



सत्यमेव जयते

# ANNUAL REPORT

## 2008-09



**Government of India**  
**NATIONAL COMMISSION FOR MINORITIES**  
LOK NAYAK BHAWAN, 5TH FLOOR  
KHAN MARKET, NEW DELHI - 110 003





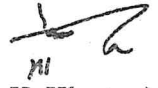
राष्ट्रीय अल्पसंख्यक आयोग  
भारत सरकार  
National Commission for Minorities  
Government of India

एम० के० खन्ना, आई०ए०एस०

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सचिव  
Secretary

The Annual Report of the National Commission for Minorities for the financial year 2008-09 has been prepared as per Section 12 of the National Commission for Minorities Act, 1992. The report is forwarded to the Government for further necessary action as required under Section 13 of the National Commission for Minorities Act, 1992. Recommendations made in the Annual Report are statutory recommendations under Section 9 of the NCM Act, 1992.

  
(M. K. Khanna)

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## **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 17.5.1993 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 notified religious minority communities. Five religious communities *viz.*, the Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) were notified as minority communities on 23.10.1993 *vide* notification No. 816(E).

#### **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.

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## **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 Chosphele 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** Shri 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**

**2.5** The Central Government nominated Shri Mohamed Shafi Qureshi as Chairperson 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 Appointment of New Members**

Sh. Harcharan Singh Josh and Ven. Lama Chosphele Zotpa, Members demitted office on completion of their tenure of three years on 5.3.2009. Shri Harvindra Singh Hanspal and Smt. Spalzes Angmo assumed charge as Members, in their place on 6th March, 2009.

#### **2.7 Commission gets new Secretary**

Shri M.K. Khanna, IAS, 74 (Rajasthan) joined the Commission as Secretary, NCM on 02.06.2008.

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## 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 2008-09, the Commission held 12 Formal Meetings and other meetings. The dates on which the internal Meetings were held during the year 2008-09 are given below:—

- (i) 25th Meeting held on 03.04.2008
- (ii) 26th Meeting held on 01.05.2008
- (iii) 27th Meeting held on 05.06.2008
- (iv) 28th Meeting held on 03.07.2008
- (v) 29th Meeting held on 07.08.2008
- (vi) 30th Meeting held on 04.09.2008
- (vii) 31st Meeting held on 15.10.2008
- (viii) 32nd Meeting held on 06.11.2008
- (ix) 33rd Meeting held on 04.12.2008
- (x) 34th Meeting held on 02.01.2009
- (xi) 35th Meeting held on 05.02.2009
- (xii) 36th Meeting held on 04.03.2009

**3.2** The internal Meetings of the Commission were held at NCM Conference Room, New Delhi-110003.

**3.3** The Commission held the following meetings besides the above formal meetings:

**3.3.1 Meeting with Shri Arjun Singh, Union Minister of Human Resource & Development on 16.4.2008**

A meeting was held on 16.4.2008 between NCM and Union Minister for Human Resource & Development, Shri Arjun Singh. The issues covered in the discussions were:—

- Affiliation of minority institutions to the Universities, uniform guidelines for issuance of minority certificates by States to minority educational institutions, the problem of illiteracy of the people of minority communities coming under the category of BPL making Sarva Shiksha Abhiyan more effective in the minorities' concentration areas.
- Augmentation of funding position of small schools run by minority communities in far flung remote areas.
- Restructuring of Madarsa educational system to bring it in line with the formal educational system with more emphasis on skill education and making English a link language in Madarsas / Urdu medium schools, the schemes for educational advancement of minorities being operated by the Ministry of HRD.
- Enhancement of educational loans to minorities for pursuing professional courses, strengthening girls education for minority communities and the progress under the Prime Minister's new 15 Point Programme.

### 3.3.2 Meeting with Indonesian Human Rights delegation on 2.5.2008

A two Member delegation from Indonesian National Commission for Human Rights comprising Mr. Firdiansyan and Ms. Endang Sri Melani called on the National Commission for Minorities on 2.5.2008. In his opening remarks, Chairperson, NCM drew attention to India's policy of religious freedom, equality of rights to all citizens of the country and non-discrimination on the grounds of religion, race, caste, sex or place of birth. The Special Rights and Safeguards for minorities conferred by the Constitution and unique to our country were highlighted. The experiences of the Commission as recommendatory body to the Government and its role as the protector of the rights and interests of religious minorities and facilitator of their socio-economic development were shared. The grievance redressal mechanism in place and its efficacy in securing justice and the rights of the minorities in the country also formed part of the discussions.

