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The Annual Report of the National Commission for Minorities for the financial year 2001-2002 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*

(Sarita J. Das)

Secretary



# CHAPTER - 1

## INTRODUCTION

1. The Government of India vide Resolution No. II-16012/2/7 NID (D) dated 12.1.1978, constituted a Minorities Commission with a Chairman and two Members. Subsequently, by an order of the President dated 28<sup>th</sup> July, 1978, the Commission was reconstituted with a Chairman and four Members.

1.1 With a view to safeguarding 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:-

The Commission shall perform all or any of the following functions, namely: -

- (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 the problems arising out of any discrimination against Minorities and recommend measures for their removal;

- (f) conduct studies, research and analysis on the issues relating to socio-economic and educational development of Minorities;
- (g) suggest appropriate measures in respect of any Minority to be undertaken by the Central Government or the State Governments;
- (h) make periodical or special reports to the Central Government or any matter pertaining to Minorities and in particular the difficulties confronted by them; and
- (i) any other matter, which may be referred to it by the Central Government.

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 clause (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

2. The first Statutory Commission under the National Commission for Minorities Act, 1992 was constituted with effect from 17.5.1993 vide Notification S.O. No. 316 (E) dated 17<sup>th</sup> May, 1993 under the Chairmanship of Justice Mohd. Sardar Ali Khan. Five Members were also appointed for a term of three years. Justice Mohd Sardar Ali Khan was conferred the status of a Cabinet Minister.

2.1 The NCM (Amendment) Act 1995 -XIX of 1995 dated 8<sup>th</sup> September, 1995, amended section 3 Sub -Section (2) of the Principal Act thereby making a provision for a Chairperson, a Vice-Chairperson and five Members. Consequently, Shri B.S. Ramoowalia, Member was appointed as Vice-Chairman of the Commission with effect from 20<sup>th</sup> October 1995.

2.2 The second Commission was constituted vide Government's Notification S.O.No. 812 (E) dated 26<sup>th</sup> November 1996 under the Chairmanship of Dr. Tahir Mahmood. The Chairman, Vice-Chairman and Members of the Second Commission laid down their Offices between 25<sup>th</sup> November to 11<sup>th</sup> December, 1999.

2.3 The present third National Commission for Minorities was constituted vide Government Notification S.O. No. 62 (E) dated 21<sup>st</sup> January 2000 under the Chairmanship of Justice Mohammed Shamim. The composition of the present Commission and date of assumption charge is as follows: -

Name & Designation	Date of assumption of office
Justice Mohammed Shamim, Chairman	24.1.2000
Shri Tarlochan Singh, Vice-Chairman	24.1.2000
Shri Shamim Kazim, Member	31.1.2000
Lt.Gen,(Retd) A.M.Sethna Member	24.1.2000

Shri John Joseph, Member	24.1.2000
Rev. T.K.Lochen Tulku Rinpoche Member	24.1.2000
Shri Vijay Kumar Dar, Member	24.1.2000

The tenure of the Chairman, Vice-Chairman and Members of the Commission is of three years from the date of assumption of the Office.

2.4 As per Ministry of Home Affairs OM. No. 12/1/2000- Public dated 28<sup>th</sup> February, 2000 Justice Mohammed Shamim (Retd), Chairman, National Commission for Minorities and Sh Tarlochan Singh, Vice Chairman National Commission for Minorities were conferred the status of a Cabinet Minister of the Union and Minister of State of the Union, respectively, in articles 7 and 10 of the Table of Precedence w.e.f the 24<sup>th</sup> January 2000.

2.5 The above positions were personal to Sh Justice Mohd Shamim (Retd) and Sh Tarlochan Singh for the duration of the term of their office.

2.6 The proposal of setting up of the 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**

### **THE MEETINGS OF THE COMMISSION**

3.1 The Commission continued to hold its regular meetings. Action taken on the decisions of earlier meetings was reviewed and other important issues connected with various aspects of minorities were discussed. In all, 4 regular meetings of the Commission were held during the year 2001-2002.

**Details of the meetings and number of items discussed in the meetings (April 2001 to March 2002) are as under: -**

Sl.No.	Meeting No.	Date	No. of items discussed.
1.	8	30.5.02	21
2.	9.	31.7.01	9
3.	10	22.8.01	20
4.	11	7.3.02	16

3.2 In addition to the above regular 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.

### **3.3 Commission's meetings with representatives of V.H.P., RSS and Christian Leaders**

The National Commission for Minority has been trying to bring about a better understanding amongst religious communities. Prior to this, the commission held meetings with VHP, RSS and Christian leaders on 30.6.2000, 8.9.2000, 16.1.2001 and 26.3.01.

In continuation of the above dialogue, a meeting was also held with the Archbishop of Delhi Rev Vincent .M. Concessao on 24.8.01

The following decisions were taken during the meeting.

- (i) The heads of the all communities should meet, viz., all Christian Communities, including the Protestants/Roman Catholics, Muslims, Sikhs, Parsis, Buddhists to work out a code of conduct that would be acceptable and binding to all communities.
- (ii) The Archbishop would interact with the Christian community on the above to bring about a consensus.
- (iii) The Commission would again discuss the matter with him and other religious heads so that an attempt is made to change the mindset of the people, check the spread of misinformation, so that the silent majority, which is always against acts of communal disharmony, emerges as a pressure group to try to control such activities.

**3.4 Commission's meeting with Hon,ble President ,Prime Minister and Deputy Prime Minister:-**

The Commission along with the Secretary NCM called on the Hon'ble President of India on 19.8.02. The Commission apprised the Hon'ble President of its working and achievements. The Commission along with the Secretary, NCM also met the Hon'ble Prime Minister and Dy. Prime Minister of India on 5.3.02 & 17.7.02, respectively, to apprise them of the various activities under taken by the Commission

**3.5 Meetings with foreign dignitaries**

The Following foreign dignitaries called on the Commission during the period under report.

1. Mr. Bakhodir Makhsitor, Chairman, State Committee for Sports & Physical Culture, Republic of Uzbekistan (6.2.2001)
2. Mr. M. El. Hadji Guisse, Jurist of Senegal in the U.N. Human Right Commission. (8.6.2001)
3. Ms Alice G.Wells DY Political Counsellor. In the U.S.Embassy. (11.12.2001)
- 4 Ms.Penelope Wensley AO Australian High Commission. (26.3.2002)
- 5 Brain Dickson, Dy. High Commissioner, Canada High Commission. (21.10.02)
- 6 Meeting with Minister and Dy. Chief of the German Embassy. (31.10.02)

The Hon'ble chairman apprised the foreign dignitaries of the functions of the Commission and that one of its objectives is to maintain the communal harmony in the Country. The Commission also informed them that the Country has a tradition of unity in diversity and has been following the policy of bringing all communities together.

## **CHAPTER - 4**

### **HIGHLIGHTS OF THE YEAR**

#### **4.1 Establishment of Inter-faith Panorama in Delhi.**

The National Commission for Minorities had been attempting to bring about a better understanding amongst all religious communities. There has also been a feeling that there is need for dissemination of information on all religions in India which Commission discussed in its meeting held on 22.08.2001. The Commission decided to request the Department of Culture to set up an Inter-faith Panorama in Delhi on the same lines as had been done by the Department of Culture in Kurukshetra and Amritsar. Accordingly, the Secretary, NCM, wrote a d.o. letter to the Secretary, Department of Culture on 31.8.2001 that Delhi being the capital city attracts a large number of people from all faiths as well as a large number of foreigners. This Inter-faith Panorama could be developed to show the composite culture that exists in India and to elucidate the concept of unity in diversity.

The Secretary, Deptt. of Culture vide his letter dated 03.09.2001 informed that Department of Culture had already decided for a Panorama on the life of Lord Mahavira as a part of the commemoration of 2600 years of Janmkalyanak of Tirthankara Mahavira out of its budget for the current year. In case, an Inter-faith Panorama in Delhi is established a suitable place would have to be identified. As regards fund requirement, it would depend on the content and size of the display. He also mentioned that the Kurukshetra Panorama was done at a cost of Rs. 5 crores. Once the decision in this regard is taken, the National Council of Science Museums (NCSM), Kolkata could be asked to undertake the responsibility of setting up the Panorama. The Commission considered the reply and observed that setting up of the Panorama in Delhi was the need of the hour as it would depict the compact culture that exists in India and to elucidate the concept of unity in diversity in India's secular set-up. The Commission reiterated its earlier request that the Department of Culture should make adequate budget provisions in the next financial year and locate a suitable place keeping in view the importance of the Project. The Department of

Culture vide their letter dated 31.1.02 informed that they have since re-examined the availability of funds in 2002 – 2003 and also that the 5 years plan had been broadly discussed with the Planning Commission and the indications are that the availability of funds may not be sufficient to include the new scheme. The Commission in its meeting held on 7.3.02 again considered this matter and recommended that the Department of Culture should make suitable budget provision in their budget for 2002-03. Accordingly, a fresh recommendation was sent to the Department of Culture on 9.4.02.

**4.2 Commission writes to all the State Govts. for taking pre-emptive measures to protect the minority communities.**

In the morning meetings of the Commission on 20.09.2001, the communal situation as a result of possible attacks by America on Afghanistan, was reviewed. It was mentioned that the Ministry of Home Affairs had issued some directions to the Chief Secretaries for keeping communal harmony in the country. It was decided in the meeting to write to all the Chief Secretaries of the States/U.Ts to take all pre-emptive measures for the protection of minorities. Accordingly, the Secretary of the Commission sent a d.o. letter to all the Chief Secretaries on 24.09.2001 informing that the Commission took cognizance of the whole situation and the developments that are taking place around and felt concerned about the protection of minorities in the country. She urged upon the Chief Secretaries to review the situation in their respective States particularly in the sensitive areas and take suitable pre-emptive measures to protect the minority communities.

**4.3 Commission writes to all Chief Secretaries and All District Magistrates to take prompt action on the communications/summons etc. issued by the Commission.**

The Commission observed that the information sought by the Commission from the State Administrations or District Authorities was not sent or sent in part or delayed. Further, the Commission has also observed that when some officials were summoned for direct hearing in important cases, the authorities sought adjournments on one pretext or the other. Taking cognizance of the delays in the implementation of the Commission's orders, the Commission reiterated that the State

Governments/UTs should issue strict instructions at the level of Chief Secretary to all concerned departmental/district authorities to take prompt action on the communications received from the Commission. Further, that the summons issued by the Commission requiring attendance of a person/official should be strictly complied with. A d.o. letter from the Secretary, NCM addressed to all Chief Secretaries was issued on 21.09.2001. A copy of this letter was also forwarded to all the district magistrates in the country by the Joint Secretary, NCM

#### **4.4 Commission's interaction with CEO, Prasar Bharati**

The Chief Executive Officer, Prasar Bharati was summoned by the Commission on 29.08.2001 to discuss the matters relating to the failure of Doordarshan to disseminate the achievements of NCM on restoring communal harmony in the country which was a major breakthrough in its functioning during the last two years.

The CEO told the Commission that there could not be any excuse for the lapse that was committed by Doordarshan and that he did not want to defend the lapse. He, however, explained the various constraints under which Doordarshan was functioning. He assured the Commission that he would streamline the things in Doordarshan to ensure proper coverage to the Commission's activities and achievements on the minority related issues, communal harmony, composite culture etc. Subsequently, the Prasar Bharati and Doordarshan specifically instructed the Director, News, Dy. Controller of Programmes and Director General CD to regularly interact with the Commission and give due coverage in the Doordarshan programmes and news.

#### **4.5 Exemption from entry fee for the places of worship of all minority communities.**

The Commission in its meeting held on 30.05.2001 considered an agenda item regarding the complaints received from Buddhist organizations alleging that the Buddhist visitors to many Buddhist Holy Pilgrim places that were under the control of Archeological Survey of India had to pay an entry fee of US \$ 5.00. The Buddhists felt that it was

an anomaly that they have to pay for worship in their own places of worship. Some times they worship a number of times during a day or for several days together and pay for each visit. Even Buddhist of this sub-continent were not exempted from payment of the said entry fee.

The Commission considered this issue and felt that charging of fees to visit the places of pilgrimage was tantamount to interference in the religious freedom. The Commission observed that visiting Stupas, Pagodas, Sarnath, Sanchi and Nalanda etc. should be exempted from entry fees as these were the worship places. However, there may be no bar, to levy charges for entry into the museum. The Commission after careful deliberations recommended that entry to the places of worship of all Minority Communities should be exempted from any entry fee. This recommendation was sent to, the DG, Archeological Survey of India on 06.06.2001.

#### **4.6 UK to open Visa Office in Jalandhar**

Due to persistent efforts made by the Vice Chairman, NCM for the last one year, the Govt. of UK decided to open its visa office in Jalandhar. Since 90% of the relatives of the Indians residing in UK lived in Punjab, Jalandhar had been chosen for the visa office by UK. The Vice Chairman also took up the matter with the Ministry of Home Affairs for opening a visa office in Punjab for the Indian immigrants in Canada.

#### **4.7 Commission's recommendation regarding not holding of any recruitment examination on days of festival of minorities.**

The Commission in its meeting held on 10.05.2000 observed that there were many occasions when recruitment/competitive examinations were fixed on a day of festivals of Minorities. Since this was quite traumatic to the community concerned, the Commission decided to recommend to the major recruiting agencies in the country like DOPT, UPSC, SSC, Banking Recruitment Board and Railway Recruitment Board etc. that no examination should be fixed on the occasions of festival of any Minority community and recurrence of such things should avoided by all concerned. Accordingly, the recommendation was sent to all the major recruiting agencies in the county, all Ministries/Depts. of the Govt. of

India, all State/UT Govts., all State Minorities Commissions/Boards on 29.05.2000. The DOPT, with reference to the Commission's letter informed that the Central Government offices were closed on certain main festival days of minority community also. In addition, there were certain other holidays, which were included in the list of restricted holidays. As far as possible, UPSC and SSC's endeavour was not to hold any examination on any of the closed gazetted holidays. However, if the offices otherwise remain open, it may not be appropriate to restrict the recruiting agencies not 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 would not be able to fully utilize the employment opportunities if examinations were held on festival days, the recruiting agencies will find it very difficult to hold examinations in view of the large number of festivals important to various sections of the 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 30.05.2001 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 and that the matter which was earlier taken up with the Deptt. of Personnel and Training should be further pursued. It was also decided to request DOPT that Easter holiday, which falls on Sunday, should be specified as a holiday in official calendars. The DOPT was again approached 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 tests/examinations on the days/dates declared as a holiday on account of a religious festival of a minority community. The DOPT informed that the Department was concerned only with few recruiting agencies, namely, UPSC and SSC. Their endeavour was to ensure that recruitment/competitive examinations were not held on the days of religious festivals of any minority community which were 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 recommendation that the Easter holiday should also be specified as a holiday in the official calendar through-out the country, the DOPT had not found it possible to declare it as a holiday, as it involved functional and administrative problems for operational organizations working round the clock.

#### **4.8 Black list of Sikh NRIs cut to 50**

Since February, 2000, the Commission had been in touch with the Union Govt. to review the black list of the Sikhs, prepared after 1984 riots. After a long and persistent intervention, it was reported that the list had been reduced to 50 persons only.

#### **4.9 Nomination of a Sikh Member in the Karnataka State Minorities Commission at the intervention of NCM**

The Commission wrote to the Chief Minister, Karnataka on 28.02.2000 pointing out that the Karnataka State Government had set up a State Minorities Commission to look after the interest of the important minorities in the State but there was no Sikh member in the State Commission. The Chief Minister was requested to nominate a Member from the Sikh community in the State Minorities Commission. The Government of Karnataka informed that a Sikh Member, resident of Bangalore, had been nominated as Member of the Karnataka State Minorities Commission.

#### **4.10 Urdu "Inpage Software" in Urdu Medium Schools**

The convener Urdu Computer Farough Council, Tonk, Rajasthan, had suggested to the Commission that the Inpage Software, which is multi-lingual software, should be incorporated in the school curriculum for computer education. The Commission obtained the views of the Central Council for promotion of Urdu in this regard and on receiving their positive remarks, made a recommendation to the Union Ministry of HRD for making suitable arrangements and issuing necessary directions in this regard. The Ministry of HRD forwarded this recommendation to the

Education Secretaries of all the State Govt./UT administrations for introducing Inpage Software in all Primary/Secondary Schools, where facilities for computer training to the students of Urdu medium was available.

#### **4.11 Declaration of Guru Nanak Birthday as Holiday**

The Commission sent a letter to the Chief Minister of Karnataka, A.P. Tamil Nadu, Orissa, Manipur, Tripura and Governor of Kerala, Minister of Home Affairs and Union Minister of Labour in Jan-Feb, 2001 recommending thereby to declare Guru Nanak Birthday as State holiday which is very important event for the Sikh community. The replies received from the State Government were as under: -

##### **Gazetted holiday**

1. **Orissa :** The Govt. of Orissa replied that the 30<sup>th</sup> November 2001 had been declared as a public holiday for the State of Orissa.
2. **Manipur :** The Govt. of Manipur sent a reply wherein it was reported that the Govt. of Manipur had declared Guru Nanak birthday as a public holiday as well as a restricted holiday.

##### **Restricted holiday**

3. **Tripura:** The Govt. of Tripura replied that it had declared Guru Nanak birthday as a restricted holiday. On the receipt of the reply from the Govt. of Tripura, the Vice Chairman, NCM wrote a d.o. letter to the State Govt informing that the idea of our letter was to declare Guru Nanak birthday as a Gazetted holiday. No reply was received from the State Govt
4. **Andhra Pradesh:** The Govt. of Andhra Pradesh replied that it had declared Guru Nanak birthday as optional holiday for all the State Govt. Employees in the State.

5. **Karnataka:** The Govt. of Karnataka replied the Commission that the State Government had declared restricted holiday for Budha Purnima and Guru Nanak Jayanthi. On receipt of the reply, the Chairman, NCM 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 holidays/public holidays. The Chief Minister informed the Commission on 27.06.2001 that the Govt. had declared restricted holiday for both Guru Nanak Jayanthi and Budh Purnima. The Commission in its meeting held on 31.7.2001 had noted the reply.
6. **Tamil Nadu :** The Govt. of Tamil Nadu replied that the State Government had declared the Gurunanak Birthday as Restricted Holiday. On receipt of the reply from Govt. of Tamil Nadu, the Secretary, NCM wrote a d.o. letter to the Govt. of Tamil Nadu requesting that the intention of the Commission's letter was to convert the restricted holiday to a national holiday. The Govt. of Tamil Nadu replied in response to Secretary's letter that the Govt. of Tamil Nadu had declared Guru Nanak Birthday as restricted holiday.

**4.12 The Hon'ble Chairman NCM's complaint to the Press Council of India against "Panchajanaya" for publishing certain inflammatory material.**

The Hon'ble Chairman, NCM vide his d.o. letter dated June 26, 2000 had made a complaint to the Chairman, Press Council of India against a Hindi weekly "Panchjanaya" for publishing certain objectionable and inflammatory material. The PCI was asked to take suo-moto cognizance of the reports and initiate action against those publications. The Press Council of India vide its letter dated 17.4.2001 informed the Commission of the decision taken by the PCI in the hearing held by them on 26<sup>th</sup> March 2001 against the Panchjanaya. The PCI has expressed its strong disapproval over the way the news report/article had been published and warned the respondent news paper to be more cautious in the future in publishing such reports which could disturb the peace and amity in the society.

The Commission considered this matter in its meeting held on 30.05.2001. The Commission appreciated the action taken by the Press Council of India in reprimanding the News Paper for publishing the objectionable and inflammatory material.

**4.13 Hindu/ Sikh refugees from Afganistan – Result of Commission's intervention**

The attention of the Commission was drawn to a large number of complaints on the problems being faced by Sikhs who had to leave Afghanistan and come 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. However, since the issue concerned the Ministry of Home Affairs, the papers were forwarded by the Ministry of External Affairs to the Ministry of Home Affairs. The former Secretary, NCM had also written to the Home Secretary about this issue. As the issue remained unresolved, a meeting was held in the Commission on the 27th February 2001 in which JS and Director of the Ministry of Home Affairs participated. They stated that the cases of such persons are being dealt with by the Ministry of Home Affairs in accordance with the existing rules on the subject. After a detailed discussion, the Commission made the following interim recommendations on 23.03.2001: -

- (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 Foreigners Act. GOI may give amnesty to all of them as regards passports and other documents.
- (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. They may be authorized to authenticate the names of all refugees.

Further, due to the consistent efforts and persuasions made by the Commission, the MHA vide its letter-dated 11.9.2001 informed that it had revised the policy for stay of Afghan nationals in the country. The revised policy, inter alia, mentioned that Afghan nationals residing in India who had not registered themselves or not renewed their registration might be given an opportunity to register themselves till 31.12.2001 with FRROs/FROs concerned. The Afghan nationals who had extension of stay up to 30.6.2001 might be granted further extension of stay in India for one year i.e. upto 30.6.2002. Travel restrictions on them had been withdrawn and this also includes the permission to go abroad or settle in a third country.

