

# **ANNUAL REPORT**

**2000-2001**



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The Annual Report of the National Commission for Minorities for the financial year 2000-2001 has been prepared as per Section 12 of the National Commission for Minorities Act 1992 and Notification No. GSR 641(E) dated 18<sup>th</sup> September, 1995. The Report is forwarded to the Government for further necessary action as required under Section 13 of the National Commission for Minorities Act 1992.

*Sarita J. Das*  
27.9.2002  
(Sarita J. Das)  
Secretary.



# CHAPTER - 1

## INTRODUCTION

1. The Government of India, vide Resolution No.II-16012/2/77 NID(D) dated 12.1.1978, constituted a Minorities Commission with a Chairman and two Members. Subsequently, by an order of the President dated 28th July 1978, the Commission was reconstituted with a Chairman and four Members.

1.1 With a view to safeguard the interests of Minorities, the National Commission for Minorities, a statutory body, was set up under the National Commission for Minorities Act, 1992'. Section 9 of the NCM Act, 1992 calls upon the Commission to perform the following functions :-

- (a) evaluate the progress of the development of Minorities under the Union and States;
- (b) monitor the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the State Legislatures;
- (c) make recommendations for the effective implementation of safeguards for the protection of the interests of Minorities by the Central Government or the State Governments;
- (d) look into specific complaints regarding deprivation of rights and safeguards of the Minorities and take up such matters with the appropriate authorities;
- (e) cause studies to be undertaken into 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 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.

Section 9 sub-section (4) of the Act provides that the Commission will enjoy all the powers of a civil court during the course of the performance of its functions laid down in clauses (a), (b) & (d) of sub-section (1) of Section 9 of the Act.

Section 12 of the N.C.M. Act enjoins upon the Commission to prepare an Annual Report giving a full account of its activities during the previous financial year. The report is to be prepared and forwarded to the Central Government in form B attached to the NCM (Annual Statement of Accounts, Audit and Annual Report) Rules, 1995, issued by the Central Government vide their CSR 64(E) of 18/09/1995.



## CHAPTER - 2

### CONSTITUTION OF THE COMMISSION INCLUDING CHANGES THEREIN

The first statutory Commission under the NCM Act, 1992, was constituted w.e.f. 17.5.1993 vide notification S.O.No.316(E) 17.5.93 for a period of 3 years. Justice Mohd. Sardar Ali Khan was appointed as Chairman. Five members were also appointed. Justice Mohd. Sardar Ali Khan was conferred the Status of a Cabinet Minister.

2. The NCM (Amendment) Act 1995 - Act XIX of 1995 dated 8 September 1995, amended Section 3 Sub-Section (2) of the principal Act thereby making a provision for a Chairperson, a Vice-Chairperson. Consequently, Shri B. S. Ramoowalia, Member was appointed as Vice-Chairman of the Commission w.e.f. 20th October 1995.

3. The second Commission was constituted vide Government notification S.O.No.812 (E) dated 26th November 1966 for a period of 3 years. Prof. Dr. Tahir Mohmod was appointed as Chairman and Prof. Bawa Singh, Vice-Chairman.

4. The present 3rd National Commission for Minorities was constituted vide Government Notification S.O.No 62 (E) dated 21.1.2000. Justice Mohammed Shamim was appointed as Chairman and Shri Tarlochan Singh was appointed as Vice-Chairman. The tenure of the Chairman, Vice-Chairman and Members of the Commission is of three years from the date of assumption of the office.

5. As per Ministry of Home Affairs O.M.No.12/1/2000-Public dated 28th February, 2000, Justice Mohammed Shamim and Shri Tarlochan Singh, the Chairman and Vice-Chairman of the Commission have been conferred the status of a Cabinet Minister and Minister of State of the Union respectively.

6. The proposal for setting up of a Regional office of the Commission at Mumbai was vigorously followed by the Commission to procure suitable office accommodation. In the absence of office accommodation, the regional office could not be set up during the year under report.

## CHAPTER - 3

### MEETINGS OF THE COMMISSION

The Commission continued to hold its regular monthly meetings. Action taken on the decisions of earlier meetings were reviewed and other important issues connected with various aspects of minorities welfare were discussed. In all, 6 meetings of the Commission were held during the year 2000-2001.

#### Details of meetings and number of items discussed in the meetings (April 2000 to March 2001) are as under:-

S.No.	Meeting No.	Date	No. of items discussed
1.	2	10.5.2000	18
2.	3	29.6.2000	12
3.	4	29.9.2000	23
4.	5	31.10.2000	12
5.	6	19.12.2000	14
6.	7	14.2.2001	12

In addition to the above regular monthly meetings, the Commission started the concept of holding daily morning meetings in which different matters concerning minorities including representations, media reports etc. were discussed. The Commission, wherever necessary, took appropriate immediate action on the matters relating to the protection of rights and privileges of minorities.



## **CHAPTER - 4**

### **HIGHLIGHTS OF THE YEAR**

The Commission had been closely reviewing policies and programmes concerning minorities besides taking measures concerning the grievances of minorities received in the Commission. During the period under review, the Commission has taken up many important issues. Some of the highlights of important areas of work done relate to Prime Minister's review of welfare schemes for minorities, not holding recruitment examination on days of festival of Minorities, Installation of a bronze statue of Maharaja Ranjit Singh, Celebration of birth centenary of Sardar Sobha Singh, Declaration of Guru Nanak birth day and Budh Purnima as a public holiday, rehabilitation of communal riot victims, Teaching of Punjabi in school etc.

### **Review of the Statutory Recommendations made by the Commission**

The present Commission after assumption of charge on 24.1.2000 Hon'ble Chairman had held various meetings of the Commission to take stock of on going and pending work. The position that emerged out of these deliberations was that various recommendations made by the Commission in the past had not been implemented by various authorities at the Centre/State/U.T.s Hon'ble Chairman brought this aspect to the notice of Smt. Maneka Gandhi, the then Minister incharge of the nodal Ministry of Social Justice & Empowerment vide D.O. letter dated 10th February 2000. Copy of Chairman's letter is given at Annexure I

Hon'ble Chairman impressed upon the Hon'ble Minister to take up this issue with the Ministers of Govt. of India and State/UTs Govt. to impress upon them the necessity of setting up an effective of our recommendations. Hon'ble Chairman further mentioned that in case where it was not possible to implement the recommendations of the Commission, for one or the other reason, it should be made imperative on the part of the concerned authorities to immediately bring up their views to the Commission at an appropriate level.

Hon'ble Chairman had detailed discussions with Sh. L. K. Advani, Union Home Minister on 31.1.2000 when he called upon the Hon'ble Minister in his chamber regarding non-implementation of some of the recommendations made by the National Commission for Minorities by some of the State Govts./Union Territories. Chairman informed the Hon'ble Minister that if the recommendations made by the Commission are not implemented then the mandate of the Commission is simply an exercise in futility. Hon'ble Chairman vide his D.O. letter dated 14.2.2000 addressed to Hon'ble Home Minister requested him to issue suitable instructions to the Chief Ministers/Lt. Governors of the States/ Union Territories for taking prompt action on the recommendations of this Commission. Chairman also conveyed to the Minister that in case the same were not implemented for any reason whatsoever, in that eventuality, the authorities concerned should be asked to give out the reasons therefore, to the Commission for record and information. A copy of the Chairman's letter dated 14.2.2000 is given at Annexure II.

**Commission's recommendation regarding not holding of any recruitment examination on days of festivals of minorities**

The Commission in its meeting held on 10.5.2000 observed that there are many occasions when recruitment/competitive examinations are fixed on a day of Festivals of Minorities. Since this is quite traumatic to the community concerned, the Commission decided that a letter should go to the major recruiting agencies in the country like UPSC, SSC, Banking Recruitment Board and Railway Recruitment Board, etc. that no examination should be fixed on occasions of festival of any Minority community and recurrence of such activities should be avoided by all concerned.

Accordingly, a letter was issued to all the major recruiting agencies in the country, all Ministries/Departments of the Govt. of India, all State/UT Govt.s, all State Minorities Commissions/Boards on 29.5.2000. The DOPT w.r.t the Commission's letter informed that the Central Government offices are closed on certain other holidays which are included in the list of restricted holidays. As far as possible UPSC and SSC's endeavour is not to hold any examination on any of the closed gazetted holidays. However, if the offices are otherwise opened, it may not be appropriate to restrict the recruiting agencies to schedule any examination on that day. Such an action would lead to administrative problems for the recruiting agencies. They also stated that if similar demand is raised by the majority community that the candidates will not be able to fully utilize the employment opportunities if examinations are held on festival days, the recruiting agencies will find it very difficult to hold examinations in view of large number of festivals important to various sections of society. The DOPT, therefore,



requested that the issue may not be insisted on. In order to avoid any such difficulty, such matters be taken up with the concerned nodal Ministry/Department before issuing any direction to the concerned agencies so that a comprehensive view could be taken.

The matter was again considered by the Commission in the meeting held on 30.5.2001 and the Commission observed that some Ministries, other organizations and recruitment agencies keep their offices open and conduct official business/tests on holidays relating to religious festivals of minority communities. It was decided that the matter which was earlier taken up with the Deptt. of Personnel & Training should be further pursued. It was also decided to request DOPT that Easter holidays, which fall on Sunday should be specified as a holiday in official calendars. The DOPT was again approached w.r.t the Commission's recommendation dated 29.5.2000 and letter dated 28<sup>th</sup> July 2000 of the DOPT informing them about the Commission's observations and conveying Commission's recommendation that the DOPT should issue a general circular conveying the Commission's recommendation that Govt. departments should not transact official business and recruitment agencies should not hold test/examination on the days/dates declared as a holiday on account of a religious festival of a minority community. The DOPT informed that this Department is concerned only with few recruiting agencies namely UPSC and SSC. Their endeavour is to ensure that recruitment/competitive examinations are not held on the days of religious festivals of any minority community which are declared as holidays. As regards recruitment test/examinations held by other recruiting agencies and Deptts. Of the Govt. of India, the DOPT requested the Commission to take up the matter with the concerned nodal Ministry/Deptts.

As regards the Commission's recommendations that the Easter holiday should also be specified as a holiday in official calendar throughout the country, the DOPT has not found it possible to declare it as a holiday as it involves functional and administrative problems for operational organizations working round the clock.

#### **Celebration of birth centenary of late Sardar Sobha Singh, Saint Philosopher and Artist**

The Vice Chairman had written to the Chief Minister, Himachal Pradesh on 22.6.2000 for proper up keep of the unique Art Gallery at Andretta near Palampur, set up by late Sardar Sobha Singh. It was impressed upon that the Art Gallery be made a tourist worthy.

The Chief Minister, Himachal Pradesh while acknowledging the letter on 19<sup>th</sup> July, 2000 stated that he had asked the department concerned to take necessary action in this regard.

On 6.7.2000 Bibi Gurcharan Kaur, daughter of late Sardar Sobha Singh requested Vice Chairman Shri Tarlochan Singh to release commemorative stamp on the occasion of birth centenary of late Sardar Sobha Singh.

The Vice Chairman on 12<sup>th</sup> July 2000 requested the Hon'ble Minister, Sh. Ram Vilas Paswan pointing out the renowned work done by late S. Sobha Singh, saint-philosopher-artist and also about the Art Gallery set up at Andretta, District Kangra, Himachal Pradesh. He made a request that a stamp be released by Department of Posts as a tribute to the great artist.

The Vice Chairman also wrote on 12.7.2000 to the Chief Minister, Himachal Pradesh requesting him to form a committee to celebrate the birth centenary and also issue special sanction for up keep of his gallery and road connecting his house.

Hon'ble Minister, Sh. Ram Vilas Paswan acknowledged the letter of Hon'ble Vice Chairman on 28.7.2000 which was related to release of stamp on the birth centenary of late Sardar Sobha Singh, saint-philosopher-artist.

The Vice Chairman again wrote to the Chief Minister, Himachal Pradesh on 4.9.2000 reiterating the D.O. letters written by him to the Chief Minister regarding celebration of his birth centenary. The following issues were reminded:-

- (i) Punjabi teaching facilities in schools at Paonta Sahib;
- (ii) Proper measures to safeguard the S. Sobha Singh Art Gallery at Andretta near Palampur and make it a tourist worthy (including repair of the road at Andretta);
- (iii) Celebration of late Sardar Sobha Singh, artist, birth centenary falling on 29.11.2001.

Chief Minister, Himachal Pradesh acknowledged the letter of Hon'ble Vice Chairman dated 4.9.2000 on 18<sup>th</sup> September 2000. He stated that he had issued instructions to all concerned in the State.

The Additional Secretary, Govt. of Himachal Pradesh endorsed a copy of his letter dated 23.10.2000 giving instructions to the Departments internally to chalk out the



plan for the celebration of birth anniversary of Sardar Sobha Singh and also to obtain approval of the competent authority.

Celebration of birth centenary of saint-philosopher-artist Sardar Sobha Singh on 29.11.2001 came up for discussion as an agenda item in the 6<sup>th</sup> meeting of the Commission held on 12<sup>th</sup> December 2000.

The Commission noted the information.

### **Declaration of Guru Nanak birthday as holiday**

The Commission sent a letter to the Chief Minister of Karnataka on 17.1.2001, Andhra Pradesh on 30.1.2001, Tamil Nadu on 30.1.2001, Orissa on 1.2.2001, Manipur on 2.2.2001, Tripura on 7.1.2001 and Governor of Kerala on 19.1.2001, Minister of Home Affairs on 29.1.2001 and Union Minister of Labour on 1.2.2001 to declare Guru Nank birthday as State holiday.

The replies are as under:-

#### **1. Tripura:**

The Govt. of Tripura had replied vide letter dated 12.4.2001 that Govt. of Tripura declared Guru Nanak birthday as a Restricted holidays. On the receipt of the reply received from the Govt. of Tripura, the Vice Chairman on 4.5.2001 wrote d.o letter to Chief Minister, Tripura informing that the idea of our letter was to declare Guru Nanak birthday as Gazatted holiday.

#### **2. Andhra Pradesh:**

On 4.6.2001, the Govt. of Andhra Pradesh replied that the Govt. of Andhra Pradesh had declared Guru Nanak birthday as optional holiday for all the State Govt. Employees in the State.

#### **3. Karnataka:**

The Govt. of Karnataka on 27.6.2001 replied the Commission that the Govt. of Karnataka had declared restricted holiday for Budha Purnima and Guru Nanak jayanthi. On receipt of the reply, the Chairman, NCM on 25.4.2001 wrote a letter to the Chief Minister of Karnataka with reference to the letter of Govt. of Karnataka, informing that the idea of Commission's recommendation was to declare these as Gazetted holiday/public holiday. The Chief Minister informed the Commission on 27.6.2001 that

the Govt. had declared Restricted holiday for both Guru Nanak jayanthi and Buddha Purnima. The reply was placed before the Commission in the meeting held on 31.7.2001.

**4. Tamil Nadu:**

The Govt. of Tamil Nadu had replied on 7.8.2001 that the Govt. of Tamil Nadu had declared Guru Nanak birthday as Restricted holiday. On receipt of the reply from Govt. of Tamil Nadu, the Secretary, NCM on 5.9.2001 wrote a d.o letter to the Govt. of Tamil Nadu requesting that the intention of the Commission's letter was declare a gazetted holiday in the State. The Govt. of Tamil Nadu on 18.10.2001 replied on response of Secretary's letter that the Govt. of Tamil Nadu had declared Guru Nanak birthday as restricted holiday.

**5. Orissa:**

The Govt. of Orissa on 11.4.2001 replied that 30<sup>th</sup> November 2001 has been declared as a public holiday for the State of Orissa.

**6. Manipur:**

The Govt. of Manipur on 1.10.2001 sent a reply wherein it was reported that the Govt. of Manipur had declared Guru Nanak birthday as public holiday as well as restricted holiday. A clarification is being sought from the Manipur Govt. to indicate whether Guru Nanak Birthday is a public holiday or a restricted one?

We have also received a letter from Member, Karnataka State Minorities Commission requesting to give necessary instruction to the concerned authority to declare Guru Nanak birthday as State holiday.

**Reference received from Shri Syed Shahabuddin regarding imposing of punitive fines on the villages where minority community suffers loss of life and property in communal violence**

A reference was received from Shri Syed Shahabuddin on 13.2.2001. He suggested the NCM to revive the idea of imposing punitive fines on the residents of village/mohalla where minority community suffers loss of life, limb or property in a communal violence.

This matter was taken up with the Secretary, Ministry of Home Affairs on 3.4.2001 for consideration. The MHA vide their letter dated 10.5.2001 informed that it

had not been found possible for them to accept the proposal of Shri Syed Shahabuddin to revive the idea of punitive fine on the following grounds:-

1. Member(s) of minority community may sustain injuries in the disputes not related to communal issues. It will be unfair in such instance to levy a fine on the entire village;
2. Punitive fine is a criminal liability and can only be fastened after appropriate investigation and fixation of responsibility. Holding people in general responsible for acts in which they had no part is not sustainable in law;
3. There are adequate provisions in the criminal cases to deal with the persons responsible for communal violence; and
4. Coming to the aid of innocent and the weak is a desirable quality in every citizen but it will not be feasible to convert the absence of this quality into a criminal offence.

#### **Hindu/Sikh refugees from Afghanistan – Result of Commission's intervention**

The attention of the Commission was drawn to a number of complaints on the problems being faced by Sikhs who left Afghanistan and came to India with Afghanistan passport with stay-visa being granted by the Govt. of India. They were required to spend huge money for getting extension of the validity of their passport and for getting periodic extension of their visa. The matter was taken up with the Ministry of External Affairs. Since the issue was concerned with the Ministry of Home Affairs, the papers were forwarded by the Ministry of External Affairs to the Ministry of Home Affairs. A meeting was also organized on 27<sup>th</sup> February 2001 with the officers of the Ministry of Home Affairs who informed that the matter was being dealt by the Ministry of Home Affairs in accordance with the existing rules on the subject.

The Commission made the following recommendations:-

- (i) The problem of Afghan nationals of Indian origin who had to leave their country needs to be dealt in a more sympathetic manner and, if necessary, in relaxation of the provisions of the Foreigner's Act. GOI may give amnesty to all of them in so far as passports and other documents are concerned.
- (ii) The Afghan Hindu Sikh Welfare Society, C-128, Greater Kailash-I, New Delhi may be considered as a representative organization of Afghan refugees

of Indian origin by the Ministry of Home Affairs and they may be authorized to authenticate the names of all refugees.

### **Installation of a bronze statue of Maharaja Ranjit Singh in the Parliament House Complex**

To honour the memory of the last sovereign Sikh ruler of Punjab and to celebrate the bicentenary of the coronation of Maharaja Ranji Singh, the Commission took up the matter with the Prime Minister of India and the Minister to Culture and Tourism. Agreeing upon the proposal the Govt. announced for installation of a 12 feet high statue of Maharaja Ranjit Singh presenting him on the horse back, in the Parliament complex, on April 13<sup>th</sup>, 2001, the Baisakhi Day.

### **Central Interest Subsidy Scheme for Riot affected borrowers**

The Commission had made a statutory recommendation on 25.11.97 to the Union and State Governments to pay Uniform Compensation to all victims of communal riots in the country, irrespective of any religion criterion, on the lines of the Delhi High Court Judgement of 1996 in the case of Smt. Bhajan Kaur. In the context of the communal riots, it was also observed that the traders/business establishments suffer huge losses since they are largely exposed to the ill effects of the activities of anti social elements during the communal riots. For 1984 riot affected on 1<sup>st</sup> September 1993 and the affected borrowers of 1984 anti Sikh riots are covered under this scheme. Under this scheme, the Banks shall charge the borrowers one percent interest per annum on all eligible loans outstanding as on the effective date.

With this back ground the Commission considered the matter in its meeting held on 30.5.2001 and recommended that the Ministry of Finance on 20.6.2001 should evolve a scheme for the riot affected minorities in all the future communal riots, on the pattern of the existing Central Interest Subsidy Scheme (Revised) for November 1984 riot affected borrowers. A copy of the letter was endorsed to Ministry of Social Justice & Empowerment.

### **Non-submission of the Commission's Annual Reports before the Parliament**

The Commission has been deeply concerned over non-submission of its Annual Reports by the Government before the Parliament. The Ministry of S.J.&E. were requested vide letter dated 27<sup>th</sup> June 2000 and 16<sup>th</sup> August 2000 to intimate the details of Action taken by the Ministry in this matter. When no progress could be known Secretary,



NCM vide her D.O. letter dated 9.8.2001 addressed to the former Secretary, Min. of S. J. & E took up the matter again stating that the Commission had been regularly preparing and forwarding the printed copies of its Reports to the Ministry for laying before each House of Parliament as required under Section 13 of the Act. The Annual Reports of the Commission up to the year 1998-99 were submitted to the Ministry of Social Justice & Empowerment on the following dates:-

### Minorities Commission

S.No.	Year	In English	In Hindi
1.	1989-90 (12 <sup>th</sup> )	7.2.1996	7.3.1996
2.	1990-91 (13 <sup>th</sup> )	7.3.1996	7.3.1996
3.	1991-92 (14 <sup>th</sup> )	21.6.1996	21.6.1996

### N.C.M.

1.	1993-94	23.3.1998	20.7.1998
2.	1994-95	23.3.1998	20.7.1998
3.	1995-96	23.3.1998	20.7.1998
4.	1996-97	24.6.1998	18.1.1999
5.	1997-98	22.7.1998	1.2.1999
6.	1998-99	6.7.1999	27.1.2000

As per the information available, 12<sup>th</sup> report of the erstwhile Minorities Commission had been laid before Parliament, however, there was no formal communication on this.

The position about laying of the reports before parliament was reviewed with the officials of the Ministry who indicated as under:-

13 <sup>th</sup> & 14 <sup>th</sup> Reports (1990-91 & 1991-92 ) of Minorities Commission	A Note for Cabinet is stated to be under circulation to the Concerned Ministries/Deptts.
Reports for the year 1993-94, 94-95 & 95-96 of NCM	A combined note with ATR is under circulation to the concerned Ministries/Deptts.
Reports for the year 1996-97 & 97-98 of NCM Report for the year 1998-99	Comments from the concerned Agencies are awaited.

The Ministry was further informed that these reports become public documents once they are tabled in the House. As non of the reports indicated above had been tabled, the Govt. Press was unable to offer for sale and these documents were being destroyed by termites and rodents. This was brought to the Commission's notice by the Government press repeatedly.

As directed by the Hon'ble Chairman, the D.O. letter dated 9.8.2001 from the Secretary was sent to the Ministry to expedite the submission of the NCM Annual Reports.



## CHAPTER - 5

### TOURS AND VISITS

Chairman, Vice Chairman, Members and Officers of the Commission undertook extensive Tours in order to have an on-the-spot assessment of various problems concerning minorities and to suggest remedial measures, to participate in Conferences/Seminars and deliver key note addresses, inauguration and valedictory speeches. These tour reports were considered by the Commission in its regular meetings. Based on the observation/suggestions, decisions were taken to adopt further line of action. The highlights of these tours as considered by the Commission are reported hereinafter.

#### Report of visit of National Commission for Minorities to Jammu and Kashmir during 30<sup>th</sup> March to 1<sup>st</sup> April 2000

A delegation of the National Commission for Minorities comprising its Chairman, Justice Mohammad Shamim, Vice Chairman, Sardar Tarlochan Singh and Members Lt. Gen. (Retd.) A.M. Sethna and Shri Vijay Kumar Dar visited Jammu & Kashmir from 30 March to 1 April, 2000.

This was the first visit made by the National Commission for Minorities to J&K. During the visit opportunity was also availed of the Bhog Ceremony of slain Sikhs of Chattisinghpura who were brutally murdered on 20<sup>th</sup> March 2001. The Commission wanted to express its solidarity with the Minority communities in J&K.

The Commission was received in his office by the Chief Minister who spent over one and a half hour discussing problems pertaining to Minorities in the State and invited the Members to help and assist in understanding the problems faced by the Minorities in the State. The meeting was also attended by Shri Ashok Jaitly, Chief Secretary of the State. The Chief Minister gave details of the relief being provided to the Kashmiri Pandits in their camps. He informed that 5000 flats had already been constructed by the State Government, while more such flats were under construction. The Commission visited the Migrants Camp near Damana outside Jammu and met the representatives of the migrants and also had one to one discussions with some of the Camp inmates. A

delegation of Kashmiri Pandits also met the Commission and expressed its point of view on the situation. The main demands made relates to (i) declaring Kashmiri Pandits a Minority at State level; (ii) improvement of the living conditions in the camps; (iii) employment of youths who have grown in these camps/tenements; (iv) lack of representation of Kashmiri Pandits in various political institutions of the State; and (v) Proper management of the properties of Kashmiri Pandits in the valley so that earning from the properties is channelised to the owners.