### 3.3.3 Public meeting at Lucknow on 11th–12th June, 2008

A delegation of the NCM Members headed by the Hon'ble Chairperson visited Lucknow between 11th–12th June, 2008 to hold Public Meeting with members of minority communities and to review the pending cases with the State Government authorities. The team visited the Haj House. The attention of the Government to the police atrocities was drawn and a need to bring about an attitudinal change in police and administration towards minorities was stressed. The State Govt. made a presentation on the schemes being implemented by them.

### 3.3.4 Meeting with the officers of Education Department of Govt. of Delhi, NDMC and MCD on 19.6.2008

A meeting chaired by Shri Mohamed Shafi Qureshi, Chairperson and attended by Ven. Lama Chosphe Zotpa and Sh. Harcharan Singh Josh, Members was held with Smt. Reena Ray, Secretary (Education), Govt. of Delhi, Director (Education), MCD, Chairman, NDMC and other officials.

The Commission was informed that the schools under Directorate of Education have shown considerable improvement and achieved better results in Class X and Class XII. The pass percentage doubled and due to sustained efforts by the Department of Education, it was claimed drop out rate has been reduced. The discussions centred around shortage of teachers for Punjabi & Urdu, efforts made for their recruitment, replacement of part-time teachers with full time teachers, their remuneration and preparation of Urdu text-books.

### 3.3.5 Meeting held by Dr. (Miss) M.D. Bengalee, Member, with Shri Vilasrao Deshmukh, Chief Minister of Maharashtra on 7th July, 2008

The meeting with Chief Minister, Maharashtra was attended by Mr. Nusli Wadia, Chairman of Bombay Dyeing and Chairman of several professional Colleges in Mumbai & Pune and Mr. Minoo Shroff, Chairman, Parsi Panchayat, Mumbai besides Dr. (Miss) M.D. Bengalee, Member, NCM.

The problems faced by Parsi students for admission into professional colleges, though several of them have been established and funded by Parsis was raised. The Chief Minister, agreed to take up the matter with these professional colleges to admit one or two students from the applicants. He also suggested that minority colleges should be approached to accommodate Parsis in their 51% quota, if seats were available.

Mr. Nusli Wadia raised the issue of Parsi representative in the State Minorities' Commission and the Chief Minister agreed to appoint a Parsi at the earliest.

Mr. Minoo Shroff talked about the encroachment of Parsi properties. The Chief Minister asked him to send the cases directly and promised to resolve the same.

The Chief Minister was positive in his response, quite appreciative of the contribution of Parsis in Maharashtra and assured that he would personally look into any complaint brought to his notice.

### 3.3.6 Meeting with a delegation of Church of North India, Synod (Orissa) on 29.08.2008

A delegation of the Church of North India Synod called on 29.8.2008 on the Chairperson of the National Commission for Minorities to apprise him of the incidents of violence against Christians in the state. The Chairperson





briefed them of the action taken by the Commission in this regard and informed that the matter has already been taken up with the State Government and the Commission is in constant touch with the higher authorities in Orissa.

### **3.3.7 Public Meeting of the National Commission for Minorities at Kolkata on 12<sup>th</sup> – 13<sup>th</sup> January, 2009.**

The Commission led by Hon'ble Chairperson visited Kolkata between 12-13 January, 2009 to hold Public Meeting with members of minority communities and reviewed with the State Government authorities, the action taken to redress their grievances and steps taken towards their welfare and development. Shri M.P. Pinto, Vice Chairperson, Ven. Lama Chosphele Zotpa, Shri Harcharan Singh Josh, Prof. Zoya Hasan, and Dr. (Miss) M.D. Bengalee, Members of the Commission accompanied the Chairperson during this visit. The Commission held separate meetings with each of the minority communities, NGOs & Intellectuals and senior State Government authorities. The Commission also met the Chief Minister and Minister of Minority Welfare, Govt. of West Bengal and had fruitful discussions on minority problems in the State. This was followed by a Press Conference.