**4.14 Complaint from a member of Buddhist of Kinnaur (H.P.) regarding refusal of Passports by the Regional Passport Office, Chandigarh to the Buddhists of Border areas**

The Commission received a representation from a member of Buddhist community from Distt. Kinnaur, Himachal Pradesh alleging that the Passport had been refused by Regional Passport Officer, Chandigarh to bonafide Indian Buddhists of border areas on the ground of citizenship certificate from the Ministry of Home Affairs. The matter was placed before the Commission on 14.02.2001 and taken up with the Chief Passport Officer, Ministry of External Affairs. The Ministry of External Affairs replied that the Passport is issued only when Indian Nationality is established beyond doubt through Police verification and on production of documentary proof of acquiring Indian citizenship. On 27.04.2001, the matter was taken up with the Secretary, Ministry of External Affairs for issue of appropriate directions to the Regional Passport Officer. The matter was also followed up. The Ministry of External Affairs, New Delhi informed the Commission that due to the doubt of citizenship of Mr.Nawan, the RPO carried out further investigation under Section 5(2) of the Passport Act, 1967. The applicant had submitted a birth certificate on a plain paper which was not as per the prescribed proforma for a birth certificate. The citizenship certificate of the petitioner was not accepted as per the guidelines of the Ministry of Home Affairs. The reply was delayed due to processing of his matter. Subsequently, the RPO, Chandigarh informed the NCM that a Passport had been issued to the petitioner.

**4.15 Commission intervenes to postpone the recruitment examinations for postal Assistants and SBI Probationary Officer Scheduled for Easter Day (23.04.2000)**

The Commission took cognizance of a petition-dated 12.04.2000 received from Archbishop, Kochi (Kerala) complaining that: -

- (i) the Recruitment Board of the State Bank group for recruitment of Probationary officers for State Bank of India and its subsidiaries and
- (ii) the Director General of posts and Telegraphs for the recruitment tests for Postal Assistants was scheduled on 23.04.2000, which was Easter Sunday. It was stated that the Easter Day is of special significance for Christian Community world over and that its observance forms an integral part of Christian faith. Therefore, it was not possible for a Christian either to take up an assignment or to appear in any test for a job on the day of Easter.

This complaint was taken up immediately and letters for postponement of these examinations were issued to the concerned authorities. The Union Ministry of Communications (Deptt. of Post) informed that they had issued orders, as directed by the Commission, for postponing the examination for recruitment of Postal Assistants/Sorting Assistants scheduled for the 23<sup>rd</sup> April 2000.

Subsequently, the Central Recruitment Board of the State Bank, Mumbai also informed that they had issued instructions to all their circle offices that the tests for Probationary Officers scheduled for 23<sup>rd</sup> April 2000 should be postponed and due publicity be organized regarding the postponement. The NCM separately issued two Press Statements on the 19<sup>th</sup> April and 20<sup>th</sup> April, 2000 notifying the postponement of the recruitment examinations for Assistants in the Department of post and Probationary Officers in the State Bank group, respectively.

The Commission also carefully considered the matter in its meeting held on 10.05.2000 and observed that there are many occasions when recruitment/competitive examinations are fixed on a day of festivals

of Minorities. Since this was quite traumatic to the community concerned, the Commission recommended to the major recruiting agencies in the country like UPSC, Banking Recruitment Board and Railway Recruitment Board etc. that no examination should be fixed on the occasions of festival of any Minority community and recurrence of such things should be avoided by all concerned. The Commission also appreciated the action of the Chairman, Central Recruitment Board of State Bank of India and the DG, Deptt. of Posts, New Delhi, and thanked him for postponing the recruitment examinations falling on Easter Day. The Commission's recommendation was also sent separately to all the Ministries/Depts. of the Govt. of India and the State/UT Govt., State Minorities Commission etc.

**4.16 Reference received regarding imposing of punitive fines on the villages where minority community suffers loss of life and property in a communal violence.**

A reference was received in the NCM suggesting 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 for consideration. The MHA vide their letter dated 10.05.2001 informed that it had not been found possible for them to accept the proposal 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 instances to levy a fine on the entire village.
2. Punitive fine is a criminal liability and can only be imposed 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 legal provisions 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.

This matter was considered by the Commission in its meeting held on 30.05.2001. The Commission noted the reply of MHA and the petitioner was informed, accordingly.

#### **4.17 The Governor, RBI meets the Commission on 12.09.2001**

The Governor, Reserve Bank of India was invited to meet the Commission on 12.09.2001 to discuss the credit flow to minority communities from the Public Sector Banks. The Commission stressed the need to reiterate/review the RBI instructions on the credit flow to minorities, as there was considerable lack of awareness among the minorities about available schemes and facilities. Further, there was lack of implementation of the RBI's instructions in letter and spirit. The RBI was urged to evolve a more workable system so that that the Commission gets a regular feed back.

RBI Governor opined that the Bank needs to adopt proactive role to improve the credit flow situation. He felt that this would be possible with a better motivation, strong supervision and regulatory measures. He mentioned that Self Help Groups amongst minority communities could play an important role in creating awareness among the minority communities for availing the credit facilities. The RBI would establish a focal point at apex level to regularly monitor the functioning of the Bank branches and discuss the issues at the higher level to make it more effective. The Banks at micro level would be asked to ensure to do extension work so as to reach out to the poorer sections of the minority communities. The Governor also identified creation of micro credit societies to improve the situation. He assured the Commission that the situation would be improved within a period of six months and he would report back to the Commission.



#### **4.18 Publication of Socio-economic data on Minorities by the Registrar General of India( RGI)**

The Commission has been in correspondence with the Registrar General of India urging for publication of socio-economic data on Minorities. A meeting was held by the Commission with the Registrar General of India (Census operation) on 29.1.2001 and the matter was discussed threadbare.

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

A letter was accordingly sent on 11.05.2001 to the RGI.

In this regard, the RGI vide their letter dated 25.09.2001 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 household income and, therefore, no data on income is available.

The Commission noted the information sent by the RGI.

#### **4.19 Proposal for setting up a ladies Hostel at Begampur**

A letter-dated 05.04.99 was received from a Member of Parliament (MP) from West Bengal asking for the Commission's intervention so that the proposal for setting up a hostel for Muslim girl students materializes early. This proposal was pending with the Govt. of West Bengal since long.

The Commission vide letter dt. 19.04.2001 asked the West Bengal Govt. to expedite the matter. The State Govt. forwarded a copy of their letter addressed to the Member of Parliament in which it was stated that the construction of the hostel could not be started as some problems had arisen in getting physical possession of the land selected for the purpose. The Commission pursued the case regularly for knowing further developments. The Govt. again informed that the Hostel was earlier proposed to be constructed on a land in Mauza Bally at Chinsurah but possession of this land could not be taken due to some problems. An alternative site had been proposed by the Hoogly Zilla Parishad and the Add. E.O. of the Zilla Parishad had been asked to submit details of the revised plan to the Govt. The State Government vide letter dated 20.1.2002 informed the Commission that an alternative site at Pratapur, Chinsurah had been selected for the construction of the hostel at an estimated cost of Rs. 39,72,469 out of which Rs. 3 lakh had already been released and further fund would be released as per requirement.

#### **4.20 Declaration of Holiday of Parsi, New Year**

Maharashtra State declared the Parsi Shehanshahi New Year in 2002 as a holiday. This practice had been abandoned from some years in the recent past. The State Govt., however, had not declared it a bank holiday.

On the recommendation of the Parsi Member of Commission, the Chief Minister, Maharashtra agreed that from 2003 onwards, the Shehanshahi Parsi New Year, which falls in August will be both a State and bank holiday.

## **CHAPTER - 5**

### **TOURS AND VISITS**

5.1 The Commission while discharging its statutory obligations, undertook tours and visits to various parts of the country and abroad as well, with a view to getting first-hand information on problems of minority communities and to assess the implementation of welfare schemes/programmes of the Govt. The Commission also visited places where communal violence broke out affecting the minorities. Moreover, the Hon'ble Chairman, Vice Chairman and Members have undertaken the tours abroad privately to participate in various seminars, conferences and workshops on the welfare and developmental aspects of minorities and have spoken on these subjects.

5.2 The number of tours performed by the Commission during 2001-02 were as under:-

<b>S.No.</b>	<b>Name</b>	<b>2001-02</b>
1	Chairman	8
2	Vice Chairman	33
3	Lt. Genl. (Retd.) A.M.Sethna (Member)	8
4	Shri V.K. Dar, (Member)	7
5	Rev. T.K.Lochan Tulku Rinpoche, (Member)	12
6	Shri Shamim Kazim (Member)	3
7	Shri John Joseph, (Member)	24
<b>Total</b>		<b>95</b>

A List giving details of the tours performed by the Commission during the above period is also given below: -

**Tours of Chairman**

S. No.	Destination	Year	From	To
1	Dhramshala	2001-02	18.04.01	20.04.01
2	Hyderebad		04.06.01	04.06.01
3	Leh		28.06.01	30.06.01
4	Hyderabad		27.09.01	28.09.01
5	Kolkata		14.01.02	15.01.02
6	Cochin, Agatti, Goa		07.02.02	11.02.02
7	Aurangabad		25.02.02	27.02.02
8	Ahmedabad		13.03.02	14.03.02

**Tours of Vice Chairman**

S. No.	Destination	Year	From	To
1.	Patiala, Chandigarh	2001-02	10.04.01	11.04.01
2.	Patiala, Chandigarh		13.04.01	13.04.01
3.	Dharamshala		18.04.01	18.04.01
4.	Amritsar, Jallandhar		28.04.01	29.04.01
5.	Chandigarh, Ambala		25.05.01	25.05.01
6.	Ludhiana		07.06.01	07.06.01
7.	Hansi(Har)		26.05.01	26.05.01
8.	Ludhiana		29.07.01	29.07.01
9.	Chandigarh/Ambala		02.09.01	02.09.01
10.	Amritsar		26.09.01	27.09.01
11.	Dehradun, Mussoorie		05.10.01	07.10.01
12.	Patiala		26.10.01	28.10.01
13.	Amritsar		12.10.01	13.10.01
14.	Chandigarh		12.08.01	18.08.01
15.	Chandigarh		26.11.01	27.11.01
16.	Amritsar		13.11.01	18.11.01
17.	Jallandhar, Kapurthala		30.11.01	01.12.01
18.	Chandigarh		07.12.01	07.12.01
19.	Chandigarh		14.12.01	15.12.01
20.	Jallandhar		17.01.02	18.01.02
21.	Patna		20.01.02	21.01.02
22.	Ludhiana, Ambala		01.12.01	02.12.01

23.	Chandigarh		21.12.01	23.12.01
24.	Mumbai		29.01.02	30.01.02
25.	Ambala, Patiala		26.01.02	27.01.02
26.	Jalandhar		02.02.02	03.02.02
27.	Amritsar		08.02.02	09.02.02
28.	Amritsar		21.02.02	
29.	Aurangabad, Mumbai		23.02.01	28.02.01
30.	Ahmadabad		13.03.02	14.03.02
31.	Amritsar		15.03.02	16.03.02
32.	Chennai		18.03.02	21.03.02
33.	Amritsar		22.03.02.	23.03.02.

**Tours of Lt. Genl. (Retd.) A.M. Sethna , Member**

S. No.	Destination	Year	From	To
1.	Mumbai	2001-02	03.04.01	04.04.01
2.	Mumbai		07.06.01	11.06.01
3.	Hyderabad		27.09.01	29.09.01
4.	Mumbai		04.10.01	06.10.01
5.	Ahmedabad, Vadodara		20.10.01	28.10.01
6.	Nasik, Malegaon		05.11.01	07.11.01
7.	Kolkota		30.11.01	02.12.01
8.	Ahmedabad		13.03.02	14.03.02

**Tours of Sh. V.K. Dar, Member**

S. No.	Destination	Year	From	To
1.	Dharamshala	2001-02	18.04.01	20.04.01
2.	Mumbai		03.09.01	05.09.01
3.	Bangalore		10.10.01	12.10.01
4.	Kolkata		14.01.02	15.01.02
5.	Aurangabad		25.02.02	27.02.02
6.	Ahmedabad		13.03.02	14.03.02
7.	Chennai		18.03.02	21.03.02

**Tours of Rev. T.K. Lochan Tulku, Member**

S. No.	Destination	Year	From	To
1.	Dharamshala	2001-02	18.04.01	20.04.01
2.	Chennai		11.07.01	12.07.01
3.	Shimla, Kalpa		14.09.01	19.09.01
4.	Guwahati, Twang		09.10.01	17.10.01
5.	Bodh Gaya		24.01.02	31.01.02
6.	Cochin, Goa		07.02.02	11.02.02
7.	Kolkata		14.01.02	15.01.02
8.	Aurangabad		25.02.02	27.02.02
9.	Chandigarh		03.03.02	04.03.02
10.	Aurangabad		13.03.02	14.03.02
11.	Patna/Ranchi		03.04.02	05.04.02
12.	Uttarkashi		16.04.02	19.04.02

**Tours of Shri Shamim Kazim, Member**

S. No.	Destination	Year	From	To
1.	Lucknow	2001-02	10.08.01	11.08.01
2.	Lucknow/ Kanpur		17.10.01	19.10.01
3.	Aurangabad		25.02.02	27.02.02

**Tours of Sh John Joseph, Member**

S. No.	Destination	Year	From	To
1.	Amritsar	2001-02	01.04.01	01.04.01
2.	Bangalore, Cochin		04.04.01	16.04.01
3.	Kerala/Cochin		30.05.01	06.06.01
4.	Mumbai, Cochin		16.06.01	21.06.01
5.	Cochin, Trivandrum		03.08.01	05.08.01
6.	Chennai, Trivandrum		19.09.01	22.09.01
7.	Nagpur		11.09.01	12.09.01
8.	Kolkata		03.10.01	03.10.02
9.	Cochin		12.10.01	21.10.01
10.	Jaipur		25.10.01	25.10.01
11.	Vadodara		09.11.01	10.11.01
12.	Nagpur, Mumbai		31.10.01	07.10.01

13.	Cochin, chennai		18.07.01	25.07.01
14.	Nagpur		09.12.01	10.12.02
15.	Cochin		10.01.02	15.01.02
16.	Mumbai		08.01.02	08.01.02
17.	Cochin, Chennai	2001-02	17.11.01	28.11.01
18.	Cochin, Chennai		22.12.01	30.12.01
19.	Chennai		14.02.02	17.02.02
20.	Nagpur		19.02.02	19.02.02
21.	Cochin/Bangalore		23.02.02	26.02.02
22.	Kerala/Bangalore		08.03.02	12.03.02
23.	Bangalore/Kerala		21.03.02	26.03.02

**5.3 Some of the reports of very important visits of the Commission are given below:-**

**5.3.1. Report of the visit of the Commission's team to Muzaffarnagar on the 14<sup>th</sup> August 2001 regarding communal incidents and curfew in the first week of August 2001.**

The National Commission for Minorities took cognizance of the press report of 5<sup>th</sup> August, 2001 about imposition of indefinite curfew in parts of Muzaffarnagar on 3<sup>rd</sup> August, 2001 after a clash between members belonging to two different communities in which more than 20 persons were injured and 1 sustained serious injuries, out of which one person identified as Ghafur was hit by a bullet when police resorted to firing to disperse the gathering. The Secretary, National Commission for Minorities wrote a letter to the Chief Secretary, Government of U.P. on the 6<sup>th</sup> August, 2001 seeking full details of the incident and action taken by the State Government. A detailed report dated the 8<sup>th</sup> August 2001 was received from the Secretary, Home( Police), Government of U.P., which gave the details of the incident. While the report of the State Government of U.P. was being examined, the Commission decided to depute a team of its officials comprising Joint Secretary and Deputy Secretary, in the Commission to visit Muzaffarnagar with a view to having an on-the- spot study and to collect all the relevant details with the civil and police authorities.

2. Accordingly, the team visited Muzaffarnagar on 14.08.2001, which was received by the District Magistrate, Muzaffarnagar, and the

Additional S.P., Muzaffarnagar in the PWD inspection Bungalow at the outskirts of Muzaffarnagar. The District Magistrate gave the background details of the incident. The situation under which the curfew was imposed, the action taken by them to contain the violence, the situation under which police had to resort to firing and impose curfew and the arrangements made by them to provide civic facilities during the curfew. After giving these details in an hour's time, the District Magistrate proceeded to Saharanpur, where he was to attend the Commissioner's meeting. Thereafter, further discussions were held by the team only with the Additional S.P. and ADM (City), Muzaffarnagar.

3. Consequent upon the press release by the Information Department of the district about the visit of the Commission's team, a large number of representatives of different social organizations particularly those representing Muslim minority community had assembled to meet the Commission's Team

4. The situation about Muzaffarnagar incident that emerged after the discussion with the district civil and police administration and the representatives of the minorities revealed that tension in the district was growing up for the last one year due to several incidents of arson and bomb blast in the religious places in Muzaffarnagar. A year back, such an incident occurred in a church and in a mosque. One such major incident occurred on 2.06.2001 in Masjid Kazian in the kotwali area of Muzaffar Nagar in which a crude bomb (Sutli bomb) was blasted along-with pamphlets carrying inflammatory communal materials in the name of 'Hindu Krantikari Dharam Rakshak Sena'. On the 1st August, 2001, an incident of murder of a member of Muslim community occurred which was done by a member of the same community and an FIR by name was lodged in the case but still some unknown persons threw pamphlets in the mosque in the name of the said Sena and owned the responsibility of the murder. On the 3<sup>rd</sup> August itself, about 250-300 people assembled under the leadership of local MLC (Samajwadi Party) and put a road block and partial closure of the bazaar in protest of the said incident demanding immediate arrest of the culprits. This assembly dispersed only after securing an assurance from the police authorities that the criminals responsible for violence/arson and throwing of pamphlets in the mosque would be apprehended soon. The police arrested one person from the majority community on 21<sup>st</sup> June 2001 in this case. There was a strong



protest from the Hindu majority community and 50-60 people assembled at Shiv Chowk and tried to put roadblocks and started forcing closure of the market. This was strongly protested even by the Hindu Majority community but the nearby subzi mandi whose owners belonged to muslim minority community suffered losses. Simultaneously, a large gathering of Muslims had assembled at Meenakshi Chowk, which ultimately led to firing and imposition of curfews. The administration's version about the situation and the version of the minority representatives differed on the actual situation prior to firing. The police authorities asserted that the Shiv Chowk and Meenakshi Chowk are very close and it was almost a situation of conflict between the two communities. Whereas the Minority representatives asserted that there was no likelihood of any communal conflict as the protest by muslims on Meenakshi Chowk was mainly against the administration for its non-action. The police in its report had indicated that there was a heavy brick batting and firing from the mob's side, which they did not mention at the time of their verbal presentation before the team members. The version of minorities is that the police did not resort to lathi charge, water cannon or tear gas and did not give adequate notice to the mob to disperse before resorting to firing. The firing was done only by one Inspector of Police namely, Shri Dwivedi, while the Kotwali Incharge, Shri Gautam was also present on the scene and he desperately tried to prevent Inspector Dwivedi to directly fire on the mob. He even physically lifted the service revolver of Shri Dwivedi who was not at all on the scene and the firing was done by other officials. Anyhow, the situation did demand the imposition of the curfew.

5. After imposition of the curfew, the civil and police authorities made adequate arrangements for distribution of essential commodities. Curfew was also not very strictly imposed due to which not much difficulties were faced by the people. The representatives of the minority community had no grievance against the civil administration for their behavior during the curfew which was quite impartial and sympathetic.

6. After careful analysis of the various submission by the administration and by the representatives of the minority community, the Commission's team came to the following conclusions:-

(i) The administration has been very slack in dealing with the incidents of arson, Crude bomb blast and throwing of pamphlets by different unknown person including those doing so under the name of 'Hindu Krantikari Dharam Rakshak Sena'. Two such incidents one each in a church and a mosque, one year back, were not taken seriously by the police authorities and apparently no action was taken to apprehend the culprits involved in this case. Similarly, the incident of the 21<sup>st</sup> June, 2001 was not properly attended. Even though the police could get a definite clue of the persons involved in the case within 4-5 days of the incident but they did not arrest the culprits. The reason that was given by the police authorities for this delay was that during this period, a large number of "Kanvarias" pass through Muzaffarnagar and, therefore, it was not appropriate to act against the culprits. This reason could not be accepted as valid one. Moreover, even the "Kanvarias" discontinued since the 19<sup>th</sup> July, 2001, but even thereafter the police did not act. It acted only on the 4<sup>th</sup> August, 2001 when a lot of pressure was generated by the people representatives after fresh incident of pamphlet throwing. The police could, however, arrest only one out of the five identified persons. During all through this period, they could not keep a tap on all the five identified persons.

(ii) The police authorities while dealing with the assembly of muslims at Meenakshi Chowk on the 4<sup>th</sup> August 2001 acted firmly and rightly imposed the curfew which saved the city from a major communal strife. The firing in which one Shri Ghafur and Mrs. Razia were seriously injured was not found justified as it was not preceded by proper warning and use of other minor force like lathicharge, water cannon etc. Moreover, firing by Inspector Dwivedi who has also been accused of using objectionable language while firing has not been found justified. The administration should have immediately transferred him out of Muzaffarnagar. It rather transferred Shri Gautam. Kotwali Incharge, whose role in the incident has been generally appreciated.

(iii) The district authorities should ensure adequate compensation to Sri Ghafur and Mrs. Razia who sustained serious injuries due to firing by Police. This should have been done even when the victims did not lodge any FIR in the case.

(iv) The police failed to protect the shopkeepers of the Subzi Mandi from their losses. The subzi mandi is located at a very vulnerable place and suitable arrangements should have been made by the administration to protect the shopkeepers particularly in the context of the growing tension on that day. The district administration had assessed the loss of shopkeeper in the Subzi Mandi but had not taken action to ensure that they are given adequate compensation for the losses that they suffered on that day. In accordance with the representations submitted to the Commission by the President of the Subzi Mandi Association, in total 54 shop owners claimed that they suffered losses to the tune of Rs. 10.00 lakhs.