The delegation went straight from Anjana Airport to Chattisinghpura on 31 March to attend the Bhog Ceremony at a very well organized out-door function. The entire hierarchy of the Sikh community was present. In addition to attending the Bhog ceremony, Members of the Commission interacted with the leaders of the Sikh community. A delegation of Sikh from Srinagar also met the Commission on the morning of 1 April. The delegation expressed their anguish and dismay on the dastardly incident of the Chattisinghpura and demanded a thorough probe in the incident by some independent international agency like Amnesty-International. While appreciating the gesture of the Majority Muslims community in the State in showing local solidarity with their Sikhs brethren on the incident of Chattisinghpura, Sikhs expressed their dissatisfaction with State/Central Government for not doing enough to restore their confidence. The representatives demanded greater involvement of Sikh community in the governance of the State and alleged negligible share in services and their marginalization in the economic activities over the period of time. The Sikh representatives outrightly rejected the proposal of the Central Government to recruit Kashmiri Sikhs in Military/Para-Military/Central forces and post them in Kashmir, particularly in the localities inhabited by Sikh community to restore their confidence. They regarded this as a step to divide the Kashmiris on the ground of religion.

A visit was made to historic Parsi Cemetery in Badami Bagh by the Parsi Member of the Commission, Lt. Gen. (Retd.) A.M. Sethna.

### **Summary of Observations**

The visit by the Commission at the invitation of the Chief Minister and with the full cooperation from the Government of J&K was path breaking in the manner in which the newly re-constituted Commission was functioning. The very fact that the Commission led by Chairman went to condole the Sikh community in their moment of grief, highlighted the concern of the Commission towards the Minority community in its hours of trial.

The problem of the Kashmiri migrants was seen at the first hand.

Some of the suggestions made by both the Sikh and the Hindu minority community which need highlighting are:

- (a) The need for greater sensitivity on the part of the administration so that confidence can be built up at the moment of crises with communities.
- (b) Need for highlighting the nation's concern at giving greater weightage to Minorities in Government offices whether at the political or the administrative levels.
- (c) The necessity of being forewarned of any out-break against Minority or other sub-class or group, viz., Shias.

### **Conclusions and Recommendations**

After listening to the problems of Kashmiri Migrants and after assessment of over all situation of the Kashmir Valley, the Commission came to the conclusion that the situation of Kashmir Valley had come to near normal over the last 3-4 years. Stray incidents like that of Chattisinghpura was a desperate attempt to disrupt the prevailing normalcy in Kashmir. It was, therefore, the most opportune moment to initiate the process of safe return of all Kashmiri Migrants. Immediate steps needed for emotional integration of Kashmiri people with the rest of India. Following recommendations were, therefore, made to the State/Central Government:

- (a) The Central/State Government should initiate immediate action for return of Kashmiri Pandits living in camps at Jammu and other places. Government should create 'Security Zones' in selected places of Kashmir, both in urban and rural areas. The Kashmir migrants belonging to the areas where such security zones are created should be rehabilitated. Sufficient time should be given to the migrants to return back to their places.
- (b) The lack of civic amenities in the camps of Kashmir Pandits needs to be improved immediately. The general impression amongst the migrants that financial aid given for the purpose is not utilized fully for their benefit needs to be dispelled by ensuring total transparency in utilization of funds and involvement of the camp migrants in the management of these camps.
- (c) The State/Central Government should prepare a directory of all the immovable properties left by Kashmiri Pandits in the Valley and should

constitute a supervisory body to look after these properties with a view to ensure that revenue earned by these properties reaches their owners.

- (d) The leave salary being paid to Kashmiri Pandits should be gradually discontinued ensuring that they are assigned suitable jobs in the Valley, Jammu or even in the offices of the Central Govt. Their services should be gainfully utilized and they should be paid full salary instead of remaining without work and getting leave salary.
- (e) State/Central Govt. should ensure greater involvement of Sikhs and Kashmiri Pandits in Political Institutions. This can be ensured by nomination of their representatives in appropriate forums, wherever feasible.
- (f) The appropriate representation of Sikhs in the State Employment and services should be ensured over a period of time.
- (g) The State/Central Govt. should evolve a consistent policy of rehabilitation of the families of those who are killed due to Militancy in Kashmir. Immediate payment of compensation @ Rs.2.5 lakhs for those killed and employment to one of the family members of the deceased should be ensured. It is understood that there is a backlog for appointments on compassionate ground as the State Govt. does not have enough jobs at its disposal. This situation needs to be resolved with the help of Central Govt. and backlog should be immediately removed.
- (h) The proposed employment of Sikh Kashmiris in Central Forces should not be linked to their placement of Kashmir alone. The Kashmiris recruited in Central forces under the scheme of compassionate appointment should be placed anywhere in India to ensure their emotional integration with the country.

The above recommendations were made to the Central Govt. in accordance with the powers conferred to the Commission under Section 9 (1) (c) of the NCM Act, 1992. for appropriate action in accordance with the provisions of the said Act.

Hon'ble Chairman vide his letter dated 3.4.2000 thanked Dr. Farooq Abdullah, Chief Minister, J&K for excellent arrangements made during the stay of the Commission in Kashmir. A Brief Report of the Commission was sent on 13.4.2000 by Chairman to the Prime Minister, Home Minister, Chief Minister of J&K and the then Union Minister of State for Social Justice & Empowerment. Dr. Farooq Abdullah, Chief Minister, J&K vide his letter dated 19.5.2001 informed the Chairman that the State Govt. had noted the recommendations of the Commission. Smt. Maneka Gnadhi, Minister of State for Social



Justice & Empowerment vide her letter dated 20.4.2000 informed the Commission that the recommendation of the Commission had been taken very seriously and proposed to forward the report to the Union Home Minister with her own comments as many of them requires intervention of Ministry of Home Affairs. Regarding action plan for economic rehabilitation of Kashmiri Migrants, she proposed to ask the Union Home Minister to call a meeting of different Ministers. The Special Secretary, Min. of Home Affairs informed that the report has been forwarded to the State Govt. with the direction to take urgent necessary action for implementation of the recommendations.

### **Commission's visit to Malpura and Tonk, Rajsthan on July 18-19, 2000**

A team of the NCM comprising Hon'ble Chairman Justice Mohd. Shamim, Vice Chairman Shri Tarlochan Singh, Member Shri V.K. Dar and the then J.S Shri M.S. Sokhanda visited Jaipur and Malpura on July 18-19, 2000 to study the situation arising out of communal clashes and with a view to defusing tension and restoring communal amity in the area.

On the basis of discussions held with Chief minister, Chief Secretary, Chairman State Minorities Commission, other senior officials and non-officials and visit to Malpura (including houses of victims) the visiting team made the following broad observations/recommendations:

- "The State Government facilitated our briefing, meetings with the concerned governmental agencies and others to enable us to assess adequately the background of this law and order problem in Tonk District and the preventive measures required. The general impression was that the handling of the situation by State authorities was satisfactory and that sufficient precautionary steps had been undertaken in the vulnerable areas of the State thereby bringing the over all social tension under control;
- Peace Committees in the District had been activated and there was a suggestion to include therein younger elements too to make them more effective;
- Arranging periodical dialogue with representatives of various communities at District, Divisional and State level would enable better understanding mutually and create a cordial atmosphere in the field for successful functioning of a sensitized administration;



- Posting of personnel particularly in violence prone districts with secular credentials will build morale and give confidence to minorities;
- It was reported that on the day of first incident on July 10, 2000 neither the Dy. SP nor SDM were available in Malpura. It would be advisable, therefore, that senior officials in vulnerable districts particularly co-ordinate their movements such that to the extent possible at least one of them stays at headquarters;
- It would be appropriate that the State Minorities Commission is broad based to include a representative of the Christian community;
- Causes leading to social conflicts with communal overtones in which innocent lives are lost need to be considered in depth for taking remedial/preventive steps. Confidence building exercise would be an essential part of any such initiative;
- The main offenders in Malpura incidents be apprehended expeditiously, if not already done;
- Malpura had experienced such violence in the past also and as such it becomes imperative for the authorities to assist in creating an atmosphere of cordiality and goodwill among the people while remaining ever vigilant and effective;
- A Minority Cell should be set up reporting directly to Chief Minister to monitor and review, from time to time, preemptive steps taken to avoid recurrence of violent incidents in the communally sensitive areas of the State."

An enquiry into the Malpura incidents has been undertaken by the State authorities.

#### **Visit of Lt. Gen. (Retd.) A.M. Sethna, Member to Chennai on 16-17 July, 2000**

During his visit to Chennai Lt. Gen. (Retd.) A.M. Sethna, Member of the Commission met the Vice Chairman of the State Minorities Commission and its Member Secretary. The matters of common interest to Minorities were discussed. The State Commission handed over a set of papers which showed that Parsis of Tamil Nadu were not included in the list of State Minorities. This was taken up by the Member with the Tamil Nadu Government and the State Parsi Zoroastrian Organization. The Member also had a meeting with Mr. Chandramouli, Regional Census Commissioner about Census



2001. The coming decennial Census and the importance of each member of all minority communities being counted was discussed. It was stressed that as the Parsis and Kashmiri Pandits are listed as "others" in the Census form, it was essential that every effort was made to get them counted correctly. The Member attended the 90<sup>th</sup> Anniversary Celebration of Jal Phiroj Clubwals Dar-e-Meher (fire temple) at Chennai in the morning of 16<sup>th</sup> July. The biennial Executive Council Meeting of the Federation of Parsi Zoroastrian Anjuman of India was held thereafter. He attended the meeting in his capacity as Member, NCM as also Vice President of the Federation of Parsi Zoroastrian Anjumans. The meeting took place on 16<sup>th</sup> and 17<sup>th</sup> July which was very well attended. The Federation represents almost all the Parsi Zoroastrian Anjumans/Punchayats of India. At its Executive Council, Parsi Zoroastrians' matters of importance to the community were examined, discussed and general guidelines were given for betterment of the community. The importance of the Census and the demographic problems, education and upbringing of the young were given the necessary importance that they deserve.

### **Tour of Rev. T.K. Lochen Tulku Rinpoche to Spiti from 30<sup>th</sup> July to 25<sup>th</sup> August, 2000**

Rev. T.K. Lochen Tulku Rinpoche left Delhi on 30 July arrived at Kaza and then at his Monastery at Key on 1 August, 2000 in the afternoon. Next day he crossed 16000 ft. Kunzam Pass and went to Chota Dara to receive H.H. The Dalai Lama who was coming to this Monastery for Kalachakra initiation. He returned to Key Monastery on 2<sup>nd</sup> August after attending couple of way side receptions along with H.H. the Dalai Lama. On 3<sup>rd</sup> August H.H., The Dalai Lama inaugurated New Prayer Hall at the Key Monastery. The function was organized in traditional Buddhist Style. On 4<sup>th</sup> & 5<sup>th</sup> August, 2000 the Member attended meetings with local officials who were making arrangements for tents, water, sanitation, electricity, street lighting, medical, rations, transport etc. for a large number of devotees coming for Kalachakra initiation. On 6<sup>th</sup> & 7<sup>th</sup> August 2000, he remained busy in preparation of Kalachakra Mandala. On 8<sup>th</sup> to 10<sup>th</sup> August 2000, the Member remained with H.H. The Dalai Lama in preliminary teachings. On 11<sup>th</sup> August, 2000 the Member received Dr. Vishnu Kant Shastri, Governor and Prof. Prem Kumar Dhumal, Chief Minister of Himachal Pradesh at the helipad. The Governor and the Chief Minister inaugurated National Seminar on "The Culture and Language of the Indian Himalayas: Tradition and Change". The seminar was held from 11 to 13<sup>th</sup> August, 2000 and about 30 Scholars from all over India presented their papers. The seminar was jointly sponsored by Govt. of Himachal and Key Monastery. On 12<sup>th</sup> to 16<sup>th</sup> August, 2000, the Kalachakra Tantra for world peace was initiated by H.H. The Dalai Lama. It was the highest form of Buddhist ritual in which prayers, combined force of blessings, mantra, devotion and meditation are used to awaken the Buddha nature of disciples.

There were about 30000 to 35000 persons who attended the prayers. On 18 & 19<sup>th</sup> August 2000, thanks giving functions were organized for the local people, panchayats and officials including presentation of souvenirs. On 20<sup>th</sup> & 21<sup>st</sup> August, 2000 the Member attended public meetings and received representations at village Shalkhar in Kinnaur District and returned back to Key. On the subsequent days, the Member performed long life and purifying puja at Dhankar Monastery at the request of the local people. The Member returned to Delhi on 26<sup>th</sup> August 2000.

### **Tour of Lt. Gen. (Retd.) A.M. Sethna to Hyderabad/Secunderabad on 2-8 October 2000**

Lt. Gen. (Retd.) A.M. Sethna, Member visited Secunderabad/Hyderabad on 2-8 October 2000. Besides meeting members of the Parsi Zoroastrian community, he had wide ranged consultations with many others. The tour report of the Member covered the following sections:-

- (a) Matters pertaining to the Parsi Zoroastrian Community
- (b) Issues of relevance to the Commission

### **PARSI MATTERS**

At a well attended function the Member was able to put across the functioning of the Commission in so far as Minority communities were concerned and for the Parsis in particular. The importance of getting counted in the forthcoming Census was emphasized and it was stressed that the Anjuman should forward their "Directory" to the Regional Census Office so that all Parsi households were covered. The demographic decline in the population was highlighted and some remedial measures were suggested. The implications of this decline on organizational, medical and economic aspects were highlighted. The assistance offered by the State Minorities Welfare and Channelizing Agencies was brought to the notice of the community which was mostly unaware of this. Finally, the importance of the community speaking with one voice on all matters relating to the Administration was stressed and via medias for overcoming some of these problems explained. A greater give and take approach as against the purely legalistic one was suggested.

### **ISSUE OF RELEVANCE TO THE COMMISSION**

#### **Sensitizing the services to Minority Issues**

This was taken up at the College of Air Warfare, the National Police Academy and with the Chief Secretary. It was agreed that the Services Training Institutions need



assistance in being able to put across to their student officers at various levels of seniority the correct understanding of the nuances of the subject. The maintenance of peace within the communities was not merely the prevention and handling of communal riots but also the creation of understanding and appreciation of other points of view in which the officer cadre had an important part to play.

The Chief Secretary went farther and suggested that we could help when such a sensitization programme was organized at the State level which was very much on the cards in Andhra Pradesh. He also suggested that we should take this up with the IAS Training Academy at Mussoorie.

The Police Academy was asked to indicate what assistance in the form of resource persons could be provided to participate in discussions/workshops they would be organizing. At the Defence Services level the requirement was mainly for the Army when it went to the aid of civil and anti-insurgency operations. It was suggested that we should get in touch with Dr. Selvamurthy DIPR who was examining this matter from the psychological point of view.

#### Representation of Minorities in Services

The State Channelising Agencies were aware of the lack of minority candidates appearing or selected in the Services. They wanted to increase their percentages or at least give "comfort" to minorities in this respect. It was suggested that a Parsi Member would be nominated to the State Public Service Commission and the State Minorities Finance Commission which was in the process of being reconstituted.

The Member reported that his interactions at a variety of levels during the tour were greatly assisted by the Administration and its Protocol Offices in particular. He has written to thank all concerned giving them a gist of his discussions.

#### Tour of Member Rev. T.K.Lochen Tulku Rinpoche to Spain from 3<sup>rd</sup> to 16<sup>th</sup> October 2000

Rev. T.K. Lochen Tulku Rinpoche, Member visited Spain to deliver teachings, lectures and to conduct religious discourses on an invitation from Buddhist Society of Spain. On 4<sup>th</sup> October, he was received at Bilbao Airport in North Spain by some members of Buddhist community. This is a beautiful small town on the borders of France and Spain. There is no restriction in movement across the border. On 6<sup>th</sup> October, he was invited to deliver a lecture on 'ESSENTIAL OF BUDDHIST

PHILOSOPHY' at Psychology Department of San Sabastin University. He was introduced by the Head of Department and there were about 50 academics and students amongst the audience. On 8<sup>th</sup> October, he performed a Buddhist Ceremony to the local Buddhist community which was attended by all of them. On 10<sup>th</sup> October, he had private meetings with some individuals who wanted to take his counsel for their personal problems. On 12<sup>th</sup> October, a general talk on Buddhism was organized in Biaritz in France which was attended by 30/40 Dharma Followers. On 13<sup>th</sup> October, a farewell function was organized by the Buddhist community. Next day, the Member spent in sight seeing and on 15<sup>th</sup> October, 2000 left for Zurich on way back home. He reached New Delhi on the night of Monday, 16<sup>th</sup> October, 2000.

#### **Tour of Rev. T.K. Lochen Tulku Rinpoche to Roorkee on 12-13 November 2000**

Rev. T.K. Lochen Tulku Rinpoche, Member visited the Department of Humanities and Social Sciences University of Roorkee on their invitation to participate and present a theme paper in the International Conference on "Buddhism as a significant means of Inter-Cultural Dialogue for Global Peace and harmony" on 13-15 November 2000. He presented a theme paper on 'Buddhistic Philosophy and Contemporary Issues' on 13<sup>th</sup> November 2000. The International Conference was inaugurated on 13<sup>th</sup> November morning by His Holiness The Dalai Lama. He had highlighted the importance of mind training and contribution of Buddhism to global peace and harmony. The Member reached Roorkee on 12<sup>th</sup> November afternoon and returned back to Delhi on 13<sup>th</sup> November 2000.

#### **Tour of Shri John Joseph, Member to Morena, Madhya Pradesh on 1<sup>st</sup> December 2000**

Consequent upon the brutal attack on the Catholic Priest Fr. C. Alphonse by some armed intruders on the early morning of the 28<sup>th</sup> November 2000 in Morena, Madhya Pradesh, Shri John Joseph, Member visited the Priest and made an on-the-spot investigation about the incident. On 1<sup>st</sup> December 2000 he reached Gwalior and met Rt. Rev. Joseph Kaithathara, Bishop of Gwalior, Rt. Rev. Frederick De Souza, Bishop of Jhansi was also present at the Bishops House. They had a fruitful discussion wherein the Member came to know the views of both the Bishops. Rt. Rev. Joseph Kaithathara had expressed complete satisfaction at the way in which both the Gwalior and Morena District Administration responded to the attack, the security provided to Fr. C. Alphonse and the Catholic Church in question. Regarding the attack on Fr. C. Alphonse, Rt. Rev. Joseph Kaithathara opined that on the face of it the incident seemed to be an attempt of robbery but looking at the nature of attack on the Priest, he doubted whether there was



any communal angle to the incident. Accompanying the Member on his tour were two Priests, namely, Rev. R. Abraham and Rev. Leslie Mathew and Shri Sam Varghese, PS of the Member. After the meeting with the Bishops, the Member went to Gwalior Medical College where Fr. C. Alphonse was hospitalized. Looking at the injured Priest one could gauge the extent to which he was physically tormented, with fractures on the left hand and right finger, deep injury on the head, seven teeth falling off due to the severe hit on the mouth, and injuries on the shoulder, hands and legs. According to the statements of Fr. C. Alphonse, Rt. Rev. Joseph kaithathara and Shri Yogesh Deshmukh, Addl. S.P., Morena district, at nearly 2-3' O'clock in the morning of 28<sup>th</sup> November, some armed intruders entered the Church compound where the Priest was staying. All the three said that the watchman opened the gate of the Church/Parsonage whom they suspected to have a deep hand in the incident. The intruders went straight to the room where the Priest was sleeping. Hearing the knock on the door, when Fr. Alphonse opened the door, torchlight was flashed on his face and he was hit with some blunt instrument on the head. Thereafter, the Priest was beaten up brutally. Along with the Priest three young boys, namely, Lakhan, Dara and Preetam used to sleep in a separate room whom the Fr. used to teach. Hearing the loud cries of Fr. Alphonse, the boys were frightened and they bolted the entrance to their room and ran out from the back door. Shri Yogesh Deshmukh took the member to all the rooms and found out that the intruders ransacked every almirah kept in all the rooms and took away Rs.1000-1200, which was kept in the almirah. The interesting fact that was stated by the above three was that the intruders did not touch any articles concerned with religion. The intruders also went to the first floor which was the Church prayer hall. Neither did they touch the Bibles nor any other religious articles in the prayer hall. Another fact, which was stated by the above three officials was that after the intruders left, hearing the cries of Fr. Alphonse, the people living in the neighbourhood came and carried him on the stretcher. Even when nearly 25 to 30 people were carrying him, the watchman was pretending to sleep oblivious of the goings. This further indicates a suspicion that the watchman was hand in gloves with the intruders. When asked for his views, Fr. Alphonse also felt that the incident might be a case of simple robbery but he also had his doubts about the involvement of some anti-Christian elements. He said that his relations with the local people were excellent and there was no reason to give this incident a communal colour. He expressed complete satisfaction at the manner in which the local administration as well as the hospital staff had responded to the situation. The police have arrested the watchman. They also took into custody, some suspected anti-social elements of the local area. Addl. S.P. Shri Yogesh Deshmukh assured that he would leave no stones unturned to get to the bottom of the truth.

In the afternoon, the Member along with a delegation of the above mentioned Bishops and Priests had a meeting with Shri Digvijay Singh, the Hon'ble Chief Minister

of Madhya Pradesh who also was visiting Gwalior that day. Along with the Chief Minister, Madhya Pradesh Home Minister, Shri Mahendra Boudh was also present. Shri R.C. Arora, D.I.G also attended the meeting. In the meeting the Member stressed before the Chief Minister that all measuring steps needed to be taken to instill confidence into the hearts of the Christians who were feeling insecure and fearful. The Chief Minister assured that all proper steps would be taken to ensure that such incidences are not repeated in the future. To probe this incident further he ordered for constitution of a special investigation team. The Member appreciated the positive response of the Chief Minister towards him as a Member of National Commission for Minorities.

In conclusion the Member strongly felt that all the occurrences prima facie pointed to a simple case of robbery. But looking at the brutal nature of attack on Fr. Alphonse, the Member reserved his suspicions as to the possibility of any communal angle to the incident. The Member once again put emphasis upon the strong need for taking all the required steps by the M.P Govt. to instill a feeling of security and confidence among the Christian community in the State.

#### **Tour of Rev. T.K. Lochen Tulku Rinpoche to Japan from 1<sup>st</sup> to 15<sup>th</sup> December 2000**

Rev. T.K. Lochen Tulku Rinpoche, Member was invited by a Japanese NGO, 'Friends of Himalayan Tribals' to visit Japan for approx. two weeks. 'Friends of Himalayan Tribals' was a charitable organization whose members take interest in the culture of India's Himalayan regions principally Spiti and Kinnaur and endeavour to provide assistance in various forms to the people living in these regions. Member, left India on 1<sup>st</sup> December and arrived Tokyo on 2<sup>nd</sup> December 2000. On 3<sup>rd</sup> December he inaugurated a Charity Art Exhibition. This was at Ginsha Gallery, Tokyo, organized in support of an educational project for women and children of India's remote Himalayan region. Then the Member left for Hanno on 4<sup>th</sup> December 2000. On 8<sup>th</sup> December 2000, he returned back to Tokyo for the concluding ceremony of the Art Exhibition where a prayer for the World Peace was held which was attended by about 40 persons. The Art Exhibition was quite successful as it became quite popular and a number of artfices were sold. The proceeds of the exhibition were donated for construction of a Women Education Centre in Kinnaur, H.P. Next day, he spent with some residents who consulted him about their personal problems. On 8<sup>th</sup> December the Member went to Osaka by car. It was a mountaneous region and the road mostly passes through tunnels and bridges. At Osaka, he visited Hoshida Myoken Shrine. It is a prayer place for all religions located in a beautiful setting on a hill top. The Member prayed for World Peace along with the residents. On 10<sup>th</sup> December, the Member travelled to Hiroshima to attend 'Hiroshima2001 function and he had a Prayer Gathering for Peace and Harmony' and a



seminar. He was asked to give the valedictory address to the prayers at the end. An interesting event on 11 December 2000 was 'Lantern Floating' in front of the A-bomb Dome. This Dome made of copper is a reminiscence of dropping of the Atom Bomb at this place in August 1945. A museum here reminds some of the devastations of the bombing e.g. models of burnt bodies, burnt clothes, burnt tiffins of school children, burnt cycles, destroyed sun glasses, a watch stopped at 8.15 the time bomb was dropped. It was a moving spectacle. In the evening on 11<sup>th</sup> December 2000, a welcome reception was given by Chairman Dr. Tsuyoshi Nara, Prof. Emeritus Tokyo Foreign Language University. A farewell lunch was organized on 12<sup>th</sup> December 2000.

While endorsing his remarks at the Visitors Book of the Atom Bomb Dome, the Member wondered why politicians around the world do not come together to strive for a nuclear free World. The power of nuclear bomb is sufficient to destroy entire living beings in few moments. The effect of Hiroshima Bomb, which was only 20 KT, is clear enough to show destructive power of man for a total self-annihilation.

