

# **ANNUAL REPORT**

## **2007-08**



**NATIONAL COMMISSION FOR MINORITIES**  
LOK NAYAK BHAVAN, 5<sup>TH</sup> FLOOR  
KHAN MARKET, NEW DELHI - 110 003

THE  
LIBRARY  
OF THE  
MUSEUM OF  
ART AND  
ARCHAEOLOGY  
OF THE  
UNIVERSITY OF  
CAMBRIDGE



It is a pleasure to have this book  
added to the collection of the  
Museum of Art and Archaeology  
of the University of Cambridge.  
The book is a valuable addition  
to the collection and will be  
available to the public for  
study and reference.

1971

THE  
LIBRARY  
OF THE  
MUSEUM OF  
ART AND  
ARCHAEOLOGY  
OF THE  
UNIVERSITY OF  
CAMBRIDGE

## **I N D E X**

<b>Chapter No.</b>	<b>Subject</b>	<b>Page No.</b>
1.	Introduction	1-2
2.	Constitution of the Commission	3-4
3.	Meetings of the Commission	5-6
4.	Highlights of the Year	7-19
5.	Special Reports by the Commission	20-29
6.	Evaluation of the Progress of Development of Minorities	30-32
7.	Working of the Constitutional and Legal Safeguards and Recommendations for effective implementation of the safeguards	33-43
8.	Specific Complaints regarding the deprivation of rights and safeguards of the minorities	44-45
9.	Media Activities and Press Releases	46-48
10.	Administrative set up of the Commission (including finance and accounts and implementation of the official language policy)	49-50
11.	Conclusions and Recommendations	51-53
	Annexure—I: PM's New 15 Point Programme for Welfare of Minorities	54-58
	Annexure—II: Statement of Representations (Community/Subject wise) Received in the Commission from 01-04-07 to 31-03-08)	59
	Annexure—III: Organizational Chart of NCM	60
	Annexure—IV: Statement showing number of sanctioned posts and vacancies in NCM	61-63





## CHAPTER – 1

### Introduction

#### 1.1 National Commission for Minorities

The National Commission for Minorities was set up as a statutory body with the enactment of the National Commission for Minorities Act, 1992 by the Parliament. The Act was enforced with effect from 19.5.1993 and amended on 8.9.1995 to provide for a Vice Chairperson in the Commission. With the 1995 amendment to the Act, the Commission now consists of a Chairperson, a Vice Chairperson and five Members out of which 5 Members including the Chairperson shall be from amongst the minority communities. Five religious communities viz; the Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) were notified as minority communities on 23.10.1993.

#### 1.2 The Commission is mandated to perform the following functions:-

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

**1.3** The Commission while performing any of the functions listed in sub-paras (a), (b) & (d) of para 1.2 above, has all the powers of a civil court trying a suit and, in particular, in respect of the following matters:

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commission for the examination of witnesses and documents; and
- (f) any other matter which may be prescribed.

**1.4** 'Minority' for the purposes of the Act, means a community notified as such by the Central Government. The functions of the Commission are thus related to the five notified communities based on religion.

**1.5** The NCM Act enjoins upon the Commission to prepare an Annual Report giving a full account of its activities during the previous financial year and forward it to the Central Government for being laid, before each House of Parliament along with a Memorandum of action taken on recommendations relating to the Central Government as contained in the Annual Report.

\* \* \* \* \*

## **CHAPTER - 2**

### **Constitution of the Commission**

#### **2.1 Five Statutory Commissions have been set up so far**

The Chairperson and every Member of the Commission hold office for a term of three years from the date he/she assumes office. By convention, each statutory Commission is being set up on a particular date and the Members of each Commission are assuming charge more or less together and, therefore, the tenure of each Commission has always been of three years. The first statutory Commission was constituted on 5.7.1993 under the Chairmanship of Justice Mohd. Sardar Ali Khan. The second statutory Commission was set up on 26.11.1996 under the Chairmanship of Dr. Tahir Mahmood, the third on 21.1.2000 under the Chairmanship of Justice Mohammed Shamim and the fourth on 7.2.2003 under the Chairmanship of S. Tarlochan Singh.

**2.2** The present Fifth Statutory Commission was constituted on 3.3.2006 under the chairmanship of Mohammad Hamid Ansari with two Members, Sh. Harcharan Singh Josh and Ven. Lama Chosphe Zotpa. The Chairperson and two other Members assumed charge on 6.3.2006. Later on, Sh. M.P.Pinto, Dr. Dileep Padgaonkar, Prof. Zoya Hasan and Lt. Gen (Retd.) A. M. Sethna were nominated as Members on 26.6.2006. Thereafter, on 17.7.2006, the Government elevated Sh. M. P. Pinto as Vice Chairperson of the Commission.

**2.3** The Central Government nominated Dr. (Miss) Mehroo Dhunjisha Bengalee as Member of the National Commission for Minorities in place of Lt. Gen. (Retd.) A.M. Sethna, PVSM, AVSM due to his sad demise. She assumed charge on 11.4.2007.

**2.4** Sh. Mohammad Hamid Ansari, relinquished charge of the Chairperson of NCM on 21.7.2007 on being elected as Vice President of India.

#### **Shri Mohamed Shafi Qureshi nominated as Chairperson of the Commission**

**2.5** The Central Government nominated **Shri Mohamed Shafi Qureshi** as Chairperson of the National Commission for Minorities and assumed charge on 3.9.2007. Born on 24.11.1929 in Srinagar (J&K). Shri Mohamed Shafi Qureshi is a distinguished

Parliamentarian and has held various Ministerial positions in the Union Government during 1966-1979. He was also Governor of several major States like Bihar, West Bengal, Madhya Pradesh and Uttar Pradesh during 1991 to 1996.

## **2.6 Commission gets new Secretary**

Shri Ravi Dhingra, IAS, '72(HP) who was Secretary of the National Commission for Minorities was transferred to Himachal Pradesh as Chief Secretary of the State. He demitted office on 30.6.2007.

Shri Anil Kumar, IAS, '73(UP) joined the Commission as Secretary on 16.7.2007. He was transferred to the Ministry of Women and Child Development on 18.10.2007.

Smt. Deepa Jain Singh, IAS '71 (HR) joined the Commission as Secretary on 18.10.2007. Later on transfer, she joined Ministry of Defence, Department of Ex-Serviceman's Welfare on 20.3.2008.

\*\*\*\*\*



## **CHAPTER -3**

### **Meetings of the Commission**

The Commission holds internal meetings on a fixed day of each month and other interactive meetings intended to address specific issues. While internal meetings focus on policy issues relating to the Commission's activities and functions, in the other meetings, the Commission interacts with policy makers and members of civil society in an attempt to understand and address problems of concern to minorities or to sensitize stake holders on minority related issues.

3.1 During 2007-08, the Commission held 12 Internal Meetings and 6 other meetings. The dates on which the internal Meetings were held during the year 2007-08 are given below :-

- (i) 13<sup>th</sup> Meeting held on 5.4.2007
- (ii) 14<sup>th</sup> Meeting held on 3.5.2007
- (iii) 15<sup>th</sup> Meeting held on 7.6.2007
- (iv) 16<sup>th</sup> Meeting held on 5.7.2007
- (v) 17<sup>th</sup> Meeting held on 2.8.2007
- (vi) 18<sup>th</sup> Meeting held on 6.9.2007
- (vii) 19<sup>th</sup> Meeting held on 4.10.2007
- (viii) 20<sup>th</sup> Meeting held on 1.11.2007
- (ix) 21<sup>st</sup> Meeting held on 6.12.2007
- (x) 22<sup>nd</sup> Meeting held on 3.1.2008
- (xi) 23<sup>rd</sup> Meeting held on 7.2.2008
- (xii) 24<sup>th</sup> Meeting held on 4.3.2008

3.2 The 16<sup>th</sup> and 18<sup>th</sup> internal Meetings of the Commission were held at Chennai and Mumbai respectively. The other internal Meetings were held at NCM Conference Room.

3.3 The Commission held a series of meetings with stakeholders and eminent persons to obtain a feed back on minority related problems and issues and to suggest appropriate remedial measures to the public authorities. A list of such meetings held by the Commission is given below :

- (i) Interactive meeting with Academics on 22.11.2007 on the “Definition of Minorities’ and the ‘Minority Sub-Plan’.
- (ii) Interactive meeting with Members of Parliament on the ‘Definition of Minorities’ and ‘The Minority Sub-Plan’.
- (iii) Meeting with Sh. A.R. Antulay, Hon’ble Union Minister of Minority Affairs on 5.3.2008.
- (iv) Meeting with Members of Parliament on 17.3.2008 on “State Laws on Religious Conversion and its impact on right to freedom of Religion in India”.

3.4 Besides the meetings above, the Commission also visited Chennai on 3-5 July 2007 and Mumbai on 5<sup>th</sup> – 6<sup>th</sup> September 2007 and held meetings with the public belonging to minority communities, NGOs, intellectuals and academicians.

### **3.5 Visits by Foreign Delegates**

3.5.1 Ms. Asma Jahangir, UN Special Rapporteur on ‘Freedom of Religion and Belief’ who was on a visit to India to study human rights issues, called on the National Commission for Minorities on 5.3.2008. She was apprised of the role of the Commission, a Statutory Body, as the protector of the rights and interests of minorities and as a facilitator of their socio-economic development. The steps taken by the Commission to secure justice and to safeguard the rights of the religious minorities and its experiences as a recommendatory body were also shared.

3.5.2 A Vietnamese delegation led by Mr. Nguyen Thanh Xuan, Vice Chairman and seven other Members visited the National Commission for Minorities on 19.2.2008. There was a fruitful exchange of the aspects of religious policy followed by the countries and similarities between India & Vietnam on equality of rights and secularism like the National Commission for Minorities. Vietnam has Religious Committees to recommend and give advice to the Government on religious affairs and implementing State policy. Vietnam, with 15% minority communities, also has a specific law on religion and religious freedom. Preservation of cultural heritage and identity of ethnic groups and their development is given priority by their Government.

3.5.2.1 Needless to say such interactions help in strengthening human bonds and relations between nations despite wide disparities in language, religion and culture.

\* \* \* \* \*



## CHAPTER - 4

### Highlights of the year

The Commission undertook innumerable initiatives and several activities to fulfill its mandate. Some of the major activities are highlighted here:

#### 4.1 Annual Conference of State Minorities Commissions held on 16.1.2008 at New Delhi

The NCM organized the Annual Conference of State Minorities Commissions on 16.1.2008 at Vigyan Bhavan, New Delhi. The Conference was inaugurated by the Hon'ble Union Home Minister.



4.1.1 In his welcome address, Chairperson, NCM expressed the view that if NCM were to play a more pro active role for the benefit of the minority communities its finances and man power base has to be augmented and strengthened. He appealed to the Government of India to expedite the process of conferring Constitutional Status on the Commission. He observed that the recommendation of the Commission for creation of a Minority Sub-Plan did not find a place in the Eleventh Plan Document. However, the Chairperson welcomed the step taken by the Government for creation of a National Data Bank through comprehensive surveys on quantitative aspects of socio-religious communities and commission qualitative studies to understand the pattern of discrimination and to identify bottlenecks in the various programmes, for course correction. The Commission, he said, should reach out to the members of minority communities directly and enable them to approach various agencies to avail of the benefits under various developmental schemes. The Commission alone, he stressed, can

provide the necessary link and play the role of facilitators so that full assimilation of the minorities in the mainstream of society could be achieved. He also emphasized the need for concerted efforts to implement the recommendations of the Sachar Committee Report.

4.1.2 Hon'ble Home Minister, in his inaugural address, dwelt on participation of minorities in economic growth of the country. He felt that progress of the country had to be inclusive of the most deprived sections of population including SCs, STs and minorities. The structure and role of the State has undergone a change and to the primary functions of giving security to the citizens in the past, has been added the important role of State as a harbinger of development. The centre, he said, is looking into the demand of minorities for reservation in educational institutions and government services but it has to be seen as to how it can be done in the best possible manner. In today's era of liberalization, he was of the view that the minorities should explore avenues of self employment like setting up their own industrial units or practicing some profession or trade for which funds should be given to them on easy terms and long term basis.

4.1.2.1 The efforts of the Central Government to confer Right to Education has to be taken advantage of. Every body should have access to education at affordable cost and there is a need for expansion of educational facilities through setting up of more educational institutions particularly at the higher education level either by the Government or by private sector or in collaboration with each other. The cultural rights of the minorities have already been given protection and our Constitution is unique in this respect in so far as it has given not only the right to profess any religion but also to propagate them unlike many other countries of the world. Religion is being used to divide the society but if the cardinal principles propounded by the various religions namely; love, respect for each other, tolerance, good brotherhood, neighbourliness are clearly understood, communal harmony can be maintained. It is the bounden duty of every one to protect the rights of the minorities.

4.1.2.2 The Hon'ble Home Minister assured examination of the Sachar Committee Report and its implementation. On the issue of conferring investigative powers to NCM, he stated that the same can be considered. The Prime Minister's New 15 Point Programme, he said, will help in bringing about economic development of the minorities and assured that the Government will take necessary action. However, he felt that there was improper



utilization of allocated funds and unless implementation machinery and delivery mechanism are strengthened, no degree of planning could prove successful. He called upon the media to play a greater role in dissemination of information relating to decisions taken at the national level and devise new methods, for example digital forms, to enable the executing agencies at the district and local level to take timely and effective action. He concluded that the minorities need protection by way of assurance of physical security and equality of treatment from the State and they should not be left behind in our march towards making India an economic super power. In his parting words, he urged the Commissions to work in coordination and cooperation and keep advising the respective Governments on practical measures and solutions for the betterment of the minorities.