(v) The administration acted impartially in confiscating of the licensed arms in the city. However, the language of the notice used by the administration for doing so has been highly objected to by many license holders as the said notice accused them of assisting the criminals and passing on the ammunitions to them, a charge by the administration which in no way could be substantiated

7. The owners of the Picture Halls and the Office bearers of the District Exhibitor's Association also met the team and complained that adequate arrangements should be made to protect the Cinema Halls during the communal strifes as they were the easy target in such a situation. One of the owners of a Picture Hall, namely, Chandra Talkies also claimed a compensation of Rs. 40,000/- for his losses in the incident occurred on the 4<sup>th</sup> August 2001.

8. A delegation of the Sikh minority community also met the team whereas they had no complaint against the police or administration and were at peace with different communities in Muzaffarnagar still they complained that they were neglected by the administration and are being treated as non-entity in such functions. They also complained that their request for arms license is also not taken sympathetically by the administration.

9. The report was considered by the Commission. The Commission forwarded a copy of this Report to the State Government for appropriate action.

**5.3.2. Report of the visit of the National Commission for Minorities Team to Asind, District Bhilwara on the incident of demolition of a mosque and related communal tension. August 6.7.2001**

A team comprising the Joint Secretary and Deputy Secretary in the National Commission for Minorities visited Asind on the 6th – 7<sup>th</sup> August, 2001. The team reached Asind town via Jaipur at around 2.30 p.m. on 06.08.2001 and discussed the matter with Divisional Commissioner, D.I.G. Ajmer, and the District Magistrate, and S.P. Bhilwara. Copies of certain documents were submitted by District officials at Asind which included a copy each of the site plan, Gazette notification of the Rajasthan Wakf Board, note on the incident at Asind, office orders issued by the Government of Rajasthan on 01.08.2001 regarding posting of the officials at Asind etc. After discussing the matter in detail, the team visited the site. Thereafter, the team met the representatives of the Muslim community of Asind and the office bearers of the Sawai Bhoj Temple Trust to know their viewpoints. The matter discussed is briefly mentioned in the subsequent paragraphs.

The Sawai Bhoj Temple Complex is spread over an area 676 Bighas. The complex comprises around 28 temples. In the midst of the temple, there existed a wall measuring about 15' long and 10'' high having two minarets on the sides and a small dome at the centre with adjacent piece of land measuring around 15ft. x 15 ft. The structure was known as Akbari Masjid and also as 'Kalandari Masjid' and had no roof or walls on the three sides. This structure was in the midst of the complex and was situated in between two temples. In the Wakf record, this structure is shown as Masjid Sawai Bhoj. The complex also has a Dargah known as Dargah Badia, which is situated on the extreme end of the temple complex. Earlier, the road to this Dargah was through the main temple complex but now since another road has been constructed in the back of the temple complex along the Khari River, the Dargah has become accessible through a small opening in the boundary wall of the temple complex on the side. There was a small incident on 26.07.2001 about the access to Dargah which was amicably settled as the said alternative route was accepted.

On 27.07.2001, the Urs celebration of the said Dargah was to start. It was settled before hand that the Shamianas and tents will be

confined to a total area of 4 Biswa only, which is the established area of the Dargah and its surroundings. However, the Revenue authorities, namely, Tehsildar, Asind went to the Dargah site and a rumour was spread that the Revenue authorities had come to measure the land and give the land of the temple complex to the Dargah. This resulted in an assembly of around 200-300 persons belonging to the Gujjar community who pulled down the Shamianas, which were created for the Urs and put them on fire. Later, they went back in the temple complex and pulled down the said mosque known as the Kalandari Majid. The Masjid land adjacent to the wall was properly tiled in a manner that it matched well with the other open space in front of the Mandirs in the complex. An idol of Hanumanji was installed on the masjid land but was later shifted to an adjacent place along the wall of temple. The idol was in a broken/repared condition and on an enquiry, it was revealed that it was one which was rendered spare after renovation of a Hanuman Mandir about 1 km away but within the temple complex. The conditions of the idol indicated that the entire episode was perhaps not pre-planned and was done on the spur of the moment. The incident resulted in some tension in the Asind town but then by and large the position remained normal.

The delegation of the Muslim community comprising six representatives met the team and gave the details of the incident and reiterated their demand that the mosque wall be reconstructed as it was in existence for the last 400-500 years and its existence was very much recognized and accepted by Sawai Bhoj Temple priests. In fact, the Dargah was established only 50-60 years back by Mahant Prem Das, the then Chief Priest of the Sawai Bhoj temple. The representatives of minority communities accepted that the Mosque was not a practicing mosque and no prayers were held there for the last 20 years or so. One old person in the delegation recalled that he had offered Namaz at the place some 20 years back.

A delegation comprising the authorities of the Sawai Bhoj Dev Narayan Mandir Trust also met the team. They indicated that this trust was registered in 1981 and at the time of registration of the Trust, no objections were raised about the Masjid/Dargah. The areas of the Dargah was only 4 Biswas and was indicated as Khasra No. 1426. However, during 1981 to 1990, the resettlement of the land was done and khasra

Nos. 1425, 1426 and 1427 were merged and the total areas of the merged Khasra was 1.5 bigha and was numbered as 4829 but the name of the Dargah was deleted from the revenue record. They asserted that there was no record of the existence of any masjid in the revenue records and that the said wall was a part of the Naggarkhana of the temple complex, which gradually got removed as and when construction took place in the temple complex. They plainly refused about the existence and demolition of any mosque wall in that complex on the 27<sup>th</sup> August, 200, a strange observation, which was latter, refuted by the District administration as a plain lie.

After the said incident on the 27<sup>th</sup> July 2001, the State Government /District Administration had taken the role of an arbitrator and were holding peace committee meetings between the representatives of the Muslim minority community and the trustees of the temple complex with a view to amicably sorting out the matter. Meetings were held earlier and the last one was held on 06.08.2001 itself wherein it was decided that the matter regardig re-allocation of the said mosque to some other place will be taken up with the State Wakf Board and on their verdict, the Final decision would be taken about the reconstruction of the Mosque. Meanwhile, the trustees of the temple complex had mobilized the entire Gujjar community who were adamant not to allow reconstruction within the temple complex.

In the entire episode, it was seen that the district Administration acted effectively to defuse the crisis generated out of the incident itself but they miserably failed in taking appropriate action in the case. The act of arson and vandalism, which was part of the entire trouble should have been taken by the administration in the right spirit and should have refrained from converting the incident to a sort of dispute between Muslims and the Gujjar Hindu Community. The District Administration did not take any action against the persons responsible for the two incidents namely (i) arson near Dargah and (ii) demolition of the wall of the Mosque. It was reported that the person mainly responsible for the two incidents was one Shri Mansukh Singh who had been named accused and suspect in the two cases. Shri Mansukh Singh belongs to Kota, runs a Gas Agency in front of the temple Complex and tries to involve himself in the affairs of the temple trust. It was he, who led the mob in the two incidents. The incident at Dargah happened in the presence of the Police.

Similarly, in the second incident also, there was no eyewitness from the Muslim community but the presence of the police was well established in the temple complex during the incident. The police authorities took a stand that they did not act to prevent the arson, as they were more concerned to protect the Dargah, which was nothing more than a pretext of non-action in the two cases. Further, even when the police/Administration was the eyewitness to the incident, they did not prefer to lodge an FIR from their side. The police authorities impressed upon the Muslim minority community to file the FIR in the two cases. Further more, in case of the destruction of the wall of the Mosque and installation of an idol in that place, the police did not act to confiscate the idol and to make it the case property. The removal of the idol has been done under a pressure from the police by the Temple Trust authorities.

Again, even after the filing of the FIR against the persons involved in the two cases, the police was still investigating the matter and had not arrested the accused. The said Shri Mansukh Singh was stated to be absconding. The Police knew their whereabouts and had spoken to their counterpart police officials but had not issued any formal communication for the arrest of the person. The continued lack of action on the part of police authorities had resulted in a situation where the entire issue was becoming politicized. The position was getting hardened as more and more persons of the Gujjar Samaj were being mobilized. It was evident that the police authorities did not act in time. The culprits must be arrested without wasting any more time and concerned police officials who had failed in arresting the culprits may be shifted forthwith.

The above report was submitted to the Commission.

### **5.3.3 Tour Report of Shri Shamim Kazim, Member on Lucknow visit (10<sup>th</sup> – 11<sup>th</sup> August 2001)**

Shri Shamim Kazim, Member went to Lucknow on the 10<sup>th</sup> Aug. 2001 for presiding over the function of Award of Excellence medals arranged by the Tauheedul Muslimeen Trust Unity Education Foundation, Imambara Ghufuran Majab, Maulana Kalbe Husain road, Lucknow. The main purpose of the function was to felicitate outstanding achievers from the community and suitably confer upon them the recognition earned by them for their valuable services. Speaking on the occasion Maulana Kalbe

Sadiq, a famous Shia cleric and educationist, highlighted the fact that by making the education costly the Government is depriving poor students from their educational rights. He further added that illiteracy and ignorance were the bane of the society and if poor students were not allowed to get higher education by the vested interest it would be a great disservice to the society.

2. Hon'ble Member also inaugurated the Emergency Complex of Era's Lucknow Medical College. The hospital was bound to make its contribution in providing better training in medical sciences that will in turn provide greater health care and medical services to the people.

3. During the short Visit Member also met a few local leaders of minorities to discuss with them the various problems of the different minority groups with a view to finding out ways and means for their upliftment and also emphasized upon them to make the best use of the various schemes brought out by the Govt. for the Minorities.

#### **5.3.4 Tour of Lt. Gen. (Retd.) A.M. Sethna PVSM and Sri John Joseph to Malegaon**

The National Commission of Minorities had deputed a team comprising Lt. Genl. (Retd) A.M. Sethana PVSM and Sh. John Joseph, member of the Commission to visit Malegaon for on the spot enquiry of the situation arising out of the communal riots in the town on 26.10.2001. The team visited the town on 6.11.2001 and held meeting with Additional Chief Secretary, D.G. (Police) and other officials of the State Govt. The team submitted details of the incident and the circumstances under which the riot broke out in Malegaon and made recommendation to the State Govt/Govt. of India for appropriate action. The recommendations were as under:-

(i) The state Govt. should immediately announce and pay a relief package to the riot victims, which should include compensation to the next of kin to those killed, to the tune of Rs. 2.00 lakhs per death, payment for treatment of all those injured in police firing. Compensation against loss of property and immediate rehabilitation of poor and small shopkeepers, who lost their livelihood due to riots.



- (ii) The State Government of Maharashtra should immediately announce a package of economic, social and administrative reforms, with a view to improving the economy and industrial development. Upgrading the Status of Municipality to a Corporation would help in the creation of better infrastructure. Malegaon should be declared as an independent district and provided with civil and police officers of the required status.
- (iii) The State Government should get all the religious places, mosques and temples repaired at State expenses, without any delay.
- (iv) The District Administration should take an initiative to ensure that the persons living in villages surrounding Malegaon are quickly given backing and confidence for their rehabilitation back to their place.
- (v) The Government should take steps to restore the eroded confidence of the Muslim minority community in the Police. The proportion of Muslims in the police is negligible and, therefore, it is advisable to post some officers/policemen belonging to Muslims minority community in Malegaon. At the same time, it is necessary to ensure adequate recruitment of minority communities in the police in various ranks.

**5.3.5. Tour Report of Rev. T.K. Lochen Tulku Rinpoche, Member, National Commission for Minorities visit to Chandigarh on 3<sup>rd</sup> & 4<sup>th</sup> March, 2002.**

Rev. T.K. Lochen Tulku Rinpoche Member, had visited Chandigarh on 03-04 March 2002 as the Chief Guest for Conference-cum-Cultural programme at Punjab University on invitation from All India Tribal Students Association Chandigarh. The programme included a cultural programme and prize distribution by him

2. During his address to the students, he asked them to pay back the debt of enjoying reservations and other benefits which they owe to the nation, by dedication and selfless service to the poor and underprivileged members of society.

3. Mr. Ashok Sanghwan Joint Secretary (Home) Chandigarh Administration also met him at the State Guest House. He discussed about Buddhist items in Chandigarh Museum. He said that Chandigarh Administration wishes to organize an exhibition of Buddhist Art and he requested for the help. The Hon'ble Member promised the same to him

### **5.3.6. Commission's intervention on the riots in Gujarat**

As a confidence building measure the commission visited Ahmedabad on the 13<sup>th</sup> and March 14<sup>th</sup> 2002 and had detailed discussions with the Hon'ble Governor, the Chief Minister and Officers of State Government on the communal riots during March. The Commission also paid a visit to Shah Alam Camp. During these discussions, many constructive suggestions were made for improving the Law and order situation as well as bringing in an atmosphere of communal harmony. Unfortunately incidents of violence continued and actions were taken by the State Govt. which were contrary to Commission instructions given on 14<sup>th</sup> March 2002.

The Commission summoned the Chief Secretary and other top civil and policy officials on 6<sup>th</sup> April 2002. During the hearing it had been made amply clear that the Commission was not satisfied with the way the Government handled the situation and following instructions, were given to restore the socio economic well being of the state;

- (i) Utmost importance be given to the restoration of confidence in the administrative machinery especially in the police force.
- (ii) The commission expressed unhappiness over the spate of transfers of officers who had taken action to protect the interest of the minorities. The Commission had directed that these officers should be posted back as this would be a big step for restoring the confidence amongst the minorities.
- (iii) The Commission directed that the State Government had announced compensation to the tune of Rs. 1,00,000 to all those who had been killed. The Government of Gujarat had now reduced the amount to Rs. 50,000/- only. The Commission directed that this amount should be restored to Rs. 1,00,000/-. This would be apart from the amount received from the Prime Minister's Relief Fund.
- (iv) The Commission directed the State Government to re-build 293 dargahs and 202 mosques that had been destroyed by the rioters. In this context, the Commission drew attention of the State Government to similar actions that had been taken by the State Government of Haryana. The Commission also drew attention of the officers of the Gujarat Government to the way similar communal situations had been handled by

the Governments of Rajasthan, Bihar, West Bengal and Andhra Pradesh wherein communal flare-up was dealt with firmly and a holocaust was not allowed to occur as has happened in Gujarat.

(v) The Commission recommended that officers who had done excellent work in protecting the lives and properties of the minority community should be recognized/honoured and rewarded. This has still not been done.

(vi) The Commission pointed out the policy of political transfers that was now being indulged was contrary to the norms of good governance in a civil society and needs to be stopped immediately as this would further destroy confidence in the Government machinery.

(vii) The Commission reiterated the need to bring both communities together through joint peace committees in the mohallas, holding of meetings with religious leaders and other community leaders. This must be done immediately.

(viii) The Commission suggested that the officers belonging to minority communities should be given the so called "sensitive" assignments so that they can play a more useful role and also provide a healing touch.

## **CHAPTER - 6**

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

6.1 Evaluation of the progress of development of minorities under the Union and State Govts is done by the Commission through quarterly reports on the 15-Point Programme sent by the State Govt./UTs to the Union Ministry of Social Justice & Empowerment with a copy endorsed to the Commission. These reports cover various aspects crucial to the development of minorities such as communal riots, recruitment of minorities in State and Central Services, socio-economic development and other issues like Wakf properties. At the Central Level, there is a monitoring committee chaired by the Prime Minister. The Ministry of Home Affairs and Ministry of Social Justice & Empowerment are the nodal agencies for this programme. The reports from the States/U.Ts covering the aspects relating to law and order are received directly by the Union Ministry of Home Affairs and the reports on the remaining items are received by the Union Ministry of Social Justice & Empowerment, copies of which are also endorsed to the National Commission for Minorities. The programme is, therefore, reviewed from time to time by the Commission. The progress reports on the implementation of the 15-Point Programme in the States/U.Ts are received on six monthly basis i.e. as on 30<sup>th</sup> September and 31<sup>st</sup> March every year. The receipt of these reports is, however, not regular and some of the States even do not send them. A proper review and regular monitoring of the implementation of the programme has, therefore, become increasingly difficult.

#### **1. Haryana**

The State Government of Haryana had sent the half yearly progress report for the period ending March 2002. It had been reported that Haryana is a small State enjoying communal harmony and peace. For monitoring /reviewing the implementation of 15 Point Programme in the State a Minorities Cell at State level is functioning under the aegis of

Home Department There is hardly any need to hold review meetings of CS and CM in each quarters as communal situation is reviewed by CM from time to time. However review meetings are as per requirement of the State.

2. Sikhs, Muslims and Christians are the main minority communities, Sikhs and Christians are relatively better off socio-economically and educationally. Muslims are largely concentrated in Mewat area, which is comparatively backward. For all-round development of the Mewat region, the Govt. constituted Mewat Development Board (MBD) in 1980 for ameliorating the condition of poverty, unemployment and socio-economic backwardness and to develop the living standard of the people of the area. Rs. 25.38 Crores had been approved for implementation of the annual plan of MBD for 2001-02. In addition to this, all departments in the State have drawn a time- bound action plan for the implementation of the different aspects of 15-Point Programme.

3. District level review committees had been constituted in all the Districts under the chairmanship of the Deputy Commissioners. During the period under report, no communal incident took place in the State and no need was felt for seeking the help of TV/Radio in restoring communal harmony in the State.

4. State Services of all ranks are of mixed composition, consisting of all communities including minority communities. The position in Police Force and State Public Undertakings is similar in this regard. Minority community candidates are generally selected subject to their availability and suitability. The State Public Service Commission and Haryana Staff Selection Commission are the two selection bodies in the State for recommending selection to various posts including police posts (excluding police constables). These bodies did not necessarily have representation of minority communities as a matter of rule. Adequate instructions have been issued to all the Heads of Departments including MDs/CEOs of Public Sector Undertakings of the State to safeguard the interest of minorities in selections. Most of the State Public Sector Undertakings have constituted standing selection committees for making recruitment. Instructions were issued to all the State PSUs for providing representation to minority communities in their Staff Selection Committees as well as their services. A monitoring cell had been set up at the level of Divisional

Employment Exchanges and the monitoring cell had reported no case of discrimination. At present, 61 Employment Exchanges are functioning in the State. As per data available with the State Government, it was reported that 10 pre-recruitment training programmes were organized with the help of the Nationalized Banks in Minority Institutions and 85 candidates of minority communities were benefited. During the period from 1.10.01 to 31.3.02, a total of 1083 Sikhs, 742 Muslims and 25 Christians were registered in the Employment Exchanges and 16 Sikhs and 5 Muslims were given placements. At the last day of the year, there were 10537 Sikhs, 12638 Muslims and 244 Christians, in the live register.

5. There were 553 Govt. Primary Schools and 30 recognized private primary schools in Mewat area. A Govt. Elementary Teacher training Institute was also set up at Ferozepore Namak in Mewat Area where out of 205 seats per year 125 seats were exclusively reserved for Urdu teachers. Three Colleges, viz:-(i) Govt. College, Nagina (ii) Govt. College, Taoru and (iii) Yasin Medo Degree College, Nuh were functioning in Mewat Area. Out of these, Yasin Meo Degree College, Nuh is a private institution with a majority of Muslims in its Management Committee and it is getting 95% grants-in-aid. Minority managed primary schools (9 run by Sikhs and 12 by Muslims) were being given financial assistance by State Government in the form of Kothari Grants and maintenance grant. There was a scheme to provide Rs. 1.00 lakh per year for free stationery and financial help for the purchase of bicycles for the students coming from educationally backward minority (Muslim) whose parents annual income is Rs. 24,000/- or less. During the year 2001-02 an amount of Rs. 89,900 had been distributed and 62 students had been benefited. There was also a scheme of remedial/coaching in Science, Maths and English for the students from weaker Sections including minorities. The Scheme provides for holding of classes in the above mentioned subjects for three months in an academic year and each lecturer was paid Rs. 500/- per subject per class. For the year 2001-02 Rs. 2.00 Lakhs had been distributed among 35 colleges. The MD University, Rohtak and Kurukshetra University were running coaching centers for competitive examinations. In these Centers, due reservation had also been ensured for the students belonging to educationally backward minorities. Vocational courses were run in 19 Govt. Institutions and two Vocational Training Centers were functioning in Minority Concentrated Mewat area. 848 minority candidates were admitted in such trades. The Women and Child Development Department

was running 116 Early Childhood Education Projects in the State and out of these 6 projects were functioning in Mewat area. Total numbers of beneficiaries in the State were 55,823 and out of these 28,498 beneficiaries were in the minority concentrated area

6. Three ITI s were functioning at Hathin, Ferozepur Zhirka and Nagina in Mewat area. The Mewat Development Agency is also running computer-training centers at each block headquarters of the area. Several new trades have been opened and existing trades strengthened in the ITIs

7. The quarterly meetings of the State Level Bankers' Committee were held regularly. Such meetings were held on 20.3.02 and 12.6.02 where Financial Commissioner & Principal Secretary Institutional Finance and Credit Control Department were present as Chief Guest and Senior Officers from Banks, Lead District Managers and representatives from Home Department were also present. The progress during Half Year ending March 2002 was found satisfactory. However, it was observed that 38% of priority Sector lending in Gurgaon district had gone to minority communities during the period under review Courses on awareness of schemes of financial assistance were conducted in the Mewat area. During the period under report few orientation courses were organized in which 120 minority candidates benefited. In addition credit camps and EDPs were organized in Gurgaon district wherein 125 and 75 persons belonging to minority communities were benefited respectively. During the half year ending March 2002, a total of 145.22 crores have been distributed among the minority communities against the target of Rs. 83.00 crores for the year 2001-02. Thus the achievement was 175%. The performance was found to be satisfactory.