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## **CHAPTER – 4**

### **Highlights of the year**

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

#### **4.1 Annual Conference of State Minorities Commissions on 20.1.2009**

**4.1.1** The NCM organized the Annual Conference of State Minorities Commissions on 20.1.2009 at Vigyan Bhavan, New Delhi. The Conference was inaugurated by Shri Hamid Ansari, Hon'ble Vice President of India. Shri Arjun Singh and Shri Oscar Fernandes Union Ministers also graced the inaugural session. Smt. Sayeda Hamid, Member, Planning Commission chaired the first working session and spoke on 'Socio Economic Development of Minorities'. Shri Mohamed Shafi Qureshi chaired the second working session. The main agenda of this session was proposal of Indira Gandhi National Open University (IGNOU) to set up study centres in Minority Concentration Districts (MCDs) and Model Act for the adoption of State Minorities Commissions prepared by NCM.

**4.1.2** Welcoming the participants, Shri Mohamed Shafi Qureshi, Hon'ble Chairperson, NCM pointed out that this conference is being organized at a very critical juncture when the country is striving hard to come out of the shadows of unprecedented rise in terrorist and communal violence in the country. He emphasized that the cult of hatred and communal polarization should be discouraged, and that the youth should be included in the Peace Committees constituted in communally sensitive areas. The local administration should remain in touch with the religious heads of minority communities on the issues concerning minorities. The Minorities Commission should act as a catalyst for the socio-economic upliftment of the minorities and achievement of inclusive growth. The NCM can act as a bridge between the Government and the people so that appropriate steps are taken by the Government to fulfil their needs and aspirations. The visits made to the States affected by the communal violence, regular dialogue with the Hon'ble P.M., Ministers of HRD, Social Justice & Empowerment and Minority Affairs to sensitize the Government on minority issues and the initiative made to set up a monitoring mechanism to assess the development schemes being operated by the Central & State Governments were highlighted. He drew attention to the major concerns of the Commission which are still pending with the Government namely the conferment of Constitutional Status to the National Commission for Minorities and a bill on prohibition of communal violence in the country.

#### **Inaugural Address by Shri M. Hamid Ansari, Hon'ble Vice President of India**

**4.1.3** In his inaugural address, Shri M. Hamid Ansari, Hon'ble Vice President of India, said that India is a land whose diversity includes religious minorities. Every sixth Indian is in this category. He pointed out that the fact is deprivation exists impacting overall progress of the country.

**4.1.4** The institutional mechanisms, namely, the National Commission for Minorities and the State Commissions have been created to safeguard the interests of minorities. But procedures to redress grievances have been somewhat ineffective on account of lack of will and tardy response from State agencies. The Government should consider granting to NCM investigative powers of the type given to NHRC and Commission for Scheduled Castes. A legislation similar to the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act could be considered for minorities' protection.

**4.1.5** There are three broad and inter-related dimensions to consider while discussing the question of minorities – Identity, Security and Equity. The policies and programmes initiated in the wake of the Sachar Report are indicative of the corrective action under way. The key to success lies in close monitoring of the implementation at ground level.

**4.1.6** Expert Groups have recommended institutional mechanisms namely setting up of Diversity Commission and Diversity Implementation Boards for affirmative action and policy targeting and Equal Opportunity Commission to

give shape to equality jurisprudence and inclusive growth. Support for both needs to be galvanized so that it results in enabling legislation. The aim should be to minimize inequality.

**4.1.7** The Vice President expressed his concern that the rights of minorities have acquired renewed salience in the last two decades. In today's world, he said, national standards on minority rights need to move in step with international norms. The 'Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities' adopted by the UN General Assembly in December, 1992 noted that minorities 'contribute to the political and social stability of States in which they live' and that promotion of minority rights would contribute to the strengthening of friendship and cooperation among people and States.

**4.1.8** He said, our mandate, should be to focus and bring about quantified socio-economic and political outcomes in a framework of transparency and accountability. This is the clear expectation from the citizens belonging to minority communities.