On 13<sup>th</sup> December, he inaugurated an Art Exhibition at Hiroshima similar to one earlier held at Tokyo. On 14<sup>th</sup> December he left Hiroshima for Osaka and on 15<sup>th</sup> left Osaka for Delhi.

#### **Tour of Rev. T.K. Lochen Tulku Rinpoche to Ghaziabad on 26<sup>th</sup> December 2000**

Rev. T.K. Lochen Tulku Rinpoche visited Ghaziabad on 26<sup>th</sup> December 2000 on the invitation from Vishesh Kendriya Vidyalaya, Kamla Nehru Nagar, Ghaziabad to participate in Losar, new year celebrations as per Himalayan traditions, as the Chief Guest. Vishesh Kendriya Vidhyalaya, Ghaziabad was a unique Central School where tribal children from disturbed border districts study. It was a residential school from class VI to XII. There were about 200 students from Ladakh, Sikkim, Arunachal Pradesh, Nagaland and other NE States in this School. The students were forwarded by respective State Govts. for admission. So far Central School Sangathan was paying for lodging, boarding, school fees and books and subsequently they stopped this grant due to paucity of funds. The parents and students had asked the Member to take up their cause. Central Govt. or respective State Govts. were requested to pay as the students were not able to continue their studies in their States due to disturbed conditions. The School also helps in national integration and in bringing these children into the national mainstream. The Member asked them to forward their case to the Commission for consideration.

**Visit of Lt. Gen (Retd.) A.M. Sethna, Member to Houston from 28<sup>th</sup> December 2000 to 1<sup>st</sup> January 2001**

Lt. Gen. (Retd.) A.M. Sethna, Member attended the 7<sup>th</sup> World Zoroastrian Congress held at Houston from 28<sup>th</sup> December to 1<sup>st</sup> January 2001. The President of India had sent an inspiring message on this occasion. The Congress was attended by over 2200 delegates from 15 countries. A detailed and comprehensive programme was conducted with great precision. Its deliberations helped to take the Zoroastrian community into the next millennium by creating a sense of bonding of the world-wide Zoroastrian population. The emphasis of continuity and change was greatly appreciated by the youth who had been sponsored from various countries, most being from India. There were two formal presentations made by the Member:-

- (a) on the preservation of Parsi Zoroastrian Heritage and Culture which the Member made on behalf of Dr. Shernaz Cama; and
- (b) Status of the minorities in India with particular reference to Parsi Zoroastrian in India. This projected an all India perspective, as opposed to more sectorial presentations.

Both these presentations were made with the help of the Commission's laptop computer as power point presentations. The former also included a short audio-visual made with the help of VHS cassette. Those were the only two presentations made with such modern tools of presentation and were greatly appreciated as was evident from the lengthy question and answer session and post presentation discussions in detail. In addition, the Member was invited to participate in a discussion on the 31<sup>st</sup> December on some of the burning issues taken up by the media where he made a brief presentation of the demographic structure of the Parsi Zoroastrian of the sub-continent. On 1<sup>st</sup> January the Member was given the honour of summing up the Congress in its valedictory session as the sole speaker. This was done not merely in his personal capacity but as a senior officer of the Govt. of India which was well recognized by the organizers and the delegates.

**Visit of the Commission to Karnataka on 8 – 12<sup>th</sup> January 2001**

The Commission in its meeting held on 29.9.2000 decided to visit southern and North Eastern States to understand more intimately the problems of minorities in different parts of the country. The Commission's team comprising Justice Mohammad Shamim, Chairman, Shri Tarlochan Singh, Vice Chairman and Members Shri Shamim

Kazim, Rev. T.K. Lochen Tulku Rinpoche and John Joseph visited the State of Karnataka from 8<sup>th</sup> to 12<sup>th</sup> January 2001.

After an informal internal meeting of the Commission in the forenoon on the 9<sup>th</sup> January 2001 at Bangalore, Commission met the representatives of different minority communities separately in the Conference Hall of the Vdhana Soudha at Bangalore. At the outset, the Chairman, NCM in his opening remarks, made it clear that the distinctive feature of the country was its 'diversity', which has been fully recognized by the Constitution which contains elaborate provisions to fully protect it. The Constitution fully empowers different minorities to establish their own institutions to protect their distinct culture, language & religion. While explaining the purpose of the visit of the Commission, he made it clear that it was a fact finding visit for which it was essential that the representatives have a frank discussion with the Commission on all matters that bother them as a minority. The meeting was attended, among others, by Shri Rahman Khan, Member of Parliament (and a former Chairman of the State Minorities Commission), Smt. Nafeesa Fazal, Minister of State for Medical Education, Govt. of Karnataka, Shri Saleem Ahmad, Chief Whip, Karnataka Legislative Council, Syed Yasin, MLA, apart from other representatives of different minority communities. Separate meetings were organized with members of minority communities by the Deputy Commissioners, in Mysore on 10<sup>th</sup> January and Madikeri (Mercara) on 11<sup>th</sup> January.

The Commission met the senior officials of the State Government of Karnataka in the Vidhana Soudha at 3:30 P.M on 9.1.2001. The Principal Secretaries of all the concerned departments under the leadership of the Chief Secretary of the State were present. The Chairman commended the State Government for having given adequate attention to the cause of development of minorities in the State which was evident from a large number of schemes launched by the State Government for the welfare of minorities and the creation of a separate department. The State Home Secretary gave a detailed account of the action taken by the State to deal with the communal problem. The police force in the State was sensitized, senior officials were made personally responsible for monitoring and dealing with communal issues/problems. Any information about communal problems was to be promptly acted upon. Regarding compensation to the victims of communal riots, the scheme of the State Government of providing Rs.1.00 lakh to the next of kin along with an appointment of a family member to a Govt. job on compassionate grounds was considered better than the recommendation of the Commission in providing Rs.2.00lakhs as a lump sum compensation. The Commission paid a courtesy call on the Governor on the 9<sup>th</sup> evening, and met the Chief Minister at 11:00 a.m on the 10<sup>th</sup> January 2001. The Chairman commended the initiatives taken by the State Govt. of Karnataka to protect the interest of minorities in the State. The



Commission met with the representatives of the different minority communities at Mysore and Madikeri on the 10<sup>th</sup> and 11<sup>th</sup> January 2001.

After careful consideration of the averment made by the representatives of the minority communities before the Commission and after hearing the State Govt. officials, the National Commission for Minorities made the following recommendations:-

1. The individual cases of complaints referred by NCM to the State Govt. should be examined on priority and a report on the action taken by sent to NCM.
2. The State Govt. should ensure that references made by NCM to the State authorities are attended to promptly. They should not only be acknowledged but comments/report/action taken on such references should be sent to the Commission on a priority basis, after due consideration at an appropriate level.
3. The State should immediately constitute the State Minorities Commission, to include representatives of all the recognized National Minorities.
4. The birth day of Guru Nanak and Buddha Jayanti should be declared as State holidays.
5. The issue of the representation of minorities in the State Legislative Councils will be looked into by the NCM.
6. The State Govt. should take steps to resurvey Wakf Lands and initiate legal action to correct the revenue records, with a view to ensuring that none of the identified Wakf Properties/Land are registered as 'Sarkari' or 'Nazul' in the Revenue Records. Suggested action should immediately be initiated in case of 26 Wakf Properties in Bijapur, after canceling the allotment of the Waqf Properties by District Collector of Bijapur for purposes other than those identified in the Wakf.
7. The State Govt. should appoint a nodal officer in the State Secretariat to look after the matters relating to the Wakf Properties of the State. This is being suggested in view of the growing inability of the State Wakf Board to influence the State authorities to resolve their genuine difficulties.
8. The State Govt. should ensure adequate provisions for providing primary education to the Muslim minority of the State in their mother tongue i.e. Urdu. In addition, an adequate number of Urdu teachers in Kannada medium schools and Kannada teachers in Urdu medium schools be also appointed to obviate problems of students moving to a different medium in class VII.



9. The condition of Urdu medium schools in the State should be improved both in terms of providing adequate trained staff and essential physical facilities. In case the community, due to its economic backwardness, is not in a position to maintain the State run primary schools, alternative avenues be explored by the State Govt. to provide adequate facilities to them. Some effective supervisory arrangements should be evolved for Urdu medium schools to ensure improvement in the quality of education being provided in these schools. The State Govt. may consider the establishment of a Directorate for Urdu schools or devise some other mechanism to achieve this objective.
10. The level of 4% reservation in professional colleges and in job for the Muslim minority should be adequately enhanced in the wake of their continued economic and educational backwardness and to make it commensurate with their population in the State.
11. The State Govt. authorities should ensure through the State level Bankers Committee (SLBC) that the credit flow to minorities is increased by way of fixing adequate targets for each bank in the State and also accord priority to promoting community based micro credit institutions in the State.
12. The State Govt. should earmark land for the construction of Mosques, Churches and graveyards in the new urban layouts prepared by Govt./Local Bodies/Development Authorities. Provision of land for worship places and also for graveyards be kept in all new Development Areas.

The Govt. of Karnataka sent a reply to this Commission on the above recommendations. As regard the recommendations relating to individual cases of complaints referred by NCM to the State Govt, the Govt. of Karnataka replied that the instructions have been issued to all the Departments to examine scrupulously all the references and recommendations of the NCM. Regarding recommendations of representations in the State Minorities Commission, the Govt. of Karnataka informed that the KSMC Act, 1994 has come into force with effect from 3.10.1994 wherein the provision has been made to appoint one Chairman and 6 non official Members to Commission. As regard the birthday of Guru Nanak and Buddha Jayanti, it has been replied that the State Govt. has declared restricted holiday for Buddh Purnima and Guru Nanak Birthday. The recommendation of survey of Wakf lands and appointment of nodal officer in the State to look after the matter relating to Wakf properties, the State Govt. has informed that the Revenue Department has already taken up survey of Wakf Properties of Gublarga and Bijapur districts. Further, Govt. has also decided to re-survey the Wakf properties of the 6 districts. Regarding recommendation relating to adequate provisions for providing primary education and Urdu Higher in mother tongue,

improvement of Urdu medium schools, increasing credit flow to minorities and earmark land for the construction of Mosques, Churches etc. the Govt. has replied that sufficient teachers have been appointed to Urdu schools, and 620 Urdu teachers are being appointed in the present recruitment, credit flow to minorities has been increased by fixing adequate target for each bank and in all areas under the control of the Bangalore Development Authority are being developed and schemes are earmarked for civic amenities and these include place of worship for all religions.

### **Tour of Shri B.S. Baswan, former Secretary of the Commission to Kerala**

After the Commission visited Karnataka and concluded their tour at Madikeri (Mercara) in Coorg District, Sh. Baswan, Secretary proceeded to the Malabar Districts of Northern Kerala by road. En route to Cannanore (Kannur), he passed through Virajpet (the scene of communal clashes last year) and Iritty in Kerala, before reaching Cannanore. Cannanore (Kannur) is one of our classified minority districts and the discussions with the Collector and other local officers brought out the fact that the ongoing clashes were actually a part of the prevailing political violence in the State. Fundamentalist elements had infiltrated into the main alliances (UDF & LDF) and the clashes were primarily between the RSS and the CPM workers causing a growing cleavage between the Hindu and Muslim communities who had, by and large, a history of communal amity. The Chairman of the District Peace Committee, based at Tellicherry, Shri Rumunny confirmed this trend.

The Multi-Sectoral Development Plan for Minorities for Kannur district shows a commendable initiative, though Muslim women's education issues have not been paid the same attention as in other districts.

Calicut (Kozhikod) is another district which had a sizeable minority representation and the Collector told Sh. Baswan that her experience was that community relations there were much better than in other districts. At the same time, the Muslim community had taken important steps to educate and uplift their members and the Muslim Service Society (MSS) took the lead in this regard. He had a meeting with the MSS Board Members of the Society in Calicut. From Calicut, he proceeded to Malappuram which was the only Muslim majority district outside Jammu & Kashmir. Its formation boosted the confidence of the minority community and their leadership was very enlightened. Sh. Baswan was not able to meet Haji Thangal, the most prominent leader of the Muslim community in the State and his colleague Mr. P.K. Kunjalkutty, a former Minister and MP who were both out of station. The officials at Malappuram



confirmed the growing awareness of the value of education, even among the womenfolk of the Muslim community.

The last district was Thrissur (Trichur) where the minority communities were quite advanced and a lot of them had gone into business. Sh. Baswan was able to interact with the Bishops of Thrissur and Irinjalakuda along with the administrative functionaries of each diocese. The Christian leaders expressed their deep dismay about attacks on churches and community members in other parts of the country but were at great pains to emphasise that they had no major problems in the State of Kerala. One of their main grievances was the fact that the LDF Government, for ideological reasons, did not support the setting up of private higher educational institutions, a view shared by members of the MSS. On the face of it, the State Government adopted a "dog in the Manger" attitude in the sense that it could not itself invest in higher education but made it extremely difficult for the private sector to enter the field. Their motivation appeared to be more ideological than communal. Sh. Baswan returned to Delhi on Sunday the 14<sup>th</sup> January via Cochin and the feedback he received from the local administration, there was that communal relations were, by and large, cordial and both minority communities had a sound social and economic standing.

Kerala was, of course, a model in many ways and members of the Christian and Muslim communities were far more prosperous and educated than their counterparts in other regions of the country. The situation in the State brings out the positive correlation between the empowerment of minority communities and communal harmony, although the process had been somewhat vitiated by increasing political violence and the entry into the political field of groups/parties with a sectarian agenda. The perennial problem of labour unrest continues to discourage investment in the industrial sector and there is a growing realization among all communities that information technology and tourism would be the two areas where the State would have a comparative advantage given its higher social indices.

#### **Tour of Sh. B.S. Baswan to Raipur on 22<sup>nd</sup> January 2001**

Sh. B.S. Baswan, former Secretary of the Commission visited Raipur on the 22<sup>nd</sup> January and apart from attending the Departmental Promotion Committee for officers of the level of Chief Secretary, he met the Finance Minister, the Chief Secretary, the Home Secretary, the Secretary, Welfare who looked after the Minorities and the DG of Police. With the formation of the new State of Chattisgarh, it was provided that certain institutions of MP would continue to exercise jurisdiction over the new State for 2 years. It was explained to him that the State Government were not yet in a position to form a



State Minorities Commission but they were agreeable in principle. The new States share of liabilities with the Government of Madhya Pradesh would have to be sorted out but in the meanwhile the MP State Minorities Commission will have jurisdiction over the State of Chattisgarh for a period of 2 years from the formation of the State which was till the 1<sup>st</sup> of November 2002. Chattisgarh had a very small Sikh population and an even smaller Parsi population who were economically and socially advanced. The Muslim population was mainly confined to the towns and this region had a history of communal harmony, with members of the Muslim community participating in the economic and social life of the urban communities. The main problem pertains to Christians. In the last two decades of the 19<sup>th</sup> Century, Catholic missionaries from Belgium supplanting their Protestant counterparts and with no help from the British Raj who favoured the latter, and established their churches and schools in remote tribal areas of the Chotanagpur plateau, which included Jashpur and Surguja districts of Chattisgarh. Across the border in Jharkhand, the tribes which accepted Christianity were the Oraon and Mundas while northern Chhattisgarh had a large Oraon population. The missionaries who adopted the local Oraon totems were not able to make much headway with any other community and the Oraons were divided between the Christians and those who accepted Hinduism, the Bhagats. The number of animists who were fence-sitters is negligible as polarization had taken place. The MP Government had, around 1968, promulgated the Dharam Parivarthan Adhiniyam which made conversion an offence if it was effected by threats or inducement. Hardly anyone had been convicted since the promulgation of this Act, which was still on the Statute Book. There was one section of the majority community, led by a former ruler of Jashpur, Shri Dilip Singh Judeo, who organized camps for the "re-conversion" of those tribals who had left the Hindu fold. It was suspected that this was political posturing as the tribals concerned were generally more focused on their economic interest. Community relations in the northern areas of Chhattisgarh were better than they were a year ago and the standard of living of the Christian tribals continued to rise, given the strong thrust of the church on health and education.

## CHAPTER - 6

### AN EVALUATION OF THE PROGRESS OF DEVELOPMENT OF MINORITIES UNDER UNION AND STATES

Evaluation of the progress of development of minorities under Union and State Govts. is done through 15-Point Programme (15-PP) initiated by the then Prime Minister in 1983. This covers various aspects such as communal riots, recruitment of minorities in State and Central Services, socio-economic development and other issues like wakf properties. Ministry of Social Justice & Empowerment is the nodal agency for this programme. This programme is reviewed and monitored from time to time by the Commission.

During the period under report, the Commission reviewed the Half Yearly Progress Reports on the implementation of 15-Point Programme in States/U.Ts. The State-wise details of Half Yearly Progress Report were as under:

#### 1. Assam

The report of the Govt. of Assam for the period ending 30<sup>th</sup> September 2001 indicated that there were no communal riots, trial of communal cases in special courts, publication of inflammatory material by press etc. Members of Minority communities have already been included in the Selection Committee for Police recruitments. Since representation of minority communities is satisfactory in the services, no special campaign was undertaken. Normal procedure is adopted for recruitment with join representation from all communities. The basic training includes subjects for orientation of the Police force for maintaining communal harmony. According to a statement of representation of minorities in Police force, that there are 8531 minorities out of 51195 posted strength in the State police force which is about 16.66%.

#### 2. Gujarat :

The Government of Gujarat has sent its report to the MOSJ&E and endorsed only a copy of their forwarding letter to the NCM.

### **3. Haryana**

For monitoring/reviewing the implementation of 15-Point Programme in the State, a 'Minorities Cell' at State level has been functioning under Home Department. Nine review meetings have been held. In the State of Haryana, Sikhs, Muslims and Christians were the main minority communities. Sikhs and Christians are relatively better off socio-economically and educationally Muslim Minority community concentrated in Mewat area are comparatively economically and educationally backward. In order to ensure development of Mewat region, the Govt. of Haryana constituted the Mewat Development Board (MDB) in 1980. The State Govt. provided funds to the MDB under special area development programme.

District Level Review Committees were constituted in almost all the districts under the Chairmanship of the Deputy Commissioners who held meetings regularly.

#### **Recruitment/Selection Committees**

- (i) State Services of all ranks were of mixed composition consisting of all communities including minority communities. Candidates from amongst minority communities were selected subject to their availability and suitability. State Public Services Commission and Subordinate Services Selection Board were the two selection bodies. Adequate instructions were already issued to all the Head of Departments including M.Ds/CEOs of Public Sector Undertakings of the State to safeguard the interests of minorities while making selections.
- (ii) Most of the State Public Sector Undertakings had not constituted standing selection committees for making recruitment. Instructions already issued by the Haryana Bureau of Public Enterprises to all the State Public Sector Undertakings for providing representation to minority communities in their Staff Selection Committees as well as their services.
- (iii) The work regarding 15-Point Programme had been assigned to an officer of Deputy Director's rank in the Directorate of Employment. A separate Monitoring Cell has also been set up at the level of Divisional Employment Exchanges in the State. During the half year for the period ending 31.3.2000 1218 Sikhs, 1089 Muslims and 17 Christians candidates have been registered in Employment Exchanges located in Minority Concentration Areas.



## Education

- (i) Muslims and Sikhs constitute the linguistic and religious minorities in Haryana. Primary schooling facilities are available within a walking distance of 1.2 km. There were 553 Govt. Primary Schools and 30 recognized Private Primary Schools in Mewat area. A Govt. Elementary Teacher Training Institute had been set up at Firozepur Namak in Mewat area, where out of 205 seats per year, 125 seats exclusively reserved for Urdu teacher.
- (ii) The following colleges were functioning in the Mewat area:-
  - (a) Government College, Nagina
  - (b) Government College, Taoru
  - (c) Yasin Meo Degree College, Nuh

For the educational upliftment of educationally backward minorities, there was a scheme to provide a sum of Rs. 1 lakh every year for free stationery and financial help for the purchase of bicycles for the students belonging to educationally backward minority (Muslims). As per guidelines contained in the Directorate of High Education, Haryana to look after the educational interests of educationally backward minorities. Mewat Development Agency was implementing modernization of Madarsa scheme with the financial assistance from Govt. of India, Ministry of Human Resource Development, Department of Education from the year 1995-96. Five Madarsas were being assisted under the scheme, whereas applications from another 20 Madarsa was under consideration.

## Scheme on Remedial Coaching

An amount of Rs.2.00 lakhs was provided under Remedial Coaching Scheme every year in the plan budget of the Department. This scheme envisaged the holding of classes for three months in an academic year and each Lecturer is paid Rs.500/- per subject per class for his/her contribution in this work with a special mention in the ACR. For the year 1999-2000, Rs.1.91 lakhs had been distributed among 29 colleges.

## Appointment of Urdu/Punjabi Teachers

To promote Urdu and Punjabi language in the State, Haryana Urdu and Punjabi Academies were functioning as autonomous bodies. Grant-in-aid was given to these academies by the State Government every year. 100 posts of Urdu teacher were

sanctioned in Gurgaon and Faridabad districts, out of which 97 posts were sanctioned for schools located in Mewat area.

#### Craft Training Institute

Mewat Development Agency, Gurgaon was running Production-cum-Training centers to improve the skill of rural artisans and also raise their income. This scheme was being implemented through the Small Scale Industries and Export Corporation, Haryana. Haryana Handloom and Handicrafts Corporation was running Production-cum-Training centers for girls in the State.

#### Extension Centres of Community Polytechnic

6 Such centers were set up in Minority area wherein 227 persons belonging to Minority Communities had been trained. Three I.T.Is were functioning in Mewat area wherein 322 students of Minority communities had been admitted during 1999-2000 for training in different trades.

#### Training Course on 15-Point Programme

A special workshop on 15-Point Programme, of one week duration was organized by Haryana Institute of Public Administration, Gurgaon for officials of the State.

#### Credit flow to Minorities

The flow of credit to minorities was reviewed in the State Level Bankers Committee and District Consultative Committees meeting in the presence of Secretary, Institutional Finance and Credit Control Department, Haryana. The progress regarding credit flow to minorities upto the quarter ending December, 1999 was reviewed in a State Level Bankers Committee meeting held on 23.3.2000 by the Secretary-in-Charge. In order to create awareness of schemes of financial assistance amongst weaker sections of society, credit camps are being organized in villages in which loan applications of the eligible beneficiaries including minority communities were collected. During the half year ending October '99, 18 such camps were organized in which 300 persons belonging to minority communities who were living below poverty line, the State Channelising Agency provided loan assistance under two schemes, namely. Margin Money Loan Scheme and Term Loan Scheme. During the half year ending March 2000, 778 beneficiaries were provided financial assistance under NMDFC schemes and Rs.269.26



lakhs had been disbursed as loan to them, out of which Rs.27.65 lakhs had been disbursed in minority concentrated Gurgaon District to 51 beneficiaries.

#### Minority Grievance Committee/Peace Committees

District Level Grievance Committee were constituted in each district under the Chairmanship of Cabinet Rank Minister. Hearing and redressal of grievances including minorities constitute the agenda of these meetings. The meeting of such committees were being held regularly in each district. All D.Cs of the State were under instructions to constitute Peace Committees in their districts and hold meetings of the Committees at least once in a quarter. Such committees were constituted in all the districts of the State except Karnal, Faridabad, Gurgaon, Punchkula and Jhajjar.

#### Assistance of Voluntary Organisations

Very small number of voluntary organizations were functioning amongst minorities in the State. State Govt. provided adequate grants-in-aid to voluntary organizations or all the Communities including those of minority communities working in the field of Education, Public Health, Female Literacy, Youth Affairs and Sports, Legal Aid, Women and Child Development etc.

The Commission in its meeting held on 29<sup>th</sup> June, 2000 considered this matter. The Commission appreciated the fact that the State of Haryana promptly sent the report. Hon'ble Chairman dwelt at length on the several achievements of the State Government. As decided by the Commission, a letter was sent to the State Govt. appreciating their response. The State was also requested to providing information regarding representation of minorities in Employment/Services.

#### 4. Karnataka

The State Directorate of Minorities has deputed 7 Minority community candidates to undergo training in private institutions for appearing in IAS/IPS Exams 2001 conducted by UPSC.

There are 27 Districts in the State and at least one person belonging to minority communities is a member of the district level quarterly review committees constituted for Karnataka Development Programme (including 20-Point Programme). ITIs/Polytechnics exist in all the Minority Concentration Districts.



There are 159 cases of encroachment of Wakf Properties in the State. Many of the cases have been referred to the Deputy Commissioners of the concerned Districts for eviction and some cases are pending before various Courts. The State Govt. has established the Wakf Tribunals under the Wakf Act 1995 for determination of disputed cases over Wakf Properties.