8. District level Grievances Committees were constituted in each district under the chairmanship of Cabinet rank Minister. Regular meetings of such committees were held.

9. Instructions were issued to all the Deputy Commissioners to constitute peace committees in their districts and hold meetings of the committees at least once in a quarter. Such committees have been constituted in all the districts in the State.

10. A very small number of Voluntary Organizations were functioning amongst minority groups, particularly in the Sikhs and Muslim Minority communities in the State. Adequate grants-in-aid was being provided to the minority communities. Such organizations were working in the field of education, public health, female literacy, youth affairs, sports, legal aid, women and child development etc.

11. No grievances relating to minority communities were pending for more than six months at the State and District level up to the end of the period under report.

## **2. Karnataka**

The report received from the State Government of Karnataka gives information relating to education and wakf matters. The SECAB Coaching Classes, Bijapur trained 50 minority community candidates during Sep.2001 – March 2002. It has also been stated that the Directorate of Minorities had selected and deputed 13 minority community candidates to undergo training in private institutes to appear for IAS/IPS examination conducted by UPSC during 2001-02 incurring expenditure of 2.06 lakhs. The Directorate of Minorities implemented a scheme of giving stipend of Rs. 150/- per month for 10 months to minority students in the ITI/Diploma Courses. Rs. 14.14 lakhs have been released for this scheme. There are 27 districts in the State and one person belonging to minority community had been included as a member of the District Level quarterly review committees for effective implementation of Karnataka Development Programme (including 20 Point Programme).

2. Regarding Wakf Properties, it had been reported that there were 159 cases reported regarding encroachment of Wakf Properties in the State. Many of the cases have been referred to the Deputy Commissioners of the Concerned Districts for eviction of the unauthorized occupation and many other cases were also pending in various courts. Red-survey of Wakf properties had been taken up in 8 districts and the same will be extended to other 8 districts which will avoid the encroachments of the Wakf properties. Similarly, the State Government had established the Wakf Tribunals under Sec 83 of the Wakf Act 1995 at all the four Revenue Divisions for determination of disputed cases over the Wakf properties and the tribunals have started functioning.



3. A report of the State Department of Minorities forwarded by the State Government indicated that there was 65.2 lakhs of minority population in the State, which constitutes 14.45% of the total state population. Some of the religious minorities in the State are entitled for reservation in educational institutions and employment as per the Art. 15(4) and 16(4) of the Constitution. The details \were as follows:-

1.	Muslims	4%
2.	Buddhists (along with OBCs)	15%
3.	Christians and Jains (along with other OBCs)	5%
4.	Darvesh, Chapparbaand, Pinjara (Muslim Sub castes) SC converts to Buddhism (Along with other OBCs)	4%

4. The Department of Minorities was bifurcated from the Deptt. Of Backward Classes and Minorities during 1999-2000 with a view to concentrating on the welfare programmes designed to benefit religious minorities. The scope of schemes for the welfare of minorities had also expanded and this was evident from the fact that there had been an over all increase in the budget on minority welfare programmes from Rs.65.10 lakhs in 1998-99 to Rs. 497.65 lakhs during 2001-2002. The Deptt had implemented the following Programmes: -

- a) Morarji Desai Residential Schools for minorities:- For imparting quality education to the students of minority communities, four school had been sanctioned in Shimoga, Bellary, Belgaum and Hubli for students from 5<sup>th</sup> to 10<sup>th</sup> standards during 2000-01 during 2001-02 Rs. 80.00 lakhs was earmarked to benefit 398 students.
- b) Post-matric girls hostel for minorities:- For education of minority girls in professional and higher courses, post matric hostel of 50 strength each of the schools have been sanctioned and Rs. 22.874 lakhs was spent. 187 students benefited during 2000-01.
- c) Pre-matric girls hostel for minorities:- for encouraging female literacy 65 new pre matric girls hostels have been sanctioned in minority concentration districts of Bangalore, Mysore, Bijapur, Bidar and Mangalore during 2001-02 and Rs. 25.00 lakhs has been earmarked for this purpose. 250 students will get the benefits under this programme.

d) Construction of hostel building for minorities:- An amount of Rs. 40.00 lakhs has been earmarked during 2001-2002. 5 Post matric hostels will be taken up for construction. Construction of post matric girls hostel buildings had been taken up in Dharwad and Mangalore with an estimated cost of Rs. 30.00 lakhs.

e) Grants-in-aid to minority hostels:- There were 43 grant-in-aid minority hostels with a total strength of 2295 students. The hostel inmates were entitled to boarding grant of Rs. 350/- per month for 10 months. During 2000-01 Rs. 61.088 lakhs was spent for 1981 students under this scheme and during 2001-02 an amount of Rs. 66.58 lakhs had been provided for this purpose for 2500 students.

f) Grants-in-aid for construction of hostel buildings by Minorities:- As per this programme, 25% of the estimated cost limiting to Rs. 1.00 lakh will be sanctioned as grant for construction of hostel building by minority voluntary organizations. An amount of 10.00 lakhs was provided during 2000-01 out of which Rs. 3.25 lakhs was spent for 3 such buildings. For 2001-02 Rs. 10.00 lakhs budget had been provided for sanctioning grant to 10 hostel buildings.

g) Grants-in-aid to minority orphanages:- The Department of Minorities had been releasing boarding grant to 30 orphanages run by minority voluntary organizations. The sanctioned strength of these was 3439 students. The orphans and destitute children studying from std I-X staying in these orphanages were given a boarding grant of Rs. 150/- per child per month. An amount of Rs. 51.73 lakhs would be spent toward boarding grant in these orphanages.

h) Stipend to ITI/Dip students of minority communities: - Under this programme, a stipend of Rs. 150 per month for 10 months was sanctioned to minority ITI/Dip students. During 2000-01, an amount of Rs. 15.24 lakhs was sanctioned to benefit 1271 candidates. During 2001-02, Rs. 12.14 lakhs had been provided to benefit 809 students. However, more than 1500 candidates would be covered during either year by reappropriation.

i) Stipend to Law graduates: - This programme provides training to two law graduates in each district. They are trained under Govt. advocates or advocate with 20 years of practice and given Rs. 1000/- stipend for four years. During 2000-01, 69 candidates were selected for training under this

scheme with a budget of 5.00 lakhs. During 2001-02 a sum of Rs. 7.00 lakhs was allocated for imparting training to 112 law graduates.

j) Occupational training for Minorities:- The State approved a new scheme of occupational training in trades like fashion designing, garment making, servicing electronic equipments, electrical wireman training, air conditioning and refrigeration, skill supervision in civil engineering, construction and repairing of domestic electrical appliances for unemployed youths of minority communities during 2001-02. An amount of 20.00 lakhs had been earmarked for this purpose to benefit 500 candidates. After the training, the Karnataka Minorities Development Corporation for self-employment will assist the candidates by providing financial assistance with a subsidy component of Rs. 5000/- each.

k) Training of minority candidates for competitive examinations:- In order to provide greater opportunities in recruitment by KPSC/UPSC and others the minority candidates will get training in reputed institutions. The State Govt. will meet the expenditure on fees /stipend etc. An amount of Rs. 5.00 lakhs was earmarked for this programme during 2000-01 and 1.05 lakhs had been spent to train 7 candidates. Further, an amount of Rs. 5.00 lakhs had been earmarked during 2001-02 to benefit 20 candidates. The Candidates were selected through written tests.

l) Construction of community halls/shadi mahals for minorities:- To encourage cultural and social activities of the minorities, grants were given to minority organizations for construction. During 2000-01 an amount of Rs. 50.00 lakhs was provided for this new scheme and 13 buildings were taken up for construction. For 2001-02, an amount of Rs. 75.00 lakhs had been earmarked. So far Rs. 51 .00 lakhs had been released for construction of 24 shadi mahals.

5. The Report further mentions that there were 101 Government ITIs, 355 Private ITIs and 58 Minority managed ITIs. In these Institutes, a total of 5616 minority students were getting training.

### 3. Kerala

The State Govt. 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 were as under: -

### Monitoring :-

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 was formed in all the districts and meeting 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 & Executive Employment Exchanges, out of 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 Government. "Total Illiteracy Eradication 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 was quite good.

#### Miscellaneous :-

The State Government 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.

#### **4. Manipur**

The State Government of Manipur sent combined half yearly reports for the periods ending 30.9.01 and 31.3.02. The report covers the points relating to technical education and law and order.

It had been reported that there was no any polytechnic in the name of Minority Educational institution in the State at present, However, there was one polytechnic in Imphal West District under the name of Government Polytechnic. There is also another polytechnic, namely, CEDTI founded by the Central Government in the Imphal East District. The other districts do not have any polytechnic set up either by the Govt. or private agencies Regarding representation of minorities in Police services, it had been reported that out of a total strength of 10,855 police personnel in the State total posted strength of minorities in all ranks was 4,146 which constitutes 38.19%.

#### **5. Punjab**

The State Government of Punjab has sent the half yearly report for the period ending March 2002. It was reported that under the UGC scheme on coaching classes for minorities, out of 49 minority community students admitted 20 candidates were successful. There was adequate representation of minorities in the State police force. It had been further mentioned that according to the provisions of Punjab Police Rules 1934 direct recruitment in the force is made at the level of constables, ASIs, Inspectors and DSPs. In the case of constables, there is 100% direct recruitment whereas for ASIs, Inspectors and DSPs, it is 25%, 10% and 20%, respectively, of the cadre strength. The Subordinate Services Selection Board/Departmental Selection Committee and PSC make the

recruitments to the posts of ASIs/Inspectors and DSPs respectively. The recruitment board is representative body and every effort is made to give the representation to the minority communities as also the weaker sections of the society. Apart from this being a representative body, main Parameter of known efficiency, impartiality and secular record was also kept in view. The Population of Muslims and Christians in Punjab State is negligible and similar is their representation in the Police Department. Instructions have been issued to all Subordinate Units of Police Department to monitor the recruitment made in Police Department to check Proper representation of minorities.

No communal riot occurred in the State during the period.

#### **6. Uttar Pradesh**

The Report received from the State Government of U.P. gives information relating to Law and Order. NIL reports have been received with regard to (a) Officers rewarded for good work, (b) occurrence of communal riots, (c) payment of relief to the victims of communal riots and (d) publication of objectionable/inflammatory material. It has been reported that 18 Special Courts have been set up during 1987-1991 for disposal of communal cases.

#### **7. West Bengal**

The State Government of West Bengal has sent the half-yearly progress report on the implementation of the 15-Point programme for the welfare of minorities in the states. The Report gives only the replies to point Nos. 11, 12,13 relating to education and 14 relating to wakf properties.

It has been reported that there were three minority educational institutions which were giving training to the 101 minority candidates going for competitive recruitment examinations during the period April 2001 to November 2001. The recruitment examinations included WBCS, PSC, and clerical examinations. It had also been reported that there were one I.T.I. and two Polytechnic institutes in the minority concentration district of Kurseong. There was one I.T.I. In Siliguri District. There was no proposal to set up more I.T.Is. /Polytechnics in these districts. In one of the districts, one member from the minority communities has been actively involved in the district level 15-Point Programme Committee

It has been reported that there had been no protest/grievances reported regarding encroachment of Wakf properties.

## **Chapter-7**

### **A Report on the monitoring of working of the safeguards provided under the Constitution**

#### **7.1 Karbala Land Mauza Bihar Buzurg, Kushi Nagar, U.P. – after the intervention of N.C.M.**

Sri Aleemuddin, President, Intizamia Karbala Committee, Bihar Buzurg, Munger Patti, Distt. Kushi Nagar, U.P. made a representation to the Commission stating that plot No.50 measuring 0.121 Acres (1210 sq. meters) of the village was Karbala Committee Land on which one Shri Inder Narain Mishra had started construction of a Girls Junior High School despite the stay orders of Allahabad High Court. The NCM took up the matter with the D.M. Kushi Nagar who intervened and reported that the construction of the school building had been suspended. He also stated that Plot No. 50 measuring 0.121 Acres (1210 sq. meters) in Munger Patti, Bihar Buzurg was a Banjar (barren land) and a portion of this land measuring 0.081 Acres (810 sq. meters) was in the name of Girls Junior High School. On persuasion by the District Administration, an agreement was reached on 12.06.2001 between the two communities due to which the remaining portion of the said Plot (0.40 Hec. or 400 sq. meters) and Plot No.35 measuring 0.053 Hec (530 sq. meters) total area 0.093 Hec (930 sq. meters) has been earmarked in the name of the Tazia Committee for the Tazia Mela. The matter stood settled after the intervention of NCM. The Commission noted the report with satisfaction.

**7.2 Publishing of imaginary pictures of Prophet Mohammed by some publishers in Delhi and U.P.**

Maulana Asad Madani, in his letter-dated 21.10.2000, complained to the Commission that two publishers of Delhi and U.P. were publishing imaginary pictures of Prophet Mohammed in the Text Books. Since such pictures are prohibited in Islam, they hurt the religious sentiments of Muslims. The Commission vide letter dated 22.11.2000 took up the matter with the Govt. of Delhi & U.P.

The U.P. Govt. informed vide letter 24.09.2001 that the matter of Publication of imaginary pictures was investigated by them, publishers were arrested and a charge sheet had been filed against the publishers. The Delhi Govt. vide 10.7.02 informed that the said publication had been found objectionable which hurt the religious feelings of Muslims. The Lt. Governor ordered that every copy of the said book be forfeited by the Government. The Commission noted the replies of the Governments of Delhi and Uttar Pradesh.

**7.3 Use of Punjabi language question papers in secondary examinations of CBSE.**

A complaint dated 15.03.2001 from Punjabi language Teachers' Association, Delhi was received in this Commission stating that there was a gross negligence on the part of CBSE in setting and printing Punjabi language question papers for secondary school exams held in March 2001. Certain printing mistakes rendered the paper incomprehensible for the students thereby affecting their performance.

The Commission called for a report from CBSE on 25.4.2001. The reply from CBSE, dt. 11.9.2001 stated that necessary instructions were issued to the examiners that the students should not be penalized in terms of marks for printing errors and it should be ensured by all means that



students are not put to any disadvantage on this account. This reply was accepted by the Commission.

**7.4 Complaint of Maulana Asad Madani regarding alleged ban on recruitment of Muslims in the Indian Army.**

The Commission took cognizance of a complaint received from Maulana Asad Madani alleging that the Indian Army had issued a press handout through PIB on 01.04.2001 which read inter alia "No vacancy for Muslims and Tradesman" regarding recruitment in J&K. A notice was issued to the Defence Secretary on 08.05.2001. A report was received in this regard from the Ministry of Defence. The Ministry gave the following details of the matter in which recruitment is made by the Army.

- (i) As per the recruitment policy of the Army, vacancies for recruitment are calculated against wastage. These vacancies are released for recruitment from (i) Fixed Class (ii) All India All Class based on Recruitable Male Population (RMP), as the case may be.
- (ii) Muslims from all over India including Jammu & Kashmir are enrolled as a fixed class in Armoured Corps, Bombay Engineer Group, Regiment of Grenadiers and Jammu & Kashmir Rifles. In addition, Muslims from J & K are enrolled in other Arms & Services against the All India All Class vacancies based on wastage rates, vacancies for a particular class/caste vary from year to year.
- (iii) The recruitment rally scheduled at Akhnoor was held to fill up the vacancies meant for Hindus and Sikhs, which could not be filled in the earlier rallies in which Muslim Vacancies had been filled up.

The press release issued in this connection contained a clarification – “No vacancies for Muslim and Tradesmen categories”, as no vacancies meant for these fixed classes were sought to be filled through the Akhnoor rally.

- (iv) This, besides saving candidates belonging to these fixed class categories flocking to the rally site from far flung areas wasting their precious time, energy and money, was intended to keep the rush at rally site manageable in view of the past experience during recruitment rallies in Bihar and Rajasthan in 1999 where the frustrated candidates getting violent created riotous situations leading to police firing. This clarification was, therefore, intended for the benefit of the prospective candidates.

However, the Defence ministry stated that the local print media misconstrued this by questioning the secular credentials of the Army which aroused communal feelings not only in J&K but also at some places outside the state. The Army has since issued necessary clarifications in this regard. The Army assured that it has neither stopped nor can it stop enrolment of Muslims in the Army. The Commission in its meeting held on 31.07.2001 considered this matter and accepted the reply of the Ministry of Defence.

**7.5 Steps taken for ensuring autonomy of the Principal, Regional Medical College of Technology, Bhopal**

The Principal, Regional College of Technology, Bhopal, who belongs to a minority community complained to the Commission about undue interference and harassment by the Chairman of the College who happens to be the Minister of Technical Education and Manpower Planning of the Government of M.P. The Principal of the College felt desperate as he was not allowed to exercise his administrative powers and

decisions about the matters falling under his jurisdiction were taken by the Minister. The Vice Chairman, National Commission for Minorities took up the matter with Shri Digvijay Singh, the Chief Minister of Madhya Pradesh and Shri Murli Manohar Joshi, the Union Minister of Human Resource Development. The Hon'ble Chief Minister intervened in the matter and sorted it out after talking to the minister concerned. He assured the Hon'ble Vice Chairman of his endeavour to ensure that the College flourishes in an atmosphere of autonomy.

#### **7.6 State Minorities Commissions/ Boards**

The National Commission for Minorities set up under the Act is the statutory body at the national level in the country. Besides, various States have set up the State Minorities Commissions either under the State Act or the State Administrative instructions. In some of the States, the Boards have been set up for the protection and welfare of the minorities. The following States have set up the Commissions:-Andhra Pradesh ,Bihar ,Karnataka on 07.01.2001,Madhya Pradesh on 23.10.1999, Rajasthan on 27.09.2001,Tamilnadu on 03.10.2001, Uttar Pradesh on 10.07.2001, Maharashtra on 24.07.2000, West Bengal on 12.07.1996,Chhatisgarh on 12.07.2001, Delhi.

The State of Assam has set up Assam Minorities Development Board, Gujarat has Minorities Finance & Development Corporation and Haryana has Mewat Development Agency.

## **Chapter-8**

### **Recommendations for the effective implementation of safeguards for the protection of Minorities by the Central and State Govts.**

#### **8.1 Representation from Subhania Anjuman Islamia, Bilaspur regarding M.P. Govt's decision to stop grants-in-aid.**

A representation-dated 18.5.2000 was received from Subhania Anjuman Islamia, Bilaspur (MP) stating that the State Govt. of M.P. had decided to gradually reduce grants-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 02.06.2000 was issued and when it was not responded to a d.o. dated 21.12.2000 from the Secretary, NCM was sent to the Chief Secretary, M.P. A reply dated 15.03.2001 from the MP Govt. stated that the policy of reducing grants-in-aid was reconsidered by the Govt. and it was decided that minority educational institutions may be exempted from it. Thus, the petitioners were also exempted from this policy. This reply was sent to the petitioner for his information.

#### **8.2 Complaint regarding alleged illegal detention and rooting out of the beard of a member of Sikh community by the Police personnel at Sirsa Jail.**

The Commission received a complaint on 26.2.2001 from a member of Sikh Community complaining that the complaints made were not very specific, the only thing that could be gathered from the representation was that the complainant suffered an atrocity on him by Sirsa Police on 21<sup>st</sup> December 1995, in which he was illegally detained and his beard was rooted out. A report was then called from the D.C.,

Sirsa on 27.4.2001. Since no reply was received, the matter was examined by the Commission. Thereafter, Form 'C' notice was issued to the D.M., Sirsa on 4.7.2001 and in response to that the D.C., Sirsa vide his letter dated 17.8.2001 called a factual report from the Superintendent of Police. A copy of the letter was endorsed to this Commission. Thereafter, the DC was called for personal hearing in the Commission on the 5<sup>th</sup> November 2001.

The D.C., Sirsa came to the Commission and informed that he had conducted independent inquiries from SDM, SP & District Jail, Sirsa but the complainant refused to talk to any one and therefore, the investigations could not be proceeded further due to his non co-operation.

### **8.3 Not allowing beard to Muslim in Police/Para Military Forces**

President Jamiat-ulamai Hind forwarded a representation of a Constable in Rajasthan (BN 1370) belonging to the muslim community. In the representation it was alleged that the Police, Alwar had instructed all the police Personnels to shave off their beard. NCM had issued notice in Form 'C' to file their reply by 20.11.2001. On 15.1.2002 the Govt. of Rajasthan had taken decision that the Muslim employees who wanted to grow beard on the religious ground may be permitted subject to the condition that the written request should come from them to the Govt. and they would not shave off beard during service period without the prior permission of the Govt.

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

Maulana Asad Madani, New Delhi complained that the Union Education Secretary, Mr. M.K. Kaw, in his article published in NCERT journal of Value Education, November, 2000 issue, had 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 the Right to worship. The Commission asked Shri Kaw to give explanation in a meeting held on 01.03.2001. 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 all necessary and that he should publish an apology in the next issue of the 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.