4.1.3 The Conference deliberated two Agenda Items in its Working Sessions. In the first session, the topic chosen was the “Eleventh Plan Document with reference to Minorities and Pime Minister’s 15 Point Programme” Annexure-I and in the second session, the topic on “Status and Role of State Minorities Commissions” was covered.

#### **4.1.4 Eleventh Plan Document with reference to Minorities and P.M’s 15 Point Programme.**

4.1.4.1 Dr. Bhalachandra Mungekar, Member, Planning Commission was the lead speaker in the first working session. In his address he appreciated the revolutionary nature of the Indian Constitution, a liberal, secular and democratic one, for addressing people’s aspirations and social structure of the country. The five year plans, though they have focused on socially disadvantaged groups have, however, benefited them only to a limited extent and not to a desirable extent, he said. Backwardness is geographically wide spread and even forward States like Maharashtra have pockets of backward regions namely; Vidharba. What is required, he said, is rapid inclusive growth. He felt that rate of growth as a statistical figure was meaningless, if it marginalized the deprived sections. According to him growth has not trickled down due to structural impediments. Unequal opportunities, different connotations, different bargaining power and location of minorities differently in different States have contributed to their plight.

4.1.4.2 Dr. Mungekar opined that the backwardness of communities has been due to political and historical reasons. British rule helped Christians to be educationally and economically better off than other minorities. Parsis by dint of hard work contributed

tremendously to socio-economic development. In the placement of minorities in the development process, however, Muslims stand neglected.

4.1.4.3 The 1983 P.M's 15 Point Programme centred on communal riots whereas the 2006 new 15 Point Programme is development oriented. Ninety minority concentration districts have been identified and specific area development plans have been formulated by integration of various programmes of approximately 15 Ministries/Departments of Union Government. An allocation of Rs.11,500 cr. has been provided for in the Eleventh Plan exclusively for minorities. The tangible sources of production are land, capital & technology and education. While land could not be increased and land reforms have remained only on paper in many States, access to capital and technology is hard to come by. This leaves us with the only resource that can be depended upon: education.

4.1.4.4 The Eleventh Plan has accordingly laid emphasis on the strategic importance of education and health. Educational schemes, at primary, secondary and higher levels, have been given a thrust and scholarship schemes and Skill Development, as a national mission, have been drawn up. He stood for investment in higher professional education and encouragement of private educational institutions but at affordable costs. He lamented the state of implementation of various schemes of the Government and observed that many States did not even come forward with plan proposals. Structural changes in higher educational institutions and universities are needed.

4.1.4.5 Most of the present day graduates turned out by universities were unemployable in this fast changing world. He, therefore, felt that, it was necessary to make skill based education mandatory at graduate level. He advised that Muslims should be more vigilant about their developmental rights and strive their best to attain and safeguard the same. The development issues in general need to be looked at in the political and historical context. In this context, he asked, whether the Sachar report has been brought to the notice of all Muslims at the local/taluka level? There is, therefore, a need to create greater awareness among Muslim masses about the findings of the Sachar Committee so that they are sensitized towards their developmental goals.

4.1.4.6 The demand for a minority sub-plan has not been favourably considered due to the failure of Tribal and SC Plans, evidenced by the bitter experience of lack of implementation of these plans, in letter and spirit. In these circumstances, the



Prime Minister's New 15 Point Programme Annexure-I which envisages allocation of 15% of targets and outlays under various schemes, wherever possible, for the minorities is liberal and acceptable.

4.1.5 The address was followed by an intense and lively discussion on the subject. The participants welcomed the step to allocate 15% of the various plans & schemes, wherever feasible, for minorities. They were of the firm view that the State Governments should associate the State Minorities Commissions in the formulation of the plan proposals and schemes meant for development of minorities. They also urged that the Commissions should also be given powers to implement, monitor and review all development programmes and welfare schemes under the P.M's New 15 Point Programme, intended for minorities. Some felt that conferment of legal status to the P.Ms New 15 Point Programme and adoption of Public Private Partnership model would enable its effective implementation and achieving the desired results. Many felt that the idea of minority sub-plan should be carried forward and not discarded merely on the ground of failure of the SC/ST Sub-Plan as it seeks to remove the sense of policy discrimination and neglect of minorities over the years. The States put forth the view that due to paucity of resources, the schemes for minorities should be 100% sponsored by the Central Government. Lack of awareness amongst the minority communities about the developmental schemes and the need for dissemination of information giving full details of allocation of funds and benefits on a wider scale in local/vernacular language was emphasized.

4.1.6 Dr. Bhalachandra Mungekar, Member, Planning Commission, responding to the plethora of suggestions stated that the implementation of plan schemes is undoubtedly an extremely difficult task and has to be viewed in the politico socio context. The content, he said, is however being implemented and it would be more beneficial if a Constitutional or a legal mechanism could be thought of to make implementation statutory in nature.

4.1.6.1 The scholarship schemes drawn up by the Government, he stated, is a 100% centrally sponsored scheme. The Madarsa educational system requires restructuring without encroaching or hurting the sentiments of Muslims and should be brought in line with the formal educational structure with more emphasis on skill education. In

publicizing the schemes, he called for a greater role to be played by the NGOs. This could also be achieved through public/private partnerships.

4.1.6.2 On the implementation of the Prime Minister's New 15 Point Programme, he stated that a mechanism to monitor the various programmes has already been put in place with the Ministry of Minority Affairs as nodal agency. A Cell in Prime Minister's Office is also overseeing the implementation of the programme. He also urged strengthening the structure of the States as the present structure and availability of funds with the States have been found to be inadequate to deliver the goods. In conclusion, he remarked that he was all for a minority sub-plan, provided it is feasible and implementable, viewed in the context of unsatisfactory utilization of funds under the special Scheduled Castes/Tribal Sub-plan. He earnestly hoped that all those present in the Conference would enable collective implementation of the programmes and policies of the Government and ensure justice for the minorities.

4.1.7 The second working session was devoted to the topic of "Status & Role of Minorities Commissions" and was an open house discussion. There was unanimity among the participants that the National Commission should be conferred Constitutional status at the earliest and that it should play a greater proactive role on the issues of minorities. Almost all the participants felt that the State Minorities Commissions should be strengthened and there should be uniformity in the powers, functions secretarial and other logistic support amongst State Minorities Commissions. For full assimilation of the minorities in the mainstream of the society, it was agreed that the Commissions both at the National and State level should reach out to the members of the minority communities directly and enable them to approach various agencies to avail of the benefits under various developmental schemes. The Commissions, in short, should provide the necessary link and play the role of facilitators. The goal of safeguarding the rights of minorities it was realized cannot be achieved until and unless there is better and greater coordination between the Commissions at the National and State levels.

## **4.2 Minorities Rights Day 2007**

4.2.1 The National Commission for Minorities celebrated Minorities Rights Day on 18.12.2007 at a glittering function in Vigyan Bhavan, New Delhi. On this occasion, the Commission honoured Shri Javed Anand renowned Journalist and Founder Trustee of "Citizen's for Justice and Peace". The award was conferred by Shri M. Hamid Ansari,



Hon'ble Vice President of India, in appreciation of his outstanding contribution in safeguarding and promoting the constitutional and legal rights of the minorities in India and the efforts made to strengthen the country's secular and democratic edifice.

4.2.2 Hon'ble Vice President, Sh. M. Hamid Ansari, speaking on the occasion, called for an activist approach to deal with minority issues. He said that an on going movement which would pursue matters of violation of minority rights is needed because every fifth Indian belongs to a religious minority. He added that for a galloping India, all segments have to move together and that is not only a question of minority interest but of national interest. On institutional structure that States create, he said that formal institutions have their limitations and have to be judged on the basis of the extent to which they take active steps to advance the rights of minorities.



4.2.3 Shri Mohamed Shafi Qureshi, Chairperson, NCM emphasized the need to address the fears and susceptibilities of minorities through legal and constitutional safeguards till such time as they are integrated with the mainstream and peaceful co-existence becomes a reality. In achieving the objective of effectively implementing and enforcing the rights for minorities enshrined in the Constitution and laws of the land, willing and unstinted cooperation of all sections of the society is needed, he emphasized.

4.2.4 Shri Javed Anand, this year's awardee, urged the National Commission for Minorities to play a greater role in the protection of the rights of minorities.

### 4.3 Interactive Sessions on Minority Issues

4.3.1 The term minority has not been clarified in the Constitution of India or in any other enactment. The Honourable Supreme Court in the year 2002 in TMA Pai Foundation Vs. State of Karnataka observed that for the purpose of determining minority on linguistic and religious consideration the unit will be the State and not the whole of India. The NCM Act, 1992 defines 'minority' to mean a community notified as such by the Central Government. Thus, Muslims, Christians, Sikhs, Buddhists and Parsis who have been notified as minorities by the Central Government, are treated as religious minorities by the Commission.



4.3.2 With a view to elicit opinion on this vexed issue, two interactive sessions on the topics of the "Definition of Minorities" and "Minority Sub-Plan" were organized by the Commission on 22.11.2007 with academicians and legal experts and with Members of Parliament on 5.12.2007 in New Delhi. The discussions centered around the question, whether such a definition should be at the pan Indian level or State level on numerical strength or on the basis of substantive concepts like discrimination, identity, equity and security as a religious group. While some Members of Parliament were of the view that religious minorities should be defined at the national level, certain others were of the opinion that State should be taken as the unit or basis for definition of minorities. S/Shri Tarlochan Singh, Asaduddin Owaisi, Ramdas Athawale and Iqbal A. Saradgi held the view that definition of minorities is a complex issue which cannot be strait-jacketed and cautioned that utmost care should be exercised in attempting any definition. A working definition of 'minority' was proposed by Shri Francis Fanthome to mean a group of persons that profess and practice a distinctive notified religion or language/script,



separate from that of the majority population in a State. There was whole hearted support for the Minority Sub-Plan.



#### **4.4 Meeting of NCM with Members of Parliament on 17.3.2008**

4.4.1 National Commission for Minorities organized an Interactive Meeting with Members of Parliament on State Laws on Religion Conversion and its impact on right to freedom of Religion in India, on 17<sup>th</sup> March 2008. Shri A.R. Antulay, Hon'ble Minister for Minority Affairs was the chief guest on this occasion.

4.4.2 In his opening remarks, the Chairperson drew attention to India's secular ethics and unity strengthened by common thread of peaceful co-existence and communal harmony despite being a multi cultural, multi religious society. He emphasized on equality of rights to all citizens of the country and non-discrimination on the grounds of religion, race, caste, sex or place of birth enshrined in the Constitution. He said the need for examining the State legislations on religious conversion has arisen because some of the provisions of these legislations have the effect of impinging on the freedom of conscience of a person to hold a particular belief.

4.4.2.1 Seven States have made legislations to regulate conversion from one religion to another for preservation of public order and morality. International Instruments recognize freedom of conversion Universal Declaration of Human Rights & International Covenant on Civil and Political Rights (ICCPR) but there is no express provision referring to conversion in Constitution of India. He observed that the State enactments on religious conversions apparently focus on conversions by force, fraud or allurement.

4.4.3 Shri K. Rahman Khan, Deputy Chairman, Rajya Sabha in his address emphasized that force cannot be used in matters of religion and the question whether conversion is voluntary or by force has to be decided by the courts. He was of the view that State laws on religious conversions take away the spirit of Article 25 of the Constitution which guarantees right to freedom of the religion.

4.4.4 Shri A.R. Antulay, Hon'ble Minister for Minority Affairs in his key note address stated that use of any force is wrong and is tantamount to taking law into own hands. The word forcible conversion, according to him, is not envisaged by the Constitution and a separate law is not needed to deal with it. There are various provisions in the Indian Penal Code (IPC) which can take care of such situations. He was of the view that the fruits of freedom should reach the oppressed and suppressed poor people and this has to be ensured.

4.4.5 The Hon'ble Members of Parliament were of the opinion that there is no need for any law on the subject as it will be against the basic features of the Constitution and the subject matter of religion does not find any mention in any of the three lists of the Constitution determining the legislative competence of State/Centre. It was concluded that the provisions contained in Article 25 & 26 of Indian Constitution are sufficient to take care of the need and aspirations of people of India with regard to their freedom of faith and worship and there is absolutely no need for any Central or State Legislation on the issue of conversion and the policy of laissez faire should remain in vogue in the matter of religious faith and worship.

#### **4.5 Regular visit of NCM Members to the States/UTs**

The Members of the Commission visits the State or UT with which he/she is concerned on a regular basis and takes up with the concerned State authorities pending grievances and other minority problems of the region. The results of the visit are considered in the Meetings of the Commission and follow up action taken.

#### **4.6 Annual NCM Lecture**

The first statutory National Commission for Minorities was constituted on 5.7.93 under the NCM Act, 1992. To commemorate this occasion and to raise interest and



awareness amongst the people on minority concerns, the Commission decided to start an annual NCM Lecture on 5<sup>th</sup> July of every year. Preparations to organize the first Annual NCM lecture in Delhi in 2008 are under way. Justice A. M. Ahmadi, former Chief Justice of India has already consented to deliver the lecture for 2008.