The State Government has set up a separate Directorate of Minorities on 9.12.98 for implementation of the Welfare Programmes for the Minorities including Muslims, Christians, Jains, Buddhists and Sikhs. The Directorate has been provided with the budget allocation of Rs.401.10 lakhs and Rs.96.55 lakhs (Non-plan) for 2001-2002. The Schemes implemented by the Directorate are:

- (a) Sanction of stipend to law graduated of minorities. During 2001-2002 Rs.7.00 lakhs has been allocated for training 112 law graduates.
- (b) Grant in aid to minority hostels. There are 43 such hostels with a strength of 2295 students. During 2001-2002 an amount of Rs.66.58 lakhs has been provided for this purpose.
- (c) During 2001-2002 Rs.10.00 lakhs has been provided for sanction to 10 hostel buildings.
- (d) During 2001-2002 Rs.12.14 lakhs has been provided to sanction stipends to 809 students of ITIs.
- (e) There are 39 orphanages run by minority NGOs which have 3439 students. The students are given boarding grant of 150/- per month. Rs.51.73 lakhs was to be spent on this account.
- (f) There are 4 Morarji Desai Residential Schools in the State for providing better education to minority students from 5<sup>th</sup> to 10<sup>th</sup> standard. During 2001-2002 a sum of Rs.80.00 lakhs earmarked to benefit 398 students. There is a proposal to set up 2 more such schools.
- (g) The State Govt. has sanctioned 5 Post matric girls hostels for minorities with a strength of 50 students in each of the hostels. For 2001-2002 Rs.35.00 lakhs was earmarked on this account.
- (h) An amount of Rs.75.00 lakhs has been earmarked for construction of community halls/shadi mahals for minorities.

The Directorate of Minorities has also schemes for (1) pre-matric girls hostels for minorities (2) occupational training for minorities and (3) construction of residential educational institutions and hostel buildings for minorities.

## **5. Kerala**

The State Government of Kerala sent the progress of implementation of the 15-Point Programme in the State for the welfare of minorities during the period from 1.1.99 to 31.3.2000. A gist of the important aspects noted in the report are as under:-

Chief Secretary was the Vice Chairman of the State Level Review Committee for the 15-Point Programme and therefore separate review was not considered necessary. Regarding time bound action plan on 15-Point Programme, it was stated that the Chief Secretary addressed a letter on 23.10.87 to all the District Collectors to review the progress of implementation of the programme and also asked the other departmental Secretaries to critically examine the ongoing programme and make necessary changes for its betterment. District Review Committee were formed in all the districts and meetings are held.

### **Recruitment**

Mobile employment exchanges for minority candidates had not been set up since there were District Level Employment Exchanges, University Employment Bureau, one Special Employment Exchange for Physically Handicapped, Professional and Executive Employment Exchange, out them some of the exchanges were situated in the minority concentrated areas.

### **Education**

No guidelines had been formed for recognition of minority managed educational institutions. No information is available with regard to the Minority Education Institutions. The matter relating to introduction of modern concept in the traditional institutions is under examination of the State Govt. "Total Literacy Education Programme" had been implemented in the State covering all the communities. It was reported that Muslim and Naadar girl students are being given scholarships in schools and colleges.

## Economic Development

Credit assistance provided by banks to the minority communities is reviewed on a quarterly basis in every meeting of the State Level Banker's Committee (SLBC) which is also attended by the Secretary and Addl. Secretary (Institutional Finance). The Banks also conducted campaigns and credit camps. The SLBC found that the performance of the Banks in the State is quite good.

## Miscellaneous

The State Govt. found that minority grievances committees need not be constituted in the State since minorities as a whole were not considered as educationally and socially backward.

### **6. Maharashtra**

The Report indicates that there are no minority educational institutions exclusively for imparting education for competitive examinations. ITI and Polytechnics have provided in each and every district. There is no district level committee under 20-Point Programme in the State. It has been reported that there were 268 cases of encroachment as on 31.3.2001 on Wakf Properties in Marathwada Division and all such cases were referred to the concerned Collectors.

### **7. Mizoram**

The State Government has reported that three Minority Educational Institutions are functioning there. There are 8 Districts in the State and in all the district members of minority communities are actively involved in 20-Point Programme Committee at district level. There are no protests/grievances reported regarding encroachment of Wakf Properties.

### **8. Punjab**

The State Government has reported that there is no area declared as communally sensitive and riot prone. There has been no communal incident/riot in the State. The Radio and TV have been regularly broad casting programmes on communal harmony. The Chief Minister and Chief Secretary have been meeting the editors of News Papers and electronic media regularly where journalists are also involved in such meetings.



Regarding recruitment of minorities in the state service it is mentioned that the Recruitment Board is representative body and every effort is made to give representation to the minority communities as also the weaker sections of the society while constituting this Recruitment Board, apart from this being a representation body, main parameter of efficiency, impartiality and secular record is also kept in view. Population of Muslim and Christian communities are negligible in this state and similar is their representation in the Police Department. Instructions have been issued to all the subordinate units of Police Department to monitor the recruitments in Police Department to check proper representation to minorities. In the absence of any specific instruction from the State Government, no special training or orientation courses were organized for monitoring communal harmony separately. Out of posted strength of 68,287 in the Police Force in the State, there were 51,143 minority community personnel consisting of 50,399 Sikhs, 285 Muslims and 459 Christians.

Regarding ITIs, it is reported that one ITI at Malerkotla is running under the 15-Point Programme for the welfare of minorities which has 80 seats for different trades. Due representation has been given to the minorities in the review/monitoring committee for 20-Point Programme at the state level. There has been no complaint of encroachment on Wakf Properties. Genuine grievances of minorities report are redressed speedily.

#### • 10. Sikkim

The State Government has forwarded a copy of their letter addressed to the MOSJ&E. With regard to the recommendation of NCM about Constitution of a State Minorities Commission and State Minorities Finance Corporation it is stated that Sikkim was an erstwhile Kingdom till 1975 and became part of India. Status of Scheduled Tribes was conferred on Bhutias and Lepchas. As per 1991 Census, 68.37% of the population are Hindus and 31.63% can be termed as religious minorities. The Bhutias and Lepchas who constitute 27.15% of the population are Buddhists remaining 4.48% belong to the castes such as Muslims, Sikhs, Parsis, Christians etc. About 38% of the Sikkim population belong to OBCs. The State already has a Backward Classes Commission and there is also a Finance Corporation meant for SCs/STs and OBCs. It is a small state already overburdened with a number of institutions causing heavy burden state exchequer. It may not be really necessary to constitute a separate Minorities Commission and a separate Finance Corporation. Further Muslim and Sikh population are not from Sikkim itself, they have proposed to include the minorities as a part of the Backward Classes Commission and the SC/ST – OBC Finance Corporation, which already exist in the State.

## **11. Review of implementation of 15-Point Programme for the welfare of minorities in Tripura**

The State Govt. of Tripura has sent the Quarterly Progress Report for 30.3.1999 and half Yearly Report for 30.9.99 on the implementation of 15-Point Programme in the State.

A gist of the report covering important points noted from these reports is given as under:-

### **Monitoring Arrangements**

Implementation of the Programme has been reviewed in the Cabinet meeting held on 24.4.98. In the meeting held on 16.12.99 a decision has been taken to establish one separate Directorate for Welfare of Minorities.

### **Law and Order**

It has been reported that there is no communally sensitive and riot prone area in the State and people of all communities live peacefully.

### **Recruitment**

There were 39 State/District Level Selection Committees for State Govt. jobs and out of them 38 committees do not have representative of minority community.

### **Education/Locational Training**

It is existed in the minority concentration areas. A Community Polytechnic has been set up in Narsing Garh with capacity of 150 studnets.

A minorities cell was set up in the State Educational Department. No State level review has been conducted.

Govt. of India guidelines for recognition of minority managed educational institutions have been adopted.

Concepts of modern education have been introduced in 41 madarsas.



There was no scheme of Pre-examination Coaching, Pre-University Remedial Coaching and Training of Teachers of the Minority Institutions.

Regarding girls education it has been reported that there are 51 girls educational institutions in the State and 10 such institutions are in the minority concentration areas.

There are 18,059 girl students belonging to minority communities and out of 9604 lady teachers, 39 belong to minority communities.

#### Assistance by Banks etc.

The SLBC (State Level Bankers' Committee) review meeting was held on 3.6.98 and 29.12.98. There was Rs.1784.00 lakhs of Bank credit as on 31.3.99 in South Tripura. No credit Camp/EDP/Orientation Courses were conducted. A separate loan assistance of Rs.55 lakhs has been provided to 120 units for purchase of Jeeps/Auto Rickshaws, Auto repair shop, Agriculture, etc.

The Commission in its meeting held on 29<sup>th</sup> September 2000 considered and noted this report of the State Government.

## **12. Uttar Pradesh**

It is reported that the UP Minorities Finance Development Corporation has drawn up the yearly Action Plan and quarterly targets have been fixed. In the Industrial and Technical Training Programme the Corporation imparted training to 200 persons against a target of 575 persons as on 31.3.2001 whereas as on 30.9.2000 the Corporation had trained 785 persons against a target of 425 persons. As regards disbursement of loans, the Corporation has advanced a sum of Rs.11.93 lakhs to 67 units against their target of 27.50 lakhs for 109 units during the quarter ending 31.3.2001. In the previous quarter ending 30.9.2000 the Corporation disbursed Rs.15.04 lakhs to 56 units against a target of 22.50 lakhs to 91 units. The Corporation organized information-cum-credit camps for the members of minority communities. The Corporation, under its margin money loan scheme provides Rs.3.00 lakhs as term loan and 15% of the margin money as loan, but non availability of term loan from the banks to the minority community borrowers adversely affects the corporation's schemes and the needy borrowers are deprived of the benefits.



### Progress of the schemes of Corporation:-

	<u>Target</u> 2000-2001		Achievement up to 31.3.2001	
	Individuals	Amount Rs. (in lakhs)	Individuals	Amount Rs. (in lakhs)
Term Loan	6000	1500.00	5419	1062.33
Margin Money Loan Scheme	200	50.00	123	26.97
Interest free loan	100	40.00	100	42.28
Industrial Training & Technical Training	1000	25.00	985	25.00
Coaching Scheme	350	25.00	357	25.00

#### Technical Education

The action plan for 2000-2001 has been prepared for the Institutions situated in minority concentration districts as per direction of the Union Ministry of HRD. Under the community polytechnic scheme 20 districts have been covered where 26 institutions are functioning. In these polytechnic institutions there are 115 extension centers where 1558 minority community candidates have undergone short term training courses and 34 candidates have been given loan for self employment.

#### Special Court

10 Special courts have been set up within the State for trial of cases relating to communal riots. In these Courts 22 cases are pending.

#### Industrial Training

After separation of Uttaranchal there are 19 minority concentration areas in the State in the State. In these areas 61 Govt. ITIs and 57 private ITIs are functioning. Out

these in 12 Govt. ITIs one additional Trade of Electric or Refrigeration have been started with the aid from the Central Government.

### **13. West Bengal**

The report of the State Government only contained the information relating to the coaching classes conducted by the Maulana Azad College, Kokata. It is reported that 146 Muslims students have been given coaching for WBCS, clerical and JEE examination during October 2000 to March 2001.

### **14. A & N Islands**

A copy of the report was not sent to the NCM. It has however been mentioned that in A&N Islands complete harmony prevails amongst various sections of the society and there are no communally sensitive and riot prone area in this UT.

### **15. Chandigarh**

Review meeting are held at the level of advisor to administrator who is Chief Secretary of the UT. No problem was reported concerning the minority communities. There is no minority concentration area in the U.T. A monitoring cell has been set up in the Regional Employment Exchange to monitor non-discrimination to the minorities in the employment exchanges. There are sufficient representation of minority communities in the three communities to set up to examine fairness in the submissions of Regional Employment Exchanges. The work relating to welfare of minorities is being dealt in the Education Department. No separate guidelines have been prepared for recognition of minority managed institutions and no application for recognition is pending. There are three Madrassas in the UT where Science, Math and English are taught but SUPU has not been introduced as there is no such provision up to primary level. There are some minority institutions in the UT but these institutions never applied for recognition on minority basis. The Industries Department does not organize any credit camp but provided financial assistance to unemployed youth. The PMRY scheme is being implemented. Since the families living below the poverty line have been reduced to NIL in the UT, no poverty alleviation programme is implemented. Since the UT is not communally sensitive, the peace committee has not been set up. The minorities wherever exist are represented in sector committees constituted by the administrator. There are 23 NGOs working for the welfare of minorities who are given financial aid by the administration.

#### **16. Dadra & Nagar Haveli**

It is reported that there is no minority concentration district. There is one ITI and one Polytechnic College in the UT which cater to the need of all students including minorities. A committee has been constituted for implementation of 20 Point Programme in which member of from minority community has been included. No case has been reported regarding encroachment of Wakf Properties.

#### **17. Lakshadweep**

It is reported that there is no communally sensitive area in the Island and there has not been any out break of communal riots. From a statement of representation of minorities in the state police services it has been noted that out of a total strength of 347 there are 184 minority community persons in the police force.

#### **18. Pondicherry**

It is reported that all the four districts are having either ITI or polytechnics in them. There are three minority educational institutions at Karaikal and Mahe in Pondicherry. During 2000-2001, 1392 students were given coaching for various competitive examinations out of which 653 candidates appeared in the exams and 51 students were successful. A State level committee on 20-Point Programme is constituted under the Chairmanship of Chief Minister. This Committee includes members both officials and non officials and due representation is given to minorities. There have been no complaints of encroachment of Wakf Properties.



## **CHAPTER - 7**

### **A report on the Monitoring of the working of the Safeguards provided in the Constitution and Laws enacted by Parliament and the State Legislatures**

#### **Minority Education Institutions in Maharashtra – Complaint from**

A large number of complaints were received by the Commission from various organization/educational institutions of Maharashtra about problems faced by them is getting permission/recognition for Urdu Medium Schools and upgradation of already established minority institutions. After detailed deliberations on the cases of 23 such institutions the Commission summoned the Secretary School Education, Maharashtra for a hearing in the Commission on 30.1.2001. After the hearing, the Commission recommended on 15.2.2001 that :-

- (i) The State Government of Maharashtra should review its policy about the grant of permission for the opening of new institutions/upgradation of institutions in respect of minority managed institutions. The eligibility criteria now adopted, particularly the assessed requirements for a school, the competence of the management to run the school and its financial stability should be reviewed so as to ensure that these criteria do not come in the way of the rights of the minorities to establish and administer educational institutions of their choice under Article 30 of the Constitution.
- (ii) The State Government of Maharashtra should not deny permission to the minorities to establish some institutions on the ground that the existing institutions in the area will suffer. In case the new minority institutions do not come up to the required standards, they may be subsequently de-recognized or not given the grant-in-aid, but denying the initial permission to them will amount to curtailment of their educational rights under Article 30 of the Constitution.

- (iii) The State Government of Maharashtra should set up a Committee consisting of renowned educationist from different minority communities and discuss the problems faced by minority managed educational institutions, particularly about the establishment of new institutions and upgradation of the existing institutions.
- (iv) The State Government of Maharashtra should review all the 23 cases of the minority institutions under consideration after taking a policy decisions on the issues listed in the paragraphs (i), (ii) and (iii) above.
- (v) The State Government of Maharashtra should not impose its surplus teachers from other Colleges (even if they are minority institutions) on the minority managed educational institutions, as this would be against the spirit of right guaranteed to them under Article 30 of the Constitution.

**Al-Faran Overseas Charitable Trust, Bangalore regarding publication of Govt. order in Urdu**

A complaint dated 21.4.2000 was received from Al-Faran Overseas Charitable Trust, Bangalore stating that the Govt. of Karanataka has issued orders for publication of Govt. orders in Urdu also but in actual practice this is not being done.

A report was sought vide letter dated 28.6.2000 from Deptt. of personnel and A.R. Govt. of Karnataka.

A reply dated 19.4.2001 stated that in 1999 twenty eight and in the year 2000 eleven important Government orders were translated in Marathi and Urdu language.

Though the Commission accepted the reply but felt that the scope of selection of Government orders for translation needs to be expanded so as to include all those orders that have a bearing on general public, which will result in greater satisfaction of the minorities in the state and therefore recommended that the State Govt. should evolve definite guidelines to identify the orders that need to be translated, instead of leaving it to the discretion of Linguistic Minority Section of the Deptt. of Personnel of the State Govt.



## CHAPTER - 8

### **RECOMMENDATIONS FOR THE EFFECTIVE IMPLEMENTATION OF SAFEGUARDS FOR THE PROTECTION OF MINORITIES BY THE CENTRAL GOVERNMENT AND STATE GOVERNMENTS**

The Commission is committed to monitoring the working of safeguards provided in the Constitution and in the laws enacted by the State Legislatures and to recommend for their effective implementation. Among various issues examined by the Commission, following are the important issues in which the Commission had intervened during the period under report.

#### **Representation on problems of Haj Pilgrims**

Justice K.M. Yusuf, Chairman, West Bengal Minorities Commission wrote to the Chairman, NCM in March, 2000 about the difficulties that were being faced by the Haj pilgrims, who were subjected to serve physical and mental strain to inordinate delay in the arrival and departure of aircraft carrying Haji's during Haj 2000. In another letter in July, 2000 he drew the attention about the discrepancies in the guidelines issued by the Central Haj Committee for Haj 2001.

The Khidmat-ul-Hujjaj Council of India, Mumbai in its letter dated 11.6.2000 raised the following specific issues:-

- (a) The Haj flights starting from February 2000 were delayed by 10 to 50 hours and similar delay for 40-50 hours for return journey causing a lot of inconvenience to Hajis.
- (b) The Hajis faced immense problems due to crowded Airports in India and Jeddah, overcrowding led to illness among Hajis, who had to forego their sleeps and continued to sit days and nights on the bare floor of Airports.
- (c) Air India charged full air-fare of Rs.31,000/- from each Haji, but did not provide the services which are available to all international passengers in cases of flights getting late. The Council demanded full compensation to Hajis for the mental and physical torture suffered by them due to delay in their flight schedules.



The matter was taken up with Air India, Ministry of External Affairs, etc.

In order to take a comprehensive stock of the arrangement made for Haj pilgrims with a view to identify the exact problem area, the Commission has decided to hold a hearing of Air India, Airport Authority of India (International Airport Division) Ministry of Civil Aviation and Ministry of External Affairs.

The meeting was held on 5.12.2000 in the office of the National Commission for Minorities. This was chaired by Justice Mohd. Shamim, Chairman of the Commission and was attended by Shri Tanveer Ahmad, Chairman, Central Haj Committee, Shri A.S. Jung, Secretary, Ministry of Civil Aviation, Shri Swaspawan Singh, Joint Secretary, Ministry of External Affairs, Sh. M.P. Mascarenhas, Airport Authority of India, in addition to Member of the National Commission for Minorities.

The Commission reviewed the arrangements being made by the Central Haj Committee and various agencies of the Government of India to ensure that the pilgrims get maximum facilities during the forthcoming Haj 2001.

The Commission noted with satisfaction, the following arrangements that are being made by the Ministry of Civil Aviation and Airport Authority of India Limited for the forthcoming Haj:-

- (a) A dedicated Haj Terminal at the International Airport, Delhi is being provided which will have all the essential facilities needed to deal with a large number of passengers. A separate Haj Terminal is not found in any other country of the world and the arrangements have, therefore, no parallel. The new Haj Terminal will provide eight Check-in counters facilities for 'Wazoo', Prayer, Central Heating/Air-conditioning, a good number of bathrooms/toilets and large parking area. It will have visitor's shed, which would accommodate 1,000 persons at a time.
- (b) Arrangements have been made with the Saudi Authorities to ensure that the Check-in the luggage is separated, saving Hajis from much inconvenience.
- (c) Air India has also evolved a computerized networking system of preparing the list of the passengers for each flight so that detailed information about the passengers boarding each Haj flight is known simultaneously on all screens.
- (d) A colour code for Hajis going back to different airports in India has been evolved to avoid misplacement of the luggage.

- (e) The Hajis in Medina and Mecca would leave to Jeddah only a few hours before the flight to avoid the inconvenience of much longer wait that they used to face at Jeddah Airport.
- (f) The Ministry of External Affairs did a commendable job in persuading the Saudi Authorities to handle the traveling arrangements of about 20,000 Hajis by their own official carrier. This will reduce the burden on Air India/Central Haj Committee to a large extent as they will be required to make flight arrangements for 50,000 passengers only.

### **Enemy Properties**

The Commission took cognizance of the extensive media news and representations received from some Non-Governmental Organizations of Delhi and affected families regarding notice being allegedly served by Sub-Divisional Magistrate (Darya Ganj) to the Muslim owners of property, making inquiries regarding their Indian Nationality, the Commission took up the matter on 2.11.1998 with Chief Secretary, Delhi and also called for a report from Sub-Divisional Magistrate, Darya Ganj. The notices issued were alleged to be of a sheer abuse of Law and authority, as they did not bear any number and did not quote any Law under which they were issued.

The SDM in his reply dated 27.1.99 explained in detail the circumstances under which such notices were issued and denied them to be summons in legal terms but termed them as simple notices, intended to determine the present status of the occupant of certain property. It sought appearance of the persons before SDM for certain verification to be conducted by the SDM on behalf of the Custodian of Enemy Property. In total 34 notices were reportedly issued by the SDM and replies in respect of 23 such notices were also received by him. As the SDM is stated to have acted under Section 8 of the Enemy Property Act, 1968, he was again requested by the Commission on 17.2.99 to send copy of the reference received by him from the Custodian of Enemy Property, Mumbai asking him to verify the details of the status of certain properties declared as enemy property.

The SDM then informed on 25.2.99 that he was acting on behalf of the Custodian of Enemy Property, Bombay, an office under Ministry of Commerce of Govt. of India and the purpose was to ascertain present status of these properties. As the reply received from the SDM was found confusing on many points, the Commission decided to request the Ministry of Commerce and Custodian of Enemy Property, Mumbai vide its letter dated 19.3.99 to furnish a detailed report in the entire matter, particularly the content and the manner of issue of the Summon/Notices by the SDM.

The detailed note received on 3.5.99 from Custodian of Enemy Property of India enclosed a list of 28 cases of Enemy Properties which were situated at Delhi and were under process. In his note the Custodian of Enemy Property also mentioned that some new cases of Enemy Properties have come to the notice of the District Administration and since no cut off date has been prescribed in the Enemy Property Act, 1968, suitable action was required to be taken to make a detailed inquiry.

The Custodian of Enemy Property has also issued guidelines regarding 'preservation and management of enemy property in India vested in the Custodian of Enemy Property'. Para 12 of this guidelines regarding undetected properties mentions that 'steps may be taken to ensure that all undetected properties located in different States/UTs are detected and their possession taken after obtaining necessary authorization for the same, from the Custodian.' As such, it was clear that a lacunae/flexibility is not defining time limit for declaring a property as an enemy property in the Enemy Property Act, 1968 is causing this confusion and giving a tool in the hands of local administration to initiate inquiries against any property by suspecting them to be an Enemy Property. It is in this context that the Commission took cognizance of the entire issue and recommended in its Annual Report for 1998-99 that the Enemy Property Act, 1968 is wholly out-dated and deserves to be repealed.

Till such time, the said Act is repealed, the Commission made certain recommendations to the Central Govt., Ministry of Commerce & Govt. of NCT of Delhi dated 16.11.99 for dealing such cases with the principle of fair play, decency and natural justice.

The Ministry of Commerce then endorsed a copy of its letter dated 29.3.2000 addressed to the Ministry of Social Justice & Empowerment along with the Action Taken Report. The ATR was discussed in the meeting held on 20.5.2000.

Based on the decision of the Commission, Chairman, NCM wrote a letter to Minister of Law, Justice & Company Affairs and Minister of State for Social Justice & Empowerment on 23.6.2000 regarding abrogation of the Enemy Property Act, 1968, as the Commission was convinced that no useful purpose was being served by the continuance of this Act, which has become obsolete and has outlived its utility. A reply was received from Shri Ram Jethmalani, Ex-Minister, Law, Justice & Company Affairs on 10.7.2000 wherein he indicated that the matter was sent to the concerned Ministry i.e. Ministry of Commerce and that the Commission on review of Administrative Laws headed by Shri P.C. Jain has recommended the amendment of the aforesaid Act.



The reply received from Ministry of Commerce dated 18.9.2000 indicated that they might consider the abrogation of Enemy Property Act only after enactment of a proposed legislation, wherein the work related to Enemy Property is proposed to be transferred to Ministry of Home Affairs. The basic reason for not abrogating the Act at this stage was that the Act empowers Custodian of Enemy Property to preserve and manage enemy properties.