## **Chapter – 9**

### **Specific complaints regarding deprivation of rights and safeguards for the Minorities**

9.1 Under Section a (1) of the National Commission for Minorities Act, 1992, this Commission has the statutory obligation to “monitor the working of the safeguards provided in the constitution” for the minorities and to “look into the specific complaints regarding deprivation of rights and safeguards of the Minorities”. In discharge of these statutory obligation the Commission dealt with all such cases and took extra care to act judiciously so as to leave the ordinary processes of the redressal of the grievances unaffected without denying the complainants the benefit of its intervention, where necessary. During this period, the Commission received a total number of 2590 representations/complaints. Out of these 1120 were from different minority organizations/institutions and 1470 were from individuals. The Commission also received the representations forwarded by the MPs, MLAs, Corporates, Municipal Councillors, State Minorities Commission and other Commissions such as NCW & NCBC, NVSC/ST etc. Complaints have been received almost from all parts of the country. In the year, many representations were received from the State of J&K and the persons who migrated from the J&K to other parts of the country.

The Commission took timely and appropriate action on all the representations and acknowledged and classified them as per the provisions of NCM (Procedures & Processes), Regulations, 1997. Many representations, after scrutiny are filed at the initial stage for the reasons that these were anonymous, not concerning the Commission or sub-judice in a court of law or the representations were not directly addressed to the Commission and did not involve any serious issue of safeguards of minorities.

In exercising its power of Civil Court in many cases, the Commission issued Summons to the authorities complained against and successfully resolved the issues after the hearing of the cases.

### **Nature of the Grievances**

While Articles 14-16 of the Constitution guarantee equality of status and opportunity to all citizens irrespective of their religion, the Commission often receives complaints of alleged discrimination against minorities in public employments. Discrimination, prejudice and biased attitude against the minorities in service matters (appointments, promotions, transfers, CRs, termination etc.) have been complained by individuals in quite a few cases. Numerous complaints have been received by the Commission alleging discriminatory attitude on the part of the police against the Minorities noticed on the occasions of communal violence and inter-community tensions. Police cruelty and harassment have very often been alleged by the minorities.

Some cases of religion based discrimination have also been reported by the minorities to the Commission relating to:-

1. denial of right to freely observe rituals during religious festivities
2. ban on use of amplifiers in place of worship
3. encroachment and desecration of religious premises
4. desecration of holy books
5. violation of the sanctity of cemeteries & graveyards
6. pulling & cutting of beard
7. removal from services on the ground of keeping beard by the police personnel.

The Commission has also received complaints from the Minority Educational Institutions from various parts of the country relating to recognitions, grants-in-aid, land allotment, non-payment of scholarships,



and interference of the Govt. in their affairs. Apart from these, a number of complaints of denial of permission/NOC for establishing educational institutions for technical/professional training and of recognition/regularization of such institutions already set up have also been received by the Commission.

**9.2 Representation from Minority Welfare Committee, Bijapur regarding denial of financial assistance to child labour schools.**

A representation dated 2.01.2001 from Minority Welfare Committee, Bijapur was received in the Commission wherein it was stated that the Society is an NGO running over 2000 child labour special schools to eliminate child labour. The Govt. of India had two schemes under which financial assistance was being given to such schools. This Society had been striving for the last 4 years to get the financial assistance but to no avail. Even the High Court directed the Ministry of Labour to consider their project but the Ministry rejected it. A Form 'C' Notice dated 27.02.2001 was issued to the Central Ministry of Labour. The Ministry of Labour stated that they had already sanctioned child labour project for Bijapur district and no further scope was left for sanctioning more schools. Moreover, proposals submitted by the society were not recommended by the State Govt. This reply was considered un-satisfactory by the Commission and, therefore, the Deputy Secretary of the Commission was deputed to visit Bijapur and assess the actual field position of the services provided by the Society.

The report submitted by the D.S. was endorsed by the Commission and the recommendations contained therein were sent vide letter dated 19.10.2001 to the Govt. of Karnataka and the Central Ministry of Labour for necessary action.

**9.3 Representation from Muslim Social Welfare Association Bhimavaram, Andhra Pradesh, regarding allotment of funds for burial ground.**

The Commission had received a representation dated 18.02.2001 from The Muslim Social Welfare Association, Bhimavaram, A.P., wherein it was stated that Muslim of Bhimavaram town were facing problems due to lack of a burial ground. The petitioner also approached different authorities but no funds were made available for this purpose. The Commission called for a report from the Govt of A.P. on 29.03.2001. The Govt. of A.P. informed the Commission vide letter dated 10.04.2001 that the matter pertained to Municipal Administration and Urban Development and they had forwarded the complaint to the concerned department.

Since no reply was received from Municipal Administration, a Notice in Form 'C' was issued on 15.10.2001 to file the reply. The matter is being further pursued by the Commission.

**9.4 Representation from a resident of Bangalore belonging to a Christian minority Community regarding payment of pension arrears from 01.01.1995.**

A representation from a resident of Bangalore belonging to the Christian minority Community was received in the Commission stating that the petitioner was not getting his pension from U.P. Govt. since 01.01.1995 and, therefore, he had requested for help in the matter.

The matter was taken up with the U.P. Govt. In the reply received from the U.P. Govt. vide letter dated 13.06.2001 and it was informed that the Finance Department had decided not to invoke the said clause in this case which restricts inter State Transfer of pension. Consequently, the State Agriculture Deptt. addressed the A.G. Allahabad and Financial Controller, Higher Education on 22.03.2001 intimating them of the waiver of above said restrictive stipulation and transmission of records of A.G. Karnataka by Financial Controller, DHE through A.G.U.P. Allahabad.

The former had also been instructed to make payment of the due amount to the wife of the deceased applicant.

**9.5 Representation regarding alleged harassment by the police at Kula Pipe Road, Bombay**

The Commission had received a representation from the muslim Community stating that the police authorities of Bombay arrested some Muslims from Kurla Pipe Road on baseless grounds. A report was called for from the Government of Maharashtra. The Government of Maharashtra replied that due to the reaction of burning of Holy Quran in different parts of the country including Kurla land Vikhroli areas, six criminal offences were registered. Both Muslims and Hindus were arrested in this case and no particular community was targeted by the Police. The report was accepted by the Commission.

**9.6 Implementation of financial up-gradation under ACP Scheme – Representation from a Kashmiri Migrant**

The Commission received a representation from a Kashmiri Migrant stating that he was working with the Department of Tourism, Gulmarg winter sports project since 1970 and was posted at Srinagar. In 1990, he migrated to Jammu (in March 1990) and joined the Department of Tourism. In July 1999, he was deputed in the office of the Registrar General through surplus cell. The Department of Tourism did not grant any benefit before relieving under the ACP Scheme, which was introduced by Ministry of Personnel & Training in 1997. The petitioner thanked the Commission on 13.8.2002 for prompt action in solving his problem.

**9.7 Complaint against the SHO of Police Station I.P. Estate, New Delhi regarding his bias & misbehaviour towards backward and minority communities.**

The Commission received a reference from a Member of Lok Sabha (MP) on 18.5.2001 thereby forwarding a representation of Shri Mirza Mehtab Beg R/o D-27, Maharaja Ranjit Singh Marg, New Delhi wherein it was alleged that Shri Om Prakash, SHO, I.P. Estate Police Station along with Police force entered the house of Shri Mirza and used abusive language against him and Muslims and threatened him for vacating the house otherwise face dire consequences. It was further alleged that since Shri Beg is the President of Delhi Pradesh Republican Party of India which is serving the public at large he is being harassed and humiliated by the Said SHO so as to tarnish his reputation and image. Accordingly, on 18.5.2001 the Commissioner, Delhi Police was requested to take necessary action and to get the complaint investigated at appropriate level. The Hon'ble Chairman, NCM acknowledged the letter of the M.P. and also suggested him to take up the matter directly with the Union Home Minister, in case he wanted a quicker action as the Commission has its own limitations in such matters. Since no reply was received, despite subsequent reminders dated 18.7.2001 & 4.9.2001. . The matter is being pursued.

**9.8 Acquiring the land of All Saints Cathedral Nagpur by Municipal Corporation of Nagpur – Representation from the General Secretary, the Church of North India, Synod.**

The Commission received a representation dated 4.5.2001 from the General Secretary of "The Church of North India Synod" stating that Municipal Corporation of Nagpur had decided to acquire the land of the compound falling within the jurisdiction of all Saints Cathedral Nagpur. The petitioner also enclosed the copy of E-mail message received from the Secretary of Diocese of Nagpur which was sent by him to the Municipal

Corporation of Nagpur requesting to stop this action. This complaint was taken up with the Commissioner, Municipal Corporation, Nagpur. The reply received from Executive Engineer of the Nagpur Municipal Corporation stated that a Memorandum of Understanding (MOU) had been signed with the Church authorities and the Corporation agreed to allot equivalent floor space to the Church against the acquired land. Commission noted the reply and forwarded a copy of the reply to the petitioner for his information.

#### **9.9 Complaint of Guru Nanak Girls Inter College, Ghaziabad**

Shri Guru Nanak Girls Inter College, Ghaziabad vide their letter dated 26.09.2001 complained to this Commission that they had submitted a revised scheme of school administration to the Joint Director of Education, 1<sup>st</sup> region, Meerut, under which the 'Term' of the Managing Committee of the college was extended from 3 to 5 years. However, the Joint Ddirector refused to accept the Scheme and appointed an Administrator in the college.

After prolonged correspondence with concerned authorities of Education Deptt. of U.P. Govt., a hearing was held in the Commission on 29.08.2002 wherein the Joint Director and Distt. Inspector of Schools had appeared. It however emerged that the matter was sub judice in the High Court of Allahabad and hence the Commission did not proceed any further.

#### **9.10 Representation of an Asst. Teacher N.R. Inter College, Tundla (Firozabad)**

An Assistant Teacher, NR Inter College, Tundla, Firozabad complained to the Commission that she had been denied appointment as T.G.T. even though she worked practically as T.G.T. for over 8 years in the Inter College, Tundla of the Northern Railways. The school

authorities did not create a post of T.G.T. (Science) to accommodate her to the higher Post and when the post was available, the appointment was made by transfer of some other teacher from other division instead of considering her for promotion. The stand taken by the department was that on every occasion decision was taken by a competent authority. The Reply of the D.R.M. Northern Railway was received on 13.8.2002, which was forwarded to the complainant. The report indicated that the petitioner had already been promoted as Head Mistress. The Commission noted the reply.

**9.11 Firearms training to the Bajrang Dal volunteers – A representation from Shri Saqib Abdul Hamid, District Thane Maharashtra.**

The Commission had received a representation from Shri Saqib Abdul Hamid District Thane Maharashtra alleging that in Mumbai the volunteers of Bajrang Dal were getting firearms training. The petitioner had also attached some newspaper cuttings along with his petition.

It had been alleged by the petitioner that Shri Awadh Bihari Mishra had organized fire arms training camp for Bajrang Dal workers which is highly dangerous, unconstitutional and may cause a civil war in Indian society. Also, the act of Shiv Sena Chief, Shri Bal Thackeray of appreciating and endorsing the programme of Bajrang Dal of fire arms training to Hindu youths and his call to Hindus to take up arms against Muslims was highly dangerous, unlawful and may cause a civil war in Indian society.

The petitioner had requested for the following action: -

1. Order a C.B.I. probe in the matter
2. Registration of criminal proceedings against Bajrang Dal Chairman, Shri Bhupinder Singh of Kanpur and Shri Bal Thakre, the Shiv Sena Chief.

A report was called for from the Home Secretary, GOI vide D.O. letter by Secretary dated 17.8.2001. A reply is awaited. The matter is being followed up with MHA.

**9.12 Complaint of Shri Manmohan Singh Suri of Neatbiotic Drugs and Pharmaceuticals, Noida regarding denial of benefits of interest subsidy scheme for 1984 riot victim borrowers by the Punjab National Bank.**

Shri Manmohan Singh Suri of Neatbiotic Drugs and Pharmaceuticals, Noida filed a petition before the Commission stating that he had taken a Term Loan of Rs. 2.10 lakhs for building and machinery from the Punjab National Bank, Noida on 18.08.1984. The petitioner could hardly utilize the funds when the riots broke out, his house was looted, factory demolished, building material looted and the petitioner and his family were manhandled and beaten. He received compensation of Rs.4847/- from the Tehsildar, Dadri. The petitioner approached the Punjab National Bank for settlement of his account in terms of the Central Interest Subsidy Scheme for 1984 riot affected borrowers. The Bank rejected his application and denied the benefits. Hon'ble Vice Chairman directed to write to the Chairman, PNB for implementing the order of Govt. to charge 1% interest. Accordingly, a letter was issued on 02.05.2001.

The Punjab National Bank informed that there was nothing on record like FIR to prove that the petitioner is a 1984 riot effected borrower. His name did not appear in the list of Central Interest Subsidy claimed by the Bank. As per the schedules of the details of the term loans for land/building and for machinery provided by the Bank, it was seen that availment of loan for land and building up to 31.10.84 was Rs.1,45,533.72 and total availment as on 30.12.84 was Rs.2,10,000/-. Further, total availment of loan for machinery was on 08.11.85 was Rs.1,39,905.69. As per the data as on 31.10.84 (the riot affected date), the party had availed

loan or Rs.1.45 lakh for land and building. The working capital was released on 06.12.85 and party operated an account without making any request for claiming the benefits available to 1984 riot victims. The Bank also stated that the party did not purchase the machinery as per the sanction but purchased some machinery which was different from the proforma invoice submitted to the Bank while applying for loan for plant and machinery. Due to willful default, the account became NPA. The party was pretending to be a 1984 riot affected borrower to avail the benefits and concessions and to delay the payment of Bank's dues. However, the Bank stated that if the party provides satisfactory proof of its being affected by 1984 and if his name appeared in the list of riot-affected persons prepared by Government agencies, then the Bank may reconsider the matter.

The Commission decided to forward a copy of the PNB's reply to the petitioner along with the affidavit of the complainant before the Commission for necessary action.

**9.13 Representation of Smt. Nisha Rais regarding the arrest of her husband on a false report.**

A representation was received from Mrs. Nisha Rais W/o Shri Rais Ahmad resident of Janta Colony, Welcome, Delhi-10053 against the arrest of her husband, Shri Rais Ahmad and Shri Bashir by the Sahibabad Police in a fabricated rape case, on the instigation of S.H.O., P.S. Welcome. It was alleged that even when the enquiry in the said false rape case was concluded and there was no case against the husband of the complainant, he was being continuously held in custody. The matter was taken up by the Commission with the D.M. and SSP, Ghaziabad for a report and comments. In response, a report was received from the D.M. and SSP, Ghaziabad and both reported that the matter was got investigated by the Circle Officer who noted that the supplementary and pathology reports done on the accused, Ms. Rani, in the MMG Hospital, Ghaziabad did not



reveal any kind of rape. Further, on the request of the petitioner Smt. Nisha Rais, a detailed enquiry was made which revealed that the accused was not found living on the address given by her and the rape also could not be established. Therefore, the case was not found fit to be filed in the Court. The report to release Sh. Rais and Shri Bashir reportedly was forwarded by the Police to the Hon'ble Court u/s 169 Cr.P.C. Directions were also issued to dispose off the case. This case was resolved quickly on the initiative taken by the Commission.

**9.14 Apprehension of communal tension - A representation from Shri Chahat Hussain S/o Shri Ali Hussain R/o Mohalla Sarai Khan, Pilibhi, U.P.**

The Commission received a representation from Shri Chahat Hussain S/o Shri Ali Hussain of Pilibhit stating that he had purchased a piece of land in 1997 and on 31.7.2001 some miscreants from the majority community tried to observe Pooja on the said plot of land. The petitioner was able to stop them with difficulty but he was getting threats of life. A report was called for from the U.P. Govt.. It was stated in the report that the S.P. Pilibhit conducted an investigation and found that there was a Peepal tree in the plot of the petitioner and when he was raising a boundary wall around the tree, the persons of Hindu community objected to it. The local administration and police stopped the construction of the boundary wall for maintaining peace in the area and deputed Policemen on the site. On 11.8.2002, action u/s 107/117 was taken against both the communities. The Commission considered and closed the matter.

**9.15 Representation of Shri Tara Singh regarding non - release of his Freedom Fighter Pension.**

A representation was received from shri Tara Singh aged 105 years. R/o Village Sohal, Punjab regarding non-release of pension of Swatantrata Sainik Samman (SSS) by the Ministry of Home Affairs, in

spite of submission of the certificate of his imprisonment in Rawal Pindi Jail. The case was pending for the last 10 years. Accordingly, the Commission requested the Ministry to expedite the decision for release of his pension. In the reply, the MHA while endorsing a self - contained note on the case informed that the case for grant of SSS Pension was under their active consideration. It was stated that the request of Shri Tara Singh for grant of SSS Pension based on his sufferings during the period 18.10.1922 to 17.10.1923 in Rawalpindi Jail was received through Govt. of Punjab in January 1990, which was initially rejected as being time - barred. In the mean while, the Ministry revised the format of Co-Prisoner Certificate (CPCs) and affidavit in cases relating to sufferings which now form part of Pakistan and were rejected earlier as the Jail sufferings could not be proved on the basis of documentary evidence. Accordingly, the applicant was requested to give fresh CPCs and affidavit to facilitate consideration of his case. However, the petitioner could not fulfill this requirement. Later in 1999, however, an effort was made to verify the sufferings of the Co-prisoners from the records and the identity of only one of the Co-prisoner was established and hence the State Govt. of Punjab was requested to make available the papers.

It was further reported that the MHA had taken up the matter on 16.2.2001 with the Ministry of External Affairs to have the sufferings of the petitioner in Jail now in Pakistan, verified through diplomatic channel, through the High Commissioner of India at Islamabad on 1.3.2001. The final decision, therefore, with regard to sanction SSS Pension to Shri Tara Singh was proposed to be taken by MHA on receipt of the report of MEA. The Commission recommended to the Government to expedite the above.

**9.16 Representation of Sh. Gani Mohd. Regarding harassment by his colleagues.**

A representation was received from Shri Gani Mohd. Sub-Staff, Divisional Office, Sri Ganga Nagar regarding harassment by Shri Joshi,

Shri Lal Chand & Shri Brij Lal Kakkar of his office to the extent that he was beaten up by them. He informed that due to misbehaviour of his colleagues, he became very tense & upset and, therefore, demanded for a stern action against the said persons. Accordingly, the Chairman, Rajasthan State Minorities Commission (RSMC) was requested to investigate the matter and report. In its reply, RSMC forwarded a copy of the reply received from the United India Insurance Co., which stated that the Zonal Office, Sri Ganganagar had appointed two officers for investigating the case. The Insurance Co. was requested by the Commission to expedite the Enquiry report. In their report, United India Insurance Co. informed that on investigations Shri Jagjit Joshi was found guilty and action was taken against him. This was accepted by the Commission.

**9.17 Complaint of Smt. Lali of Sonapat regarding abduction of her daughter Ms. Husna.**

A representation was received from Smt. Lali R/O Sonapat alleging that her daughter, Ms Husna aged 14 years, was taken away by a girl named Rukhasana on 13.6.01 after which she did not come back at home. As decided by the Commission, the matter was taken up with the D.M. Sonapat for a report and early action. A report was received from the D.M. enclosing a copy of the Enquiry Report made by the Superintendent of Police. It was reported that the daughter of the petitioner had gone away somewhere on her own and they had mutually settled the case. Now the petitioner did not want any action to be taken by the police. In view of the reply, the case was filed by the Commission.

**9.18 Complaint of Shri Mohd. Mustaqeem, r/o Hardoi (U.P.) regarding problems faced by him on the establishment of his Electronic Unit.**

A representation was received in the Commission from Shri Mohd. Mustaqeem r/o Village Alampur, Distt. Hardoi, U.P. for fulfillment of his demands regarding the problems faced by him in securing loans for establishment of his electronic unit.

The matter was taken up with the Chief Secretary, Govt. of U.P., Lucknow. The reply received from the Govt. of U.P. in June, 2001 was considered by the Commission. The reply was found by the Commission as unsatisfactory and the matter was again taken up in July, 201 for sending the full details as to why the full amount of the sanctioned loan was not disbursed to the complainant. Subsequently, the Govt. of U.P. sent their report stating that for establishment of his electronic unit in 1995-96, an amount of Rs.5.0 lakhs as loan was sanctioned to Shri Mohd. Mustaqeem under the C.B.C. Scheme out of which Rs.2.15 lakhs was already paid to him and necessary action was taken for the release of payment of the balance amount as working capital to Shri Mustaqeem after completion of necessary formalities in the matter. The Commission accepted the reply and the petitioner was informed, accordingly.

**9.19 Representation of Miss. A.R. Shireen regarding harassment by the land - lord, Shri Surender Singh Mahalwal.**

The Commission received a representation from Miss. A.R. Shireen, Madan Gir Village, New Delhi, wherein she stated that she was being harassed by the land lord Shri Surender Singh Mahalwal by way of disconnecting the water supply and passing inflammatory comments against the Muslim religion. The Commission took cognizance and called for a report from the Police Commissioner, Delhi and DCP, South District on 11.7.2001. The Commission received a reply from the DCP, South District, New Delhi stating that an enquiry was conducted by ACP/PG

Cell/SD, New Delhi and report sent to the Delhi Minorities Commission on 21.8.2001. In the report it was stated that during the course of investigations, Ms. A.R. Shireen stated that the land - lord, Sh. Surinder Singh, did not extend water connection and he had beaten her. Action against the land - lord was taken u/s 107/150 Cr.P.C. A similar case was also registered at P.S. Ambedkar Nagar on the complaints of the petitioner wherein Shri Surinder Singh was arrested. The case against Shri Surinder Singh was before the Court. The Police authorities assured the safety of the petitioner. The petitioner was informed, accordingly.