#### **4.7 NCM meeting with Shri A. R. Antulay, Hon'ble Union Minister for Minority Affairs on 5.3.08.**

4.7.1 The National Commission for Minorities called on Shri A.R. Antulay, Union Minister for Minority Affairs on 5.3.2008 and discussed various important issues concerning minorities.

4.7.2 The issues taken up covered the following aspects:

- Allocation of funds on different schemes meant for welfare and development of minorities.
- Steps envisaged/taken for the welfare of minorities and earmarking 15% of targets and funds wherever possible in the schemes included in the P.Ms New 15 Point Programme.
- Financial Assistance to Educational Institutions of minorities especially in small towns.
- Reservation for Dalit Muslims & Dalit Christians at par with Scheduled Castes.
- Mechanism to prevent communal riots.
- Setting up of Equal Opportunity Commission.
- Conferment of Constitutional status to NCM.
- Bill for propagation of Santan Dharm passed by the Govt. of Andhra Pradesh.

4.7.2.1 The Hon'ble Minister assured the Members of the Commission that their views would be duly considered and appropriate action taken, wherever feasible.

#### **Other Activities**

4.7.3 The Commission's intervention resulted in payment of death compensation of Rs.1.10 lakhs per head to riot victims of Bhagalpur. The Government of Bihar had also proposed to enhance the compensation package to the victims at par with those announced for victims of anti Sikh Riots 1984.

4.7.4 The Union Cabinet on 29.12.05 cleared a package comprising enhanced ex-gratia and relief and rehabilitation assistance to the victims of 1984 anti-Sikh riots amounting to Rs. 715 crores. Complaints alleging non-payment or short payment of compensation by certain states like Delhi, U.P, Jharkhand, Bihar and Uttarkhand were received. In Delhi, it was understood that enhanced ex-gratia relief/compensation has not been released for lack of proper identification. A comprehensive review has been undertaken and the issue has been taken up with the Ministry of Home Affairs as well as the concerned State Government.

4.7.5 An important recommendation made by the Annual Conference of State Minority Commission held on 16.1.2008 was that the State Minority Commissions should be strengthened and uniformity in the powers, functions, secretarial and other logistical support amongst State Minorities. Commission, to the extent possibly through a Model Act, should be worked out. Drafting of a Model Act for State Minority Commissions has been taken on hand.

#### **Internship programme of the NCM – Study on Parsi Birth Rate**

4.7.6 The internship programme of the Commission was introduced to attract serious research scholars who are genuinely interested in pursuing minority related issues and who can make a meaningful contribution on different aspects of minority development and minority issues.

4.7.6.1 During the period under report, two studies were undertaken one on Parsi Birth rate and the other on compilation and analysis of minority related Parliament Questions and replies thereto. The report on Parsi Birth Rate was received .

#### **Internship Project on Parsi Birth Rate**

4.7.6.2 The salient features of the report are :

The Birth Rate of Parsis is declining in the country as per available data on the community. The factors projected for the decline, in the Study are:

(i) *Late marriages:*

The mean age of marriages for females in the Parsi community is between 26-27 years, while the mean age for males is 31 years.

(ii) *Fertility decline:*

Between 1961 -1999 the number of men and women in age group of 15-44 who got married has come down to 35%. 20% reach the age of 50 without getting married.

(iii) *Migration:*

Migration level of Parsis to UK and USA and other countries is high. The approximate number of Parsis presently living abroad is 24,000.

(iv) *Marriages outside the community:*

Mixed marriages are not accepted in the Parsi community.

(v) *Separation and divorce:*

Increase in number of break up of marriages is also one of the important factors in the decline of the birth rate in the community.

The study shows that during the years 2001 to 2007, the total number of births in the community was 1239. Parsi Community leaders need to get-together to resolve these problems.

\* \* \* \* \*



## **CHAPTER -- 5**

### **Special Reports by the Commission**

5.1.1 The Members and senior officers of the Commission undertake regular tours to different parts of the country to have a first hand knowledge of the problems of minorities to assess the progress made in the implementation of welfare schemes for the minorities, or to review pending grievances of minorities. Special teams are also deputed to places where communal disturbances take place or a potential problem which affects their rights are noticed, either suo-moto or brought to its attention by a member or organization of the minority community. In each case the Commission interacts with the members of the community, NGOs, academicians, and officials of the Governments. The purpose of inquiry is to ascertain the facts and to recommend policy measures or interventions needed, if any, to remedy the situation or overcome the problem. The reports of the team are placed before the Commission and after its adoption, the recommendations are taken up with the Governments of the States and Centre for appropriate action and implementation. The response of the Governments to the recommendations have generally been found to be satisfactory and encouraging. However, in some cases, the Commission has not even been apprised of the action taken on its important recommendations.

5.1.2 During the period under review, some of the important reports prepared by the Commission and their recommendations including achievements are outlined below:

#### **5.2 Visit of National Commission to Chennai and Mumbai**

5.2.1 As a part of its outreach programme, the Commission visited Chennai on 3-5 July, 2007 and Mumbai on 5-6 September, 2007 and held public hearings with Members of different minority groups, and interacted with representatives of civil society, academicians and intellectual to discuss minority related issues and seek solutions. This was followed up by meetings with the senior functionaries of the State Governments to know their responses to the problems. The conclusions and possible solutions that emerged were taken up with the concerned Governments for appropriate action.

5.2.2 The main problems being faced by the minority communities in Tamil Nadu was getting recognition by minority educational institutions and receiving aid. Other key

issue was relating to problems in practicing religion in as much as most of the educational institutions did not have provisions to allow Muslim students to worship at the required time and do not declare holidays on Muslim religious occasions. Delimitation of Muslim majority constituencies, languishing in prison for eight years of Muslims suspected in the 1998 blasts in Coimbatore and difficulties in availing educational loans and other facilities were other important issues raised. Buddhist representatives demanded that a Buddhist Member should be nominated to the State Minority Commission. The Parsi community were desirous of a separate cremation site for them as per their rites/customs.

5.2.2.1 The Senior Officials of the State Government of Tamil Nadu were urged to take suitable action urgently to resolve the grievances presented by the minority communities and the NGOs before the NCM.

5.2.3 The National Commission for Minorities held a public hearing with the members of the notified minority communities in Maharashtra on 5.9.2007 and the response was over whelming. The minorities voiced their grievances freely and frankly. On 6.9.2007, the Commission had a meeting with the Chief Minister of Maharashtra.

A. Main problems and grievances emerged during the morning session of the hearing with the Christians, Sikhs, Buddhists and Parsis.

(i) The educational problems of minorities brought before the Commission during the hearing related to adequate financial allocations for all minority educational institutions and adequate representation of Christians in these institutions. Some members of the Christian community demanded that the Scheduled Castes status may be extended to the Dalit Christians also. Adequate representation in Government employment especially in the police force and the bureaucracy, loans for business projects protection of burial grounds of Christians and removal of encroachment on Church property were other demands made. The instances of brutal attacks on Pastors and Christian institutions and the indifference and laxity shown by the police including refusal to register FIRs was also placed before the Commission. There was a unanimous demand to protect the life, property and dignity of the Christian community and deterrent punishment to the miscreants.

(ii) A member of the Sikh community demanded that there should be adequate representation of minorities in the Commissions and Boards established by the State



Government. The members of the Buddhist community demanded extension of all privileges to the Neo-Buddhists, a deprived segment of society.

(iii) The Parsi community demanded the protection of Fire Temples of Parsis, removal of encroachments on their religious places and earmarking of some seats for Parsi students in educational institutions, especially those established by the Parsi community. They also expressed concern over the dwindling number of vultures in the city causing problems in disposal of dead bodies.

(iv) The minorities in general desired opening of Anganwadis and Balwadis in minority dominated areas, implementation of Prime Minister's 15 Point Programme for the welfare of minorities in letter and spirit so that minorities could be benefited and similar meetings by State Minority Commission at District level.

B. Main problems and grievances emerged during the afternoon session of the hearing with the Muslims.

(i) The Muslim community expressed its pent up anger, anguish and frustration over non-implementation of the recommendations of the Sri Krishna Commission Report. Sri Krishna Commission, it may be recalled was set up by the State Government to inquire into the communal riots which occurred in Mumbai in 1992-93 after the demolition of Babri Masjid. The Commission had prepared a comprehensive report and submitted it to the State Government on 18<sup>th</sup> February, 1998. A total of 900 persons were killed, 2036 persons injured and properties worth crores looted and destroyed during the riots in 1992-93 in Mumbai. The Commission had indicted 31 police personnel, some politicians and journalists. However, the State Government showed reluctance to implement the recommendations contained in the report. A total of 1371 cases were closed for want of witnesses.

(ii) The problems of Muslim community also related to in-adequate representation in educational institutions and Government employment specially police and bureaucracy and inadequate financial assistance to the minority educational institutions. Also, Muslims demanded protection of their burial grounds, removal of the encroachment on the Wakf properties as well as on Qabristan and loans for business projects. Lack of Urdu medium schools in their areas and shortage of funds and teachers in such schools, lack of civic amenities in Muslim dominated area were also highlighted. Removal of the stringent conditions stipulated for the grant of loans and enhancement of the loan limit and some special schemes for rehabilitation of those who suffered heavily due to the

*'after effects'* of communal riots were other pleas made. One major grievance was harassment to Muslim youths by implicating them in false cases on the pretext of their involvement in terrorist activities and a strong demand for the abolition of MCOCA (Maharashtra Control of Organised Crime Act), alleged to be draconian, under which confessions are extracted from Muslim youths by the police through intimidation and physical torture. The Muslims desired that rule of equality should prevail in the State and that the constitutional rights guaranteed to them must be enforced in letter and spirit.

C. Meeting with the Chief Minister, Maharashtra and other State authorities.

(i) On 6<sup>th</sup> September, 2007, the Commission had a meeting with the Chief Minister of Maharashtra which was attended by the Deputy Chief Minister, Chief Secretary, Director General of Police and other senior officers of the State Government. The concerns of minorities as emerged during the two sessions of Public Hearing were brought to the notice of the Chief Minister, Maharashtra. He assured the Commission that the recommendations of Sri Krishna Commission Report will certainly be implemented in the letter and spirit. Chief Minister also informed the Commission that a proposal for enhanced compensation to the 1992-93 Bombay riot victims on the pattern of the relief package given to 1984 anti-Sikh riot victims and Godhra victims of Gujarat would be sent to Government of India for their consideration. The Commission was also informed that the State Government has decided to set up two Fast Track Courts for speedy disposal of pending cases.

(ii) The Commission is closely monitoring the progress made in the implementation of the recommendations of Sri Krishna Report and the issue of undertrials belonging to minority communities languishing in jails in the States of Gujarat and Maharashtra.

**5.3 NCM team visited Hyderabad on 4 -5 February, 2008**

5.3.1 A four-member team of the National Commission for Minorities (NCM) consisting of Vice-Chairperson M.P. Pinto, Mr. Harcharan Singh Josh, Dr. Dileep Padgaonkar and Prof. Zoya Hasan. visited Hyderabad on 4 -5 February, 2008 to enquire into the complaints against the authorities of Andhra Pradesh for allegedly targeting Muslims and Christians in the State. On the issues faced by the Muslim minority, the main complainants were Ms. Nirmala Deshpande, the then Member of Parliament, and Ms. Nandita Rao, advocate in New Delhi who had forwarded to NCM detailed reports



filed by the Civil Liberties Monitoring Committee and by a fact-finding commission set up by the AP State Minorities Commission. On the issues faced by the Christian community, the NCM had received reports and memoranda from various Church groups.

5.3.2 The main allegation of the Muslim community related to the failure of the police to observe due process of law while investigating the three bomb blasts in Hyderabad in May and August, 2007. The Commission was happy to note that a total of thirteen detainees in the Charlapalli prison had been released on bail and that the Government has taken a number of measures for the economic and social welfare of the Muslim minority. The Commission however found that the action of the police was not above suspicion and observed that though the situation concerning Jehadi activities in the State and their links abroad, notably in Pakistan and Bangladesh are serious issues, the police must not jettison the due process of law as it may result in driving Muslim youth into the arms of extremists. An important recommendation made was to urge the Union Government to direct the CBI to enquire into all the three incidents of bomb blasts in the city in 2007 as only the Mecca Masjid blast case was being investigated by CBI. The other recommendation made was to take urgent measures to address the major grievances of Muslim community relating to their development, adequate compensation to families who lost their members in the blasts and an early settlement of the allegedly indiscriminate sale of Wakf properties.

5.3.3 The Christian community were agitated over the proposed legislation to curb illegal occupation of Church properties and curtail irregularities connected with them, on lines similar to that of Hindu Endowment Act, 1897 and Wakf Act, 1995. The Commission did not make any recommendation in this respect as the proposal has not been carried forward. Two other matters which caused extreme anxiety to the minorities concerned Act No. 24 of 2007 empowering the State to prohibit propagation of religion in places of worship or prayer other than the religion traditionally practiced at such place and Amendment to the Andhra Pradesh Charitable and Hindu religious institutions & Endowments Act 1987 to establish a Sanathan Dharma Parishad for propagation of Hinduism, under which, State officials would be members of the Parishad. The NCM team was of the opinion both these statutes are not in line with the letter and spirit of the Constitution related to freedom of religion and a stark negation of all the secular and republican principles enshrined in the Constitution. The Commission recommended that



the State should reconsider the matter and undo them, to uphold the values of secularism and the belief that the State must always be neutral in matters of faith and doctrine.