#### **Central Interest Subsidy Scheme for Riot affected borrowers**

The Commission had made a statutory recommendation on 25.11.97 to the Union and State Governments to pay Uniform Compensation to all victims of communal riots in the country, irrespective of any religion criterion, on the lines of the Delhi High Court Judgement of 1996 in the case of Smt. Bhajan Kaur. In the context of the communal riots, it was also observed that the traders/business establishments suffer huge losses since they are largely exposed to the ill effects of the activities of anti social elements during the communal riots. For 1984 riot affected borrowers there is a "Central Interest Subsidy Scheme". This came into effect on 1<sup>st</sup> September 1993 and the affected borrowers of 1984 anti Sikh riots are covered under this scheme. Under this scheme, the Banks shall charge the borrows one percent interest per annum on all eligible loans outstanding as on the effective date.

With this back ground the Commission considered the matter in its meeting held on 30.5.2001 and recommended the Ministry of Finance on 20.6.2001 should evolve a scheme for the riot affected minorities in all future communal riots, on the pattern of the existing Central Interest Subsidy Scheme (Revised) for November 1984 riot affected borrowers. A copy of the letter was endorsed to Ministry of Social Justice & Empowerment.

#### **Complaint of Shri S.K.A Naqvi and Shri Anayatullah Khan of Allahabad regarding publication of objectionable material by "Hindu Shakti Samachar"**

On 11.9.98 Shri S.K.A Naqvi and Shri Anayatullah Khan filed a complaint with the Commission alleging that a fortnightly newspaper "Hindu Shakti Samachar" published from Delhi, contained certain distorted and objectionable material and is spreading enmity/disharmony between Hindu and Muslim/Christian communities. Several such news items/reports have been quoted and copies of the publications have been enclosed with the complaint by the petitioners. The petitioners prayed that (i) Registrar of the Newspapers for India be asked to cancel the licence of the Newspaper

and (ii) the Police authorities be asked to initiate criminal proceedings against the proprietors.

The Commission in its meeting held on 23-24<sup>th</sup> November 1998 considered the complaint and decided to issue notices to all the concerned authorities asking them for their responses. Notices were accordingly issued on 15.12.1998 to Shri Virendra Sharma, Proprietor and Chief Editor of Hindu Shakti Samachar, E-4/18, Krishna Nagar, Delhi-51, Allahabad Police and Delhi Police authorities and the Registrar of Newspaper for India, New Delhi.

The Allahabad Police informed that the material was neither printed nor distributed in Allahabad and therefore no action is called for there. The Delhi Police informed that the Newspaper has its registered office at E-4/18, Krishna Nagar, Delhi but it is not certain as to from where it is printed or published. Since no complaint has ever been received for cognizable offence, the Police cannot take any action and also that there is no apprehension of any riot or other offence on account of the said publishing. The RNI informed that they issue Registration Certificate to the publishers on the basis of certain declaration duly authenticated by the DCP (Licencing) and therefore the DCP is empowered to cancel the declaration licence. There letters dated 14.1.99, 25.2.99 and 20.3.99 were received from Shri Virendra Sharma, Editor of the said magazine, wherein he asked for original copies/attested copies of the magazine because there were allegedly some distorted facts presented before the Commission and also that there were some issues which were not published. He, however, neither accepted nor denied the charges clearly and it appeared that there is a deliberate attempt on his part to avoid a categorical reply and to drag on the matter. A set of attested copies of the Newspapers were sent to Shri Sharma. However, no reply was received from him..

Since there was no fruitful outcome despite prolonged correspondence with several authorities and also that the petition has been pending before the Commission since September 1998, the Commission re-considered the matter on 25.11.99 and recommended that the Ministry of I&B/RNI, the Delhi and Allahabad Police authorities and the Delhi Govt. must thoroughly investigate the complaint of printing and publication of objectionable material intended to spread enmity/disharmony between various religious communities by the Hindu Shakti Samachar and initiate legal action against the publisher(s)/printer(s) under clause 153-A of the IPC for spreading disharmony and hatred between different communities in the country. Subsequently on 16.12.99 a letter was received from the Special Branch, Delhi Police asking for copies of the Newspapers which were duly sent.

The present Commission in its first meeting held on 9.3.2000 considered this matter afresh and Hon'ble Chairman vide his letter dated 22<sup>nd</sup> March 2000 to Smt. Sheila Dixit, Chief Minister of Delhi took up the matter again. The State Govt. of Delhi vide their letter dated 18.8.2000 informed the Commission that the publication was very old (April, 1998) and there was no possibility of this publication creating communal disharmony any more, rather, if any action was taken at this belated stage, it may result in reviewing ill-will on communal lines and action, therefore, would not serve any fruitful purpose, rather it may be counter productive. The Commission considered this reply of the State Govt. and accepted it.

### **Review of TADA cases**

Since 1993 the matter of Terrorist and Disturptive Activities (Prevention) Act (TADA) was under constant consideration of the Commission and even after its repeal on May 23, 1995, the Commission proposed to review the pending live TADA cases including those arrested under trials on bail etc. Accordingly the Ministry of Home Affairs and States/UTs were requested to furnish the data of the number of detainees in their States/U.Ts.

The matter regarding continuance of cases under TADA and delay in trial of TADA detainees has been of serious concern for the Commission. Though considerable time has lapsed since the TADA itself was abrogated by the Central Govt. but reports in the press and the representation received by the Commission continue to reflect that the cases of a large number of TADA detainees have not been finalized yet and they continue to languish in jails, in the absence of a speedy trial of their cases. The Commission again took up the matter with Ministry of Home Affairs and State Govts. It was seen from the statement that was received from Ministry of Home Affairs that concentration of TADA cases was in A.P, Assam, Bihar, Gujarat, Karnataka, Maharashtra, Punjab, Rajasthan, Tamil Nadu, U.P, West Bengal and NCT of Delhi. The present status of the TADA cases as received from the State Govt. of their states is annexed.

However, the Commission noted that complete information has not been received in this regard from the different states. The Chairman, NCM who is also a member of NHRC raised this issue in the meeting of NHRC, in which the latter agreed to engage a lawyer to plead the case of TADA detainees in the Supreme Court. It was expected that once an application is moved in the apex court and notices issued to all the State Govt., full details would be available. The matter had been further pursued with the NHRC, which informed that a detailed report was obtained from the MHA further, a complete list of detainees under the TADA Act throughout the country, in the manner classified in the



decisions of the Supreme Court which indicate the manner classified in the decisions of the Supreme Court which indicate the manner in which each category of TADA detainees has to be dealt with by the Govt. as well as the concerned court is also being directly obtained from the State Govts.

**Present Status of TADA case**

States	Total No. of Registered cases as on 1999	Total No. of persons arrested as on 1.9.99	Total No. of persons in jail as on 1.9.99	Meeting of Review Committee held
<b>Tamil Nadu</b>	45 (2 Muslims) (1 Christian)	318 (31 Muslims) (25 Christians)	3 (M) transferred to C.B.I	13 meetings
<b>Uttar Pradesh</b>	761 (43 Muslims) (656 Sikhs)	141 Muslims 766 Sikhs	2 (M) 7 (S)	8 on which 750 cases were withdrawn
<b>West Bengal</b>	1	6 (5 Muslims) (1 Hindu)	6 (5 Muslims) (1 Hindu)	No meeting
<b>Bihar</b>	14	17 (2 Muslims)	17 (2 Muslims)	No meeting
<b>Chandigarh</b>	3	7 (all Sikhs)	NIL	Meeting held and 5 cases were withdrawn
<b>Nagaland</b>	NIL	NIL	NIL	NIL
<b>Karnataka</b>	14 (6 Muslims) (4 Christians) (1 Sikh)	150 (17 Muslims) (9 Christians) (1 Sikh)	4 (Christians) 1 (Sikh)	4 Meetings
<b>Andhra Pradesh</b>	NIL	NIL	NIL	NIL
<b>Punjab</b>	26 (Muslims) 23 (Christians) 10494 (Sikh)	34 (Muslims) 32 (Christians) 14664 (Sikh)	NIL NIL 17 (Sikhs)	3 Meeting after 1.9.99
<b>NCT of Delhi</b>	--	--	8 (6 Muslims) (2 Sikhs) as on 1.6.2001	
<b>Maharashtra</b>	767	1320	91 cases pending trial in jail	14 Meetings Total cases reviewed 279

### **Constituting State Minorities Commissions**

The Commission has since long been impressing upon the State Governments for establishment of State Minorities Commission with Statutory Status/powers to enable proper Monitoring of the implementation of policies and programmes for the welfare of Minorities and their Constitutional safeguards and the safeguards available in the laws passed by the Union States Govt. & U.T's administration. Accordingly Statutory recommendations under the NCM Act were made to State Govt. which do not have Minorities Commission for taking necessary immediate steps to constitute the same. The replies received from some of the states were as follows:-

1. **Assam :** The State Govt. of Assam has informed that the proposal for setting up of State Minorities Commission is being examined by them.

2. **Chandigarh :** The Chandigarh administration informed that it is a small city and have no history of communal riots. It therefore, requested the Govt. of India for exemption from having a separate State Minorities Commission. However, it had assured that all the benefits made available to members of minority community and all schemes were implemented in letter and spirit.

3. **Delhi :** The Government of Delhi has set up a three member ad-hoc State Minorities Commission. On 14<sup>th</sup> July, 1999, a meeting with the members of the newly set up Delhi State Minorities Commission was held in the Commission. A draft bill for giving it statutory status prepared on the model of the NCM Act, 1992 was examined in depth on the State Government's request, which has since been finalized.

4. **Gujarat :** The Gujarat Minorities Board functioning since 1981 was elevated to a Corporation by the previous State Government, but the implementation of the decision was with held by the present Government. On the recommendation of the NCM, the State Government has now finally given it the status of a Corporation.

5. **Himachal Pradesh :** The State Govt. of Himachal Pradesh informed that it had constituted H.P Minorities Finance & Development Corporation for the upliftment of socially, educationally and economically backward minorities. Further it was informed that since the minorities population in the State is approximately 3.5% of the total population, it is not feasible to constitute the same.

6. **Karnataka** : The Government of Karnataka has set up a separate Minorities Welfare Department, in response to the Commission's standing recommendation to this effect.

7. **Maharashtra** : State Minorities Commission had been reconstituted with effect from 4<sup>th</sup> February 2000 by Govt. Resolution No.NMN 1099/CR-49/35 dated 4<sup>th</sup> February 2000 for a period of three years. The Maharashtra Govt. has introduced a bill to constitute the State Minorities Commission in the State. However, the bill is yet to be enacted.

8. **Mizoram** : It stated that setting up of State Minorities Commission and Minorities Development & Finance Corporation was not advisable in view of the financial problems being faced by the Govt. of Mizoram. It therefore, suggested for revitalizing the existing channelising agency.

9. **Orissa** : The matter of Constitution of State Minorities Commission was being examined by the State Govt.

10. **Punjab** : Setting up of the State Minorities Commission was under active consideration of the State Govt.

11. **Rajasthan** : The draft bill regarding granting of Statutory status to the State Minorities Commission was under consideration of Council of Ministers after which it would be introduced in the State Legislative Assembly.



## **CHAPTER - 9**

### **A REPORT ON THE SPECIFIC COMPLAINTS REGARDING DEPRIVATION OF RIGHTS AND SAFEGUARDS OF THE MINORITIES AND ACTION THEREON**

The Commission continued to receive a large number of representations from individuals, representative bodies, organizations, sometimes even from the prominent figures in political and social life and from abroad as well. During this period, the Commission received a total number of 2478 representations/complaints. Of these 1053 were from different minority organizations/institutions and 1425 were from individuals. Quite a few complaints were sent to the Commission by M.Ps, MLAs, Corporates, Municipal Councilors etc. Some were also forwarded by other Commissions (NCW, NCBC, NHRC etc.) and Departments. Complaints have been received from all parts of the country including almost all the States and Union Territories. Some were also received from the State of Jammu & Kashmir, although the NCM Act, 1992 does not extend to that State. Complaints and representations received are acknowledge classified proceeded with and disposed off as per the provisions of NCM (Procedures & Processes) Regulations, 1997. The Commission took timely and appropriate action on all the representations. However after scrutiny many a representations were filed at the initial stage for the reasons that these were either anonymous, the matter was outside the Commission's purview or it was sub judice in a Court of Law, or the representations were not addressed directly to the Commission and did not involve any serious issue of safeguards of minorities.

Timely and appropriate action on the remaining representations was taken. The cases were referred to the concerned Central and State Governments/Departments.

Despite having the powers of the Civil Court, there were only very few cases where these exercised. This is because of the fact that the required infrastructure (legal cell) was not available. In most of the cases, only reports from the concerned Departments/authorities were called and considered by the Commission for taking

suitable actions. Some selective representations taken by the Commission are illustrated here:-

### **Nature of Grievances**

(I) Complaints and representations made to the Commission by organizations and institutions spoke, inter alia, of the following grievances:

- (i) non-recognition of Minority-managed educational institutions and long and inordinate delay in entertaining and disposing of applications for recognition;
- (ii) denial of legally required permission to open educational institutions;
- (iii) unlawful interference in the affairs of Minority-managed educational institutions;
- (iv) encroachment of lands belonging to religious places;
- (v) mismanagement of shrines and undue interference in their affairs by high government authorities;
- (vi) under-representation or lack of representation of Minorities in public employments;
- (vii) attempts at cultural genocide and imposition of rites and rituals of the Majority on the Minorities;
- (viii) denial of cultural and linguistic rights guaranteed by the Constitution;
- (ix) promotion of communal tension and defamation and denigration of Minorities;
- (x) publication of offending literature against Minorities;
- (xi) attacks on and humiliation of religious functionaries and teachers belonging to Minorities;
- (xii) denial of S.T./O.B.C status.

II. Complaints and representations made to the Commission by individuals spoke, inter alia, of the following:

- (i) harassment by Police and other administrative authorities;
- (ii) denial of promotion, arbitrary transfers, non-payment of salaries, unjustified adverse entries in ACRs, etc.;
- (iii) denial of legal right and civil liberties;
- (iv) restrictions on exercising religious rights;
- (v) denial of Bank loans and NMDFC services;
- (vi) religion-based discrimination in various matters;
- (vii) non-payment of compensation to riot-victims;

- (viii) killing and homicide by communal and anti-social elements;
- (ix) hindrance in observing religious ceremonies;
- (x) humiliation, violation of dignity and indecency;
- (xi) denial or undue delay in issuing passport;
- (xii) harassment in giving clearance under FCRA;
- (xiii) insult to religion and hurting of religious sentiments.

**Complaint of Smt. Akhtari S. Maricar regarding discrimination in allotment of accommodation of type B or C to her.**

Smt. Akhtari has made a representation on 11.4.2000 alleging that she was appointed as a Teacher in 1986 in Aliyavar Jung National Institute for Hearing Handicapped. In 1987 she was allotted a residential accommodation "A-Type" one below her eligibility. In November 1998 she was placed 3<sup>rd</sup> in the waiting list for type B quarter. First two persons in waiting list have already got type B quarters. In June 1999, another flat (C-1) felt vacant. Though she approached for its allotment but she was denied while her juniors were given bigger accommodation, ultimately she had to move in the Bombay High Court that ordered the Institute for consideration of bigger accommodation to her within 4 weeks. She also requested the Commission to intervene the matter.

The matter was taken up with the Director, Aliyavar Jung National Institute for Hearing Handicapped vide letter dated 2.5.2000. The Director of the Institute informed on 8.5.2000 that the matter of allotment is pending in the Mumbai High Court.

Smt. Akhtari again sent another representation on 22.5.2000 stating that the Director had issued a memo to her on the ground that she approached to the Commission for redressal of her grievance.

The Commission vide letter dated 19.6.2000 drew the attention of Director that Commission is the Statutory Body constituted by Govt. of India under Act of Parliament and the employee has very right to approach it as she felt aggrieved due to injustice discrimination being vested to her. The Director was asked to withdraw the Memo served to her and also to give information about quarters stated as vacant by Smt. Akhtari.

Since no reply was received, notice in Form 'C' was issued on 26.7.2000 to the Director who in turn informed vide letter dated 30.7.2000 that Quarter C-2 has been allotted to her.



**Representation of Shri Sheikh Zahiruddin regarding closer of slaughter house by  
Agra Nagar Nigam**

The Commission had received a representation dated 24.5.2000 from Sh. Sheikh Zahiruddin, Sr. Vice President, All India Jamiatul Quresh, Agra, wherein it had been stated that on 13.4.2000 Agra Nagar Nigam had closed the old slaughter house. The Quresh Samiti filed an application before the Supreme Court requesting that the old slaughter house may be permitted to continue till the new mechanical slaughter house is installed, but their request was rejected, due to which thousands of persons belonging to poor Quresh community were passing through a financial crisis.

A report was called for from the D.M, Agra on 14.6.2000 who reported vide letter dated 4.8.2000 that the slaughter house was closed down on the orders of the Supreme Court. The Court directed the Agra Nagar Nigam and U.P. Pollution Control Board to file a report within one month regarding the progress of the work and all other work in connection with the construction of new slaughter house. The Court further directed that if the Agra Nagar Nigam faces any problem regarding funds for establishment of new slaughter house, the Nagar Nigam will seek further directions from the concerned authorities. The matter was considered by the Commission on 29.9.2000.

Keeping in view the hardship being faced by the Quresh Biradari in Agra, the Commission asked the District Magistrate, Agra vide letter dated 24.10.2000 to provide alternative sites to displaced persons till the completion of new slaughter house so that their livelihood and the interest of consumers do not suffer.

**Representation from U.P Rabita Committee, Aligarh and Maulana Azad Niswan  
High School, Firozabad regarding U.P Govt.'s policy of making Nazul land free  
hold**

Two institutions namely U.P Rabita Committee, Aligarh and Maulana Azad Girls Inter College, Firozabad had approached this Commission on 5.7.99. Both these representations brought up the same matter. It was stated that the Govt. of U.P has a policy which requires that Govt. lands given to educational institutions on lease, should be made free hold by paying certain fee. Concessional rates will be charged from those who make their land free hold within a prescribed time period. The grievance was that the minority educational institutions earn very little from fee etc. and it was impossible for them to spare money to get the land free hold. The Commission was requested to secure exemption from this Govt. policy. The Commission's recommendation dated 29.7.99 was sent to the Chief Secretary, Govt. of U.P for necessary action. A reply dated

2.11.99 from the U.P Govt. stated that there is no such provision of any concession in the existing Nazul Policy and in fact the policy itself is attractive. This reply was sent to the complainants. The complainant institutions, however, kept on approaching the Commission reiterating their difficulties in mobilizing enough resources to get the land converted to free hold. Finally, the Chairman, NCM sent a D.O letter dated 21.3.2000 to the Chief Minister of U.P to intervene in the matter and secure exemption of educational institutions running on non-commercial basis, from this policy. In response, U.P Govt. informed that for educational institutions, there is an alternate policy of renewal of lease on payment of nominal rent. This reply was sent to the petitioner on 28.6.2000 and was also disseminated to various minority institutions of U.P on 26.7.2000. The petitioners again approached the Commission on 8.7.2000 with a request that Nazul land may be made available to them free of cost. Secretary, NCM Shri Vinay Kohli during his visit to Lucknow discussed this issue with the senior officials of U.P Govt. In September 2000 it was categorically stated by U.P Govt. that the question of making land available free of cost is not under consideration. The Govt.'s policy however is to extend favourable terms to such institutions.

**Non-appointment of any Govt. Counsel from Sikh religion in Delhi High Court by Delhi Govt.**

Shri M.S. Butalia made a complaint on 30.7.2000 alleging that the Delhi Government had appointed 30 Advocates on civil side in Delhi High Court as Govt. Counsels and no Sikh Advocate had been included in that list. Taking cognizance, the Commission took up the matter and asked the Govt. of NCT of Delhi on 7.7.2000 to send a list of the Advocates recommended for appointment as Govt. Counsels in various categories along with the criteria adopted for drawing up the lists. The Chief Secretary, Govt. of NCT of Delhi through his Counsel vide letter dated 16.8.2000 denied the charges leveled by Shri Butalia and informed that appointments to Govt. Advocate/Standing Counsel are regulated by the rules/guidelines formulated by the Administrator, UT of Delhi. Further, a Govt. Counsel is initially appointed for a period of one year and this term can be extended upto a period of three years. While selecting a candidate the performance and integrity of the persons concerned are considered. Since there was no Sikh figured in the official list of Counsels, the Commission considered the issue at its meeting held on 29.9.2000 and recommended to the Ministry of Law, Govt. of India on 27.10.2000 that while appointing Government Counsels, efforts should be made to ensure that members of the minority communities are adequately represented. The Ministry of Law, Justice and Company Affairs noted the recommendation of the Commission.

**Complaint from Indian Muslim League Kanpur, regarding forced singing of religious songs in school**

A complaint dated 19.8.2000 was received from Indian Union Muslim League, Kanpur that the Principal of Hiranagar Purwa Nagar Nigam Mahil Inter College, Kanpur had forced the Muslim girls to sing and act sarsvati vandana. When this act was protested by Muslims, she used abusive language against them.

Report was called vide letter 2.11.2000 from the Chief Secretary, U.P and it was recommended that unwilling students shall not be forced to sing religion based songs.

A hearing was held in the Commission on 16.2.2001 on some cases relating to Uttar Pradesh. In this hearing the Principal Secretary, U.P Govt. submitted a reply for the present case also, wherein it was stated that after a thorough enquiry in the whole matter, it was revealed that there was no forced singing of vandana. Girls volunarily sang it at function in the school.

This reply was accepted by the Commission and was sent to the petitioner for information.

**Representation from Subhania Anjuman Isalmia, Bilaspur regarding M.P Govt.'s decision to stop grant-in-aid**

A representation dated 18.5.2000 was received from Subhania Anjuman Islamia, Bilaspour (MP) stating that State Govt. of MP has decided to gradually reduce grant-in-aid to non-Govt. Schools and to finally stop it within 5 years. Since this was detrimental to minority educational institutions, the Commission was requested to intervene.

Form 'C' notice dated 2.6.2000 was issued and when it was not responded a d.o dated 21.12.2000 from the Secretary, NCM was sent to the Chief Secretary, MP.

A reply dated 15.3.2001 from the MP Govt. stated that the policy of reducing grant-in-aid was reconsidered by the Govt. and it was decided that minority educational institutions may be exempted from it. Thus, the petitioners are also exempted from this policy. This reply was sent to the petitioner on 10.4.2001.



**Complaint of Shri Virinder Singh, Proprietor of M/s Premier Electrical Corporation regarding denial of benefits under Central Interest Subsidy Scheme for November 1984 riot victims by the UPFC**

Shri Virinder Singh, Prop. Of Premier Electrical Corporation made a complaint before the Commission on 6.1.2000 stating that the Uttar Pradesh Financial Corporation (UPFC) has denied him the benefits under the Central Interest Subsidy Scheme. He had taken a loan of Rs.1.24 lakh from UPFC, NOIDA for business purpose, the loan was sanctioned on 6.9.1984 and first installment of loan was disbursed on 31.12.1984 and in the meantime there were anti-Sikh riots on 31<sup>st</sup> October – 2<sup>nd</sup> November 1984. He claimed that his property was damaged and thus he is eligible for the benefits under the Central Interest Subsidy Scheme for 1984 riot victims.

The Commission took up the matter with the UPFC authorities on 11.1.2000 and they were asked to file their reply. The reply received from the Dy. Sr. Manager (Law), UPFC on 10.2.2000 stating that complainant furnished a copy of his letter dated 4.11.1984 addressed to Police Station, Connaught Place. The letter of 4.11.1984 is of no consequence and no reliance can be placed on aforesaid letter. The genuineness and bonafide of the complaint of the complainant was under cloud. Prior to sanctioning of the loan, the UPFC officers inspected the unit of the complainant and before the release of the first installment on 31.12.1984, the unit was again inspected by the officers. On both the occasions the unit of the complainant was found unharmed. The UPFC also reported that the petitioner committed a fraud by submitting that he suffered loss and injuries due to 1984 riots and falsely claimed benefits of riot victims, as there was nothing on the UPFC's record to show any such loss or injury due to the riots.

Clause 2 (a) and Clause 4 of the Central Interest Subsidy Scheme (Revised) for November 1984 Riot affected borrowers dealing with the identification of the riot affected borrower states that the 'Borrower' means an individual proprietary concern is to be identified by the concerned Bank, who in its opinion were affected by November 1984 riots. Clause 4 states that the authority which sanctioned the loan shall determine the deserving cases for interest relief and the branch where the Account are being operated shall provide the relief.

In this case the borrower's eligibility was to be determined by the UPFC. UPFC, the organization that sanctioned a loan of Rs.1.24 lakhs in September 1984 and disbursed its first installment on 31<sup>st</sup> December 1984 took a view that Shri Singh was not entitled for the subsidy on the ground that Shri Singh did not suffer any loss of assets created out of the loan given by UPFC.

Shri S. Simranjit Singh Mann, M.P vide letter addressed to the Vice Chairman, NCM stated that UPFC has been denying justice to M/s Premier Electrical Corporation and requested the Commission for suitable recommendations.