**9.20 Alleged non-allotment of shop by the Municipal Board, Vidisha**

A representation was received from Shri Habib Khan Rain r/o Badi Bajaria, Vidisha regarding non allotment of shop in the Subzi Mandi by the Municipal Board, Vidisha. The matter was taken up by the Commission with the Chairman Municipal Board, (M.B) for an early action and report. The Commission was informed that the Chairman M.B. Vidisha had allotted land measuring 8x12" for a shop in Subzi Mandi, Navin Bus stand at monthly rent of Rs.150/- for a period of 11 months to the petitioner. This was done only due to the intervention of the Commission. The reply was forwarded to the petitioner for his information.

**9.21 Representation of Sh.E.Habeeb regarding release of Shri Abdul Nazar Madani, Chairman, PDP, Kerala.**

The Commission received a representation from Shri E. Habeeb, President, Peoples Democratic Party, Alleppey Constituency, Kerala, stating that the Kerala Police had illegally arrested Sh. Abdul Nazar Madani, Chairman, Peoples Democratic Party and confined in prison by the Tamil Nadu Police. More than three years passed but no charge sheet was served to him. The Commission issued Notice in Form 'C' to the

Govt. of Kerala for reply on 10.8.2001. A reply from the Govt. of Kerala stated that there was no case against Sh. Abdul Nazar in Kerala. He was arrested in bomb blast case under the Central Act on the suspected involvement. The Govt. of Kerala was unable to interfere in the matter as the case related to the bomb-blast at Coimbatore. Thereafter, a notice was issued to the Govt. of Tamil Nadu to submit their reply. Govt. of Tamil Nadu replied that Shri Abdul Nazar Madani was one of the prime accused in the 1998 Coimbatore serial bomb blast case which was pending trial in the Special Court for Bomb blast cases, Coimbatore. The request for the release of the prisoner on bail could not be decided by the Home department as only the Govt. concerned was competent to pass orders for the release of the prisoner on bail. The petitioner was charged under Section 120(B), 302, 307, 448, 465, 468, 471, 212, 153(A)(1), 148, 149, 301, 109, 114 r/w 353 IPC in crime No.151/98 of BI Bazar Police Station, Coimbatore. He was also being given medicine and medical treatment as per requirements for his several ailments. Further, it was reported that his wife, Mrs. Soofia, and other relatives were being permitted to meet him weekly thrice on Monday, Wednesday and Friday. The Commission noted the above and filed the matter.

**9.22 Representation of Shri Hasan Ameer regarding loss of luggage during the journey of Haj.**

The Commission received a representation from Shri Hasan Ameer, Badaun, UP stating that he was sent to Haj under Govt. discretionary quota seat no.1294, letter No.M(Haj)1183/42/2000, Min. of External Affairs. On 26.2.2001 he started journey for Haj by Air India flight No.5101. He was allowed to carry only a handbag and huge VIP bag/luggage weight about 42/42 kg was booked. When the petitioner reached Jeddah, he did not find his luggage and came to know that the luggage had been lost. The matter was taken up with the Manager, Air India for report. In the interim reply received from the Indira Gandhi

International Airport it was stated that they had checked all areas at Haj Terminal at IGI Airport for the luggage. The luggage of the petitioner was forwarded on the flight of his travel. The authorities forwarded the complaint to Jeddah office for necessary action and asked the Jeddah office to send the outcome of their investigation. A further report received from the IGI Airport indicated that the case was investigated by M/s UNASCO the ground Handbag Agents for Haj Charters 2001 at Jeddah. It was stated that Haj pilgrims on arrival at Jeddah did not file any missing baggage report. During Air India Haj operation 2001, total 7 Pcs. of baggage were unclaimed at Jeddah Haj Terminal, which were forwarded to Air India, Mumbai. A copy of this report was forwarded to the complainant for his information and appropriate action.

#### **9.23 Representation of Shri Mahipal Singh against Railways.**

The Commission received a representation from Shri Mahipal Singh wherein he stated that he had appeared for an interview conducted by the NF Railway Administration for the post of NTPC category posts. The Railways reduced the vacancies from 135 to 126 and the petitioner was not selected. He complained that reduction of vacancies was arbitrary. A report was called for from the Railway Board. The Railway Board in response of our letter dated 10.8.2002 reported that the number of posts were reduced from 135 to 126 as per an earlier decision by Railway Board to reduce the vacancies by 25% and Railways placed an indent for 126 vacancies with Railway Recruitment Board in March 1992. The Railway Recruitment Board supplied a panel of 126 candidates to NF Railway. Shri Mahipal Singh's name did not appear in the list of successful candidates. The petitioner was informed accordingly.

**9.24 Commission's recommendations on the communal violence in Buldana (Maharashtra)**

The Commission received a complaint regarding communal violence at Buldana (Maharashtra) resulting in loss of life and injuries to the minorities. The Commission took up the matter with the Govt. of Maharashtra and a detailed reply was received from the State Govt.. The Commission examined the report of the State Govt. and noted that one person had died in police firing and two persons sustained bullet injuries while 12 persons were injured in stone pelting. Three police officers and six policemen were also injured. The property worth Rs. 6 to 6.50 lakhs was damaged. No compensation was awarded to the next kin of deceased, Shri Wasim, whose death had occurred due to police firing. The State Govt. denied the compensation by lodging a case against the dead person.

The Commission examined the matter and recommended the following to the State Govt. of Maharashtra:-

- a) The compensation to the next kin of the deceased Shri M. Wasim may immediately be paid to the tune of Rs.2.00 lakhs on the lines of the Delhi High Court decision in the case of Smt. Bhajan Kaur vs. Govt. of Delhi and NCM earlier recommendation dated 25.11.1997. This should be done after withdrawing the criminal case against the person who died in the police firing.
- b) Adequate compensation be paid to the injured persons.
- c) The State Govt. should pay adequate compensation for the loss of property.

These recommendations were conveyed to the State Government of Maharashtra on 10.9.01 for appropriate action.



**9.25 Representation from Abdul Rub Nisar Headmaster Government Primary School Unit III Bhubaneswar regarding his transfer and suspension.**

The Commission received a complaint from Shri Abdul Rub Nisar alleging that on 2.3.01 Shri Ashok K. Tripathi Commissioner-Cum Secretary School Education and Sh. Sudershan Nagpal, Director, Elementary Education Orissa visited School and used filthy language against him and he was transferred and suspended. A report was called for from the Govt. of Orissa.

The action taken against Shri Rub was found to be excessive. The Commission proposed summon to the concerned State Govt. officials on 21.12.01 and a d.o. letter to the Chief Secretary Govt. of Orissa was issued. The issue was further taken up by the Secretary, NCM in detail with the official of Government of Orissa during her visit to Orissa on 29.12.2001. A reply was received from the Chief Secretary and Development Commissioner, Orissa dated 14.1.02 informing that both Secretary (Education) and Director (Education) were transferred out. It was also stated that Shri Nisar had been reinstated. The Commission accepted the reply.

**9.26 Representation of Shri S.K. Farid and Dawood Khan regarding atrocities on Muslims by the Police.**

The Commission received a representation from Shri S.K. Mohd. Farid, President Mumbai Aman Committee and Sh. Dawod Khan, Gen. Secretary, Mumbai Aman Committee on 19.3.2002 regarding atrocities on Muslims by the Police authorities. They drew attention towards the acts of partiality / pre-judice of Police authorities by way of assaulting the Young Muslim boys when they started raising slogans after the prayer. The report was called for from the Govt. of Maharashtra on 30.4.2001. The Commission also issued Notice in Form 'C' on 25.6.2001.

The Commission on 13.7.01 received a reply along with the report sent to the NHRC on 19.6.2001 from the Home Department, Govt. of Maharashtra in response to our letter dated 30.4.2001. The Addl. Commissioner of Police, Pune reported that Shri Ilyas Gaus, Ex. President of SIMI delivered a provocative speech condemning the burning of Holy Quran in Delhi after the Friday namaz at Makkah Masjid on 9.3.2001. Due to this Muslim youths were provoked and started slogans, and stone pelting which caused damage to public and private properties. The mob also attacked the Police Chowki and Police personnel with lathis, soda water bottles, stones etc. This led to a riotous situation which spread in the locality. There were six incidents of desecration of Hindus idols. The Hindus attacked 2 Masjids and one Dargah. The Police registered 21 cognizable offences and 15 non-cognizable offences against both Muslims and Hindus. 73 Hindus and 134 Muslims were arrested under various offences. The damage caused to the properties of Hindus was estimated to be Rs.9,97,000/- and of Muslims to be Rs.5,63,000/-. The damage to a private property was worth Rs.5,6300/-. The situation was promptly controlled by the Police. The report had been accepted by the Commission.

**9.27 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 30.1.2001 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 Siya Ram demanded 10% bribe on payment. A report was called for from the D.M. Mainpuri on 9.02.2002. The D.M. replied on 20.9.2001 stating that as per the record, the TA Bill was received by Sh. Mahesh Chandra and records were kept by

Sh.Krishna Rathor who had died. As per record, the TA Bill was not received by Siya Ram. However, the consolidation officer had been directed to take another Bill from Shri Tehebbbar Khan and make him payment under the rules and to take further departmental action against Mahesh Chandra, if he was found responsible.

**9.28 Alleged false implication of Shri Navjot Singh in the assassination case of Shri Beant Singh, the then Chief Minister of Punjab.**

The representation was received from Shri Tarlok Singh Chhabra on 05.04.2000 alleging false implication of his son Shri Navjot Singh in the assassination case of Shri Beant Singh, the then Chief Minister of Punjab. Shri Chhabra requested for re-investigation in the case of his son on the grounds that his son had been falsely implicated in a criminal case. The Commission took up the matter with the Punjab Government on 14.05.2000 and subsequently with the UT of Chandigarh on 16.06.2000. Chandigarh Administration replied that as the matter pertained to the murder of the CM of Punjab, it was transferred to the CBI on 01.09.1995. The matter was then taken up with the CBI on 25.05.2001. The CBI reported that on 31.08.1995 several accused including Shri Navjot Singh Killed S. Beant Singh, the then CM, Punjab by a 'Human Bomb' in pursuance of a criminal conspiracy. The accused apparently belonged to the Babbar Khalsa International group of terrorists. The letter also indicated that all the accused had been charge-sheeted and they were facing trial in the court of the District and Sessions Judge, Chandigarh which was at an advanced stage. Since the matter was sub-judice, the Commission decided not to intervene therein.

**9.29 Representation of Shri S.F. Ahmed, former D.T.M. in ORTC regarding denial of promotion, non-sanction of Medical Advance and also non-payment of retirement dues.**

Shri S.F. Ahmed had approached the Commission vide representation dated 15.11.1999 stating that;

- i. He was denied promotion by promoting his 10 years junior as Divisional Manager
- ii. He had applied on 4.7.1998 for medical advance of Rs.1.50 lakhs for open heart surgery in CMC, Vellore, but his request was rejected. Later he was prematurely retired on 31.1.1999.
- iii. Non-payment of salary, Gratuity, CPF, differential amount of revised pay scale.

The matter was referred to the Govt. of Orissa on 10.12.1999. In a reply dated 28.1.2000, the Govt. of Orissa informed that the petitioner was retired prematurely due to bad records during service and since he was no more in service, he could not be given medical advance. His retirement benefits were not released due to acute financial crisis of the Corporation. The Petitioner also filed a rejoinder. On 14.7.2000, the Commission wrote to the Secretary, Commerce & Transport Deptt. to release all his dues immediately and furnish the full facts. No reply was received despite the repeated reminders. During the visit of the Secretary, NCM to Bhubneshwar, this matter was discussed with the officials of State Govt. and it was reported that the present status of the case would be intimated to the Commission immediately. Later, a status report was received from the Govt. of Orissa who informed that the OSRTC had decided that since he had completed 30 years of service or 50 years of age as on 31.5.1998, a review committee examined his ACRs and Service records and recommended for premature retirement as he was found unsuitable for

further continuance in the service. Accordingly, he was prematurely retired from service w.e.f. 31.1.1999. As regards the supersession in promotion, the State Govt. stated that no injustice had been done and about the medical advance, the State Govt. informed that Shri Ahmed had submitted an application on 4.7.1998 for sanction of medical advance of Rs.1.50 lakhs for treatment of heart ailments and while the application was under consideration the petitioner was retired on 31.1.1999. However, the amount of Rs.11,844/- towards reimbursement of medical claim was paid to Shri Ahmed. As regards the EPF dues, the Govt. of Orissa intimated that the statement had been deposited and instructions were issued to the RPF Commissioner, Bhubaneswar for final payment.

The State Govt. further stated that an amount of Rs.1,39,513/- in respect of Gratuity and un-utilized leave salary had been paid and balance of Rs.99,338/- was to be paid under gratuity. This payment has been withheld due to audit objections as dues amounting to Rs.3,77,167.35 were pending against the petitioner. The matter was under scrutiny of a committee and the payment of this amount was subject to finalization of the audit objections. The State Govt. concluded that petitioner had not been discriminated against. It was evident from the reply that :-

- i. Shri Ahmed had applied on 4.7.1998 for medical advance of Rs.1.50 lakhs for treatment of heart ailments while he prematurely retired on 31.1.1999. The Department deliberately pended his request for about 7 month i.e. till his date of retirement.
- ii. The final payment of Rs.99,338/- had not been released as there was an audit objection and an amount of Rs.3,77,157-35 was pending against the petitioner.

The Commission carefully considered the reply of the State Government and forwarded a copy of the same to the petitioner. The Commission also recommended that all his pending payments should be released immediately. No further complaint was received from the petitioner.

**9.30 Complaint of Shri Mohd. Asif Khan regarding harassment of his father by Commandant, 45 Bt.PAC, Aligarh**

A representation dated 25.6.01 was received from Shri Mohd. Asif Khan S/o Mohd. Aqeel Khan, J.N. Medical College, AMU, Aligarh regarding harassment of his father, Sh. Mohd. Aqeel Khan, Commander, 45 Bt. PAC and request for cancellation of transfer from Aligarh to Sitapur.

The matter was taken up with the Chief Secretary, Govt. of U.P. Lucknow vide Commission's letter dated 25.07.01 calling for a report. The Govt. of U.P. sent their report in which it was reported that an enquiry was conducted by Dy.DIG(Police) Agra and Sena Nayak, 38 Bt. Aligarh. In the report it was stated that Sh. Mohd Aqeel Khan, Commander was transferred on the recommendation of Sena Nayak, 38 Bt., PAC, Aligarh and .D.I.G., PAC Agra from 45 Bt. PAC, Aligarh to 1 Bt., PAC, Sitapur on the administrative grounds. The allegations made by the petitioner was found to be false and baseless. The petitioner was informed, accordingly.

**9.31 Complaint of Smt. Tarannum Khalid regarding discrimination against her husband in posting.**

Smt. Tarannum Khalid had stated in her representation dated 15.4.2001 that her husband Shri Khalid Akhtar, Sr. Section Engineer, N. Railway, Aligarh was transferred vice Shri S.K. Sharma who did not handover the charge to her husband. Then her husband applied for mutual

transfer but he was posted on a junior post. On the other hand, a junior to him was posted as incharge of Hathras Jn. A report was called from the Secretary, Railway Board vide letter dated 9.7.2001. The Railway Board stated in its reply dated 30.01.2002 that Shri Khalid Akhtar was posted as Sr.Section Engineer (Works). He further informed, that Shri Khalid Akhtar had since joined the said assignment. The petitioner was informed accordingly.

**9.32 Complaint of Smt. Zubaida Begum regarding harassment of her son Shri Asgar Ali Shaikh by the Police**

Smt. Zubaida Begum had sent a representation dated 14.8.2000 to the Commission stating that police had harassed her son Shri Asgar Ali and had implicated him in a false case and had demanded a huge amount as bribe.

The matter was referred to the Chief Secretary, Govt. of Maharashtra vide letter dated 29.9.2000 followed by reminders dated 13.2.2001 and 25.6.2001. As no response was received from the State Govt., Form 'C' notice was issued on 12.11.2001 followed by a reminder in Form C-I dated 5.2.2002.

The Home Deptt., Govt. of Maharashtra vide their letter dated 11.3.2002 informed that 3 cases were registered against Shri Asgar Ali at Nirmal Nagar Police Station out of which one case was dropped and remaining two are still pending in the Court. These cases were registered during the year 1993-1995 Shri Asgar was a criminal as per the records of Nirmal Nagar Police Station. The Home Deptt. further informed that on 7.8.2000, he was detained by CID along with his accomplices on the basis of the information received that he was in possession of an illegal firearm. However, on investigation it was found that the information was not correct and all the three persons were allowed to go. The Deptt. also

informed that Sh. Asgar Ali was picked up on 7.2.2002 on the eve of Municipal Elections as a preventive measure. The Metropolitan Magistrate remanded him to Judicial custody till 11.2.2002 i.e. the day after Municipal Elections were held.

The Home Deptt. advised the Police to be careful and judicious while dealing with the complainant and in future action against Sh. Ali should follow only on receipt of reliable information and not on mere suspicion. The reply furnished by the Govt. of Maharashtra was considered and accepted by the Commission.

**9.33 Complaint of Sri. Mohd. Arif regarding recovery notice for term loan which he did not get from NMDFC**

Shri Mohd. Arif of Mathura (U.P.) filed a complaint before the Commission stating that he had applied for a term loan for a Laundry shop in 1996 to the NMDFC and despite completing all the formalities he did not get the loan amount of Rs.98,000/-. On 19.03.2001, he received a recovery notice for repayment of Rs.33,814/-. The petitioner also informed that his preliminary enquiry revealed that the said loan was misappropriated by one Shri Umar Baig by opening a fictitious account in the name of his brother in the Indian Overseas Bank, Jaisinghpura Branch, Mathura.

The Commission took cognizance of this serious complaint and took up the matter with MD, NMDFC for a thorough investigation so as to identify the persons who were involved in release of the loan amount to fictitious persons and directed the NMDFC to take suitable disciplinary action to avoid further recurrence of such an incidence. The Commission also sought a detailed report on the matter.



The NMDFC vide their letter dated 24.09.2001 informed that a preliminary enquiry had been conducted and on the basis of the findings, an FIR had been lodged with the Police in Mathura (UP). The Commission noted the reply of the NMDFC.

**9.34 Complaint of Sh.M.S. Dhingra, Surveyor, Slum & JJ Deptt. MCD regarding award of selection grade and promotion to the post of Survey Officer.**

Shri M.S. Dhingra made a representation to the Commission in February 1998 alleging about the discrimination and harassment being faced by him in the matter of his promotion. A gist of specific allegations levelled by Mr.Dhingra is as follows:

- a) While working as Surveyor since May 1970, Shri Dhingra was entitled to a Selection Grade in 1984 after putting in 14 years of service, in accordance with the recommendations of the 3<sup>rd</sup> Pay Commission. He represented repeatedly since February 1987 but could not get any relief as the Deptt. took a stand that he represented for the Selection Grade only in the year 1987 when recommendations of the 4<sup>th</sup> Pay Commission were already implemented and since the 4<sup>th</sup> Pay Commission had abolished the Selection Grade altogether, it was not feasible for the Deptt. to give him the Selection Grade.
- b) Shri Dhingra was also selected as Asstt. Engineer (Survey) in DDA on deputation basis but the Slum & JJ Deptt. did not relieve him.
- c) The DPC for filling up the post of Survey Officer was held on 31.7.96 but since Shri Dhingra was under suspension and departmental proceedings were going on against him, his case was

kept in a sealed cover. He was, however, reinstated in February 1997 and the disciplinary authority finally passed an order to drop the case against him in September, 1997. The Deptt., after dropping of the disciplinary case, did not open the sealed cover and booked him in another vigilance case involving a major penalty proceedings for running two schools in the name of Dhingra Education Society. The orders for this inquiry was issued by the Commissioner, MCD on 4.8.1997. The deptt. had, therefore, taken a stand that at a time when the question of opening the sealed cover proceedings of the DPC arose, another departmental proceedings were contemplated against Shri Dhingra. As such, the sealed cover was not opened at all.

- d) Shri Dhingra moved the Tribunal for quashing of the second charge sheet issued against him which, as he stated, was a mere harassment to him as it was based on a complaint of the year 1990 which was activated later just to deprive him of promotion.

The Commission examined the case very thoroughly and made two specific Recommendations (i) To reconsider the entire issue and to grant Shri Dhingra Selection Grade since 1984, when he became eligible for the same (ii) The contention of the Deptt. that the sealed cover was not opened as Sh.Dhingra was booked in another vigilance case, was not found tenable as there was no disciplinary case pending or contemplated on 31.9.96 against Shri Dhingra. It was, therefore, recommended by the Commission to rectify the damages caused thereby to Sh.Dhingra.

MCD took action on the first recommendation. Selection grade was given to Shri Dhingra w.e.f. 1984. On the second Recommendation, the MCD informed that sealed cover was opened on 16.8.99 and he was found 'unfit' by the DPC on the basis of ACRs. However, his name

would be considered while filling up the post of Survey Officer. Shri Dhingra was informed of the ATR, who in response made another representation stating that:

- (i) The Slum & J.J. Deptt. has submitted false information by opening sealed cover on 16.8.99 after more than 3 years while as per rules the sealed cover should have been opened after every six months.
- (ii) The remarks that he was found unfit for promotion on the basis of ACRs is also not correct as the ACRs for 1988-89 to 1993-94 at the time of DPC on 31.7.96 were with Chief Engineer. Whereas the ACRs for the period 1994-95 to 1998-99 had been prepared on 22.10.99.
- (iii) The Director (Administration) concealed the fact that the post of Survey Officer was not in existence in 1986. Whereas the papers supplied by Shri Dhingra clearly indicated that the post of Survey Officer in the scale of Rs.650-1200 was very much in existence.