5.3.4 The major grievance of the Sikh community related to the pathetic socio-economic conditions of Sikligar and the Dakshini/Vanjara Sikh community. The Commission recommended that the concerned authorities of the State Government should provide them with BPL ration Cards; adequate representation in Govt. jobs. Inclusion of their names in the Sikh minority list and issuance of minority caste certificates and loans under the P.M's 15 Point Programme. Their living area, 6km from Hyderabad known as Sikh chawniat should be provided with basic facilities of electricity, water, sewerage etc.

#### **5.4 Visit of Shri Harcharan Singh Josh, Member, NCM to University of Mumbai**

5.4.1 Consequent upon release of Rs. 50.00 lakhs by the Government of India, on the occasion of Tercentenary of the Birth of Khalsa, the University of Mumbai created 'Guru Gobind Singh Chair' in 1999. Shri Harcharan Singh Josh, Member, NCM visited Mumbai on 26<sup>th</sup> June, 2007 and reviewed the progress of research work being done under the aegis of 'Guru Gobind Singh Chair'. The University of Mumbai are engaging experts on Sikhism to promote teachings of Guru Gobind Singh's life and Guru Granth Saheb and have planned to celebrate 300 years of Guru Gaddi of Guru Granth Saheb in October 2008 at Nanded by organizing various seminars and symposia.

#### **5.5 Visit of Shri Harcharan Singh Josh, Member, NCM to Aurangabad**

5.5.1 On 7-8 September 2007 Sh. Harcharan Singh Josh visited Aurangabad to know about the problems being faced by Sikligar and Vanjara Sikh community. A meeting was organized at Aurangabad on 7-9-2007 in which the community leaders explained the problems of these communities relating to employment, education, issuance of BPL ration cards etc. Their major demand was compensation or alternate dwelling places for demolition of their houses near the railway station, in which they were residing for 30 years without notice by the Railway Authorities. Another demand was for representation in Government Bodies. In this regard, Shri Josh had a separate meeting with the officers of the District Administration. He also discussed the progress of distribution of loan to the minority communities with the Managing Director of Maulana Azad Finance & Development Corporation who informed that approximately Rs. 2.00 Crores have been distributed to the deserving persons by the Corporation.

## **5.6 Visit of Shri Harcharan Singh Josh, Member, NCM to Ranchi and Bokaro**

5.6.1 Shri Harcharan Singh Josh, Member, NCM visited Ranchi and Bokaro (Jharkhand) between 30<sup>th</sup> November to 2<sup>nd</sup> December 2007 and reviewed the payment of compensation to 1265 riot victims of 1984. The Commission observed that compensation has been paid in 610 cases only and 655 cases are still pending.

## **5.7 Visit of Ven Lama Chosphele Zotpa to Salugara, West Bengal**

5.7.1 Ven Lama Chosphele Zotpa, Member, NCM visited Salugara, District Jalpaiguri, West Bengal between 28<sup>th</sup> to 30<sup>th</sup> November 2007 to inspect and renew the progress of the construction of a commemorative hostel at Salugara on the occasion of celebration of 2550<sup>th</sup> anniversary of Mahaparinirvana of Lord Buddha. The funds for construction of the hostel were sanctioned by the Union Ministry of Culture to the Himalayan Buddhist Cultural Association School, Salugara. A group of 70 Buddhists met Ven. Zotpa and brought to his notice the alleged threat of eviction by the Army from the land on which they have been living for the last 40 years for appropriate action.

## **5.8 Sh. Harcharan Singh Josh, Member, NCM visited Hyderabad, Nanded and Bidar**

5.8.1 Shri Harcharan Singh Josh, Member, NCM visited Hyderabad, Nanded and Bidar between 20-23 December 2007. At Hyderabad he discussed the problem of Sikh Chawniat members regarding lack of basic amenities and the demand of a school near their colony by Sikligar/Dakshini Sikhs with the Chief Secretary, Andhra Pradesh, who promised to look into the matter and do the needful for these people.

5.8.2 The twin Bomb Blast cases in Hyderabad was also taken up with the Chief Secretary and Commissioner of Police, Hyderabad who assured the Member that no innocent person would be arrested or harassed.

5.8.3 On 21<sup>st</sup> December, 2007 Sh. Josh visited Nanded to review the progress made on Guru Gobind Singh Museum work and beautification of the roads surrounding the Sri Hajoora Sahib Gurudwara as well as arrangements for the celebrations of Three Hundred Years of "**Gur-ta-Gaddi Diwas**" scheduled to be celebrated in October, 2008 in Nanded. The Government of India had sanctioned a sum of Rs. 1639 crores for the redevelopment of Nanded city. It was observed during interaction with the Dy. Commissioner and the Municipal Corporation authorities that additional funds were



required for completion of the project and a proposal has been moved to the Government. The Gurudwara Prabandhak Committee demanded renaming of the Government hospital as Sri Guru Gobind Singh Hospital and Medical College and the upcoming International Airport as Sri Guru Gobind Singh Airport on the occasion of 'Gur-ta-Gaddi Diwas' in October 2008. In the city of Nizamabad about 300-400 families of Sikligar Sikh community members live and during interaction with their leaders, put forth their demand for issuance of minority certificate, BPL ration cards and extension of all facilities as are admissible to other minority communities. These Sikligar community members pleaded for allotment of enhanced land or house under the schemes of the Government as the small plots allotted to them by the Government 40 years ago is proving to be inadequate with the growth of their families.

5.8.4 The community members also demanded enhanced compensation for the houses demolished pursuant to the beautification project or alternative accommodation. Their compensation it was suggested should be enhanced to Rs. 1000 per sq. ft. The traders engaged in selling Gurudwara Sahib items such as Kripans were also affected due to demolition of 60 small shops for expansion of road. The Deputy Commissioner as well as the Municipal Commissioner agreed to provide the traders alternative accommodation for the demolished Shops in the Gurudwara Sahib Campus.

5.8.5 On 22<sup>nd</sup> December Sh. Josh visited Bidar and had a meeting with the Deputy Commissioner and SSP of Bidar in connection with the problems being faced by the minority communities and reviewed the progress on the implementation of Prime Minister's 15-Point Programme. The major grievances related to denial of loans under the PM's 15-Point Programme and grant of benefits under P.Ms Rozgar Yojana. Publication of voter's list in Urdu was the demand of Muslims. It was recommended that incomplete portion of the Bhai Sahib Singhji Sikh Memorial and the proposed State Highway linking Shri Hajoora Sahib Gurudwara and Gurudwara, Sri Nanak Jhira should be completed before 'Guru-ta-Gaddi Diwas' in October 2008 by allocation of sufficient funds, where necessary.

5.8.6 The main problem of the Sikh community in Bidar was non-grant of minority certificate by the Government of Karnataka and their being treated as part of the Hindu community. The Commission's intervention resulted in declaration of the Sikh community as one of the minority communities in Bidar by the State Government on

17.9.2007. The problems of Sikligar community in Andhra Pradesh relating to allotment of houses by the housing corporation and sanction of loans by the Andhra Pradesh State Minorities Finance Corporation under self-employment schemes were also resolved due to the efforts of the Commission and the Sikligar community there has been made eligible for availing all the benefits for minorities.

**5.9 Dr. Miss M. D. Bengalee, Member, NCM visited Daman, Indore and Mhow**

Dr. (Miss) M. D. Bengalee, Member, NCM visited Daman on 18.1.2008. During her visit, Member (MDB) met people belonging to Muslim, Sikh, Christian and Parsi communities and also heard their complaints. She visited Indore and Mhow on 16<sup>th</sup> March 2008 and addressed a gathering of Parsi community. She apprised them about the issues of Parsis that were taken up by the NCM, highlighted the Prime Minister's 15 Point Programme and outlined the features of 11<sup>th</sup> Plan Document of the Government of India to achieve the goal of 'inclusive growth'. Since she was the first Parsi Member of NCM to visit Mhow, her visit was applauded by the Parsi community.

**Parsi (Zoroastrians)**

**Demographic Study:**

The Parsi Community is facing problem of decline in birth rate. The reasons indicated in a study are late and non-marriages, fertility decline, migration, out-marriages, separation and divorces.

The community does not have representation in Government bodies, like Municipalities, Gram Panchayats, State Minorities Commissions or State level minorities' Committees. There is not a single member in the Parliament, either in Lok Sabha or Rajya Sabha.

**Recommendations**

- (i) Parsis should be considered by State Governments for nomination of one Parsi representative in the Minorities Commission or Minorities' Committee at the State level.
- (ii) The State Governments should allow three to five seats in professional colleges for admission of Parsi students.



- (iii) Defense Services recruit' Parsi children of parents who are in the Defense Services, or had served in the past.
- (iv) The government should also consider various schemes for borderline villages for the upliftment of Parsis and provide amenities like housing, sanitation, education and self-employment.
- (v) The All India Federation of Parsi Anjumans has listed 45 defunct Anjumans which shifted to other places leaving behind large settlement of local Parsi families, fire temples, schools, burial grounds, that have been occupied. The State/ Central Governments give them land or the compensation at the present market rate.
- (vi) Removal of encroachments from religious institutions, the Dokmas and their pilgrimage sites in Udvada village, Gujarat.
- (vii) Repair of Barot caves, a heritage site and the pilgrim spot for the Parsis is uncared for by the Maharashtra Government.

**Dr. (Miss) M.D. Bengalee visited the following places:-**

1. Navsari, Bardoli, Pali & Siganpore, Surat, (Gujarat) on 18.06.2007. She met President of Bardoli Zarthosti Anjuman and members of the Minority communities. They complained that their grievances are not being attended to by the local authorities.
2. Thane & Kalyan on 27.07.2007. She met the representatives of various minority communities. The Muslims complained about the atrocities and harassment by the police and demanded a high level enquiry. They also complained for having no burial grounds, sanitation and no market place.
3. Pune on 30.07.2007. She met the representatives of Muslims, Parsis & Sikh communities. They complained problems in getting Minority Status to their educational institutions and training facilities for Chartered Accountancy. The Parsis complained about land grabbing & vulture breeding.
4. Ahmedabad & Gandhinagar on 6.08.2007. She discussed the birthrate problems and Education, employment and encroachment of property belonging to Parsi community. She also met with the Chief Minister at Gandhinagar (Gujarat). She discussed the Udvada problems the Parsis community faced at the pilgrimage site.
5. On 28.10.2007 she visited Udvada to take part in celebration of 265 Anniversary of Iranshah, the Parsi Fire Temple.
6. On 25.11.2007 she visited Bangalore. Amongst other problems the issue of Adoption Bill was discussed. The Parsi protested against this Adoption Bill.

\* \* \* \* \*

## CHAPTER - 6

### Evaluation of the Progress of Development of Minorities

6.1 The 15-Point Programme for welfare of minorities was launched in May 1983 by the Union Government. The programme was in the nature of guidelines and aimed at giving a sense of security and for ensuring rapid socio-economic development of minority communities. The 15-Point Programme was based on a 3-pronged approach, namely, (i) to tackle the situation arising out of communal riots, (ii) ensuring adequate representation of the minority communities in employment under the Central and State Governments as well as Public Sector Undertakings and (iii) other measures, such as, ensuring flow of benefits to the minority communities under various development programmes, maintenance and development of religious places (including Wakf properties) and redressal of grievances of the minorities.

#### 6.2 Prime Minister's New 15 Point Programme for Welfare of Minorities

The 15 Point Programme was recast and a new 15-Point Programme for the welfare of minorities was launched in 2006 with the objective of ensuring the well being protection and development of minorities. The focus of the new programme is to make certain that benefits of various schemes/programmes flow equitably to the minorities. For this, it quantifies a certain portion of development projects to be established in the areas with minority concentration. It stipulates that wherever possible 15% of the targets and outlays under various schemes will be earmarked for minorities. The revised programme is given as **Annexure-I**.

6.3 Several initiatives and developmental programmes have been taken up by the Governments both at the Centre and States under the PM's 15 Point Programme. However, the outcomes are hardly encouraging and not on the expected lines with the result problems continue to persist.

6.4 The development issues confronting the minorities generally relate to access to education and credit, creation of employment opportunities housing and health care. Specifically, the Commission has come across, during its interaction with the members of the minority communities while on field visits, the following difficulties encountered by them:

- Inadequate scholarship amount for high education.
- Refusal by universities situated in a particular State to affiliate minority educational institutions located outside the State on the ground that there is no provision in NCMEI Act despite the fact that all the universities come within its ambit.
- No uniform guidelines for issuance of minority certificates by states to minority educational institutions.
- Hurdles in recognition of minority educational institutions and grant of financial assistance to them in small towns.
- Lack of Urdu medium schools, shortage of funds and teachers in such schools.
- Absence of neighbourhood schools in minority concentrated areas.
- Difficulties in obtaining certificate (OBC/caste) indicating their religion. Non-inclusion of Sikligars in the Sikh minority list and denial of minority caste certificate.
- Lack of Anganwadis' and Balwadi's in minority concentration areas.
- Stringent conditions for grant of loans for self employment etc. like guarantees from two Govt. employees and inordinate delay in issuing sanctions. In NMDFC, it has been brought to notice, more than 1000 applications are pending for sanction of loans.
- Inadequate allocation of funds under health sector to cater to minority needs.
- Encroachment of Wakf Properties and Church properties.
- Non-provision of basic amenities in areas where Sikligar Sikhs reside and denial of BPL ration cards to them.
- Inadequate representation in educational institutions, Government employment particularly in police and para-military forces and Government Bodies like Panchayati Raj Institutions.

