go a long way in restoring the confidence of the people of the area in the functioning of police.

8.2 It is worth appreciating that the State Govt. is paying compensation to the victims at double the rate of compensation recommended by the district administration under the existing rules. The same spirit of magnanimity is expected in the matter of giving jobs to the victims and their dependants, as the case may be. Offering of casual employment at D.C. rates is
inadequate in the light of reported assurance given by the Chief Minister, Haryana to give employment to the victims or their kins. It is, therefore, strongly urged that the matter may be reconsidered and regular employment may be given to the victims/their kins.

(Naseem Ahmad)
Chairman, NCM

(Praeven Davar)
Member, NCM
Tour Report of Prof. Farida Abdulla Khan and Shri Praveen Davar
Visit to Muzaffarnagar and Shamli Districts in U.P on 17/10/2016

Introduction:

1. Members Farida Abdulla Khan and Shri Praveen Davar, visited Muzaffarnagar and Kairana in Shamli district for one day on 17/10/2016 to hold meetings with the district administration and representatives of minority communities as a follow up of the NCM’s visits and involvement with the affected communities.

Meetings at Muzaffarnagar:

2. We reached Muzaffarnagar at 10.30 am where a meeting was organized at Vikas Bhavan with the district administration and representatives of the minority communities. Since the purpose of the team was to assess the status of the victims of the communal violence of 2013, the district Administration officials made presentations regarding the status of the rehabilitation and apprised the team of the amenities that have been provided to those resettled in this district following the last NCM visit by Member Farida Khan to the districts of Muzafarnagar and Shamli on 18/09/2015

3. We held meetings with the DM, Shri Dinesh K. Singh and the SP followed by a larger meeting with several other officials of the district administration including the minority welfare officer and personnel from education and health departments. A detailed report of the measures taken by the administration and the money spent, was provided and is attached herewith. According to these reports all amenities have been provided to the resettled households.

4. Some local Muslims and a Sikh gentleman were present at this meeting. These were local citizens who have been helping the administration to keep in touch with the minority communities to maintain and promote peace and communal harmony in the region.

Although this does not pertain to Muzafarnagar district, we were told that the victims of the 2014 violence in Saharanpur (largely Sikhs) had not yet received any compensation for losses
incurred. We asked that a petition giving relevant details be sent to the NCM so that this serious issue can be looked into.

Field visit to Palada

5. Our field visit to Palada village was disheartening since no progress has been made beyond what had been provided more than a year ago. The electricity supply for which lines have been installed are still not operational, although the initial infrastructure has been in place since 2015. Similarly although ten hand pumps for water had been installed and more had been promised, only six of these pumps are in working order. Although assurances by the administration had been given regarding civic infrastructure no effort has been made to pave the gullies in the colony or to lay a sewage system. As a result of this the colony is water logged and the inhabitants are living under severely strained and extremely unhygienic conditions.

6. Issues of employment and income were also raised and although these had been discussed on previous visits, no measures seem to have been taken to help the victims who lost their livelihoods, were physically dislocated and had their lives tragically disrupted in the aftermath of the communal violence in 2013.

7. The major problem according to the local administration, is the paucity of funds since most of the spending done here has been from MSDP funds or other schemes of the central or the state government. These funds are released in instalments and have several conditions attached to their release.

Meetings at Kairana, Shamli:

8. At Kairana we met with the ADM, Shri Bharat Pandey, the SDM Shri Ashok K Gupta and other officials of the district administration, to be apprised of the situation of the displaced population and progress on their resettlement.

9. In this connection, we also had meetings with local citizens groups including several representatives of NGOs that have been involved in rehabilitation efforts of the victims of the 2013 violence. The administration reported that all those displaced had been resettled and all available assistance from the state had been provided. However representatives from the
community and from the NGOs felt that not enough support had been forthcoming from the state. This was later confirmed by our visit to two of the resettlement sites outside Kairana. A report presented to us by the ADM is enclosed.

**Issues raised by the communities:**

10. The following issues were raised by the community:

- The need for better infrastructure and basic necessities like water and electricity for the resettlement colonies.
- The need for ration cards, and supply of rationed items.
- A need for local administration to provide assistance for the displaced populations to get their papers in order. It seems that all kinds of delays and red tape have become a cause of harassment, and many of these people are not able to avail of government schemes due to these delays.
- Demand for an additional inter-college for women in Kairana, since more children are coming to schools and there are not enough inter-colleges to accommodate students.
- Members of the Jain community wanted specific information regarding scholarships for needy students and other government schemes for minorities, since the community has been recently notified as a minority, and people were not aware of the schemes.
- They also brought up the issue of a Jain institution, the Shri Digambar Jain Inter-college that needs some administrative support for its survival. The administration offered to meet with them to begin to resolve these problems.

11. We also made enquiries into the recent reports that have highlighted allegations of growing communalization against Hindus in Kairana town. These have created a controversy since several newspaper reports have contradicted them.

12. However, these allegations were denied by both the administration and the local representatives of all communities present at these meetings. There seems to be no evidence of any large-scale migration and we were assured that there were absolutely no unusual tensions amongst the local Muslim and Hindu populations. We were also told that Kairana town has always had a majority Muslim population and that in the aftermath of the 2013 communal...
violence and the displacement of Muslims caused by it, around 280 Muslim household have settled here and that there is no unusual shift in the town’s demography.

13. Both the administration and the community representatives were categorical in assuring us that there had been no unusual exodus of Hindus and that people shifting out of Kairana is part of the usual migratory pattern and that both Muslims and Hindus leave from time to time in search of better opportunities. This is not surprising given the poor economic conditions in Kairana and the growing affluence and industrialization and therefore the attraction of neighboring towns and cities like Panipat, Dehradun and even Delhi.

14. It was also reported that there is organized criminal activity especially around drug trade that is affecting all communities and has become a source of concern to a large part of the citizenry of Kairana. Those present at the meeting were agreed that not enough had been done to curb these activities and that those involved in the criminal activity seem to have patronage from some sections of the political as well as the police establishment. We were however told that the recently arrived police chief was making some efforts to curb this activity.

Field visit to Hassan colony, Aryapuri, Shamli district.

15. This is one of the areas where several houses for displaced families have been built with support of NGOs, However infrastructural facilities are sorely lacking and the condition is similar to the colonies in Muzaffarnagar. The homes have no electricity, water quality is extremely polluted and there are no approach roads or pathways within the colonies. Mobility is therefore extremely constrained and living conditions are far from satisfactory. The administration will have to make a special effort to provide facilities and support to these new settlements and their inhabitants at several levels.
Recommendations:

(A) For the Ministry of Minority Affairs (MOMA)

- To explore the need for setting up of additional inter-colleges for women in Kairana for which a demand was made by the local community under schemes like MSDP etc.

(B) For the U.P. state government:

- That a survey of the displaced of the Muzaffarnagar violence be undertaken to assess their present status in terms of physical living conditions as well as the status in terms of employment, health, education of children etc is concerned. A comprehensive survey conducted by Aman Biradari and Afsar Foundation done in 2016 is already available and should provide a valuable data base for a state sponsored survey.

- That the resettlement colonies be provided with basic infrastructure like water electricity, roads, medical centres, anganwadis etc and special funds be requisitioned from the state or central government for this purpose.

(C) For district Shamli:

- Some special efforts be made to reach out to the deprived sections of the Jain community to create awareness of minority schemes.
- To look into the issue of Digambar Jain inter-college and to support its functioning.

Signed:

Farida Abdulla Khan
Member 18/10/2016

Praveen Dhar
Member 18/10/16

18/10/2016