Shri Dhingra, therefore, applied to the Deptt. on 25.9.2001 asking for three reliefs, namely:-

- (i) Payment of arrears with retrospective effect as Survey Officer from 8.6.96 to 1.8.01
- (ii) Benefits to pay- scale under ACP

The matter had been taken up with the MCD on 12.7.2002 and since no reply was received a notice had been issued. The matter is still under consideration of the Commission.

**9.35 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 Ranjit Singh, the Commission took up the matter with the Prime Minister of India and the Minister of 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.

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

A complaint dated 21.4.2001 was received from Al-Faran Overseas Charitable Trust, Bangalore stating that the Govt. of Karanataka issued orders for publication of Govt. orders in Urdu also but in actual practice this was not being done. A report was sought vide letter dated 28.06.2000 from Deptt. of Personnel and A.R. Govt. of Karnataka. A reply dated 19.04.2001 stated that in 1999 twenty-eight and in the year 2000 eleven important Government orders were translated in Marathi and Urdu languages. 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 needed to be translated, instead of leaving it to the discretion of Linguistic Minority Section of the Department of Personnel of the State Govt.

## **Chapter – 10**

### **Studies undertaken into problems arising out of any discrimination against Minorities and the measures for their removal**

#### **10.1 National Committee for the World Conference against Racism - Chairman, NCM attends the meeting**

Hon'ble Chairman, NCM was invited by the Ministry of External Affairs to attend the first Meeting of the National Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 7<sup>th</sup> February, 2001 in New Delhi. The following points were discussed in the meeting:-

- (i) Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance;
- (ii) Victims of racism, racial discrimination, , xenophobia and related intolerance;
- (iii) Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the nation, regional and international levels;
- (iv) Provision of effective remedies, recourse, redress (compensatory) and other measures at the national, regional and international levels;
- (v) Strategies to achieve full and effective equality, including international cooperation and

enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance, and follow up.

Hon'ble Chairman made certain important observations regarding the issue of caste. A copy of Chairman's observations is given at Annexure which was sent to MEA on 10.03.2001.

The Commission felt that there is an urgent need to identify consensus building blocks to facilitate the struggle against racism, racial discrimination, xenophobia and related intolerance. Further, it has been Commission's experience that a dialogue with NGOs and community leaders helps bridge the religious divide.

## **Chapter – 11**

### **Analysis conducted by the Commission on the issues relating to socio-economic and educational development of Minorities**

#### **11.1 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 Uniforms Compensation to all the victims of communal riots in the country, irrespective of any religion criterion, on the lines of the Delhi High Court judgment of 1996 in the case of Smt. Bhajan Kaur. In the context of the communal riots, the Commission 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 and 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 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 30.05.2001 and recommended that the Ministry of Finance may 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. This recommendation has been sent to the Ministry of Finance, Banking Division on 20.06.2001 with an endorsement to the Min. of SJ&E.

## **11.2 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 ratio
- (iii) House-hold income and
- (iv) Educational status

In this regard, the RGI vide their 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 of house-hold income of Minorities and, therefore, no data on income is available.



## Chapter – 12

### Measures to be undertaken by the Central Government or the State Governments about minorities

#### **12.1 Allotment of land of Atisha Dipankar Buddhist Monastery, Jaigaon (W.B.)**

Atisha Dipankar Buddhist Monastery under Jaigaon Police Station, Dist. Jalpaiguri, West Bengal was burnt down on 02 June 1999. An attempt was also made to kill Shri Ananda Bhikku in the Monastery. A four members team led by Prof. Bawa Singh, former Vice Chairman, National Commission of Minorities, visited Jaigaon in July 1999. Amongst other recommendations for communal harmony etc., the National Commission for Minorities on 9.8.1999 had recommended to the State Govt. of West Bengal for rehabilitation of Monastery on a suitable plot of equivalent size to be allotted by the State Govt. Subsequently, the case was persistently followed with the State Govt. In March 2001, the Monastery was allotted a land by the State Government. However, the allotted land was not accessible, by road. The National Commission for Minorities then requested the West Bengal Govt. to allot a more suitable land. The case was also discussed personally by the Hon'ble Vice Chairman, Shri Tarlochan Singh and the Hon'ble Member, Rev T.K. Lochen Tulku Rinpoche, the Hon'ble Member, NCM with the State Govt., at Calcutta in Jan., 2002.

After the exchange of a couple of letters, finally the State Govt. of West Bengal vide letter dated 16.09.2002 informed the Commission that they had allotted 1.34 acres of land in favour of Tri Ratna Buddhist Missionary Society at Jaigaon to rebuild the Monastery where Atisha Dipankar Buddhist Monastery existed prior to its destruction. The working committee of the Society has thanked the Hon'ble Chairman, NCM and

other Hon'ble Members for extending tireless co-operation during the last three years which fructified in the shape of the allotted land.

**12.2 Representation of Shri Mohd. Hanif Ghouse, Advocate, PML regarding discrimination with the Muslim candidates in the selection of Civil Judge Examination.**

In a complaint dated 16.4.2001, Sh. Mohd. Hanif Ghouse stated that the Govt. of Tamil Nadu had discriminated against him in the selection of Civil Judge. Sh. Ghouse had taken the examination to the post of Civil Judge (Junior Division) Judicial Magistrate, First Class of the Tamil Nadu State Judicial Service 1999-2000 and 2000-2001 and had secured 281/400 marks in the written test. He qualified the written test and he also did well in the interview but he got only 15/60 marks below the prescribed minimum and as a result he was not selected. The matter was taken up with the Chief Secretary, Govt. of Tamil Nadu vide Form 'C' notice dated 10.5.2001 and after a prolonged correspondence, the State Government vide their letter dated 5.2.2002 informed that Sh. Ghouse had secured 281 marks in written examination and 15 marks in the oral test (Viva-Voce exam) whereas the minimum marks prescribed for a pass in the viva-voce exam was 18. Therefore, Sh. Ghouse was not selected. It was further informed that out of 36 candidates finally selected, three Muslim and two Christian candidates were selected to the said post. Thus, no discrimination had been done as alleged. The Commission considered the reply and found satisfactory.

**12.3 Representation of All Orissa United Christian Forum, Bhubaneswar regarding criminal intimidation of Christian religious Priests.**

The Commission took cognizance on the representation received from All Orissa United Christian Forum, Bhubaneswar listing several incidents of harassment and intimidation of Christian religious priests in

Orissa from 5.5.2000 to 14.5.2001. The matter was referred to the Govt. of Orissa on 16.5.2001. This was regularly followed up. A reply from the Govt. of Orissa in response to our letter dated 16.5.2001 indicated that on 6.5.2001 Jayadip Aind and Titus Raju, members of the Baptist Church had lodged a complaint at the Jatni Police Station that some youngsters had assaulted them while they were busy in religious activities with the local people. On the same day, another complaint was lodged at the Jatni Police Station by Pratap Baral along with some members of Akhalui Bharatiya Vidyarthi Parishad against the Christians alleging that some members of Christian community had entered their house and persuaded to read the Books Mukti Patha Brahma Gigyansa and Tam which resulted in tussles in which Shri. Baral was allegedly assaulted by the Christians. Efforts were made by the administration to normalize the situation. Further, it was reported that most of the people where Dr. Daniel was living were scheduled caste belonging to the Hindu community and they were against Mr. Daniel.

After due consideration, the Commission felt that the incident happened due to the sudden provocation between both communities (i.e. Christians and Hindus) and the Police registered a case against both the communities. The Administration controlled the situation and since then no incident of communal violence has been reported. The Commission found the report of the Report of the State Government as satisfactory and sent a copy of it to the petitioner for his information.

#### **12.4 Construction of a Gurudwara by the Sikh community outside Jagannath Puri Temple**

Sh Tarlochan Singh Hon'ble VC, NCM had written to the Administrator Shri Jagannath Temple Puri, Orissa on February 26, 2001 stating, inter alia, that Sh Guru Nanak Dev Ji had visited Jagannath Puri and stayed there for many days. A small Math which is related to the place

where he stayed is under the control of Sh Jagannath Temple Trust. It would have been a proper gesture on the part of the temple to make a suitable Sikh Temple there in memory of Guru Nanak Dev Ji in order to highlight the importance of his visit as well as to establish good relations between Hindus and Sikhs. It was especially emphasized by the Hon'ble V.C. that the members of the Committee of the Temple may be apprised that Maharaja Ranjit Singh had donated gold for Baijnath Temple in Kangra and Vishwanath Temple in Varanasi which was equal to the amount of the gold donated by him for Darbar Sahib Amritsar. Maharaja Ranjit Singh had wished at the time of his death that the Kohinoor diamond be presented on his behalf to the Jagannath Temple. Highlighting the cordiality and good gesture shown by the Sikh community to the Hindus and their shrines in the past, the Hon'ble V.C. pointed out that a piece of land being sold for making a Gurudwara is totally uncalled for and instead the same may be given to the Gurudwara Committee of Bhubaneswar. He, accordingly, urged upon the Administrator to put up the proposal before the Committee headed by his Highness the Gajapati Maharaj at Puri. Hon'ble V.C. also wrote to His Highness Ganpati Maharaj of Puri on February 26, 2001 that the whole Sikh Community would appreciate him.

Secretary NCM wrote to the Chief Secretary Govt of Orissa on 16.8.2001 that Commission had received a proposal from Bhai Himmat Singh Religious & Chariatable Trust Swarga Dwar Road, Puri requesting the intervention of the Commission with the Govt of Orissa for grant of a piece of land in Puri to build a Gurudwara to commemorate Gurunanak Dev Ji's stay at Puri when he had visited Lord Jagannath Temple. Apparently, there is already a small Math under the control of Shri Jagannath Temple Trust where he had stayed. She also enclosed copies of the letters written by the Hon'ble vice Chairman to His Highness Sriyukts Dibya Singha Debv Gajapati Maharaja of Puri and Administrator of the

Lord Jagannath Temple. The Administrator vide the letter dated 22.12.2000 had informed Bhai Himmat Singh Religious & Chariatable Trust that the temple Administration had decided to sell the above land in favour of Bhai Himmat Singh Religious & Chariatable Trust Swarga Dwar Puri. The cost and the valuation of land per acre in Nolia Sahi area is Rs. 1.25 crores. Secretary, NCM requested the Chief Secretary to expedite the matter. Subsequently, the NCM asked the Administrator Shri Jagannath puri Temple on 24.9.2001 to send a detailed note giving present status of this case and to clarify as to how the cost (1.25 crores) of the piece of land of 0.451 acres was arrived at. The Hon'ble V.C. vide d.o. dated 12.10.2001 informed the President Gurudwara singh Sabha Bhubaneswar that he had met the Chief Minister who had promised to provide the land for building the Gurudwara and suggested that no one should agree to make payment for the land. This would be a wrong precedent. A delegation of Sikhs should meet the Chief Minister for this purpose. A copy of the letter dated 15.10.2001 addressed to the Collector, Puri, Orissa from Gurudwara Guru Nanak Bauli Sahib Swargdwar puri was endorsed to this Commission whereunder the following main points were brought out :-

- (i) Guru Nanak Dev Ji, the founder of Sikh religion, visited Jagannath Puri during the year 1506 and stayed there for many days. The Sikh community soon after their settlement in Orissa felt disgusted to see the agonizing condition of the math instead of historical Gurudwara at a holy place associated with the founder of Sikh religion. Accordingly, Shri Santokh Singh (Inderson Construction Company) then Secretary, Gurudwara Singh Sabha Bhubaneswar approached the Mahant, Bauli Math puri on 29<sup>th</sup> March 1972 for making the site available to the Committee on payment basis for constructing a Gurudwara. Mahant Satyanarayan Das, Bauli Math Puri agreed to sell the land at a cost of Rs 12,500.00 (Rupees twelve thousand and five hundred only) and after taking an advance of Rs 5000.00 (Rupees five thousand only) entered into

an agreement with Gurudwara Singh Sabha Bhubaneswar on March 29, 1972. Meanwhile, he applied for permission from Endowment Commissioner, Orissa, Bhubaneswar for agreed sale on the same day. However, the registration of land in favour of Gurudwara Singh Sabha Bhubaneswar could not materialize at that time probably for want of above referred permission since the land belonged to Lord Jagannath Mahaprabhu.

(ii) During the course of time, a bill was passed in Orissa Legislative Assembly that Shri Jagannath Mahaprabhu can sell his properties. The Management Committee of Bhubaneswar Gurdwara Singh Sabha, Bhubaneswar approached Shri J.B.Patnaik, the then Chief Minister to get the above said land. Accordingly, Hon'ble Chief Minister gave instructions to the Collector, Puri (Mr. S. Mohapatra) to help in getting the above said land. Then they approached the Collector, Puri. On verification, the Revenue Record it was found that the land belonged to Shri Jagannath Mahaprabhu bije Shrikshestra Marfat Mahant Shri Satyanarayan Das, Guru Ramchandra Das, Jati Baishnab Nijigaon, Swargadwar, Bauli Math. A case was filed in the court of Tehsildar Puri to rectify the record as Mahant Satyanarayan Das had manipulated the record in his name. During the course of time, Tehsildar Puri had given the judgment and changed the record in favour of Mandir Parichalan Committee of Shri Jagannath Temple.

(iii) Dr. Upenderjit Kaur, Education Minister, Punjab Govt. and other three Ministers visited Puri in 1999 to participate in Holy March of Tricentenary celebration of Birth of Khalsa. They were pained to see the mismanagement of historical place, the Bauli Math because the Mahant was unable to conduct day-to-day rituals in accordance with Sikh Rites. On the basis of their report, Shri Prakash Singh Badal, Hon'ble Chief Minister of Punjab, requested Shri Giridhar Gamango, the then Chief Minister of Orissa, to help Sikh Sangat of Orissa in allotment of the above said plot.

(iv) On 13<sup>th</sup> April 2000, the present Hon'ble Chief Minister Shri Naveen Patnaik, and Shri Biswa Bhusan Harichandan, Revenue Minister visited Bhubaneswar Gurudwara Singh Sabha. The Management Committee of Gurudwara apprised them of the matters relating to the allotment of the said land at Puri. The Sikh Sangat was assured to get the land allotted in its favour. Management assured the Hon'ble Chief Minister on the above said land to construct a beautiful Gurudwara along with Yatri Rooms and other facilities for public such as Herese Van, Ambulance and Dispensary etc.

(v) With the joint effort of Sikh Sangat and all the V.V.I.Ps., Shri Jagannath Temple Management Committee agreed to provide the above mentioned land for the construction of Gurudwara. The Sangat was shocked to know, that the offer was given vide letter No. 11609 dated 22.12.2000 of the Temple Committee to so called Bhai Himmat Singh Religious and Charitable Trust constituted without approval of Sikh Sangat of Bhubaneswar and Cuttack by 4 to 5 self styled trustees having office at Amritsar, Punjab. They are neither true representatives nor recognized by Sikh Sangat of Bhubaneswar and Cuttack.

(vi) In fact, these trustees were entrusted by the management of Bhubaneswar and Cuttack to liaise on the land matter with the Administrator of Bauli Math and on other social work like distribution of sweet water to the pilgrims on the occasion of Rath Yatra Festival. In the course of time we fail to understand how they have managed to get the letter in their own name and a new trust created by five persons. In spite of assurance given by Orissa State Govt. and hon'ble Chief Minister and Ministers and V.V.I.P of the Country, it is not understood as to how this offer letter was given to them. Therefore, we request you to have detailed inquiry in to the matter.

(vii) Taking view of above circumstances, a joint meeting was called on 16.8.2001 at Cuttack Gurudwara and all the trustees attended the meeting. During the discussion they realized this mistake of taking the offer letter in

the name of the trust. Accordingly, a resolution was passed in the meeting and trustees agreed to purchase the land in the name of the trust SRI GURU NANAK BAULI SAHEB MANAGED BY SIKH SANGAT OF BHUBANESWAR AND CUTTAK instead of Bhai Himmat Singh Trust.

(viii) It was requested to allot the said land situated in Mouza Nolia Sahi, Khata No 65 measuring an area of Ac 0.454 in favour of "Gurudwara Guru Nanak Bauli Sahib, Puri" so that a structure befitting the stature of Shri Guru Nanak Dev Ji and commemorating his historical visit to Jagannath, Puri can be erected at the earliest possible time. The proposed Gurudwara will provide facilities to all the pilgrims, irrespective of religion, caste and creed, visiting this holy place.

All the trustees of the Bhai Himmat Singh Trust had decided in the meeting held on 16.8.2001 at Cuttak Gurudwara not to purchase the land in the name of Bhai Himmat Singh Religious and Charitable Trust and all the trustee will write to Administrator Shri Jagannath Temple, Puri that the land should be purchased in the name of Shri Guru Nanak Bauli Sahib, Puri. The NCM informed the Chief Secretary, Govt of Orissa vide d.o. dated 2.11.2001 that the Commission had received a representation dated 15<sup>th</sup> October 2001 addressed to the Collector, Puri from Shri Guru Nanak Bauli Sahib Sikh Sangat. It was stated therein that a Resolution was passed in the meeting and trustees agreed to get the land in favour of Shri Guru Nanak Bauli Sahib managed by Sikh Sangat of Bhubaneswar and Cuttack. A request had also been made that an area of Ac 0.454 in Mouza Nolia Sahi SKhata No 645 be allotted to them. It was accordingly requested that above piece of land may be allotted free of cost as permanent bond of relationship between two communities enabling the Sikh Sangat to construct the Gurudwara befitting the status of Guru Nanak Dev Ji who visited this place 500 years ago.

Secretary, NCM during her tour to Orissa from 29.12.2001 to 8.1.2002 had a meeting with Gurudwara Guru Nanak Bouli Sahib



Swargdwar, Puri regarding allotment of land at Bouli, Puri Mouza Nalia Sahi, Khata No 65 Plot No 38(Acre0.447) Plot no 38 (Acre 0.447) Plot No 40/1392C/0.0007).

The President, Gurudwara Bouli Sahib, Puri vide his letter dated 6.10.2002 informed the Commission that the Sikh Sangat of Orissa was highly obliged for the sincere efforts made by the NCM for getting the above said land which was visited by Guru Nanak Devji. He further stated that their interest is only to get the same Holy Land where Guru Nanak Devji stayed on his visit to Puri. Although NCM is trying very hard to get this land from the concerned authority at free of cost, but they do not mind to get this land at some nominal cost since charitable interest is involved. He requested the Commission to take up the matter with the Govt. of Orissa to move the Hon'ble High Court for vacating the stay order. He felt obliged for the efforts made by Secretary NCM in this regard.

The Minorities and Backward Classes Welfare Deptt., Govt. of Orissa sent on 5<sup>th</sup> January 2002 the Minutes of the discussion on implementation of the recommendations/orders of NCM, held on 31.12.2001 under the chairmanship of the Chief Secretary. It was, interalia, minuted therein that the Secretary, Law Department had indicated that the land earmarked for Gurudwara at Puri had already been alienated in their favour but an outsider has filed a case in the Hon'ble High Court of Orissa and obtained interim stay on that land as a result of which the possession could not be handed over. He further added that the Temple Administrator is taking steps for moving a petition before the Hon'ble High Court by 15.1.2002 for vacation of stay order and final disposal of cases.

Secretary, NCM, visited Orissa from 27<sup>th</sup> June 2002 to 6th July 2002. She went to Puri and visited the Bauli Math land situated in Mauza

Nolia Sahi, Puri Town. A note given by the Administrator indicated that the Khata for an area of .454 acres stands in the name of Shri Jagannath Mahaprabhu Bije-Srikhetra, Marfat Shri Jagannath Temple Managing Committee, in Stitiban status as per order passed in O.E.A. Claim case No. 102/90. When she visited the area, it was found that construction work was going on and rooms had been built and rented out. The Collector and the SP accompanied her during the inspection. They met Mahant Satya Narayan Das of Bouli Math who is in possession of the property. Besides other devotees, the Guru Granth Sahib is also located in the premises.

Shri Satya Narayan Das indicated that he looked after the property which was being assisted by the Members of Udaseen sector wherein possession of the actual places where Guru Nanak Dev Ji had stayed. This property belonged to them as per record and was situated in front of the temple. The Mahant of the Math had filed a writ petition bearing O.J.C. No 1946 2000 and Misc. Case No 1887/2001 in the High Court and Status quo orders had been passed. The temple administration had requested his Advocate to get the above stay vacated on 18.10.2001. Para wise comments had been sent to the Advocate General along with counter affidavit and the matter was pending with State Govt. In the meantime the Secretary law had written to the Advocate General vide letter no 906 dated 28.6.2002 for speedy disposal of the writ petition and vacation of the status-quo order.

The State Govt vide letter dated 2.9.2002 to NCM informed that the allotment of land at Bouli math, Puri Nolia Sahi, Puri Town Khata No 65 of area Ac. 0.454 decs. for construction of a Gurudwara is sub judice in the Hon'ble High Court of Orissa.