6.5 The Commission is happy to note that scholarship schemes and coaching schemes to compete in entrance examinations for higher education, civil services etc. for minority students have been launched during 2007 by the Ministry of Minority Affairs and the Ministry of HRD is actively engaged in modernization of Madarsa education and



enhancing access to education to minority communities. The fact however remains that inspite of the various schemes of the Government benefits have not reached the communities in full measure. The reasons behind this are not hard to find namely tardy implementation, lack of awareness and rigid procedures. Allocation of funds to the various schemes should be specific and scheme wise and as per the PMs New 15 Point programme 15% allocation for minorities should be ensured. Then and only then it would be possible to monitor the scheme, closely review it and ensure its effective implementation to achieve the desired results. Public – Private initiative for implementation to ensure the success of various schemes, perhaps on the Gates Foundation model could be thought of.

6.6 There has been a persistent demand from communities other than Muslims for extension of benefits to them also on the same lines as recommended by the Sachar Committee in its report for Muslims. The Commission, therefore, entrusted a study on “Social, Economic and Educational Status of Christians, Sikhs, Buddhists including Neo-Buddhists and Parsis on the same pattern of Sachar Committee to the Institute of Human Development on 23-10-07”. The report is awaited.

\* \* \* \* \*



## **CHAPTER - 7**

### **Working of the Constitutional and Legal Safeguards and Recommendations for effective implementation of the safeguards**

#### **7.1 Juvenile Justice (Care and Protection of Children) Amendment Act, 2006**

7.1.1 The Juvenile Justice (Care & Protection of Children) Amendment Act, 1986 passed on 22.8.2006 by the Government of India declares an adopted child as the legitimate child of adoptive parents with all the rights, privileges and responsibilities that are attached to the relationship.

7.1.2 Shri Cowasjee N. Dinshaw, President, Bombay Zoroastrian Jashan Committee has objected to this definition of adoption because it will lead to backdoor conversion. Parsis should either be exempted from the ambit of the legislation or an adopted child should not be allowed to claim the religious benefits of the community to which the parents belong. There is no conversion in Parsis and the adoption per se is opposed by this community.

7.1.3 The Commission took up the matter with the concerned authorities for exemption of Parsis from the said Act and to preserve their cultural identity.

#### **7.2 Recognition of Bhoti Language**

Inclusion of Bhoti Language in VIIIth Schedule of the Constitution has been agitating the minds of the Buddhist community. To ascertain the fitness and suitability of Bhoti language for such inclusion, the Commission decided to carry out a detailed study on the subject by the Central Institute of Indian Languages, Mysore.

#### **7.3 Issue of management of Bodh Gaya Temple**

The Buddhist community has been demanding that the Bodh Gaya Temple Act, 1949 should be amended or repealed and an appropriate legislation be enacted by the Union Government or by the Government of Bihar so that the management of the Bodh Gaya Temple is vested exclusively with the Buddhist community in keeping with the letter and spirit of Article 26 of the Constitution. The provisions of the Act as it exists, it was observed, are not in keeping with the secular values that India holds dear. The National Commission for Minorities decided to obtain legal opinion from a leading constitutional expert on the issue.

#### **7.4 Report on the status of Dalit Muslims and Dalit Christians**

The Commission entrusted a study to Prof. Satish Deshpande, Department of Sociology, Delhi School of Economics, Delhi University on 22.3.2007 to examine whether there is any justification for excluding Muslim and Christian members of the Scheduled Castes from the benefits of affirmative action programmes formulated for the benefit of such castes by the Government of India. The study report was submitted to the Commission on 21.2.2008 and is under consideration.

#### **7.5 Amendments in Propagation of other Religions etc. Bill and Endowment Act of Andhra Pradesh**

7.5.1 The Andhra Pradesh Federation of Churches, Secunderabad has raised concerns on the "Andhra Pradesh Propagation of other Religions in places of worship or prayer (Prohibition) Ordinance 2007" issued by the State Government. The State Government also issued GO 746 and GO MS 747 both dated 2.6.2007 under the Ordinance that ban the propagation of other religions in Tirumala, Tirupati Devasthanams and 19 other temples in the State. According to the Federation, this action of the State Government, which is expected to be secular under the Indian Constitution and should not be involved in the propagation of a particular religion, has jeopardized the interests of the non-Hindu citizens. Sh. M. Joji, Archbishop of Hyderabad and Vice President, Andhra Pradesh Federation of Churches, in his complaint, has alleged that both the Government Orders are against the Fundamental Rights.

7.5.2 Act No. 24 of 2007 empowers the State to prohibit propagation of religion in places of worship or prayer other than the religion traditionally practiced at such place. The NCM team felt that this blanket prohibition was originally intended to place a ban on non-Hindu religious activities in the Tirumala, Tirupati Devasthanams but taking advantage of Section 2 (2) of the Act its provisions have been extended to 20 other temple towns all over the state. The Act was passed by the Andhra Pradesh Legislature and received the assent of the Governor on 13th August, 2007. It would appear that the ban will extend to some 300 sq kms. Moreover, the government order does not define the exact geographical limits of the notified temples where the ban will be enforced. Church authorities assert that such a ban violates the fundamental rights of non-Hindu citizens. They fear that it would provoke right-wing Hindu groups to intimidate and harass non-



Hindus. Instances of such intimidation and harassment have already taken place in the State.

RECOMMENDATION: The NCM felt that prima facie the ban is not in line with the letter and spirit of the provisions in the Constitution related to freedom of religion. There are enough provisions in the IPC – 153 A (2) and 505 (3) – to deal with offences committed in places of worship. Apart from the clear deviation from what is an essential ingredient of the Constitution the team felt that the Government of AP should seriously consider the effect that such legislation will have on the sense of security of all minorities in the State. To urge the opponents of this legislation to take the matter to the Courts for redressal may be a practical way out of a problem created by the fact that such a piece of legislation is already on the statute book, but it cuts at the very root of what minorities in the country have the right to expect from a sensitive and caring government.

### **7.5.3 Amendment to Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987**

7.5.3.1 L. A. Bill No 7 of 2007 which is entitled “A Bill to Amend the Andhra Pradesh Charitable and Hindu religious Institutions and Endowments Act, 1987” seeks to amend an existing law and proposes to establish a Sanathan Dharma Parishad for the propagation of Hinduism. Under the terms of this Act the Minister of Endowments will be the Chairman of the Parishad and senior civil servants like the Secretary to the Revenue Department in charge of Religious and Charitable Institutions and Endowments and the Commissioner for Endowments will be members. (The latter will, in fact, be the Member Secretary of the Parishad). The NCM considered this to be a stark negation of all the secular and republican principles enshrined in the Constitution. To give an official, State sponsored body the mandate to spread one particular religion must surely be to fly in the face of all the values that secular India holds dear. Here again the legislation has already been passed and is on the statute book so it would appear that the only solution is to approach the courts for redress. But the NCM believed that such a retrograde piece of legislation must be undone by the state itself as a token of its commitment to secularism and the belief that the state must always be neutral in matters of faith and doctrine.



**RECOMMENDATION:** The Government of Andhra Pradesh must reconsider the provisions of the L.A. Bill No. 7 of 2007 especially the introduction of the new section 152 A. It must be deleted from the Act.

## **7.6 Discriminatory treatment of Christians in Chattisgarh**

7.6.1 The Commission received several complaints from tribal Christians in Jashpur district of Chattisgarh of partisan and discriminatory treatment from the district administration at the instance of vested interests whose aim is to destroy communal harmony in the area. On 27-29.3.2007 Shri M. P. Pinto, Vice Chairman and Dr. Dileep Padgaonkar, Member, NCM held public meetings in Jashpur, Pathalgaon and Bilaspur where dozens of tribal Christians alleged that the administration was implementing the Chattisgarh Land Revenue Code, 1959, in a one-sided and high-handed manner. This has created a sense of insecurity among Christian tribals and polarized what has so far been a peaceful and homogeneous tribal community along antagonistic religious lines. Adivasi Christians explained that they were not capable of setting up schools or hospitals themselves and, therefore, handed over their land to societies formed exclusively of fellow Adivasis for the benefit of the whole community. If this was not done, schools and hospitals would not come up in the area. Administration officials told the NCM team that the law as it stands does not allow such societies to be treated as Adivasis. Hence Adivasi property cannot be transferred to such societies. Only Adivasi individuals, not societies, can get protection under the Act. The Christian community also complained about various forms of harassment and discrimination. The NCM team requested the state administration to address this issue urgently and drew its attention to the fact that in an area where the Naxal movement is strong it cannot afford to lower its guard. If a section of the citizenry feels it is marginalized and has no stake in the future of the country it can be an easy prey to elements whose main aim is to destabilize society. The Commission stated that a first step to stall such a development would be to suitably amend Section 170B of the CG Land Revenue Code or to interpret it in the widest possible manner. Meanwhile, it was also imperative to ensure that social and political groups are not allowed to exploit religious sentiments for their narrow ends. Such groups have been assiduously indulging in hate propaganda against the Christians in general and the Christian missionaries in particular.

## **7.7 Himachal Pradesh Freedom of Religion Act 2006**

7.7.1 The Commission noted with concern the enactment of the Himachal Pradesh Freedom of Religion Act, 2006 by the Himachal Pradesh Legislative Assembly, wherein some terminologies used in the Act and the methodology prescribed for implementing it were questionable. The Act prescribed that a person intending to convert from one religion to another must give a notice of at least thirty days to the District Magistrate who then “shall get the matter enquired into by such agency as he may deem fit”. No time limit is prescribed for the conduct of such an enquiry and its modalities have not been defined. The failure to give such a notice, on the part of the person intending to convert, would be punishable by a fine. No such notice, however, is required if a person reverts to his “original religion”. The Commission expressed the view that the provision of notice and enquiry, and that too selectively, is tantamount to a gross interference with the individual liberties of citizens and would allow state functionaries to interfere in matters of personal life and religious beliefs. More seriously, it would impinge on the freedom of conscience, and free profession, practice and propagation of religion guaranteed by Article 25 of the Constitution.

## **7.8 Attacks on Christian Priests in Kolhapur**

7.8.1 On 10.5.2007 Commission suo moto took note of the reports of attacks on Christian Priests in Ichalkaranji, Kolhapur and issued a statement. The Commission observed that a clear and discernable trend that has emerged in the recent past is the repeated attacks by hired goons on Christian preachers and religious persons. The Commission condemned these attacks and stated that if civil society wishes to live by the mores and values of a multi cultural, pluralistic society which is sensitive to the aspirations and beliefs of all its citizens, if it wishes to uphold the principles enshrined in the Constitution, it must now raise its voice against these outrageous attacks that besmirch India's fair name, make a mockery of the rule of law and shame us all. The Commission urged the State Governments concerned to investigate these atrocities and take the sternest possible action against the culprits.

## **7.9 Bomb blasts in Makkah Mosque on May 18, 2007 and at Lumbini Park and Gokul Chat eatery on August 25, 2007 at Hyderabad**

7.9.1 A four-member team of the National Commission for Minorities (NCM) consisting of Vice-Chairperson M.P. Pinto, Mr. Harcharan Singh Josh, Dr. Dileep Padgaonkar and Prof. Zoya Hasan. visited Hyderabad on 4 -5 February, 2008 to enquire



in to the complaints against the authorities of Andhra Pradesh for allegedly targeting Muslims and Christians in the State. On the issues faced by the Muslim minority, the main complainants were Ms. Nirmala Deshpande, Member of Parliament, and Ms. Nandita Rao, advocate in New Delhi who had forwarded the NCM detailed reports filed by the Civil Liberties Monitoring Committee and by a fact-finding commission set up the AP State Minorities Commission. During its visit to Hyderabad the NCM team met relatives of individuals who were killed, injured or detained in the Mecca Masjid bomb blast on May 18, 2007 and in the bomb blasts at Lumbini Park and the Gokul Chat eatery on August 25, 2007; representatives of NGOs, political parties and religious organizations; academics and journalists; Mr. Mohammad Ali Shabbir, the Minister in charge of Minority Welfare Affairs; Mr. Yusuf Qureshi, Chairman, AP State Minority Commission; high-ranking police officials and civil servants; and detainees in the Charlapalli prison. A delegation of the team also called on the Governor, AP, Sh. N.D. Tewari, to apprise him of the team's mission.

7.9.2 The main allegation contained in the documents sent to the NCM – and which was reiterated by the interlocutors of the NCM team – related to the failure of the police to observe the due process of law while investigating the three bomb blasts in Hyderabad in 2007. Examples of this alleged dereliction of duty include the following:

- (a) disregarding established procedures, the police fired indiscriminately into the crowd fleeing the Mecca Masjid after the blasts which resulted in the death of at least six persons
- (b) after the twin blasts on August 25, 2007, the police picked up Muslim youths randomly as suspects. In one instance, a group of young men was apprehended in a grave-yard watching CDs of Jehadi propaganda on a television set with a proper electricity connection
- (c) the suspects were not allowed to inform relatives of their arrest
- (d) the suspects were bundled into cars without number-plates, blindfolded and illegally detained in farm houses and private lodges for several days where they were subjected to physical and mental torture. They were stripped naked, severely beaten, administered electric shocks on various parts of their body, including the genitals, and deprived of food



and water. The police used abusive language about their women folk and their faith and forced them to hail Hindu deities.