The Commission carefully considered matter in the meeting held on 10.5.2000 and decided to write to the UPFC for a sympathetic treatment of the case. A communication to the effect was sent to UPFC on 23.5.2000. Subsequently the UPFC vide its letter dated 30.1.2001 informed the Commission that the petitioner approached them for one time settlement of his loan account and the matter will be considered by them.

**Representation of Sh. H. Ahmad, Asstt. Director (Welfare), O/o Chief Post Master General, Assam Circle, Guwahati regarding release of Service Book kept as seized document in connection with a proposed disciplinary proceedings**

Shri H. Ahmad had made a representation dated 15.1.2001 alleging that CBI had filed a case against him and 3 more persons, which was disposed of in his favour on 31.5.91 for want of evidence and he was paid full pay and allowance during suspension period. Now he apprehended that the CBI has directed the Department to initiate disciplinary proceeding against him on a issue already disposed off.

A report sought from the Secretary, Min. of Communication vide letter dated 28.2.2001. A reply dated 26.3.2001 has been received wherein it was informed that the matter was under consideration in view of the alleged incident took place about 20 years back in consultation with the CVC. The service book has already been obtained by the O/o PMG, Assam Circle.

Thereafter the Min. of Communication replied vide letter dated 17.5.2001 that the case of Sh. H. Ahmad has been examined in consultation with CVC and decided to drop the case keeping in view of the facts that the case is old and charges are more or less identical to ones that had been tried by the CBI Court and since acquitted.

**Complaint of Sh. Usman Ghani Ibrahim Belim regarding destroying of Holy Quran and injuring religious faith of Islam**

In a representation dated 12.11.1999 Shri Usman Ghani Ibrahim Belim had stated that on the eve of the Depawali festival, the crackers used in the states of Gujarat and Tamil Nadu were wrapped in papers carrying Quranic verses that had hurt the religious

sentiments of Muslim. Similar complaint was forwarded by Maulana Asad Madani, President Jamiat Ulama-I-Hind on 9.11.99.

Accordingly a report was called for from the Govts. of Gujarat and Tamil Nadu vide letter dated 29.11.1999.

The Govt. of Tamil Nadu informed vide letter dated 16.3.2000 that they have initiated cases against those found guilty of negligence in this regard and took adequate measures to ensure that such incident should not recur in future.

The Ministry of Home Affairs, Govt. of India also referred the matter to Govt. of Gujarat on 10.1.2000. The Govt. of Gujarat vide letter dated 2.8.2000 reported that the dealers of crackers in Ahmedabad city, Surat (rural and Navsari districts had not sold the brand of crackers in which wrapping of papers carrying Quranic Verses were used. Therefore no police complaint was registered in these areas and the complaint alleging the use of papers carrying Quranic verses in the manufacturing and selling of such crackers does not hold ground. Moreover not a single complaint had been lodged by any member of Muslim community. Besides, no incident of communal clash had occurred as a fall out of the said matter. This reply was considered by the Commission and found unsatisfactory and Commission asked the State Govt. whether any suo-moto step has been taken by them to confiscate the stock of such crackers to prevent any trouble at the time when their sale was noticed even though they were not manufactured in the State of Gujarat. It was decided to close the case.

In a reply dated 21.7.2001 the Govt. of Gujarat was informed that necessary instructions have been issued to the Police officers to take appropriate action against selling and confiscate such crackers. The Ministry of Home Affairs vide their letter dated 5.9.2000 informed that in a joint inspection conducted by the officials of Govt. of Tamil Nadu and Maharashtra revealed some isolated cases of manufacturers of such crackers in Sivakasi, Tamil Nadu, however there was no political affiliation or communal passion or any deliberate attempt to hurt the religious sentiments of Muslim community and the incidents were purely accidental. The Govt. of Tamil Nadu had cautioned the manufacturers Association about the seriousness of the issue and has advised them to ensure special care is taken while selecting papers for manufacturing fire work.



**Complaint of Shri S.K.A Naqvi and Shri Anayatullah Khan of Allahabad regarding publication of objectionable material by "Hindu Shakti Samachar"**

On 11.9.98 Shri S.K.A Naqvi and Shri Anayatullah Khan filed a complaint with the Commission alleging that a fortnightly newspaper "Hindu Shakti Samachar" published from Delhi, contained certain distorted and objectionable material and is spreading enmity/disharmony between Hindu and Muslim/Christian communities. Several such news items/reports have been quoted and copies of the publications have been enclosed with the complaint by the petitioners. The petitioners prayed that (i) Registrar of the Newspapers for India be asked to cancel the licence of the Newspaper and (ii) the Police authorities be asked to initiate criminal proceedings against the proprietors.

The Commission in its meeting held on 23-24<sup>th</sup> November 1998 considered the complaint and decided to issue notices to all the concerned authorities asking them for their responses. Notices were accordingly issued on 15.12.1998 to Shri Virendra Sharma, Proprietor and Chief Editor of Hindu Shakti Samachar, E-4/18, Krishna Nagar, Delhi-51, Allahabad Police and Delhi Police authorities and the Registrar of Newspaper for India, New Delhi.

The Allahabad Police informed that the material was neither printed nor distributed in Allahabad and therefore no action is called for there. The Delhi Police informed that the Newspaper has its registered office at E-4/18, Krishna Nagar, Delhi but it is not certain as to from where it is printed or published. Since no complaint has ever been received from cognizable offence, the Police cannot take any action and also that there is no apprehension of any riot or other offence on account of the said publishing. The RNI informed that they issue Registration Certificate to the publishers on the basis of certain declaration duly authenticated by the DCP (Licencing) and therefore the DCP is empowered to cancel the declaration licence. There letters dated 14.1.99, 25.2.99 and 20.3.99 were received from Shri Virendra Sharma, Editor of the said magazine, wherein he asked for original copies/attested copies of the magazine because there were allegedly some distorted facts presented before the Commission and also that there were some issues which were not published. He, however, neither accepted nor denied the charges clearly and it appeared that there is a deliberate attempt on his part to avoid a categorical reply and to drag on the matter. A set of attested copies of the Newspapers were sent to Shri Sharma. However, no reply was received from him.

Since there was no fruitful outcome despite prolonged correspondence with several authorities and also that the petition has been pending before the Commission

since September 1998, the Commission re-considered the matter on 25.11.99 and recommended that the Ministry of I&B/RNI, the Delhi and Allahabad Police authorities and the Delhi Govt. must thoroughly investigate the complaint of printing and publication of objectionable material intended to spread enmity/disharmony between various religious communities by the Hindu Shakti Samachal and initiate legal action against the publisher(s)/printer(s) under clause 153-A of the IPC for spreading disharmony and hatred between different communities in the country. Subsequently on 16.12.99 a letter was received from the Special Branch, Delhi Police asking for copies of the Newspapers which were duly sent.

The present Commission in its first meeting held on 9.3.2000 considered this matter afresh and Hon'ble Chairman vide his letter dated 22<sup>nd</sup> March 2000 to Smt. Sheila Dixit, Chief Minister of Delhi took up the matter again. The State Govt. of Dlehi vide their letter dated 18.8.2000 informed the Commission that the publication was very old (April, 1998) and there was no possibility of this publication creating communal disharmony any more, rather, if any action was taken at this belated stage, it may result in reviewing ill-will on communal lines and action, therefore, would not serve any fruitful purpose, rather it may be center productive. The Commission considered this reply of the State Govt. and accepted it.

#### **Representation of Shri Mahipal Singh against Railway**

The Commission had received a representation from Shri Mahipal Singh dated 10.7.2000 wherein he has stated that he had appeared for an interview conducted by Northern Frontier Railway, Guwahati for 135 posts of Non-Technical popular category of direct recruitment quota. Railways reduced the vacancies from 135 to 126 arbitrarily, therefore, the petitioner was not selected. A report was called for from the Railway Board on 10.8.2000 and followed by reminders.

The Commission received a reply from Railway Board vide letter dated 25.7.2001 in response of our letter informing the Commission that the number of posts were reduced from 135 to 126 as per decision of Railway Board to reduce the vacancies by 25%. The Railway Recruitment Board supplied a panel of 126 candidates to Northern Front Railways and Shri Mahipal Singh's name did not appear in the list of successful Shri Mahipal Singh's name did not appear in the list of successful candidates. A copy of the reply received from Railway Board was sent to the complaint on 4.9.2001 for his information.

### **Shri M.K. Kaw's criticism of Holy Books**

Maulana Asad Madani, President, Jamiat Ulama-I-Hind made a complaint stating that the Union Education Secretary, Mr. M.K. Kaw, in his article published in NCERT journal of Value Education, November, 2000 issue has attacked 'Single Book Faiths' condemning their Prophets, messengers, etc. and terming them as greatest danger to intellectual freedom. These utterances were taken as violative of Right to worship.

The Commission asked Shri Kaw to discuss the issue with the Commission. Shri Kaw gave his explanation in a meeting held on 1.3.2001. He clarified that this specific reference was made to explain his point of view and was not intended to hurt the religious sentiments of the followers.

However, the Commission felt that specific mention of single Book religion was not at all necessary and that he should publish an apology in the next issue of journal to the effect that his comments about single book faith are withdrawn.

Accordingly, a clarification/regret was published in the January 2001 issue of Value Education.

### **Representation of Smt. Adiba Khatoon regarding denial of promotion**

Smt. Abida Khatoon in her representation dated 15.1.2001 stated that she had been working in the Primary Project Centre, Ram Nagar, Barabanki. In August 1998 Department conducted interview for the post of Mukhia Sevika. According to the petitioner her name was included in the merit list but she has not been promoted because she belongs to a minority community.

The case was referred to the Director, Child Development and Nutrition Department vide Commission's letter dated 12.2.2001 followed the reminder dated 26.4.2001.

Now, the Dy. Director has informed that she has been appointed to the post of Mukhia Sevika vide order dated 19.3.2001 and posted at Sidharth Nagar.



**Non-payment of traveling expenditure on transfer in the year 1997 Complaint from Shri Tehebbbar Khan, Peon, Land Consolidation Office, Karhal, Distt. Mainpuri**

A complaint dated 31.1.2001 was received from Shri Tehabbar Khan, Peon, Land Consolidation Office, Karhal, Mainpuri stating that he was transferred from District Barabanki to Distt. Mainpuri in July, 1997. He had submitted his transfer TA Bill at that time but payment was not made to him as the dealing clerk Shri Ram demanded 10% bribe on payment.

A report was called for from the DM, Mainpuri on 9.2.2001. The DM replied on 20.9.2001 stating that as per the records, the TA Bill was received by Shri Mahesh Chandra and records were kept by Shri Krishna Rathor, who had died. As per records, the TA Bill was not received by Siya Ram. However, the Consolidation Officer has been directed to take another Bill from Shir Tehebbbar Khan and make him payment under side. Further departmental action be taken against Sh. Mahesh Chandra, if he is found responsible.

**Explosion of bomb in a Mosque in Guntur**

The Commission had taken cognizance of the news item appeared in 'The Statesman' dated 27.6.2000 regarding the explosion of a bomb in a Mosque in Guntur on 26.6.2000 and thereafter violence in the area. A report was called for from Govt. of Andhra Pradesh on 27.6.2000. The Govt. of Andhra Pradesh vide their letter dated 18.9.2000 reported that on 25.6.2000 at about 9:30 p.m a bomb exploded in Markazi Mosque in Pothurivari Thola area of Kothapal Police Station, Guntur. Soon after the bomb was heard, the Sub-Inspector of Kothapeta and other officer rushed to the spot. It is further reported that at about 10:00 p.m a mob under the leadership of Sheikh Azeez attempted to indulge in looting and arson and damaged shops in different parts of the city. The mob set fire to a Navata Transport vehicle and a RTC bus. A mob also gathered near Trinath Hotel, Tythu Bazar and Swarnanshra (Trinath) Hotel. After considerable effort, the District administration controlled the tense situation and six cases were registered on 26.6.2000. The Chief Minister announced ex-gratia of Rs.25,000/- to Shri Abdul Raoof who sustained simple splint injuries. Regarding damage to public property, cases local teams were formed, which arrested 51 accused, who were remanded to judicial custody. 35 Persons have also been identified to have actually participated and are found to be

absconding. The State Govt. has claimed that it took all steps to prevent damage to public/private properties.

**Representation from Sh. M. Hanif, Sardhana, Meerut regarding negligence of exam invigilators**

A representation dated 7.4.2000 was received from Mr. Mohd. Hanif, Sardhana (Meerut) stating that his daughter Km. Shahnaz had appeared for the High School exams for 2000. Her answer sheet for English paper was negligently lost by the College authorities but the child was blamed for not submitted her answer sheet after finishing exam and taking it along with her.

A report was sought from the DM, Meerut vide letter 11.5.2000. Reply stated that the due to negligence of invigilators, the answer sheet got tied up in a different bundle of sheets. Therefore both the guilty invigilators are punished and FIR has been withdrawn. Result of the child has also been declared.

The Commission accepted the reply but felt that the student concerned has suffered immense mental torture. Therefore, it was recommended that adequate compensation should be paid to her keeping in view the resultant loss of academic year, suffered through false FIR. A part of compensation should be recovered from guilty officers.

The D.M, Meerut vide 20.8.2001 has informed that the Director, Education U.p has been requested to determine amount of damages to be recovered from guilty officers, as per Commission's orders.

**Complaint from Tamil Nadu Urdu School Teachers Association against appointment of non-Urdu speaking A.E.E.O's in two districts**

A representation dated 26.4.2000 was received from Tamil Nadu Urdu School Teachers Association, Chinnasalem complaining that Director of Elementary Education has appointed certain non-Urdu speaking persons as Assistant Elementary Educational Officers (A.E.E.O) in Cuddalore and Vellore districts. This is against the rule that specifically requires Urdu speaking candidates for such post.



Comments/report of the State Govt.'s Elementary Education Deptt. was sought vide letter dated 16.5.2000. No reply has so far been received despite reminder dated 17.11.2000, 1.3.2001. The matter is still under consideration.

**Representation of S.F. Ahmad regarding denial of promotion, non-sanction of loan and non-payment of retirement dues**

Sh. S.F. Ahmad, former D.T.M, Khandagiri had made a representation to this Commission regarding denial of promotion, non-sanction of loan and non-payment of retirement dues. The petitioner was working as District Transport Manager under Orissa Road Transport Corporation. He brought to the notice of CMD that a person who was 10 years junior to him was promoted to the post of Divisional Manager superseding him. He had applied for medical advance of Rs.1.5 lakhs for treatment in CMC Vellore but the same was refused. The matter was taken up with the Secretary, Road Transport Corporation on 10.12.99. They filed reply vide letter dated 28.1.2000 stating that the petitioner was retired prematurely due to bad records during service. His retirement benefits were not released due to acute financial crises of the Corporation. The reply was sent to the petitioner for rejoinder. The petitioner stated that he had submitted application for medical advance one year before his premature retirement. The GPF deducted from his salary was not deposited in EPF Commissioner's office. The Commissioner on 14.7.2000 has asked the Secretary, Commerce & Transport Deptt. to release all the dues to the petitioners and furnish the report. The matter has been followed by reminders dated 25.8.2000, 9.12.2001 and 27.8.2001 but no final reply has been received so far.

**Representation of Smt. Rayees Bano W/o Sh. Faizudding Siddiqui, Quazi Pura, Hingoli, Maharashtra regarding suicide of her husband Sh. Faizuddin Siddiqui due to the mental torture by the Bank authorities**

Smt. Rayees Bano had made a representation on 29.11.2000 stating that her husband was working as assistant Manager in the State Bank of Hyderabad, Hingoli Branch. He was falsely implicated in a fraud case. The Manager of the bank handed over the case to the Police without conducting proper departmental enquiry. He was suspended in July 2000 but no subsistence allowance was paid to him, he committed suicide on November 2000 due to this incident, leaving a suicide note that Branch Manager Sh. Darak and Sh. Diwan Branch Manager of another branch who conducted preliminary enquiry are responsible for his death.



A report was called from the Regional Manager, State Bank of Hyderabad vide letter dated 2.1.2001. The report received from the Bank stating that late Sh. Siddiqui has fraudulently withdrawn pension of two dead pensioners amounting to Rs.40,600/-. All the documentary proof suggest that he is primary responsible for the fraud. Sh. Darak Branch Manager informed that he had reported the matter to controlling authority and he was suspended by the General manager, who is the disciplinary authority. The case was handed over to the police on the direction of the General Manager. Sh. Siddiqui, committed suicide, in November 2000 and the subsistence allowance was not paid on the request of the officer, as he wanted to suspend his house loan recovery from subsistence allowance. Mr. Darak and the Branch Manager and Sh. Diwan Branch Manager of another branch have taken anticipatory bail fearing arrest. The payment of subsistence allowance for the period of suspension till his death to his widow is under consideration.

**Representation from Dr. Satwant Singh Sodhi R/o Agra regarding detention under NSA 80.**

The Commission had received a representation from Dr. Satwant Singh Sodhi of Agra on 9.2.2000 regarding his detention under NSA. He had stated that he was falsely implicated in Credit Card Fraud of Rs.31,850/- of a Canadian tourist and poisoning of a Korean women.

A report was called for from D.M, Agra on 15.2.2000. The D.M, Agra has reported on 16.5.2000 that Dr. Satwant Singh is a M.B.B.S doctor and owner of Darshpreet Poly Clinic, Navlakha Bazar. Dr. Satwant Singh have so many agents which are known as Lapka in local language. Through these agents Dr. Sodhi gave poisonous and intoxicated substance to the foreigners and then the foreigner were taken to his clinic for treatment where Dr. Sodhi charged very high rates from Insurance companies by means of forged bills. One Korean tourist Kim Yog was given poisonous substance due to this she became ill and she was admitted to Dr. Sodhi's clinic for treatment. On her complaint a case was registered against Dr. Sodhi. In another complaint Smt. Saiman, a Canadian National complained that Dr. Sodhi had charged and withdraw an amount of Rs.31850/- from her bank account through forged signature and a case was registered. After the investigation Dr. Sodhi was charge sheeted and sent to Jail. A case is pending in a court. The D.M reported that statement of Dr. Sodhi is incorrect that this arrest the public of Agra is in anger. The public of Agra never opposed the arrest of the Dr. Sodhi. He has further reported that the statement of Dr. Sodhi for organizing

numerous medical and eye camps for the poor and downtrodden is incorrect. Due to fraud and cheating foreigners he was detained under NSA. However, the detention of Dr. Sodhi had been revoked been released on 6.3.2000. Other cases against Dr. Sodhi are under trial.

## **CHAPTER - 10/11**

### **A REPORT ON STUDIES UNDERTAKEN INTO PROBLEMS ARISING OUT OF ANY DISCRIMINATION AGAINST MINORITIES AND THE MEASURES FOR THEIR REMOVAL – ANALYSIS CONDUCTED BY THE COMMISSION ON THE ISSUES RELATING TO SOCIO-ECONOMIC AND EDUCATIONAL DEVELOPMENT OF MINORITIES**

The Commission's endeavour has been to deal with various problems of minorities relating to socio-economic development and discrimination arising out of communal bias with utmost commitment and priority. Efforts made in respect of discrimination have been reported in the previous Chapter 9. The 15-Point Programme for the welfare of minorities inter alia stresses that victims of communal riots should be given immediate relief and provided prompt and adequate financial assistance for their rehabilitation. It also emphasises that Departments like Railways, Nationalised Banks and Public Sector Enterprises, who provide large scale employment opportunities must ensure that special consideration is given to recruitment from minority communities. It also provides that while implementing various development programmes including the 20-Point Programme, care should be taken to ensure that the minorities secure a fair and adequate share of the benefits flowing there from. The Commission also obtains data from the field agencies and analyse the same to see the progress made in this regard. The efforts made by the Commission in the year under report have been highlighted in the succeeding paragraphs.

#### **Publication of Socio-economic data on Minorities by RGI**

The Commission has been pursuing the matter with the Registrar General of India urging for publication of socio-economic data on Minorities. A meeting was convened by the Commission with Shri J.K. Banthia, Registrar General of India on 29.1.2001 and the matter was discussed with him at length.

The Commission, having understood the problem as explained by the RGI suggested that the following data based on the Census 2001 be made available for the five notified minority communities:-



- (i) Average size of the family
- (ii) Male/Female ration
- (iii) House-hold income and
- (iv) Educational status

In this regard the RGI vide their letter dated 25.9.2001 informed that the processing of the information collected at the Census of India 2001 will take some time and, therefore, it would not be possible to provide the data immediately. Generation of tables after processing and necessary checking would take about two years of time after which the data could be made available. Presentation of data on various characteristics by religious community is being explored. Census of India 2001 did not collect information on house-hold income, and, therefore, no data on income is available.

#### **Al-Faran Overseas Charitable Trust, Bangalore regarding publication of Govt. order in Urdu**

A complaint dated 21.4.2000 was received from Al-Faran Overseas Charitable Trust, Bangalore stating that the Govt. of Karanataka has issued orders for publication of Govt. orders in Urdu also but in actual practice this is not being done.

A report was sought vide letter dated 28.6.2000 from Deptt. of personnel and A.R. Govt. of Karnataka.

A reply dated 19.4.2001 stated that in 1999 twenty eight and in the year 2000 eleven important Government orders were translated in Marathi and Urdu language.

Though the Commission accepted the reply but felt that the scope of selection of Government orders for translation needs to be expanded so as to include all those orders that have a bearing on general public, which will result in greater satisfaction of the minorities in the state and therefore recommended that the State Govt. should evolve definite guidelines to identify the orders that need to be translated, instead of leaving it to the discretion of Linguistic Minority Section of the Deptt. of Personnel of the State Govt.

#### **Introduction of Multi-lingual software for Urdu Medium students**

Urdu Computer Promotion Council, Tonk, Rajasthan wrote to the Chairman, NCM on 14.3.2001 about the need for inclusion of multi-lingual software in the computer education programme for Primary and Secondary Schools. The usage of multi lingual

software was to facilitate Urdu knowing and Urdu medium students to make full use of computer in their educational programmes.

The proposal was taken up with the National Council for Promotion of Urdu language for their comments on 9.4.2001. The Council favoured the proposal. Then the Commission made a recommendation to the Govt. of India, Ministry of HRD, Deptt. of Education for making suitable arrangements and issuing directions to introduce multi-lingual software in all Primary/Secondary schools. The Ministry forwarded our letter to the Education Secretaries of all State Govts./U.Ts.

**Commission's recommendation regarding declaration of Kashmiri Pandits as Minority community at national level and extension of jurisdiction of NCM Act, 1992 to the State of J&K**

The present Commission in its first meeting held on 9.3.2000 considered the matters relating to (i) declaration of Kashmiri Pandits as minority community at national level and that a formal notification be issued by the Central Govt. for this purpose and (ii) the territorial jurisdiction of the NCM Act, 1992 should be extended to the State of J&K. The Commission decided to take up this matter with the Govt. Accordingly a communication was sent to the Union Ministry of Social Justice & Empowerment on 1.5.2000 reiterating the counter recommendation of 12.9.98 and this recommendation contained in the NCM Annual Report for 1998-99 and also in the NCM special Report on the Actions and recommendations for the Hindu community 1996-99.

The Ministry vide its letter dated 16.5.2000 informed that the question as to who constitutes a minority is subjudice under a writ petition in the Hon'ble Supreme Court. Further action on provision of minority status will be take based on the decision of the Apex Court.

So far as the extension of the territorial jurisdiction of the NCM Act, 1992 to the State of J&K is concerned the Ministry stated that the question of extending jurisdiction of the Commission over the State of J&K was considered at the time of enactment of the National Commission for Minorities Act, 1992. It was then decided that the National Commission for Minorities Act, 1992 under which Commission has been constituted now, would not extend to the State of J&K. A request in this regard has to be made by an elected Govt. of the State in accordance with the constitutional provisions, keeping in view the special status accorded to the State under Constitution. The State Govt. of J&K has informed vide their letter dated 13.8.97 that since any definition of minority community will have to be in accordance with the parameters laid down by the Apex



Court, the State Govt. will further examine the issue once the larger bench of the Supreme Court has given its judgment giving meaning to the expression "religion" in Article 30(1) of the Constitution of India.

### **Review of data on credit flow to the minority communities received from the Reserve Bank of India**

The Reserve Bank of India had sent the data on credit flow to minority communities. The half yearly reports for the periods ending March 1998, September 1998 and March 1999 were considered by the Commission in its meeting held on 29<sup>th</sup> June 2000. These reports gave elaborate data covering the following areas:-

- (a) Advances granted by the Public Sector Banks to minority communities in 41 identified districts.
- (b) Advances granted by the Public Sector Banks to minorities' vis-a-vis others under overall priority sector advances.
- (c) Advances granted by all Public Sector Banks to minority communities and also to other communities.

The data received from RBI was analyzed in five separate Table for an easy assessment of the credit flow scenario in respect of the minority communities. The data sent by the RBI was an important indicator of the process of economic development of the minorities. The data was seen in the background that there was no separate loaning the minorities. The data was seen in the background that there was no separate loaning target, schemes or special drive for the minority communities from the Government.