The Secretary, NCM again visited Orissa on 15.4.2003 to 22.4.2003 to ascertain the present position of the matter. She had discussion with the Chief Secretary of Orissa and other senior State

Government officials. Her Tour Report indicated laxity on the part of the State authorities which has led to the unauthorized occupation of the land and construction of a lodging house consisting of 11 rooms called Nilanjana Resort. It was noted that this has happened despite status quo order of the Court. Secretary NCM, requested the Chief Secretary on 20<sup>th</sup> May 2003 to intervene in the matter and get the case listed in the High Court for vacation of stay order for taking further necessary action.

**12.5 Difficulties faced by Kashmiri Pandits and Hindus in the Pilgrimage to the Sharda Temple across the LOC in Pak**

The Commission in its meeting held on 22.8.2001 considered a letter addressed to the Hon'ble Prime Minister of India from the Panun Kashmir Movement, New Delhi regarding their difficulties in Pilgrimage to the Holysharda Temple across the LOC in Pak occupied Kashmir. The Commission took cognizance of the request of the Kashmiri migrants and other Hindus that the matter relating to the annual pilgrimage to the ancient Sharda Temple situated across the LOC may be taken up the MEA, so that there would be no difficulties to the devotees to visit the holy temple. Accordingly, a communication was sent to the Ministry of External Affairs on 17.10.2001 requesting them to take up the matter suitably with the Govt. of Pakistan at the appropriate level to facilitate the devotees to undertake pilgrimage to the Holy Sharda Temple.

The M/o External Affairs vide their letter dated 25.10.2001 informed the Commission that the pilgrimage by India to holy places in Pakistan was governed by the Protocol on visits to Religious Shrines of 1974, signed by India & Pakistan. The Protocol specified the places which can be visited in each country by the pilgrims from the other country. The visit to Sharda Temple was not covered under the Protocol. However, the M/o E.A. have noted the suggestion of the Commission and the matter will be taken up with the Govt. of Pakistan at appropriate time.

**12.6 Not permitting the Muslim to perform the Namaz in Mosque -  
- A joint representation from village Fatehpur Benoi, Distt.  
Moradabad.**

The Commission received a joint representation from the residents of Fatehpur Benoi Distt. Moradabad U.P. stating that there were approximately 700 Muslims living in the area and performing Namaz in an old Mosque situated in the area. The majority community stopped them to perform the Namaz, and the administration, on the pressure of the majority community, did not allow Muslims to perform Namaz. The petitioner also mentioned the names of the persons who were spreading communal tension in the village and threatening the Muslims for massacre. A Form 'C' notice was issued to the D.M. Moradabad. The reply received from the D.M. Moradabad stated that on the basis of reports of the concerned Divisional Magistrate and the report of Circle Officer Police Circle, Kanth, Distt. J.P. Nagar, the complaint was found to be false as the disputed land was given on patta for residential purpose to one Sh. Tahir Hussain and after his death, the wife of the deceased remained in possession of this land. Sh. Tahir's wife, Mrs. Raisen, had orally gifted the land to the Madarsa but no documentary proof was there and Mrs. Raisen had no legal right to transfer this property in any manner to anybody. It was further stated that no Mosque was in existence as alleged. All necessary preventive measures had been taken by the Distt. Administration to avoid any conflict between the two communities. The Commission recommended that the matter needs to be looked in a broader perspective with a view to facilitating the construction of a Mosque by the Muslim Community for prayer, for that purpose it is necessary that the patta of the said land should be transferred to the management of the Madarsa/ Mosque,

## **Chapter – 13**

### **Matters referred to the Commission by the Central Government**

#### **13.1 Approach Paper on promoting communal harmony.**

Secretary, National Foundation for Communal Harmony wrote DO letters dated 22.06.2001 to the Honble Chairman and Members of the Commission requesting for their expert advice, help and co-operation in preparing an approach paper on promoting communal harmony. He stated that India is a unique example of an assimilation process of multi-religious and multi-cultural society. The followers of Hinduism, Buddhist and Sikhism i.e. religions which originated in India as well as believers of Christianity, Islam, Judaism and Zoroastrianism live and thrive together in this country. The communal Harmony in the society was, therefore, imperative to sustain this balance. This would also strengthen the national integration in the society. The Government of India took several measures to maintain communal harmony and promote national integration in the country. Some of these steps include: setting of the National Integration Council (NIC) and the National Foundation for Communal Harmony (NFCH); enactment of the Religious Institutions (Prevention of misuse) Act, 1988 and the Places of Worship (Special Provisions) Act, 1991; and institution of Communal Harmony Awards and Kabir Puraskar. The National Foundation for Communal Harmony was set up in 1992, inter-alia, to:

- a) undertake activities for the promotion of communal harmony and national integration;
- b) promote/undertake activities which could highlight and strengthen the bonds of unity and affinity among different religions and groups in the country;

- c) undertake and encourage activities aimed at promoting belief in the principle of non-violence while resolving disputes between different religions and groups in the society;
- d) undertake programmes/projects for providing assistance to the children of families affected by communal, caste, ethnic and terrorist violence, in particular for their education and/or vocational training; and assist them in their physical and psychological rehabilitation;
- e) co-operate with and secure cooperation of the Central Government, State Governments, Union Territory administrations, industrial, commercial, voluntary and other organizations and bodies in promoting the objects of the Foundation.

He also requested for suggestions on how to promote communal harmony in the country keeping in view the following objectives:-

- i) to rid Indian society of the scourge of communal hatred and violence and to give full attention for building up communal harmony at the grass root level especially in the educational institutions, villages and mohallas which are the units of administration;
- ii) to nurture and develop citizens which are immune to the contagious virus of communal hatred; and

- iii) to broad-base the scope of the activities of the NFCH and vest it with the capacity to intervene effectively as an instrument of spreading communal harmony.

The Commission carefully deliberated on this matter and the following note containing views and recommendations of the NCM was sent on 29.08.2001 to the NFCH as follows:-

*"Views and recommendations of the National Commission for Minorities on promoting Communal Harmony"*

*The National Commission for Minorities has been constituted by the Government of India under NC Act, 1992 to monitor the working of the safeguards provided in the Constitution and in Laws enacted by Parliament and State Legislatures and to make suitable recommendations to the Government so as to protect the interest of minorities. Time and again the Commission has felt that promotion of communal harmony in the society is the basic element to ensure protection of the rights of the minority communities. The National Foundation for Communal Harmony (NFCH) is working to promote communal harmony in the society at large. The scope and activities of the NFCH may be made broad based in a manner that the presence of this organization is felt by one and all in the country. Following are some of the suggestions for consideration of NFCH to re-orient their activities.*

*Relief to Communal Riots victims*

*Introduction of a Central Interest Subsidy Scheme for riot affected borrowers of minority communities.*

*The question of rehabilitation of the victims of the communal riots in the country has been under consideration of the Commission for a long*

time. At present, no institutional arrangement exists for award of compensation for loss of life and property due to a communal riot. The Commission has observed a growing trend of attacks on trade/business establishment of minorities during communal riots. In the absence of any compensation, and other arrangements for soft loan, etc., the rehabilitation of those who suffer losses in their business establishment has become very difficult. In case of 1984 riot affected persons, the Government of India, in the Ministry of Finance introduced a "Central Interest Subsidy Scheme" under which banks were authorized to charge only one per cent interest on borrowings by the Sikh victims of the riots, the balance interest was to be reimbursed by the Reserve Bank of India. In this background, the National Commission for Minorities recommended that the Govt. of India, Ministry of Finance should evolve and implement a Central Interest Subsidy Scheme for communal riots -affected borrowers of the minority communities in all future communal riots, on the pattern of the existing Central Interest Subsidy Scheme for 1984 riot affected Sikh borrowers. The NFCH may further pursue this matter with the Govt. in the larger interest of the riot- affected people. They can be entrusted with the responsibility to identify the victims in cases of communal riots and assess the losses of their property, through close interaction with District authorities.

#### ***Payment of Uniform compensation to the riot victims***

*The Commission received representations from various quarters stressing the need for payment of uniform compensation to all victims of communal riots irrespective of religion, caste, place or time on the lines of the Delhi High Court judgment dated 5.7.1996 in the case of Smt. Bhajan Kaur vs. Govt. of Delhi in which 1984 riot victims were awarded Rs. 2 lakhs with accumulated interest of Rs. 1.50 lakhs each.*



The Commission gave serious thought to the Delhi High Court decision. Appreciating the spirit and message of the judgement, it was felt that this judgement should be regarded as the basis for awarding compensation to all victims of all communal riots all over the country. In recent years, there have been many other communal riots in different parts of the country involving various Minorities – including the Muslims, Christians and Sikhs. The Commission is of the firm view that all the victims of all riots should be treated by the State at par. The Commission, therefore, recommended on 25.11.1997 to the Central and the State Governments, under the appropriate provisions of the National Commission for Minorities Act, 1992 that:

*"THE RATIO OF THE DELHI HIGH COURT JUDGMENT 1996 BE TREATED AS THE GENERAL LAW FOR AWARDING PROPER COMPENSATION TO ALL THE VICTIMS OF ALL COMMUNAL RIOTS, WHENEVER IN POINT OF TIME, AND WHEREVER IN THE COUNTRY, THEY MAY HAVE OCCURRED."*

With a view to providing relief and rehabilitation to the riot victims and orphans, the NFCH may pursue this recommendation of the Commission with the Central and State Government and ensure that the compensation is invariably paid at the above rate to all the identified victims of a communal riot.

#### **Insurance in Riot Prone Areas**

The communal riots, wherever and whenever occur, render the local people with loss of life, property, business, etc. The NFCH may pursue with the Government to initiate a special Riot Insurance Scheme, which should be made available to all persons residing in riot prone areas. The Insurance premium for the poorer sections of the Society must

*be paid either fully or partly by the Government. The Foundation could involve itself in undertaking a campaign that traders, business establishment of minorities in riot prone areas are extensively covered under the Insurance Scheme.*

### **Schools for orphans and destitute**

*Rehabilitation of orphans and destitute resulting from communal riots needs to be looked into. For this purpose, the NFCH may explore the possibility of establishing residential schools for such orphans and destitute who may be especially admitted in these schools. Such schools may have a special emphasis on inter-religious understanding, with a representation from all the major religions in the country. In these schools, the students will have the advantage to grow in a special environment, which would wash the ill- effects of the riots from their minds.*

### **Special Community Schools**

*There is a need to inculcate the sense of communal harmony in the mind of the young and to reinforce the composite culture of this country and the concept of unity in diversity. For this purpose, it is recommended that the NFCH may open special schools in which students from all major communities (Hindu, Muslim, Christian, Sikhs, Buddhists and others) are admitted in equal proportion. The syllabus and curriculum of these schools may also include instructions on moral education of all religions. This will help the students to have a fair knowledge, respect for all the religions and their mode of worship and prayers, festivals, etc. Such schools should be located in each district headquarters. NFCH may also develop a special curriculum at primary level in these schools which may*

*be skewed towards Communal Harmony. The teaching of a minority language under the 3 languages formula may be ensured in these schools.*

### **Review of teaching material**

*There is a need for continuous review of all reading and teaching material used at primary, secondary and undergraduate levels to ensure that they inculcate values of tolerance and peaceful co-existence. The NFCH may take up the matter to appoint Standing Review Committees through NCERT and University Grants Commission, which may regularly review the text books of different Central/State Boards and to see that the inherent cultural diversity of our country is taught from the primary level right up to the highest level.*

### **Sports**

*Special sport events and camps may be organized at district level with the inherent idea of developing communal harmony. The idea of multi- religion teams having adequate representation of minority communities (in Cricket, Football, Hockey, etc.) may be explored and friendly matches may be organized against the reputed teams at State/National teams.*

### **Cultural**

*The NFCH may host musical and cultural events at State and National levels with active participation of artist from all the communities. In such events, bhajans, sufi music, ghazals, qawwalis, kavi sammelans and mushairas may be organized with the message of communal harmony. Street plays may also be organized to spread the message of peaceful co-existence.*

### Communal Harmony Committees

*The NFCH may constitute Communal Harmony Committees in all the major riot prone and sensitive areas which will work as a watch- dog to keep a tab on all the activities of anti-social local elements detrimental to the communal harmony.*

### Communal Harmony Awards

*A scheme of communal harmony awards for exemplary work of certain individual/organization may be devised. Such awards should be localized and decentralized. This scheme is likely to develop a new set of responsible and sensible citizens to spread communal harmony. Good work done by any individual or organization in each riot and riot- prone area should be considered for this award. A common forum be created under the aegis of the Foundation to bring together the various agencies/NGOs/ Commissions/ and civil liberty organizations, that deal with communal problems, and have a regular interface with them so as to create public awareness to build pressure groups to create a sense of belonging, goodwill and harmony."*

*The NFCH Secretary vide his DO letter dated 17.09.2002 informed the Commission that the expert advise, suggestions and recommendations of the NCM will be considered for inclusion while preparing the approach paper.*

## **Chapter – 14**

### **Administrative set up of the Commission [including finances and accounts and implementation of official language]**

#### **14.1 Finalization and adoption of Logo of the Commission.**

The Commission finalized and adopted its logo on 18.12.2001. The logo represents the symbols of the religions of the five major minority Communities.

#### **14.2 Restoration of Kalamkari Paintings**

There are six Kalam Kari paintings in the Conference Room of the Commission. In order to preserve these rare paintings and to prolong their life, the Indira Gandhi Centre for Art and Culture was approached. These were got remounted on teak wood frames and were chemically treated fully.

#### **14.3 Renovation of Library:-**

The Library of the Commission was renovated and has been given a new look. Apart from the new books, various vernacular English/Hindi newspapers and magazines are being subscribed for. These give information on various issues concerning the Minority Communities that sometimes goes unreported in the important National dailies. The whole series of Encyclopedia Britannica have been purchased and placed in the Library. The setting of the Library has also been considerably improved by procurement of additional racks, magazine stand and proper sitting arrangements.

#### **14.3 Filling up posts:-**

The Minority Commission was set up by the Ministry of Home Affairs vide its Notification No. II-16-2/277-NID on 12<sup>th</sup> January, 1978. to safeguard the interests of Minorities. The Commission became a statutory body and was renamed as "National Commission for Minorities" after the enactment of NCM Act, 1992. The Commission was conferred the powers of the Ministry/Department of the Central Government except in the matters relating to creation of posts; re-appropriation of funds from one Head to another; purchase of vehicles; permitting any of the employees of the Commission to participate in seminars, conferences or training programmes abroad in terms of the then Ministry of Welfare's order No. 3011/1/94-WS dated the 5<sup>th</sup> February, 1996. The Commission's sanctioned strength was fixed in terms of the Ministry of Welfare's GSR No. 68 of 14<sup>th</sup> February, 1995 which has been revised from time to time. The present sanctioned strength of the Commission, number of posts filled and number of posts lying vacant are indicated below:

**STATEMENT SHOWING NUMBER OF SANCTIONED POSTS,  
VACANCIES AND REASON THEREOF**

(Position as on 15.12.2002)

**A. SECRETARIAT STAFF**

S. No.	Name of Post	Scale of Pay	No. of posts sanctioned	No. of posts filled	No. of posts Vacant
1.	Secretary	Rs. 26000 fixed	1	1	-
2.	Joint Secretary	Rs.18000-22400	1	1	-
3.	Deputy Secretary	Rs.12000-16500	1	1	-
4.	Under Secretary	Rs.10000-15200	1	1	-
5.	Legal Officer	Rs.10000-15200	1	1	-
6.	Research Officer	Rs. 8000-13500	1	1	-
7.	Admn. Officer	Rs. 8000-13500	1	1	-
8.	Section Officer	Rs. 6500-10500	1	1	-
9.	Sr. Private Secretary	Rs. 7500-12500	1	1	-
10.	Private Secretary	Rs. 6500-10500	1	1	-
11.	Librarian	Rs. 5500- 9000	1	1	-
12.	Research Investigator	Rs. 5500- 9000	3	3	-
13.	Assistant	Rs. 5000- 8000	3	3	-
14.	Accountant	Rs. 5000- 8000	1	1	-
15.	Urdu Translator	Rs. 5000- 8000	1	1	-
16.	Hindi Translator	Rs. 5000- 8000	1	1	-
17.	Research Assistant	Rs. 5000- 8000	3	3	-
18.	Personal Assistant	Rs. 5000- 8000	2	2	-
19.	Steno (Urdu)	Rs. 4000- 6000	1	1	-
20.	Steno Grade 'D'	Rs. 4000- 6000	3	1	2

21.	UDC	Rs. 4000- 6000	4	3	1
22.	LDC	Rs. 3050- 4590	5	3	2
23.	Staff Car Driver	Rs. 3050- 4590	10	10	-
24.	Despatch Rider	Rs. 3050- 4590	1	1	-
25.	Gest. Operator	Rs. 2650- 4000	1	1	-
26.	Daftari	Rs. 2610- 3540	1	1	-
27.	Jamadar	Rs. 2610- 3540	1	1	-
28.	Library Attendant	Rs. 2550- 3200	1	-	1
29.	Peon	Rs. 2550- 3200	9	8	1
30.	Safaiwala	Rs. 2550- 3200	2	2	-
		Total	64	57	7

**CO-TERMINOUS STAFF APPOINTED WITH CHAIRMAN, VICE CHAIRMAN & MEMBERS**

Sl. No.	Name of Post	Scale of Pay	No. of posts Sanctioned	No. of posts Held	No. of posts vacant
1.	Private Secretary	12000-18000	1	1	-
2.	SPS	7500-12000	6	6	-
3.	APS	6500-10500	1	1	-
4.	PA	5500- 9000	1	1	-
5.	PA	5000- 8000	6	6	-
6.	LDCs	3050- 4590	1	1	-
7.	Jamadar	2610 – 3530	7	7	-
8.	Peon	2550 – 3200	1	1	-
		Total	24+7=31*	24+7=31	-



\* Includes Chairman, Vice-Chairman and 5 Members.

**C. REGIONAL OFFICE AT MUMBAI\***

Sl. No.	Name of Post	Scale of Pay	No. of posts Sanctioned	No. of posts Held	No. of posts vacant
1.	Regional Director	10000-15200	1	-	1
2.	Personal Assistant	5000-8000	1	-	1
3.	Office Asstt. /Cashier	5000-8000	1	-	1
4.	LDC/Caretaker	3050-4590	1	-	1
5.	Peon	2550-3200	1	-	1
		Total	5	-	5

\* The proposal for setting up Regional Office was approved on 12.02.1996. since the accommodation was not made available by the State Government, posts remain unfilled.

**Abstracts:**

1. Total number of sanctioned posts: 100
2. No. of posts filled: 883. No. of posts vacant: 12

**14.5 Celebration of Days**

The following important days/events were celebrated in the Commission's office.

1.	"Anti terrorism Day"	21 <sup>st</sup> May
2.	"Sadbhavana Diwas"	20 <sup>th</sup> August
3.	"Hindi Pakhwada"	01-09- to 14-09-
4.	"Vigilance Awareness Week"	31 <sup>st</sup> October-6 <sup>th</sup> November,
5.	"Qaumi Ekta Week"	19 <sup>th</sup> – 25 <sup>th</sup> November,
6.	"Minioities's Right day"	18 <sup>th</sup> December
7.	Annual Day of the Third Statutory National Commission for Minorities.	24 <sup>th</sup> January

## Chapter 15

### Conclusions and Recommendations

1. The Commission recommended that the Department of Culture should make suitable budget provisions in the budget for setting up a panorama in Delhi.(Chapter 4, Para 4.1)
2. The Commission recommended that entry to the places of worship of all Minority Communities should be exempted from any entry fee.(Chapter 4, Para 4.5)
3. The Commission recommended to the major recruiting agencies in the country like DOPT, UPSC, SSC. Banking Recruitment Board etc, that no examination should be fixed on occasions of festival of any Minority Community and recurrence of such things should be avoided by all concerned.(Chapter 4, Para 4.7)
4. The Commission recommended to Union Ministry of HRD for making arrangements and issuing necessary directions for introducing in page software in School curriculum for Computer Education.(Chapter 4, Para 4.10)
5. The Commission recommended that Afghan Nationals of Indian Origin who had to leave their country need to be dealt with in a more sympathetic manner and, if necessary, in relaxation of the provisions of the Foreigner's Act, all of them may be given amnesty as regard passports and other documents.(Chapter 4, Para 4.13)
6. The Commission recommended that the Afghan Hindu Sikh Welfare Society C-128, Grater Kailash-I. New Delhi may be considered as

a representative organization of Afghan refugees of Indian origin by the Ministry of Home Affairs. They may be authorized to authenticate the names of all refugees. (Chapter 4, Para 4.13)

7. The Commission recommended to the State Govt. of Maharashtra/Govt. of India after Malegaon riots that:- (Chapter 5, Para 5.3.4)

- (i) The State Govt. should immediately announce and pay a relief package to the riot victims which should include compensation to the next of the kin of those killed to the tune of Rs 2.00 lakhs per death, payment for treatment of all those injured in police firing, compensation against loss of property and immediate rehabilitation of poor and small shopkeepers who lost their livelihood due to riots.
- (ii) The State Govt. of Maharashtra should immediately announce a package of economic, social and administrative reforms, with a view to improving the economy and industrial development, upgrading the status of the Municipality to a Corporation which would help in the creation of better infrastructure.
- (iii) Malegaon should be declared as an independent district and provided with civic and police officers of the required status.
- (iv) The State Govt. should get all the religious places, mosques and temples repaired at State expense without any delay.
- (v) The district administration should take an initiative to ensure that the persons living in villages surrounding Malegaon should quickly be given assistance for their rehabilitation.