(e) No lawyer was present during interrogation of the suspects.

(f) Detainees were not produced before a magistrate for remand within 24 hours of their detention. Instead, the time of arrest was shown as later than it actually took place merely to comply with the requirement of remand within 24 hours of arrest.

(g) The suspects were produced before a magistrate after court hours at his residence. The magistrates never asked them if they had been tortured despite tell-tale marks of recent injuries.

(h) Some of the suspects had to undergo narco tests whose results have little evidentiary value but which resulted in physical and psychological damage to them. Incidentally, the A.P. High Court has banned narco tests.

7.9.3 In their discussions with the NCM team, the police officials flatly denied the charges levelled against the police force. On the contrary, they argued that “so-called Civil Liberties Groups which have been orchestrating the campaign against the police are known to have links with certain Jehadi elements.” The officials could not justify the use of the term ‘so-called’ given the fact that the civil liberties groups have been duly registered. Nor could they adduce any evidence to substantiate their claim that such groups had any connection with Jehadi elements. For the NCM team the denial of the charge of torture was a cause of the serious concern given the comments of Dr. Mahender Reddy, a forensic expert, who had assisted Mr. Ravi Chander in the fact-finding mission undertaken at the behest of the Andhra Pradesh State Minorities Commission.

7.9.4 After examining some of the detainees in Charlapalli prison, Dr. Reddy went on record to state that a few of them still bore signs of injury which were not self-inflicted. He added that these could have been the result of third-degree procedures. The NCM team did notice marks of injury on the body of the detainees but it was obviously not possible for the team to confirm whether these were caused by torture or not. Nor was it possible to ascertain whether the injuries were noted in medical records of hospitals

where the detainees were sent for examination. At the Charlapalli prison the NCM team noticed that in the list of detainees provided by the prison authorities the letters 'ISI' figured alongside each name. Neither the prison authorities, nor the concerned minister, nor even the high-ranking police official could explain this reference. This was curious, to say the least, on two counts. First, the police have yet to identify the perpetrators of the three bomb blasts in Hyderabad in 2007. Second, the Commissioner of Police, Hyderabad City, has himself admitted in a letter addressed to the Andhra Pradesh State Minorities Commission that during the process of the examination of suspects, the police were unable to gather evidence establishing their complicity in the blasts. The Commissioner did add that the suspects were found to be involved in certain criminal acts and that they were also part of a Jehadi network in Hyderabad. However, even in this latter comment the Police Commissioner had made no mention of the ISI. On further questioning the police officials agreed to delete this reference. A similar undertaking was given by the Charlapalli jail authorities and Minister Md. Ali Shabbir. Mention must now be made of two related developments. First, a total of thirteen detainees in the Charlapalli prison have now been released on bail. Second, the present government in Andhra Pradesh has taken a number of measures for the economic and social welfare of the Muslim minority. Both developments will go at least some way to assuage the hurt feelings of the Muslims. But welfare measures however sound and efficacious cannot compensate for a feeling (justified or not) that members of a particular community are being targeted and are victims of a sort of racial profiling. While keeping the paramount importance of the security of the state and the lives of its citizens in mind, the government must try to address the fears and apprehensions of a sizable section of civil society. The team was surprised to note that whereas investigation into one act of terrorism was handed over to the CBI for investigation other incidents were entrusted to the local police. When serial acts of this nature are perpetrated it is wiser to have all of them investigated by the same agency. This removes the suspicion that some acts are treated more seriously than others and ensures that all of them are investigated with the same degree of intensity and objectivity.

**RECOMMENDATION:** The NCM team urged the union government to direct the CBI to enquire into all the three incidents of bomb blasts in the city in 2007. As of now, only the Mecca Masjid blast case is being investigated by the CBI.



**RECOMMENDATION:** Urgent measures are needed to address other major grievances of the Muslim community: better education facilities in Urdu schools, creation of job opportunities for Muslim youth, adequate representation for Muslims in government employment, and notably in the police force, compensation to families who lost their members in the blasts and an early settlement of the debate now raging in the community about the allegedly indiscriminate sale of Wafk properties. This last point is a cause of much alarm considering the allegations of grave irregularities which are tantamount to a multi-crore scandal.

**CONCLUSION:** The NCM team was of the view that the seriousness of the charges levelled against the authorities must not deflect attention from the gravity of the security situation in Andhra Pradesh. In a power-point presentation, the high-ranking police officials provided a detailed and comprehensive account of Jehadi activities in the state and their links abroad, notably in Pakistan and Bangladesh. While it is certainly not the intention of the team to dismiss the serious issues raised in this presentation out of hand, the team viewed that, the police must not jettison the due process of law. This would only result in driving Muslim youth into the arms of extremists and give a fillip to those engaged in actions detrimental to communal peace and harmony and to India's security interests and concerns.

#### **7.10 Violence against Christians and Church properties in Orissa**

7.10.1 Taking suo-moto cognizance of news reports relating to alleged violence against Christians and Church properties in Orissa, on the eve of Christmas, the Commission vehemently condemned the incidents and called for a report from the Government of Orissa. Not satisfied with the report of the Govt. of Orissa and on receipt of a number of representations from Christian organizations alleging that miscreants were allowed to attack the Christians while the administration remained mute spectators, the Commission deputed a delegation to Orissa from 6<sup>th</sup>-8<sup>th</sup> January, 2008 to make an on the spot assessment of the situation.

7.10.2 The NCM delegation found that the long simmering Kondh-Pana conflict was, to some extent, responsible for the problem. The Kandhas also agitated because of the fact that SC Christians has obtained false SC certificates to take the benefits of reservation. It was also noted that the SC category excluded some Christian groups(Panas) whereas they are entitled



for inclusion in the ST category and the reservation benefits that go with it. However, the Kuis groups have been resisting this demand on the ground that they were ethnically different from the Panas. However, the more important factor for the communal disturbance was the anti-conversion campaign conducted by the VHP and Sangh Parivar Organizations for the last few years. In this regard the NCM delegation met both district officials, senior officers of the State Government and the Arch Bishop of Bhubaneswar who told them there was no incident of forcible conversion cited or adduced. The NCM delegation could not find any justification in the anti conversion campaign. During the violence it was gathered that the number of Church properties estimated to be destroyed were 71 More than 125 shops and over 500 houses were also destroyed. 3 persons were killed, 1 Christian, 1 Hindu while the identity of the third was yet to be established. The NCM delegation observed that a sense of insecurity runs deep in the Christian community as many of them were left with nothing except the clothes that they were wearing. Children and women including nuns had to seek refuge in the forests.

7.10.3 The National Commission for Minorities considered the report of the delegation and made the following recommendations:

- (i) The State Government should look into the speeches of Swami Lakhshmananada to determine whether they amounted to incitement to violence and take appropriate action.
- (ii) The State Government should issue a White Paper on the conversion issue to dispel fears and suspicions that have been assiduously raised about the Christian community and the role of its institutions.
- (iii) Rehabilitation package announced by the Orissa Government should be reviewed to provide rehabilitation keeping in view the actual loss suffered by the victims of violence.
- (iv) Augmenting the number of Police personnel and providing them with adequate training and equipment.
- (v) The State Government should take necessary steps for setting up of a Statutory Minorities Commission for safeguarding the rights of minorities in the State.
- (vi) The Government should examine the entire issue of classification of people and inclusion/exclusion of disadvantaged groups from official

categories of SCs and STs. These lists are of vital importance for various deprived groups as it critically effects their access to reservations in education and Government employment.

- (vii) The Commission stressed that an atmosphere of peace and tolerance should be created by the Union and State Governments so that the Christians living in the remote areas could enjoy their cultural and other rights granted by the Constitution.
- (viii) Since nearly two third of the population in the violence affected areas live below the poverty line, the Commission called upon the authorities to show greater vigilance to prevent out break of violence and urgently address issues of social exclusion and structural inequalities.

\* \* \* \* \*

## **CHAPTER – 8**

### **Specific Complaints regarding the deprivation of rights and safeguards of the minorities.**

**8.1** Under the NCM Act 1992, the Commission has been entrusted with the task of looking into specific complaints regarding deprivation of rights and safeguards of the minorities and take up such matters with the appropriate authorities. The Commission received 1508 complaints during the year 2007-08. Out of these complaints 1045 were from the Muslim community/ organizations / institutions, 166 from Christian community, 151 from Sikh community, 39 from Buddhist community and 33 from Parsi community and 74 were from those other than minority communities.

**8.2** 203 complaints were related to service matters, 673 were law and order problems, 48 concerned economic matters, 58 were on wakf matters and religious property and the remaining 526 complaints were of miscellaneous nature. A statement showing community subject wise break up of the representations is given at **Annexure-II**. These complaints were examined in the Commission and action was taken as per the procedure adopted by the Commission. Some of the important cases in which hearings were held are given below:-

#### **(i) Hearing with Officers of Education Department of Govt. of Punjab**

Dr. Darshan Singh, Punjabi Teacher made a complaint alleging harassment and his suspension from service by the management of Arya Senior Secondary School, Pathankot. The Commission summoned Sh. K. B. S. Sidhu, Secretary (Education), Sh. Jagat Singh Khatra, Director of Public Instructions (Secondary), Govt. of Punjab and Sh. Ramesh, Principal of the Arya Senior Secondary School (Boys), Pathankot on 30-4-2007. Secretary (Education), Govt. of Punjab assured the Commission that they would resolve the grievances of Sh. Darshan Singh.

#### **(ii) Hearing with Chairman of ICHR and Officers of Ministry of HRD**

On 14-5-2007 the Commission summoned the Chairman, ICHR and Joint Secretary, Department of Higher Education, Ministry of Human Resource Development to discuss the complaint of Dr. Tasneem Ahmad, Deputy Director, ICHR. The hearing was chaired by Sh. M. H. Ansari, Chairman, NCM. On the conclusion of the hearing Chairman, NCM desired to have clarification on certain points concerning the complaint.



The Dr. P. K. Shukla, Member Secretary, ICHR has been requested on 22-5-2007 to send the requisite clarifications. The clarifications are awaited.

**(iii) Hearing with Chief Secretary and other Officers of Govt. of Gujarat**

The Commission received a number of complaints alleging non-provision of civic amenities to the inmates of Relief Camps set up by the NGOs in Gujarat. The NCM delegation visited Gujarat during 13-17-10-2006 and inspected 17 camps in Ahmedabad, Panchmahal and Sabarkantha districts. Finding that no civic amenities were available in any of these camps, the Commission sent its report to the Relief Commissioner and the concerned District Collectors on 14-11-2006. The Commission reviewed the status of the habitations and the present condition of people living there at its hearing held on 17-5-07. The Relief Commissioner presented a report of the State Government on provision of civic amenities. The Commission noted with dismay that very little has been done and nothing specific has been done to alleviate the sufferings of the internally displaced persons. It appeared that no action at all would have been taken had the NCM visit not taken place in October, 2006. Another issue that emerged was that the compensation package of Rs.50,000/- per head to the riot victims announced by the Government was inadequate and not commensurate with the actual loss of property. The Commission decided to review progress made in provision of civil amenities in 47 Relief camps on a regular and continuous basis.

8.3 The Commission installed a computerized Complaint Monitoring System (CMS) with the technical assistance of NIC to monitor the progress made on complaints taken with the Union/State Governments and other public authorities. The system became operational with effect from 1-4-07. Upgradation of server and improvement in software design has been taken on hand.

8.4 The profile of the NCM and the guidelines drawn up for dealing with the complaints were posted on the website for public consumption.

8.5 The Commission for addressing the grievances or complaints of the minority communities against officials of the State relies on the state machinery for investigation and reports. This results more often in biased reporting. This is severe constraint on the effective functioning of the Commission and underlines the need for conferment of powers to the Commission to set up an independent investigative machinery for enquiry.

\* \* \* \* \*

## CHAPTER 9

### MEDIA ACTIVITIES AND PRESS RELEASES

9.1 In the period under review, to highlight the Commission's activities and initiatives taken, the NCM's media-related activities comprised of issue of press releases, briefing of media persons, participation in radio and TV interviews/programs, contribution of articles in leading publications by members and publication of quarterly news letter. These were based on findings and observations of Members during their field visits or on issues of topical interest and concern. NCM's press releases and reports of Members, following field visits, are also invariably placed on NCM's website, launched in November 2006, to provide easy access to scholars, journalists, social activists and the public at large. Every meeting of the Commission held outside Delhi in State Capitals culminate with a press conference and also interaction with the local press by the Chairperson and Members of the Commission. The coverage of such meetings along with other activities which the Commission undertakes has been reasonably fair and comprehensive.

9.2 An important initiative of the Commission concerning the media was the Commissioning of a study by the Centre for Media Studies (CMS) to monitor the coverage of issues and concerns of minorities in Television. The centre submitted its report in December 2007, which was considered and adopted by the Commission in its meeting held on 3-1-2008.