In the Tables given below an attempt was made to compare and review the data for the one and half year period from October 1997 to March 1999, so as to get a comparative picture of the progress made. Analysis of the five Tables is as under:-

#### **Table - I**

This table indicates the credit given to the minority communities in 41 identified Minority Concentration Districts. It may be observed that gross amount of credit had increased from Rs. 1788.93 crs. to 1942.71 crs during the 1½ years. The percentage of credit in relation to the total for all communities had gone down from 16.31% to 13.75%. The share of each of the minority communities remained almost same with minor variations. Share of Muslims remained at about 71%, Christians at 13.5%, Sikhs at 9%, Buddhists at 4% and Parsis at around 1%.



#### Table - II

In this table the country had been divided into six regions viz:- North East with 8 States, East with 4 States/U.Ts, West with 5 States/U.Ts, Central with 2 States, South with 6 States/U.Ts and North with 7 States/U.Ts. It may be observed that in each region the data maintained an upward trend except a marginal fall in September 1998 in North East and Central region which later recovered in March 1999. The average amount of credit per account varies from region to region, in Northern region it was more than 30,000/- while in Eastern region the average loan was below 10,000/-

#### Table - III and IV

These two tables were prepared to assess the performance of each of the banks in 41 MCDs as well as in all States/District quantum wise. In the 41 MCDs (Table-III\_ the State Bank of India leads the list followed by Canara Bank and Punjab National Bank in advancing credit to the minority communities. The total amount of credit to the minorities showed a slow growth from 1788.93 crs to 1942.72 crs during the period of 1½ year under review. There was not much increase in the number of accounts, which hovered around 13 lakh. The average amount revolved around 14,000/- per account.

Table IV shows quantum wise increase in the credit to the minority communities from 9836.24 crs to 11,455.01 crs during the period of 1½ years under review. The number of accounts had been going down from 63 lakhs to 61 lakhs which reflected an increase in the average loan from Rs. 15,500/- to Rs. 18,6000/- per accounts.

#### Table - V

In this table an analysis had been made to assess to State wise position of the percentage of credit given to the minorities and the average amount per account. The percentage of the minority population in the respective State/U.T is shown in Col.1 of the statement. It may be observed that excepting a very few states like Haryana, Himachal Pradesh, Madhya Pradesh and Orissa in all other States/U.Ts the share of credit to minorities was far less the percentage of minority population. This category included some major states like Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Delhi, Gujarat, Maharashtra and West Bengal. In the case of Pondicherry the percentage of credit to the minority communities was more than their population i.e. the minority population there was 13.78% and the credit was given up to 20% in March 1999.

It was also seen that the all India percentage of minority population was about 17.17% and against this the credit facility advanced to these communities was around 12% i.e. 5% less. The average amount of loan per account was 18,600/- per account.

The Commission considered this matter carefully. The Commission noted that the average amount of credit disbursed to the minority communities was very low and advised the Reserve Bank of India to make an analysis of the date, study the problem and plan for an increase in the credit flow to minorities. The Commission stressed that minorities, who are already backward in so far as n their socio-economic status was concerned, needed to receive special attention from the Banking Sector as a whole. Accordingly, Hon'ble Chairman, National Commission for Minorities vide his letter dated October 25, 2000 requested the Union Finance Minister to have this matter looked into with the objective of providing greater access to credit resources for the minorities in the country.

The Table I to V mentioned in the above paragraphs are given below:-

**TABLE-I**

**Credit to Minorities in 41 MCDs  
(Rs. in Crs.)**

	<b>March 1998</b>		<b>Sep. 1998</b>		<b>March 1999</b>	
Communities	Amount in Crs.	%age to total	Amount in Crs.	%age to total	Amount in Crs	%age to total
Muslims	1292.32	72.24	1315.35	70.17	1392.71	71.69
Christians	241.01	13.47	250.86	13.38	277.03	14.26
Sikhs	156.57	8.75	191.74	10.23	172.58	8.88
Buddhists	81.87	4.58	79.53	4.24	62.74	3.23
Parsis	17.16	0.96	37.09	1.98	37.65	1.94
For all communities in priority sector	1788.93	100	1874.57	100	1942.71	100
%age to minorities	16.31		15.94		13.75	

TABLE - II

## All India Region-wise Position of Credit to Minorities (All Districts)

S. No.	Region	States/U.Ts	March '98	Average amount of credit per account	Sept. '98	Average amount of credit per account	March '99	Average amount of credit per account
1.	North East	Assam, Mizoram, Meghalaya, Arunachal Pradesh, Nagaland, Manipur, Sikkim and Tripura (8)	0174.14	11,000/-	155.66	7,000/-	183.18	14,000/-
2.	Eastern	Bihar, West Bengal, Orissa and A&N (4)	951.67	7,000/-	961.89	7,700/-	1038.68	9,000/-
3.	Western	Gujarat, Maharashtra, Daman & Diu, Goa, D&N Haveli (5)	924.74	25,700/-	973.25	27,000/-	982.04	28,000/-
4.	Central	U.P. & M. P. (2)	1488.59	16,500/-	1326.95	16,600/-	1421.72	18,000/-
5.	Southern	Andhra Pradesh, Karnataka, Lakshadweep, Tamil Nadu, Kerala & Pondicherry (6)	2998.54	12,000/-	3314.95	13,000/-	3576.76	14,000/-
6.	Northern	Delhi, Punjab, Haryana, Chandigarh, J&K, Himachal Pradesh, Rajasthan (7)	3298.56	31,000/-	3506.86	33,000/-	4192.62	38,000/-
			9826.34		1029.57		11445.01	



**TABLE - III****Credit of Minorities to each of the Nationalised Banks in 41 MCDs****(Quantum-wise) Rs. in Crs.**

S.No.	Name of the Banks	March '98	Sept. '98	March '99
1.	State Bank of India	699.96	721.65	714.61
2.	State Bank of Bikaner & Jaipur	1.42	2.06	1.36
3.	State Bank of Hyderabad	53.13	59.02	57.88
4.	State Bank of Mysore	1.43	1.43	1.41
5.	State Bank of Patiala	6.17	6.34	6.35
6.	State Bank of Saurashtra	1.64	1.60	1.67
7.	State Bank of Travancore	100.32	97.80	107.58
8.	State Bank of Indore	1.22	11.67	0.063
9.	Andhra Bank	6.54	0.07	6.88
10.	Allahabad Bank	68.27	65.26	65.66
11.	Bank of India	69.42	56.30	61.06
12.	Bank of Baroda	88.59	85.11	80.11
13.	Bank of Maharashtra	11.46	11.74	9.61
14.	Canara Bank	188.85	225.21	202.81
15.	Central Bank of India	56.05	73.04	73.25
16.	Corporation Bank	10.60	12.20	13.33
17.	Oriental Bank of Commerce	29.82	20.82	29.64
18.	Punjab & Sind Bank	25.26	28.38	24.99
19.	Dena Bank	16.64	11.98	15.46
20.	Indian Bank	12.73	12.32	13.00
21.	Indian Overseas Bank	20.55	16.61	18.64
22.	Punjab National Bank	103.38	102.39	107.90
23.	Syndicate Bank	51.49	55.70	107.44
24.	Union Bank of India	40.99	50.28	79.35
25.	United Bank of India	74.34	74.92	81.84
26.	UCO Bank	41.58	43.27	35.30
27.	Vijay Bank	27.08	27.39	25.94
	<b>TOTAL</b>	<b>1788.93</b>	<b>1874.56</b>	<b>1912.72</b>

<b>No. of Accounts</b>	13,25,953	13,37,941	13,18,922
<b>Average</b>	13,000/-	14,000/-	14,700/-

TABLE - IV

## All India Performance of Nationalised Banks in Credit to Minorities

(All States/ Districts) Quantum-wise / Rs. in Crs.

S.No.	Name of the Banks	March '98	Sept. '98	March '99
1.	State Bank of India	2568.76	2413.11	3014.17
2.	State Bank of Bikaner & Jaipur	82.25	77.29	82.13
3.	State Bank of Hyderabad	133.95	138.86	144.19
4.	State Bank of Mysore	51.17	50.91	50.92
5.	State Bank of Patiala	460.87	423.26	496.24
6.	State Bank of Saurashtra	46.58	58.66	43.44
7.	State Bank of Travancore	541.10	635.04	540.62
8.	State Bank of Indore	29.54	30.07	30.46
9.	Andhra Bank	32.32	0.28	45.59
10.	Allahabad Bank	159.98	162.51	169.68
11.	Bank of India	456.69	506.37	588.61
12.	Bank of Baroda	397.45	409.39	535.63
13.	Bank of Maharashtra	75.69	77.31	82.05
14.	Canara Bank	775.60	823.09	859.19
15.	Central Bank of India	341.58	367.59	351.96
16.	Corporation Bank	85.52	82.32	104.99
17.	Oriental Bank of Commerce	302.44	382.38	419.05
18.	Punjab & Sind Bank	592.93	647.26	682.24
19.	Dena Bank	130.50	151.85	116.23
20.	Indian Bank	169.79	156.63	156.37
21.	Indian Overseas Bank	281.94	382.60	413.54
22.	Punjab National Bank	949.41	1011.79	1161.55
23.	Syndicate Bank	187.16	220.20	331.57
24.	Union Bank of India	419.51	443.06	406.03
25.	United Bank of India	156.95	159.27	177.71
26.	UCO Bank	247.96	252.72	244.84
27.	Vijay Bank	158.62	166.71	195.98
	<b>TOTAL</b>	<b>9836.24</b>	<b>10239.57</b>	<b>11445.01</b>

<b>No. of Accounts</b>	63,18,066	62,30,173	61,30,279
<b>Average</b>	15,500/-	16,400/-	18,600/-



TABLE - V

**State-wise Position of %age of Credit and Average amount per account  
given to minorities compared with the %age of minority population**

S. No.	States/U.Ts	MARCH 1998			SEPTEMBER 1998		MARCH 1999	
		%age of minority population	%age of Credit to minorities	Average Amount	%age of credit to minorities	Average Amount	%age of credit to minorities	Average Amount
1.	Andhra Pradesh	10.80	5.38	8,000	6.05	8,000	6.62	9,000
2.	Arunachal Pradesh	24.70	34.00	12,000	31.22	8,600	16.78	13,000
3.	Assam	32.11	13.44	8,500	10.97	6,000	11.14	11,000
4.	Bihar	15.88	8.83	5,700	9.07	6,000	9.19	6,700
5.	Delhi	15.31	7.88	1,14,000	7.92	1,19,000	7.90	1,40,000
6.	Goa	35.22	25.04	43,000	18.62	34,000	25.40	49,000
7.	Gujarat	9.31	3.44	20,000	4.27	28,000	2.99	21,400
8.	Haryana	10.56	9.36	27,000	9.38	28,000	8.50	29,000
9.	Himachal Pradesh	4.06	6.27	44,000	4.18	29,000	3.64	29,000
10.	Jammu & Kashmir	--	32.23	15,000	32.95	16,000	29.35	14,000
11.	Karnataka	13.73	7.82	15,000	15.28	13,000	9.94	21,000
12.	Kearala	42.66	37.39	11,000	33.10	13,000	37.96	11,000
13.	Madhya Pradesh	6.18	5.14	9,000	4.35	16,000	5.00	17,000
14.	Maharashtra	17.45	5.93	26,000	6.33	26,000	5.33	29,000
15.	Manipur	41.49	37.14	20,000	32.00	13,500	28.97	20,000
16.	Meghalaya	68.35	50.29	21,000	40.87	8,600	49.00	31,700
17.	Mizoram	94.27	85.70	69,000	73.25	4,700	77.74	98,500
18.	Nagaland	89.28	68.92	26,000	53.52	10,000	46.76	30,000
19.	Orissa	4.01	3.13	7,000	3.09	7,000	4.90	11,000
20.	Pondicherry	13.78	9.42	20,000	23.81	48,000	20.00	50,000
21.	Punjab	65.36	46.08	30,000	46.09	32,500	44.59	39,000
22.	Rajasthan	9.61	5.14	20,000	6.12	20,000	5.26	20,000
23.	Sikkim	31.49	12.5	4,500	17.56	8,000	19.05	7,000
24.	TamilNadu	11.17	8.81	15,600	9.65	17,000	10.47	17,500
25.	Tripura	13.49	8.66	6,000	6.56	4,700	8.75	7,500
26.	Uttar Pradesh	18.12	15.83	19,800	15.32	16,800	14.32	18,000
27.	West Bengal	25.56	13.27	7,700	12.85	9,000	13.34	10,500
28.	A & N Islands							



29.	Chandigarh	23.91	11.59	71.000	11.27	76.000	12.19	79.000
30.	Daman & Diu	--	7.08	29.000	3.12	25.000	6.12	36.000
31.	Lakshadweep	95.47	82.14	18.000	55.7	18.000	41.20	14.000
32.	Dadra & Nagar Haveli	--	13.57	2,30,000	19.86	5,53,000	17.61	5,41,000

<b>All India Minorities in all Districts</b>	<b>17.17</b>	<b>11.78</b>	<b>15,500</b>	<b>12.14</b>	<b>16,400</b>	<b>12.46</b>	<b>18,600</b>
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## **CHAPTER - 12**

### **MEASURES IN RESPECT OF ANY MINORITY TO BE UNDERTAKEN BY CENTRAL /STATE GOVERNMENTS**

The Government has notified five communities as Minority Communities viz. Muslim, Christian, Sikh, Buddhist and Parsis. Following are some of the important areas in which the Commission has intervened into the matters relating to particular identified minority communities.

#### **Black List of Sikh NRIs cut to 50**

The Commission was approached through various individuals and organizations about the wide spread resentment amongst the Sikhs living abroad regarding alleged denial of entry into India to those Sikhs who had been black listed due to their participation in anti-India demonstrations during 1984. The Sikh families in Punjab, especially the old people were eager to meet their children and relatives.

The Commission in its 3<sup>rd</sup> meetings considered the issue and recommended to the Government of India, Ministry of Home Affairs on 25.7.2000 to review the black list, in consultation with the Commission and allow them to visit India on an experimental basis for a period of one month.

The MHA vide their letter dated 23.11.2000 informed that the cases of black listed persons were reviewed at regular intervals. The Commission continued to pursue the matter with the Ministry which set up a high powered review committee that reviewed the black list and after review it has been reduced to 50 persons only.

#### **Posting of Muslim Officers/Staff in the Haj Cell (MEA) and Minorities Cell and Wakf Division of Min. of Social Justice & Empowerment**

A reference was received from Maulana Asad Madani, President Jamiat Ulama-I-Hind informing that there is no Muslim Officer/Staff posted in the Haj Cell of MEA and Wakf Division and Minority Cell in the Min. of Social Justice & Empowerment. These

sections deal with purely religious matters and should be handled with vision and full understanding of Muslims and their problems. It is necessary that Muslim officers entrusted with handling these affairs. He also stated that this was not a communal demand but only a practical proposition.

This matter was considered at the level of Hon'ble Chairman. The Ministry of External Affairs was requested on 22.5.2000 to consider the proposal at an appropriate level so as to post Muslim officers and staff in the Haj Cell of the MEA and also the Min. of Social Justice & Empowerment was requested on 22.5.2000 to consider posting of Muslim officers and staff in the Wakf Division and Minorities Cell of the Ministry.

The Ministry of External Affairs vide their letter dated 12.7.2001 informed that the Min. of External Affairs is responsible for laying down Haj policy, which is implemented by the Haj Committee, Mumbai and the Consulate General of India, Jeddah under the over all supervision of the Ambassador of India to Saudi Arabia. Officers have been deployed in the Ministry of External Affairs irrespective of their specific religious affiliation order to fulfill their responsibilities from the functional and professional point of view. This was consistent with the constitutional principles of a secular State. The MEA also informed that Indian Consulate General in Jeddah and our Ambassador in Riyadh have always been Muslim officers since they are required to visit Makkah and Madinah on functional grounds to make adequate arrangements for the annual Haj pilgrimage. Arrangements for the Haj pilgrimage in India are made by the Haj Committee which is duly constituted under the provisions of the Haj Act, 1959. Even the Haj Committee has in it members who are senior officials of the Government of India in their official capacity in order to facilitate coordination and arrangements for the annual Haj pilgrimage, irrespective of their religious affiliation.



## CHAPTER - 13

### MATTERS REFERRED TO THE COMMISSION BY THE CENTRAL GOVERNMENT

#### Proposal to undertake parliamentary legislation to amend the Christian personal laws relating to marriage and divorce

The Ministry of Social Justice and Empowerment vide its letter dated 10.5.2000 sought the Comments of the Commission on a draft note on the proposal to amend the Christian Personal Laws relating to marriage and divorce, prepared by the Ministry of Law and Justice. The Commission carefully considered the matter. Hon'ble Member Shri John Joseph held consultation with the Catholic Bishop Conference of India (CBCI), National Council of Churches in India and Convener of Christian Personal Laws (Christian Catholic Union) and strongly recommended the Bill.

In the note sent to the Ministry on 12.5.2000 Hon'ble Member Shri John Joseph stated that Christians in India are governed by Christian Marriage Act, 1872 in the matter of solemnization of their marriages and Indian Divorce Act 1869 in the matter of divorce and other matrimonial causes. These two enactments are more than a century old and are the colonial era. Even in Britain, these laws have undergone substantial changes to take care of the changed circumstances, making the laws more progressive and liberal. Several provisions in these Acts are archaic and do not contain principles of equality and freedom enshrined in our Constitution.

Indian Christian Marriage Act is indeed complex and it fails to provide with a uniform procedure for all Christians to solemnize their marriage. Moreover, it is not applicable all over the country. The Indian Divorce Act contains provisions that are contrary to the established principles of gender equality. The variations in the grounds available for divorce between husband and wife are subject matters inviting serious criticisms. Kerala High Court had in fact struck down some of the provisions. The requirement of confirmation of the decree of divorce by a Special Bench of the High Court was another matter of criticism. This requirement exists only for Christians and it really prolongs the procedure for divorce.

Thus for a long time, the need for updating these acts were being raised by Christians all over India. The Law Commission of India, the National Commission for Minorities and various Christian Churches and organizations have been raising the demand for changing these acts. It therefore became necessary to revise these acts to take care of criticisms and suggestions. It also became necessary to integrate both the acts into a single enactment containing all the provisions relating to marriage and matrimonial causes. It is a welcome endeavor on the part of the Government of India to introduce the "Christian Marriage Bill 2000" in place of Indian Divorce Act and Indian Christian Marriage Act. It is good that all the matters relating to marriage and matrimonial causes are now under a single enactment.

The bill makes the solemnization of Christian marriages uniform for all Christians all over the Country. It was not uniform for all Christians earlier. The Indian Christian Marriage Act is not applicable to Manipur and the erstwhile Travancore-Cochin area of Kerala State. The Bill makes it applicable to these parts also. This is a good step. Taking into consideration the suggestion of the National Commission for Minorities, the bill has expanded the definition of Christian to mean a person who profess the Christian religion in any of its forms and variations.

The grounds available for divorce under the Indian Divorce Act are not the same for men and women. It was often complained rightly, that the grounds were gender discriminatory. Various Christian Organizations have pleaded for changing its discrimination. The present Bill has brought in this change as is evident from Section 26. The grounds available for judicial separation is free of gender discrimination. So also, cruelty to the other party in itself is now a ground for judicial separation and divorce. The Bill does not contain any provision for confirmation by the High Courts. These are welcome changes.

The Bill contains a new provision for divorce by mutual consent. Although the special Marriage Act has such a provision, Indian Divorce Act does not have any provision for divorce by mutual consent. The inclusion of this new section would certainly make litigation for divorce easier and refined. It will certainly do away the present fights between estranged couples in the courts. The Law Ministry has done indeed a good thing by including the provision for divorce by mutual consent in the present Bill.

Thus it can be seen from a close examination of the Bill that practically all the criticisms against the present law are taken care of. Almost all the suggestions mooted by various Christian Churches and Christian organizations are included in the bill. There is

practically no chance for raising any complaint of gender discrimination, especially of women. There are provisions in the bill to afford special protection to women and children in the proceedings for divorce.

Thus with a great sense of satisfaction Hon'ble Member stated that the Christian Marriage Bill 2000 is a welcome step regarding the marriage and matrimonial causes of Christians in India. It will certainly play useful role for the Christians in this country, especially the women. He also availed this opportunity to congratulate the hon'ble Law Minister, Sri Ram Jethmalani, the Hon'ble Minister of State Sri O.Rajagopal and all others in the Ministry of Law for bringing out this bill. He wished that this becomes a law at the earliest.

The specific suggestions offered by the Hon'ble Member regarding the proposed bill are given in the **Annexure...III....**

### **Parliament Questions**

During the period under report the Ministry of Social Justice and Empowerment sought material for preparation of replies to 10 Rajya Sabha and 8 Lok Sabha Questions. These questions covered various issues concerning minorities viz; minority status to Hindus in some States, NCM recommendations, atrocities against minorities, complaints, riots in Gujarat State etc. The factual information /material available in the commission and details of the action taken by the Commission in these matters have been made available to the Ministry well within the scheduled time limit.

### **The UP Regulation of Public Religious Building and Places Bill 2000**

The Ministry of Social Justice and Empowerment sought comments of the National Commission for Minorities on the Uttar Pradesh Regulation of Public Religious Building and Places Bill, 2000 which was sent to them by the Ministry of Home Affairs for their observations. The Commission carefully considered the matter and after due deliberation on the proposed legislation recommended on 16.02.2001 that the assent of the President may not be accorded to the Bill as the same was not Constitutionally valid.



## CHAPTER – 14

### ADMINISTRATIVE SET UP OF THE COMMISSION INCLUDING FINANCE AND ACCOUNTS AND IMPLEMENTATION OF THE OFFICIAL LANGUAGE

During the period under report there were a few changes in Administrative set up of the National Commission for Minorities. Shri Vinay Kohli demitted the office of the Secretary of Commission on 1.11.2000 and Shri B. S. Baswan assumed the charge of the office of the Secretary of the Commission on 13.11.2000.

The Commission could not switch-over to the new accounting system provided under the National Commission for Minorities (Annual Statement of Accounts, Audit and Annual Report) Rules 1995 because of the non-availability of the requisite posts recommended by the Staff Inspection Unit of Ministry of Finance in 1998. The Commission continues to follow the existing procedure to submit the Bills to PAO of Ministry of Social Justice and Empowerment.

For want of office accommodation the proposal for setting up a Regional Office of the Commission at Mumbai could not materialise although Govt. had approved the proposal on 31<sup>st</sup> July, 1995.

As on 31.3.2001, the total sanctioned strength of the Secretariat of the Commission including the posts sanctioned for the Regional Office of the Commission at Mumbai is given in the *table I*

For effective implementation of the Official Language Policy, quarterly meetings of the Departmental Official Language Implementation Committee were held on 5.6.2000 and 20.10.2000 regularly under the Chairmanship of the Joint Secretary. The Hindi fortnight was organized in the Commission from 1.9.2000 to 14.9.2000.

The proposal for creation of remaining 15 additional posts, as recommended by the Staff Inspection Unit of the Ministry of Finance, Deptt. of Expenditure, was vigorously followed up with the Ministry of Social Justice & Empowerment.

During the current financial year Chairman, Vice Chairman, Members, Secretary, Joint Secretary other officer/officials including the PSs/PAs attached with them have been provided and individual PCs and the entire work of the Commission is being done with the help of the new apparatus provided to the staff of the Commission.

The break-up of BE, RE and Actual expenditure incurred during 2000-01 and budget estimates 2001-2002 of the Commission was as under:-

S.No.	Sub-Head	BE for 2000-2011	Allocated RE for 2000-2001	Actual Expenditure	Allocated BE for 2001-2002 (Rs. in lacs)
1.	Salary i) Existing Post	128.00	125.00	106.08	162.00
2.	Wages	0.50	0.50	0.47	1.00
3.	OTA	2.00	1.80	1.80	2.00
4.	i) TA (D)	19.00	13.00	10.72	19.00
	ii) TA (F)	1.00	0.80	--	--
	Office Expenses	65.50	66.45	66.45	68.00
	<b>TOTAL</b>	<b>216.00</b>	<b>207.55</b>	<b>185.62</b>	<b>253.00</b>

**NATIONAL COMMISSION FOR MINORITIES**

S.No.	Sanctioned posts	No. of Posts	Order No. & Date
1.	No. of posts sanctioned by M/o Social Justice & Empowerment on the setting up of the NCM	73	Erstwhile M/o Welfare Notification No. GSR68(E) dated 14 <sup>th</sup> Feb., 1995. (F.No.3-2/94 MC(D))
2.	No. of additional Co-terminus posts sanctioned for the personal office of the then Chairman, Justice Mohd., Sardar Ali Khan, his being given the Status of a Cabinet Minister.	3	Erstwhile M/o Welfare Order NO. 1/7/93-MC(D) dated 15.2.1995.
3.	No. of posts sanctioned for the Regional Office of the Commission at Mumbai	5	Erstwhile M/o Welfare letter No. 1-4/95-MC(D) dated 10.1.95
4.	Addl. posts sanctioned in the first phase of the Commission out of 26 posts recommended by SIU	11	M/o S.J.&E Order No. 1-10/91-MC(D) dated 17 <sup>th</sup> May, 2000
5.	Creation of a post of driver subsequent to the sanction of an addl. staff car.	1	M/o Finance, Deptt. of Expenditure U.O.No.20691 E.Coord/2000 dated 24.8.2000
	<b>TOTAL</b>	93	
	Commission (Chairman, V.C., Members)	7	
	<b>TOTAL</b>	<u>100</u>	



## CHAPTER – 15

### CONCLUSIONS & RECOMMENDATIONS

The Commission has been making continuous efforts to intervene in various matters concerning minorities. Though Commission does not directly implement schemes/ projects, it acts as interlocutor in respect of individual complaints and functions as facilitator and a coordinator with various Government agencies to ensure the safeguard provided in the Constitution of India and that the benefit of various programmes reach the minority communities to the maximum possible extent.