9.2.1 Prime Time News of six Hindi News Channels and two English News Channels were monitored during April & May 2007. According to the report during the monitoring period, 144 news items relating to Minorities, especially Muslims, were covered. A total of 15,683 news stories appeared in the months of April and May 2007, prime time news (7-11 p.m.). Stories relating to minorities, accounted for 0.9% of the total news coverage. During the period all items on minorities were India related and there were no international stories connected to Islam or Muslims. Stories related to bomb blast in Hyderabad occurred during this period. The focus was on victims, their rescue and relief. No particular section was blamed for the blast. Developmental issues and process of change was hardly covered.

9.2.2 UP Assembly elections and the controversial release of a CD by BJP in UP which coincided with the UP elections got about 30% of space. The remaining 70% of coverage related to stories ranging from conflicts, controversies, development issues and concern about status of Muslims etc. Politicized issues tend to get higher coverage in TV news than social issues and this applies equally in the case of minorities. Overall, the coverage of minorities in the news bulletins is neither stereo typed nor negative, as is made out.

9.3 Wherever serious incidents of infringement of minority rights or those detrimental to minority interests occurred, the Commission issued press statements expressing its views in the matter. The press releases issued also covered important events/functions organized by the Commission. Important press releases issued during the year under report were :-

- (i) Press release dated 11-4-07 in the context of an objectionable CD released by Bharatiya Janta Party as part of its election campaign in Uttar Pradesh.
- (ii) Press release dated 3-5-07 on the discriminatory treatment of tribal of Christians in Jashpur district of Chattisgarh district administration.
- (iii) Press release dated 4-5-07 on the Himachal Pradesh Freedom of Religion Act, 2006 enacted by the Himachal Pradesh Legislative Assembly. The Commission noted with concern some terminologies used in the Act and the methodology prescribed for implementing it.
- (iv) Press release dated 10-5-07, condemning the reports of attacks on Christian priests in Ichalkaranji, Kolhapur. The Commission appealed to the civil society to raise its voice against these outrageous attacks and also urged the State Government concerned to investigate these atrocities and take the sternest possible action against the culprits.
- (v) Press release issued on 21-5-07 in the aftermath of the bomb blasts in the Makka Mosque at Hyderabad during Friday prayer on May 18, 2007 and the subsequent police firing. According to media reports 14 persons were killed in the bomb blast including 5 in police firing. The persons in the police firing were reported to have been killed due to bullet injuries sustained above waist level in breach of prescribed procedure while resorting to police firing. The Commission called for a report from the Govt. of Andhra Pradesh and urged the Central and State Government to ensure that the police force discharges its functions lawfully.



- (vi) Taking cognizance of the press reports relating to alleged justification of the murder of Soharabuddin Sheikh during a fake encounter, a press release was issued on 6-12-2007 calling upon the Chief Minister, Gujarat to uphold the dignity and propriety of public life. The heat and dust of the election campaign, it was urged, should not be an excuse to trample under foot the values and principles of our republic.
- (vii) The Commission issued a press release vehemently condemning the incidents of alleged violence against Christian and Church properties in Orissa and called for a report from the Govt. of Orissa. A NCM delegation was also sent to Orissa to make an on the spot assessment of the situation.

\* \* \* \* \*

## CHAPTER – 10

### Administrative set up of the Commission (including finance and accounts and implementation of the official language policy)

**10.1** The Administrative set up of the National Commission for Minorities remained the same during the year 2007-08. The organizational chart of the Commission as in the year 2007-08 is given in **Annexure-III**. Sh. Ravi Dhingra, IAS (HP:72) Secretary, NCM demitted the office on 30.6.2007 and assumed the charge of Chief Secretary, Govt. of Himachal Pradesh. Sh. Anil Kumar, IAS (UP:73) joined the NCM as a Secretary on 16.7.2007 and was transferred to Ministry of Women & Child Development on 18.10.2007. Smt. Deepa Jain Singh, IAS (HR:71) joined the Commission as a Secretary on 18.10.2007.

**10.2** The Commission could not switch over to the new accounting system provided under the NCM (Annual Statement of Accounts, Audit and Annual Report) Rules 1995 because of non-availability of the requisite posts recommended by the Staff Inspection Unit of Ministry of Finance in 1998. The Commission continued to follow the existing procedure to submit bills to Pay and Accounts Office of Ministry of Minority Affairs set up in the year 2006-07.

**10.3** As on 31.3.2007, the total sanctioned strength of the Secretariat of the Commission was 95. The list of the sanctioned posts and the vacancies is given in **Annexure-IV**.

**10.4** The proposal for creation of the following 15 additional posts, as recommended by the Staff Inspection Unit of Ministry of Finance, is yet to materialise.

Name of the post recommended by SIU	No. of posts recommended by SIU	Pay Scale
Dy. Director	1	Rs. 10000-15200/-
Research Officer	1	Rs. 8000-13500/-
Information Officer cum PRO	1	Rs. 8000-13500/-
Pay & Accounts	1	Rs. 7500-12000/-

Officer		
Research Investigator	1	Rs. 5500-9000/-
Research Assistant	2	Rs. 5000-8000/-
Statistical Assistant	1	Rs. 5000-8000/-
Assistant (Legal)	1	Rs. 5000-8000/-
Steno Grade 'D'	1	Rs. 4000-6000/-
UDC	2	Rs. 4000-6000/-
LDC	2	Rs. 3050-4500/-
Daftary	1	Rs. 2610-4000/-
Total	15	

10.5. During the year Quarterly meetings of the Departmental Official Language Implementation Committee were held regularly. The Hindi fortnight was organized in the Commission. Vigilance awareness week was also observed.

\* \* \* \* \*



## CHAPTER – 11

### Conclusions and Recommendations

11.1 The National Commission for Minorities should be conferred Constitutional status alongwith powers of independent inquiry without any further delay.

11.2 The State Government should associate the State Minorities Commission in the formulation of the plan proposals and schemes meant for minorities. The Commissions should also be given powers to implement , monitor and review all developmental programmes and welfare schemes under PMs New 15 Point Programme intended for minorities.

11.3 The recommendation made last year for a minority sub plan similar to that for SC/ST did not find favour with the Planning Commission. The Commission reiterates its earlier recommendation. The idea of a Sub Plan for minorities should be carried forward and not discarded merely on the ground of failure of SC/ST sub plan as it seeks to remove the sense of policy discrimination and neglect of minorities over the years. Scheme-wise allocation of funds to the extent of 15% envisaged under the PMs' 15 Point Programme must be ensured.

11.4 There is lack of awareness amongst the minority communities about the developmental schemes of the Government and the need for dissemination of information on a wider scale giving full details of the schemes, benefits available, allocation of funds under the various schemes, its utilization and physical and financial achievements, is absolutely essential, to sensitize the minorities towards their developmental goals.. In this regard greater role can be played by NGOs and full support should be given by the Government.

11.5 Conferment of legal status to the PMs 15 Point Programme and adoption of public priyate initiative perhaps like the Gates Foundation model would enable its effective implementation and achieving the desired results.

11.6 Compensation to riot victims should be uniform and consistent and at the same enhanced level as that for the victims of 1984 riots; Special rehabilitation schemes should be devised to ameliorate the sufferings of the riot victims.

11.7 Madarsa educational system requires restructuring and should be accomplished without hurting the sentiments of the Muslims and should be brought in line with the formal educational structure with more emphasis on skill education.

11.8 The communal disturbances in the country remain unabated and is a cause of grave concern. A feeling is gaining ground amongst members of the minority community that they are being targeted and victimized. The Government must urgently address the fears and apprehensions of the minority community who form a sizeable section of the society. Wherever violent attacks and atrocities are committed against them, the State agencies should ensure observance of due process of law, prompt registration of FIRs against the perpetrators of such crimes, speedy investigation, and trial. Severe punishment, according to law, must also be ensured so that it can act as a deterrent.

11.9 The Commission felt that Act No.24 of 2007 of the Govt. of Andhra Pradesh empowering the State to prohibit propagation of religion in places of worship or prayer other than the religion traditionally preached at such place, is prima facie not in line with the letter and spirit of the constitution related to freedom of religion. There are enough provisions in the IPC to deal with offences committed in places of worship. The Andhra Pradesh Charitable and Hindu religious institutions and Endowments Act 1987 has been amended to establish a Sanathan Dharma Parishad for propagation of Hinduism. The composition of the Parishad includes civil servants as members. Prima facie the Commission felt that it is not in keeping with the secular values of the nation. The Commission urges the Government of Andhra Pradesh to reconsider these Acts and repeal them.

11.10 The law enforcing authorities of the State of Orissa failed miserably in prevention and control of the outbreak of violence against Christians and Church properties in the State which had its beginning in December 2007. The root cause of the violence was attributed to religious conversion and long simmering Kondh-Pana caste conflicts. The Commission recommends the following measures to be taken for the prevention of such



occurrences and to allay the sense of insecurity which runs deep in the Christian community in Orissa :—

- (i) The Government of Orissa should issue a White Paper on the conversion issue to dispel fears and suspicions that have been assiduously raised about the Christian community and the role of its institutions.
- (ii) Rehabilitation package announced by the Orissa Government should be reviewed to provide rehabilitation keeping in view the actual loss suffered by the victims of violence.
- (iii) The strength of the Police force should be augmented and provided with adequate training and equipment.
- (iv) The Government of Orissa should take necessary steps for setting up of a Statutory Minorities Commission for safeguarding the rights of minorities in the State.
- (v) The Government of Orissa should examine the entire issue of classification of people and inclusion/exclusion of disadvantaged groups from official categories of SCs and STs in consultation with the Centre. These lists are of vital importance for various deprived groups as it critically affects their access to reservations in education and Government employment.
- (vi) An atmosphere of peace and tolerance should be created by the Union and State Governments so that the Christians living in the remote areas could enjoy their cultural and other rights granted by the Constitution.
- (vii) Since nearly two third of the population in the violence affected areas of Orissa live below the poverty line, the authorities need to show greater vigilance to prevent outbreak of violence and urgently address issues of social exclusion and structural inequalities.

\* \* \* \* \*



**P.M's New 15 Point Programme for welfare of minorities**

***(A) Enhancing opportunities for Education.***

***(1) Equitable availability of ICDS Services***

*The integrated Child Development Services (ICDS) Scheme is aimed at holistic development of children and pregnant/lactating mothers from disadvantaged section, by providing services through Anganwadi Centres such as supplementary nutrition, immunization, health check-up, referral services, pre-school and non-formal education. A certain percentage of the ICDS projects and Anganwadi Centres will be located in blocks/villages with a substantial population of minority communities to ensure that the benefits of the scheme are equitable/available to such communities also.*

***(2) Improving access to School Education***

*Under the Sarva Shiksha Abhiyan, the Kasturba Gandhi Balika Vidyalaya Scheme, and other similar Government schemes, it will be ensured that a certain percentage of such schools is located in villages/localities having a substantial population of minority communities.*

***(3) Greater resources for teaching Urdu***

*Central assistance will be provided for recruitment and posting of Urdu language teachers in primary and upper primary schools that serve a population in which at least one-fourth belong to that language group.*

***(4) Modernizing Madarsa Education***

*The Central Plan Scheme of Area Intensive and Madarsa Modernization Programme provides basic educational infrastructure in areas of concentration of educationally backward minorities and resources for the modernization of Madarsa education. Keeping in view the importance of addressing this need, this programme will be substantially strengthened and implemented effectively.*

*(5) Scholarships for meritorious students from minority communities*

*Schemes for pre-matric and post-matric scholarships for students from minority communities will be formulated and implemented.*

*(6) Improving educational infrastructure through the Maulana Azad Education Foundation.*

*The Government shall provide all possible assistance to Maulana Azad Education Foundation (MAEF) to strengthen and enable it to expand its activities more effectively.*

***(B) Equitable Share in Economic Activities and Employment***

*(7) Self-Employment and Wage Employment for the poor*

*(a) The Swarnjayanti Gram Swarojgar Yojna (SGSY), the primary self-employment programme for rural areas, has the objective for bringing assisted poor rural families above the poverty line by providing them income generating assets through a mix of bank credit and Governmental subsidy. A certain percentage of the physical and financial targets under the SGSY will be earmarked for beneficiaries belonging to the minority communities living below the poverty line in rural areas.*

*(b) The Swarnjayanti Shahary Rozgar Yojna(SSRY) consists of two major components namely, the Urban Self-Employment Programme (USEP) and the Urban Wage Employment Programme(UWEP). A certain percentage of the physical and financial targets under USEP and UWEP will be earmarked to benefit people below the poverty line from the minority communities.*

*(c) The Sampurna Grameen Rozgar Yojna (SGRY) is aimed at providing additional wage employment in rural areas alongside the creation of durable community, social and economic infrastructure. Since the National Rural Employment Guarantee Programme (NREGP) has been launched in 200 districts, and SGRY has been merged with NREGP in these districts, in the remaining districts, a certain percentage of the allocation under SGRY will be earmarked for beneficiaries belonging to the minority communities living below the poverty line till these districts are taken up under NREGP. Simultaneously, a*

*certain percentage of the allocation will be earmarked for the creation of infrastructure in such villages, which have a substantial population of minorities.*

*(8) Upgradation of skill through technical training*

*A very large proportion of the population of minority communities is engaged in low-level technical work or earns its living as handicraftsmen. Provision of technical training to such people would upgrade their skills and earning capability. Therefore, a certain proportion of all new ITIs will be located in areas predominantly inhabited by minority communities and a proportion of existing it is to be upgraded to 'Centres of Excellence' will be selected on the same basis.*

*(9) Enhanced credit support for economic activities*

*(a) The National Minorities Development & Finance Corporation (NMDFC) was set up in 1994 with the objective of promoting economic development activities among the minority communities. The Government is committed to strengthen the NMDFC by providing it greater equity support to enable it to fully achieve its objective.*

*(b) Bank credit is essential for creation and sustenance of self-employment initiative. A target of 40% of net bank credit for priority sector lending has been fixed for domestic banks. The priority sector includes, inter alia, agricultural loans, loan to small-scale industries & small business, loans to retail trade, professional and self-employed persons, education loans, housing loans and micro-credit. It will be ensured that an appropriate percentage of the priority sector lending in all categories is targeted for the minority communities.*

*(10) Recruitment to State and Central Services*

*(a) In the recruitment of police personnel, State Governments will be advised to give special consideration to minorities. For this purpose, the selection committees should have the representative of minorities.*

*(b) The Central Government will take similar action in the recruitment of personnel to the Central police forces.*

*(c) Large scale employment opportunities are provided by the Railways, nationalized banks and public sector enterprises. In these cases also, the concerned*



departments will ensure that special consideration is given to recruitment from minority communities.