This report discusses various items of work done by the Commission for minorities in the year 2000-2001. The various recommendations made in regards to specific areas have been highlighted in respective chapters. This chapter gives a brief of the important recommendations made by the Commission during this period under report.

#### Recommendations

A Regional office of the Commission should be set up at Mumbai immediately. Though the previous Commission also made this recommendation but in the absence of suitable office accommodation, the regional office could not be set up. Present Commission has reiterated its earlier recommendation for setting up of a Regional office at Mumbai Immediately.(Chapter 2)

2. The Commission made a recommendation to the major recruiting agencies like UPSC, SSC, Banking recruitment Board, Railway recruitment board that no competitive/recruitment examination should be fixed on the occasions of festival of any minority community (Chapter 4)

3. The Commission recommended the department of personnel and training that Easter holiday, which falls on Sunday should be specified as holiday in official calendar. (Chapter 4)

4. The Commission recommended to the Union Ministry of Home Affairs that the problem of Afghan National of Indian origin should be dealt in a most sympathetic manner and if necessary in relaxation of the provision of the foreigners act. Govt. of India may give amnesty to all of them in so far as Passports and other documents are concerned. (Chapter 4)
5. The Afghan Hindu, Sikhs welfare society, C-128, Greater Kailash -1 New Delhi may be considered as representative organization of Afghan refugees of Indian Origin and they may be authorized to authenticate the names of all the refugees. (Chapter 4)
6. The Commission recommended to the Govt of Himachal Pradesh to make:-
  - (i) adequate arrangement for facilitating teaching of Punjabi Language at Paonta Sahib.
  - (ii) to take proper measures to safeguard the Sardar Sobha Singh Art Gallery at Andretta near Palan Pur and make it a Tourist spot . (Chapter 4)
7. The Commission recommended that the Ministry of Finance Should evolve an interest subsidiary scheme for the riot affected Minorities Communities in respect of all the future communal riots on the pattern of the Central Interest Subsidy Scheme (revised for Nov 1984 riot affected borrowers ). (Chapter 4)
8. The Commission recommended to the state Govt of Karnataka that it should evolve definite guideline to identify the Govt orders that needs to be translated into Urdu, instead of leaving it to the discretion of Linguistic Minority Section of the Department of Personnel of the State Government. (Chapter 5)
9. The Central/ State Government should initiate immediate action for return of Kashmiri Pandits living in camps at Jammu and other places and their rehabilitation Government should create 'Security Zones, in selected places of Kashmir, both in Urban and rural areas. (Chapter 5)
10. The general impression amongst the migrants that financial aid given for the purpose is not utilized fully for their benefit needs to be dispelled by ensuring total transparency in utilization of funds and involvement of the camp migrants in the management of these camps.
11. The State/Central Government should prepare a directory of all the immovable properties left by Kashmiri pandits in the valley and should constitute a supervisory body



to look after these properties with a view to ensure that revenue earned by these properties reaches their rightful owners. The Leave salary being paid to Kashmiri Pandits should be gradually discontinued ensuring that they are assigned suitable jobs in the Valley, Jammu or even in the offices of the Central Govt. They should be paid full salary instead of remaining without work and getting leave salary.

12. The State /Central Govt should ensure greater involvement of Sikhs and Kashmiri Pandits in Political Institutions. The appropriate representation of Sikhs in the State Employment and services should be ensured over a period of time. The State/Central Govt should evolve a consistent policy of rehabilitation of the families of those who are Killed due to Militancy in Kashmir, immediate payment of compensation @Rs.2.5. lakhs for those killed and employment to one of the family members of the deceased should be ensured

13. The Sikhs Kashmiris recruited in Central forces under the scheme of compassionate appointment should be placed anywhere in India to ensure their emotional integration with the country.

14. The Commission visited Malpura and Tonk in Rajasthan on July 18-19,2000 . On the basis of the discussions held during the visit with the Chief Minister, Chief Secretary, Chairman State Minorities Commission, other senior officials and non-officials the Commission made the following recommendations( Chapter.5.)

- (i) Peace Committees in the Districts with younger elements should be activated to make them more effective.
- (ii) Arrangements for periodical dialogues with representatives of various communities at District, Divisional and State Level, for creating better understanding and cordial atmosphere be initiated.
- (iii) Posting of personnel particularly in violence prone districts with secular credentials should be done to build morale and give confidence to minorities.
- (iv) The senior officials in vulnerable districts should coordinate their movements to the extent possible so that at least one of them should stay at headquarters.
- (v) The State Minorities Commission should have a representative of the Christian Community.
- (vi) Causes leading to social conflicts with communal overtones in which innocent lives are lost need to be considered in depth for taking



remedial/preventive steps. Confidence building exercise would be an essential part of any such initiative.

- (vii) A minority Cell should be set up reporting directly to Chief Minister to monitor and review, from time to time, preemptive steps taken to avoid recurrence of violent incidents in the communally sensitive areas of the State.

15. Lt. Gen.(Retd.)A.M .Sethna, Member, National Commission for Minorities visited Chennai (Tamil Nadu) on 16-17<sup>th</sup> July 2000 and had meetings with the Vice Chairman and Member Secretary of the State Minorities Commission, Regional Census Commissioner. After detailed deliberations following recommendations have been made(Chapter 5)

- (i) The State Government of Tamil Nadu should include Parsis in the list of the State Minority Communities.
- (ii) Parsis and Kashmiri Pandits were listed as 'others' in the Census Form. These Communities should be counted separately.

16. The Commission visited Karnataka State on 10<sup>th</sup> and 11<sup>th</sup> January 2001 and had meetings with the State Chief Secretary, and other senior State Government Officials apart from the representatives of the Minority Communities. During this visit the Commission made the following recommendations to the State Government . (Chapter5)

- (i) The individual cases of complaints referred by NCM to the State Government should be examined on priority and a report on the action should be sent to the Commission.
- (ii) The State Government should ensure that references made by the NCM to the State authorities are attended to promptly. They should not only be acknowledged but comments/reports /action taken on such references should be sent to the Commission on a priority basis.
- (iii) The State should immediately constitute the State Minorities Commission, to include representatives of all recognized National Minority Communities.

The birthday of Guru Nanak and Buddha Jayanti should be declared as State Holidays

- (iv) The State Government should take steps to re-survey Wakf Lands and initiate appropriate action to correct the revenue records, with a view to ensuring that none of the identified Wakf Properties/Land is registered as

'Sarkari' or 'Nazul' in the Revenue Records. Action should immediately be initiated in case of 26 Wakf Properties in Bijapur, after canceling the allotment of the Wakf Properties by District Collector of Bijapur for purposes other than those identified in the Wakf.

- (v) The State Government should appoint a nodal officer in the State Secretariat to look after the matters relating to the Wakf Properties of the State. This has been recommended in view of the growing inability of the State Wakf Board to influence the State authorities to resolve their genuine difficulties.
- (vi) The State Government should ensure adequate provisions for providing primary education to the Muslim minority of the State in their mother tongue i.e. Urdu. In addition, an adequate number of Urdu Teachers in Kannada medium schools and Kannada teachers in Urdu medium schools be also appointed to obviate problems of students moving to a different medium in class VII.
- (vii) The condition of Urdu medium schools in the State should be improved both in terms of providing adequate trained staff and essential physical facilities. In case the community, due to its economic backwardness, is not in a position to maintain the State run primary schools, alternative avenues be explored by the State Government to provide adequate facilities to them.. Some effective Supervisory arrangements should be evolved for Urdu medium schools to ensure improvement in the quality of education being provided in these schools.
- (viii) The State Government may consider the establishment of a Directorate for Urdu Schools or devise some other mechanism to achieve this objective.
- (ix) The Level of 4% reservation in professional colleges and in job for the Muslim minority should be adequately enhanced in the wake of their continued economic and educational backwardness and to make it commensurate with their population in the State.
- (x) The State Government authorities should ensure through the State Level Bankers' Committee (SLBC) that the credit flow to minorities is increased by way of fixing adequate targets for each bank in the State and also accord priority to promoting community based micro credit institutions in the State.
- (xi) The State Government should earmark land for the construction of Mosques, Churches, Graveyards in the new urban layouts prepared by

Government/Local Bodies/Development Authorities. Provision of land for worship places and also for graveyards is kept in all new Development Areas.

17. A Parsi Member should be nominated in the State Legislative Assembly/Public Service Commission and State Minorities Finance & Development Corporation in Andhra Pradesh (Chapter 5).

18. The Commission recommended to the Govt of Maharashtra that :-

- (i) It should review its policy concerning the eligibility criteria for the grant of permission for opening new Minority Educational Institutions or their up gradation.
- (ii) It should be ensured that this criteria does not come in the rights of the Minorities available under Article 30 of the constitution of India.
- (iii) It should not deny permission to the minorities to establish their Institutions merely on the ground that the other such institutions already exist in the area.
- (iv) A committee of renowned educationists from different Minorities communities may be constituted to sort out the problem of Minority Educational Institutions
- (v) The Govt should not impose its surplus teachers from other colleges on the Minority Educational institutions. (Chapter 7)

- 19
- (i) Taking cognizance of some reports appeared in various news papers and representations received from various organizations regarding harassment to Muslim owners in Delhi by the Sub Divisional Magistrate doubting their Indian nationality the Commission took up the matter with the Union Ministry of Commerce to repeal the Custodian Enemy Property Act forthwith and all cases pending under it, in Delhi and elsewhere be wound up without taking any further action under its provisions. The Commission thus recommended the following: - (Chapter 8.)
  - (ii) The Custodian of Enemy Property should ensure that no property notified as Wakf Property under the relevant, statute is ever declared as Enemy Property. Action should be initiated to ensure that Wakf Property is kept outside the purview of the Enemy Property Act 1968.
  - (iii) Properties declared as evacuee property during 1947, but later restored to the owners by the orders of a competent authority i.e. either Court or



Custodian of Enemy Property do not fall under the purview of Enemy Property Act 1968. No verification needs to be done in such cases by the CEP. Notices issued or the Government should immediately withdraw FIR lodged in such case.

- (iv) The guidelines regarding the preservation and management of Enemy Properties in India vested in the Custodian of Enemy Property of India issued by CEP has no legal basis and should, therefore, be immediately withdrawn. Instead, the Central Government should formulate rules for carrying out the purpose of the Act under Section 23 of the E P Act 1968.
- (v) The Administration/CEP should not recover /demand any rent arrear of rent for a Property alleged to be an Enemy Property till such time as it is notified so under Section 12 of the Enemy Property Act 1968.

20. The State/Union Territory Governments who have not constituted the Minority Commissions in their respective States/UTs should take necessary steps to constitute the same. (Chapter 8)

21. The Agra Nagar Nigam had closed the old slaughter house due to which the Quresh Biradari of Agra facing hardships. Commission recommended that an alternative site be provided to the displaced persons till the completion of new slaughter house so that their livelihood and the interest of the consumers do not suffer (Chapter 9)

22. Representations were received from various minority communities regarding non appointment of Government Counsels in different Courts from these communities. The Commission recommended on 27.10.2000 to the Ministry of Law that while appointing Government Counsels, efforts should be made to ensure that the Members of the minority communities are adequately represented (Chapter 9)

23. The Commission vide letter dated 22.5.2000 recommended to the Ministry of External Affairs to post Muslim Officers and staff in the Haj Cell of the MEA (Chapter 12).

24. The Commission vide letter dated 22.5.2000 recommended to the Ministry of Social Justice and Empowerment to post Muslim Officers and staff in the Wakf Division and Minorities Cell of the Ministry (Chapter 12).

25. The Commission after carefully considering the proposal for enactment of the Uttar Pradesh Regulation of Public Religious Building and Places Bill, 2000

recommended that the assent of the President may not be accorded to the Bill, as the same was not constitutionally valid.(Chapter 13)

26. The 15 additional posts were recommended by the Staff inspection Unit of the Ministry of Finance (Deptt. of Expenditure). These posts should be immediately sanctioned and suitable additional funds be placed at the disposal of the Commission (Chapter 14).

## ANNEXURE-I

Copy of Chairman's D.O.No.SR/81/20/00-NCM dated 10-02-2000 addressed to Smt. Maneka Gandhi, the then Union Minister for Social Justice & Empowerment, regarding implementation of Commission's recommendations.

" After my assumption of the charge as Chairman of this Commission on 24<sup>th</sup> January, 2000, I have held various meetings of the Commission to take stock of on going and pending work. The position that emerged out of these deliberations was that various recommendations made by the Commission in that past have not been implemented by various authorities at the Centre/State/UTs. I thought to bring this aspect to your notice being the Minister incharge of the nodal Ministry of Social Justice & Empowerment.

2. As you are aware, this Commission is a high-powered statutory body created by Parliament under the provisions of National Commission for Minorities Act, 1992 and has been entrusted certain functions like monitoring the working of various safeguards provided in the Constitution and in the laws enacted by the Parliament and State Legislatures for the Minorities. One of the functions entrusted to this Commission in the Act is to make recommendations for the effective implementations of the safeguards for the protection of interest of the minorities by the Central Government/State Governments. The Commission is also required to look into the specific complaints regarding deprivation of rights and safeguards of the minorities and to take up such matters with the appropriate authorities.

3. I had the occasion to peruse various statutory recommendations made by the Commission earlier and have noticed that various Central Government Departments/State Governments/ Autonomous bodies / PSUs etc. to whom such recommendations were sent, have given scant attention to their implementation. In several cases, Commission did not even receive acknowledgement from the concerned authorities. I am enclosing a statement indicating this situation about some of the important recommendations made by the Commission in preceding three years.

4. You may like to take up this issue with the ministries of the Government of India and State / UT Governments to impress upon them the necessity of setting up an effective mechanism to ensure speedy and effective implementation of our recommendations. In case where it is not possible to implement the recommendations of the Commission, for one or the other reason, it should be made imperative on the part of the concerned authorities to immediately bring up their views to the Commission at an appropriate level.

With warm regards,

"



Gist of the replies received from the States /UTs about implementation of important Recommendations of the Commission

	Recommendation	Action Taken	Response of the Central/State Govt.
A	Light of judgement of High Court to pay compensation to 1984 anti-Sikh riot victims @ Rs. 3.50 lakhs, the Commission recommended payment of similar compensation in case of U.P. Bihar, M.P., Haryana Punjab, Himachal Pradesh	The recommendation was sent to Chief Secretaries of all the 6 States on 26.3.97	<p><b><u>Himachal Pradesh:</u></b> Sri Dhanwant Singh, a resident of village &amp; P.O. Bhuntar Distt. Kullu (a Sikh) was killed on 2.11.84. A sum of Rs. 20,000/- as ex-gratia relief was paid. Widow of the victim was given a job of clerk under scheme Employment to the dependent of riot victim'. State Government decided to enhance the compensation from Rs. 20,000/- to Rs. 1 lakh in case of death. Acceptance of NCM recommendations, has not been regarded as justified. The position was laid before State Legislature on 9.7.98</p> <p><b><u>Haryana:</u></b> The recommendation has not been accepted as the State Govt. is not in a position to pay huge amount as compensation in view of the financial constraints. The decision of the State Govt. has been laid on the table of State Assembly on 21.7.98 Govt. of Haryana has been requested to reconsider the matter on 29.9.98, no reply has been received.</p> <p><b><u>Uttar pradesh:</u></b> The matter has been treated as sub-judice in view of the CWP filed by Sri S. S. Ahluwalia in the Supreme Court of India for extending the Delhi High Court judgement to all over India. Since the Supreme Court has issued notices in this case to all the State Govts./U.Ts, the State Govt. of U.P. is awaiting the directions of Supreme Court of India in the case.</p> <p><b><u>Punjab:</u></b> No victims of 1984 ritos, hence question of acceptance of NCM recommendation does not arise.</p> <p><b><u>Bihar &amp; Madhya Pradesh:</u></b></p>

B	<p>The ration of the Delhi High Court judgement be treated as the General Law for awarding proper compensation to all the victims of all communal riots, whenever in and wherever in the country, they may have occurred.</p>	<p>(i) Chairman wrote to Union Home Minister on 13.11.97</p> <p>(ii) The recommendation was sent at Secretary NCM's level to Chief Secretaries of all States on 25.11.97</p>	<p>No reply received.</p> <p><b><u>Ministry of Home Affairs, Govt. of India</u></b>  OSD to Home Minister informed on 23.1.98 that the matter was being looked into. No further communication received since then.</p> <p><b><u>Tamil Nadu:</u></b>  The State Govt. accepted the recommendation of the Commission and enhanced the compensation to Rs. 2.00 lakhs in cases of death in communal &amp; caste clashes with a retrospective effect from 1.1.97. A detail scheme was notified on 22.5.98</p> <p><b><u>Orissa:</u></b>  After the decision of Delhi High Court, Sri S. S. Ahluwalia filed a public interest petition before the Hon'ble Supreme Court of India against the Govt of India and the State Govts. for issuing an appropriate direction to all concerned that the benefit allowed by Delhi High court should be extended to whole of India. The Govt. has therefore treated the matter as subjudice and is awaiting the directions of Supreme Court of India in CWPNo.232 of 97</p> <p><b><u>Uttar Pradesh:</u></b>  The matter has been treated as sub-judice in view of the CWP filed by Sri S. S. Ahluwalia in the Supreme Court of India for extending the Delhi High Court judgement to all over India. Since the Supreme Court has issued notices in this case to all the State Govts./U.Ts. The State Govt. of U.P. is awaiting the direction of Supreme Court of India in the case.</p> <p><b><u>Goa, Andhra Pradesh, Mizoram and</u></b></p>
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			<p><b><u>Kerala:</u></b></p> <p><u>Matter still under consideration</u></p> <p><b><u>Lakshadweep, Andaman &amp; Nicobar islands:</u></b></p> <p>No need, as no communal problem exists.</p> <p>No reply has been received from any other State Govt. on this recommendation.</p>
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## ANNEXURE-II

Copy of Chairman's D.O.No.SR/81/20/00-NCM dated 14-02-2000 addressed to Shri L. K. Advani, Union Minister for Home Affairs, regarding implementation of Commission's recommendations.

" You would recall the discussions I had with you on 31.1.2000, when I called on you in your Chamber regarding non implementation of some of the recommendations made by the National Commission for Minorities by some of the State Government/Union Territories. In this connection, I have written a D.O. letter on 10<sup>th</sup> instant to Smt. Maneka Gandhi indicating the position of some of the recommendations pending with some of the Governments (copy enclosed for ready reference along with a statement of the cases where recommendation not implemented). You would agree with me that if the recommendations made by the Commission are not implemented then the mandate of the Commission is simply an exercise in futility.

I would, therefore, request you to kindly issue suitable instructions to the Chief Ministers/ Lt. Governors of the States/ Union Territories for taking prompt action on the recommendations of this Commission. In case the same are not implemented for any reason whatsoever, in that eventuality, the authorities concerned may be asked to give out the reasons therefore, to the Commission for record and information.

With warm regards,

"

**NCM suggestions regarding Christian Marriage Bill**

In response to the letter dated 14.04.2000 of the Secretary, Ministry of Law, Justice & Company Affairs as also the consultations at Vigyan Bhawan on 28.04.2000, CBCI and NCCI which represents the vast majority of Christians in India, we would like to suggest the following amendments to the proposed Christian Marriage Bill 2000.

(1) Section 3 be reworded as under:

"3. Every marriage between persons one of whom is a Christian shall be solemnised in accordance with the provisions of this Act.

(Note : the above would be in consonance with Section 4 of the Indian Christian Marriage Act 1872)

Consequently, the following words to be deleted in the first line of Section 4:

" ---- between any two Christians ---- "

Suitable modifications also to be made in Section 32 of the Bill, namely "both the parties...." to be read as "....either party".

(2) The words "...and the procreation of children...." as appearing in Section 4 (iii) (b) to be deleted,

(3) Section 8(2)(b) to be reworded as under:

" (b) if any other impediment according to the rules of the Church or of the group of which he is a minister be shown to the satisfaction of the Minister why such marriage should not be solemnised. "

(4) Sub-section (3) to be inserted after Section 8(2) as under:

" (3) Nothing contained in Sections 9, 10, 12, 13, 14, 16, 18 and 19 shall apply to a Minister referred to in this Section. "

(5) Clause (c) of Sub-section (1) of Section 24 of the Bill to be deleted as it is redundant.

- (6) The word 'divorce' wherever it appears in the Act, to be replaced with the words 'dissolution of marriage', as the Christian community does not accept divorce in principle and upholds the sacramental nature of marriage.
- (7) The period of 'three years' prescribed in clauses (iii) to (v) and (ix) of Sub-section (1) of Section 26 of the Bill to be replaced by 'two years' at par with the Special Marriage Act 1954 and other similar enactments.
- (8) Sub-sections (1) and (2) of Section 26 to be re-numbered as Section 26 by re-wording Sub-section re read as clause (xi) of Section 26, as under :
- " (xi) has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality.
- (Note : the proposal is to ensure the equality of sexes).
- (9) Clause (a) (i) of Section 33 of the Bill to be re-worded as under :
- " (i) either party to be marriage is domiciled in the territories to which this Act extends at the time of the presentation of the petition: or"
- (10) A new Section to be inserted as Section 34A (or to be suitably re-numbered) as under:
- " 34A *Settlement of disputes outside the court -*
- (1) In any proceedings under Chapter IV to VII, where it appears to the court that there exist elements of settlement which may be acceptable to the parties, the court shall formulate the terms of settlement and give them to the parties of their observations and after receiving the observations of the parties, the court may reformulate the terms of a possible settlement and refer the same for -
- (a) Conciliation or
- (b) Mediation
- (2) Where a dispute has been referred -
- (a) for conciliation, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply as if he proceedings for conciliation were referred for settlement under the provisions of that Act, and the appropriate rules made there under:



- (b) for mediation, the Court shall refer the same to proceed with mediation and the parties shall follow such procedure as may be prescribed;
- (3) Notwithstanding anything contained in Chapter IV to VII and subject to written agreement between the parties, the parties to the marriage solemnized under this Act, may opt for settlement of disputes in accordance with the provisions of the Arbitration & Conciliation Act, 1996 (26 of 1996), and the Rules made in that behalf;
- (4) The arbitrator of the Mediator may give appropriate award for settlement agreement, as the case may be, subject to order of the court under Clause (1) or agreement between the parties, and may ensure compliance of the provisions contained in Sections 39 to 45 and Section 59, as far as practicable."

Consequently, Sub-section (3) of Section 37 of the Bill to be deleted.

- (11) The words ".... a Minister or a...." as appearing in the first line of Sub-Section (2) of Section 54 of the Bill to be deleted.
- (12) The imprisonment for a term which may extend to "seven" years to be replaced by "three" years.
- (13) Section 58 to be re-numbered as Section 58(1) and the following Sub-Sections to be added thereafter, to read as under:
  - " (2) For the purpose of this Act the offences punishable under this Chapter shall be deemed to be compoundable offences under Section 320 of the Code of Criminal Procedure 1973 (2 of 1974) and the procedure to be followed shall be that of complaint cases, prescribed under the said Code;
  - (3) No court shall initiate prosecution of any offences punishable in this Chapter, except upon a written complaint from any one of the parties to the marriage solemnized under this Act;
  - (4) No court other than family courts established under Section 3 of the Family Court Act, 1984 (66 of 1984) and having jurisdiction

exercisable by a Magistrate of First Class in complaint cases, shall initiate prosecution of any offences punishable in this Chapter."

(14) Section 73 to be re-numbered as Sub-Section 73(1), and the following Sub-Section (2) to be inserted immediately thereafter;

" (2) Nothing contained in this Act shall be deemed to permit a marriage that the Rules of the Church applicable to either of the parties, specifically prohibits. "