(d) *An exclusive scheme will be launched for candidates belonging to minority communities to provide coaching in Government institutions as well as private coaching institutes with credibility.*

**(C) Improving the conditions of living of minorities**

**(11) Equitable share in rural housing scheme**

*The Indira Awas Yojna (IAY) provides financial assistance for shelter to the rural poor living below the poverty line. A certain percentage of the physical and financial targets under IAY will be earmarked for poor beneficiaries from minority communities living in rural areas.*

**(12) Improvement in condition of slums inhabited by minority communities**

*Under the schemes of Integrated Housing & Slum Development Programme(IHSDP) and Jawaharlal Nehru Urban Renewal Mission(JNURM), the Central Government provides assistance to States/UTs for development of urban slums through provision of physical amenities and basic services. It would be ensured that the benefits of these programmes flow equitably to the members of the minority communities and to cities/slums, predominantly inhabited by minority communities.*

**(D) Prevention & Control of Communal Riots**

**(13) Prevention of communal incidents**

*In areas, which have been identified as communally sensitive and riot prone districts, the police officials of the highest known efficiency, impartiality and secular record must be posted. In such areas and even elsewhere, the prevention of communal tension should be one of the primary duties of the District Magistrate and Superintendent of Police. Their performance in this regard should be an important factor in determining their promotion prospects.*

(14) Prosecution for communal offences

*Severe action should be taken against all those who incite communal tension or take part in violence. Special court or courts specifically earmarked to try communal offences should be set up so that offenders are brought to book speedily.*

(15) Rehabilitation of victims of communal riots

*Victims of communal riots should be given immediate relief and provided prompt and adequate financial assistance for their rehabilitation.*

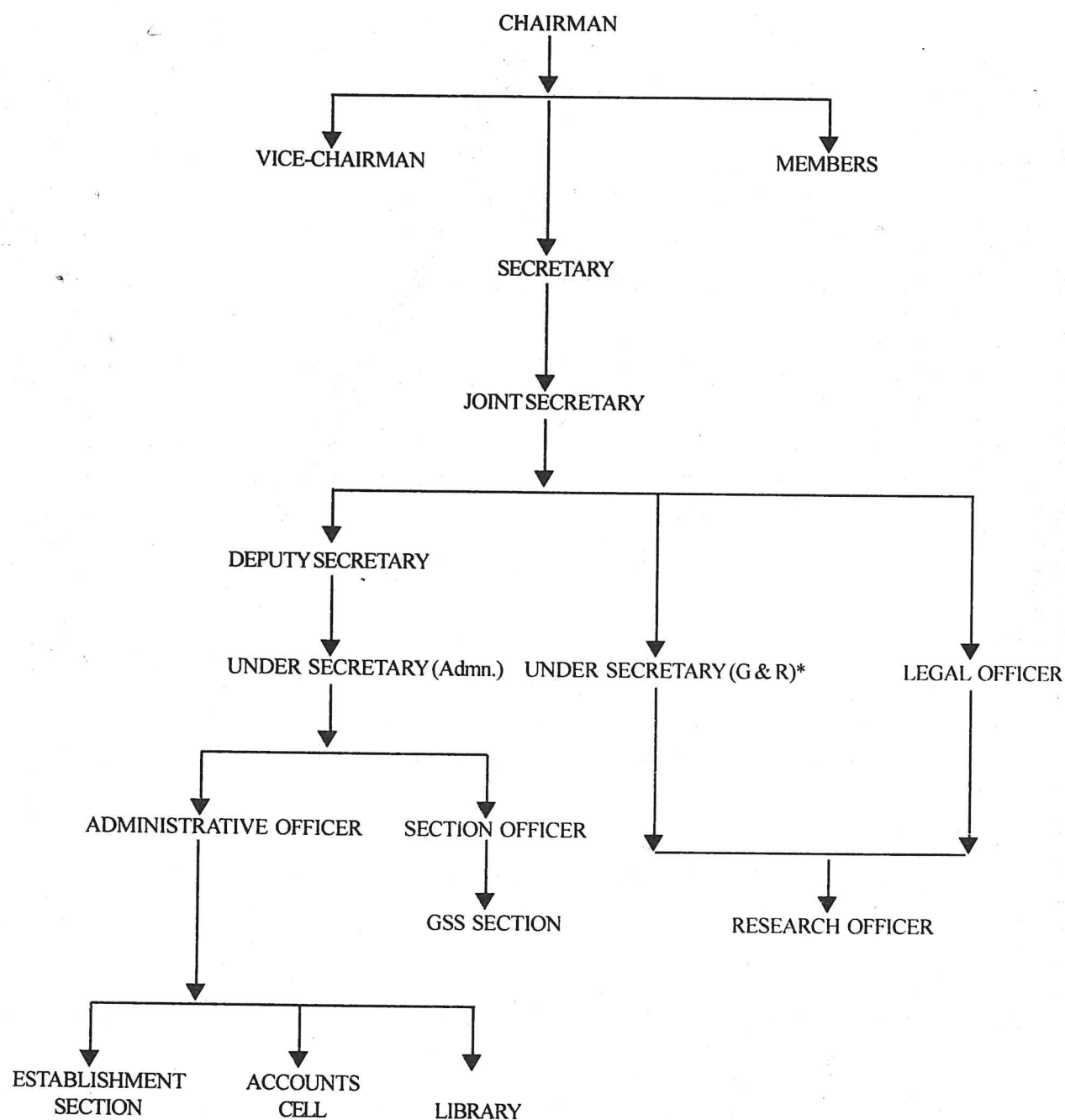
\* \* \* \* \*

STATEMENT OF REPRESENTATIONS (COMMUNITY/SUBJECT WISE) RECEIVED IN THE COMMISSION  
FROM 1.4.07 TO 31.3.08

Sr. No.	State	Muslims	Christians	Sikhs	Buddhists	Parsis	Other than minorities	Service matter	Law & order	Economic matter	Wakf matters & religious property	Misc.	Total
1.	Andhra Pradesh	21	11	2			5	10	19	3		7	39
2.	Assam	14	1			1	1	7	2		1	6	16
3.	Arunachal Pradesh												0
4.	Andaman Nicobar Island												0
5.	Bihar	48		7	2		5	14	26	4		18	62
6.	Chandigarh	3		2			2	1		1	2	3	7
7.	Chattisgarh	11	4	4	1			1	1	2	5	11	20
8.	Dadar & Nagar Haveli		2					1	1			1	2
9.	Daman & Diu	1	1			1			1	1		1	3
10.	Delhi	91	12	26	7		18	22	39	2	5	86	154
11.	Goa	1							1				1
12.	Gujarat	33	22	1		13		11	23			35	69
13.	Haryana	29	0	9	1	0		1	17	4		17	39
14.	Himachal Pradesh	5	1	9	8			2	4		2	15	23
15.	Jammu & Kashmir	16	2	3	1		1	10	12	2	2	7	23
16.	Jharkhand	16	1	3			5	7	5		1	9	25
17.	Karnataka	16	8	2			5	7	15	3		6	31
18.	Kerala	6	7			1		4	8			2	14
19.	Lakshwadeep												0
20.	Madhya Pradesh	64	10	3	2	1	1	8	25		1	47	81
21.	Maharashtra	62	9	4	1	13		11	23	5	7	43	89
22.	Manipur												0
23.	Meghalaya	1	1	1					1			2	3
24.	Mizoram												0
25.	Nagaland												0
26.	Orissa	7	30	1			2	3	30			7	40
27.	Pondicherry	2							1			1	2
28.	Punjab	16	6	21				5	11			27	43
29.	Rajasthan	31	2	5				12	15			11	38
30.	Sikkim	1			2							3	3
31.	Tamil Nadu	9	13		1			3	15			5	23
32.	Tripura	1			1	4		1				1	2
33.	Uttar Pradesh	464	19	29	9		25	50	326	19	31	124	550
34.	Uttaranchal	31	1	19	1			5	27	2	1	17	52
35.	West Bengal	45	3		2		4	15	25			14	54
Grand Total		1045	166	151	39	33	74	203	673	48	58	526	1508



**ORGANISATIONAL CHART OF NATIONAL COMMISSION FOR MINORITIES**



Note : \*Representations from the five notified minority communities (Muslims, Christians, Sikhs, Budhists and Parsis) from all over the country are dealt with in G & R (Grievances & Research) Section of NCM.

**STATEMENT SHOWING NUMBER OF SANCTIONED POSTS AND  
VACANCIES IN NCM**

\*\*\*\*\*

(Position as on 31-03-2008)

**A. Members of the Commission**

Sl. No.	Name of the post	Scale of Pay	No. of posts sanctioned	No. of posts filled	No. of posts vacant
1.	Chairperson	Rs. 26,000/- fixed	1	1	-
2.	Vice-Chairperson	Rs. 26,000/- fixed	1	1	-
3.	Member	Rs. 26,000/- fixed	5	5	-
<b>Total</b>			<b>7</b>	<b>7</b>	<b>-</b>

**B. NCM SECRETARIAT**

Sl. No.	Name of the post	Scale of Pay	No. of posts sanctioned	No. of posts filled	No. of posts vacant
1.	Secretary	Rs. 26,000/- fixed	1	1	-
2.	Joint Secretary	Rs. 18,000-22,400/-	1	1	-
3.	Deputy Secretary	Rs. 12,000-16,500/-	1	1	-
4.	Under Secretary	Rs. 10,000-15,200/-	2	1 + 1 *	-
5.	Legal Officer	Rs. 10,000-15,200/-	1	1	-
6.	Research Officer	Rs. 8,000-13,500/-	1	1	-
7.	Admn. Officer	Rs. 8,000-13,500/-	1	1	-
8.	Section Officer	Rs. 6,500-10,500/-	1	1	-
9.	Sr. Private Secretary	Rs. 7,500-12,500/-	1	1	-
10.	Private Secretary	Rs. 6,500-10,500/-	1	1	-
11.	Librarian	Rs. 5500-9000/-	1	1	-
12.	Research Investigator	Rs. 5500-9000/-	3	3	-
13.	Assistant	Rs. 5000-8000/-	3	2	1
14.	Accountant	Rs. 5000-8000/-	1	1	-

Sl. No.	Name of the post	Scale of Pay	No. of posts sanctioned	No. of posts filled	No. of posts vacant
15.	Urdu Translator	Rs. 5000-8000/-	1	1	-
16.	Hindi Translator	Rs. 5000-8000/-	1	1	-
17.	Research Assistant	Rs. 5000-8000/-	3	1	2
18.	Personal Assistant	Rs. 5000-8000/-	2	2	-
19.	Steno (Urdu)	Rs. 4000-6000/-	1	1	-
20.	Steno Grade 'D'	Rs. 4000-6000/-	3	2	1
21.	UDC	Rs. 4000-6000/-	4	4	-
22.	LDC	Rs. 3050-4590/-	5	2	3
23.	Staff Car Driver	Rs. 3050-4590/-	8	8	-
24.	Dispatch Rider	Rs. 3050-4590/-	1	1	-
25.	Gest. Operator	Rs. 2650-4000/-	1	1	-
26.	Daftary	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	5	4
30.	Safaiwala	Rs. 2550-3200/-	2	1	1
	<b>Total</b>		<b>63</b>	<b>50</b>	<b>13</b>

\*One additional post of Under Secretary has been provided by the Ministry of Social Justice & Empowerment.

#### C. Co-Terminus Staff Appointed with Chairperson, Vice-Chairperson & Members



S1. No.	Name of the post	Scale of Pay	No. of posts sanctioned	No. of posts filled	No. of posts vacant
1.	Private Secretary	Rs.12,000-18,000/-	1	1	-
2.	Addl. Private Secretary	Rs. 10,000-15,200/-	1	-	1
3.	Private Secretary	Rs. 6,500-10,500/-	6	6	-
4;	APS	Rs. 6,500-10,500/-	1	1	-
5.	Personal Assistant	Rs. 5500-9000/-	1	1	-
6.	Personal Assistant	Rs. 5000-8000/-	6	6	-
7.	LDC	Rs. 3050-4590/-	1	1	-
8.	Jamadar	Rs.2610-3540/-	7	7	-
9.	Peon	Rs. 2550-3200/-	2	2	-
		<b>Total</b>	<b>26</b>	<b>25</b>	<b>1</b>

\*\*\*\*\*