**4.1.9** The Hon'ble Minister of State for Labour and Employment, Shri Oscar Fernandes, in his speech stated that education is the basic requirement and an essential tool for daily life of people. For peace and harmony, the vast gap between minorities and others in education and employment should be eliminated. Acquisition of technical knowledge and skills, even if a child drops out of school, will enable him/her to acquire earning capacity. The efforts should, therefore, be to impart technical skills to improve their employability and earning capacity. The minimum basic education required for acquiring vocational skills could be 5th level instead of 8th level. In the next 10—12 years, the aim of the Government is to set up 50,000 technical schools, vocational training centres in every school in village for those who cannot access higher education and upgradation of 400 ITIs including 60—70 in Minority Concentration Districts.

**4.1.10** The Hon'ble Minister of HRD, Shri Arjun Singh referring to the speech of Chairperson, NCM said that while the general belief is that Commissions are ornamental bodies without any authority may be partly true, onus is on all of us to guarantee protection and to ensure that the rights of minorities become a reality. What is required, he stressed, is will. A strong nation, according to him, cannot be built unless all segments of our society are treated at par and conditions created enabling all citizens to have access to education at all levels.

**4.1.11** He said, Madarsa education has received special attention and equivalence of Madarsa qualification with that of education boards like CBSE will make Madarsas students eligible for jobs.

#### **Working Session I:**

*Working Session on 'Socio Economic Development of Minorities' by Dr. Syeda Saiyidain Hameed, Member, Planning Commission*

**4.1.12** Dr. Syeda Saiyidain Hameed, Member Planning Commission highlighted the importance attached by the Government for the equitable and inclusive growth of the minorities. With the ultimate goal of bringing the minorities into the mainstream, the Planning Commission has devised various Plans and Schemes in the 11th Five Year Plan. The allocation of funds to minority sector is being increased from 9% to 15% in 11th Plan over a period of next three years. In the 10th Plan, Rs.7000 crores was allotted for the schemes meant for minority sector development. 542 Banks have been opened in Minority Concentrated Districts. A two fold approach has been adopted to ameliorate the condition of minorities. Each and every scheme of Planning Commission is fully backed by the availability of resources. A beginning has been made in the educational front by introduction of scholarship schemes, coaching schemes etc. In order to bridge the majority-minority divide, minority children will be encouraged to go to private schools too. Maulana Azad Education Foundation has been provided Rs.250 crores for education of minority girls and construction of residential hostels. Rs.750 crores has been allocated to NMDFC for the financing schemes implemented by them. It is an acknowledged fact that presently the minorities are not able to benefit from a plethora of schemes due to lack of awareness of the schemes.



## Working Session II:

### (i) *Proposal of IGNOU to establish study centres in economically and socially backward Muslim Dominated Districts identified by the Sachar Committee*

4.1.13 The Director, IGNOU, gave an overview of the proposal which aims to bring minority children into the mainstream of formal school education. The study centres will offer vocational programmes in addition to BPP (Bachelor's Preparatory Programme of six months duration), B.A and B.Com Programme of IGNOU. The target is to establish 1700 study centres all over the country but the response, he said, has been lukewarm. Karnataka, Delhi and West Bengal alone have responded. Another feature of the proposal is to reach out to the minorities in MCD Blocks through sub-study centres and mobile study centres whereby teachers can go to Madarsas for conducting counseling sessions. The support of Minority Commissions both at the National level and State level has been sought in this venture. The University will bear the cost of the establishment and recurring expenditure of the study centres. The institutions need to provide to IGNOU rent free accommodation and help in identifying faculty/teachers for delivering the academic/vocational programmes to students.

### (ii) *Model Act for State Minorities Commissions*

4.1.14 The Model Act prepared by the NCM was discussed and there was unanimity that this may be forwarded to the State Governments for speedy implementation. It was also suggested that State Minorities Commissions should be set up in the States where they do not exist and States where the State Minorities Commissions already exist, there should be uniformity in their powers, functions, secretarial and other logistic support.

### 4.1.15 Conclusions & Recommendations:

1. State Minorities Commissions should be set up in the States where they do not exist. The Model Act prepared by NCM is a welcome step in this direction. The same may be forwarded to the State Governments for speedy implementation. The State Governments may, for the purpose, consult their State Minorities Commission.
2. The proposal of IGNOU to set up study centres in minority concentrated districts was agreed to. The modalities of the implementation will be worked out by IGNOU in co-ordination with the State Minorities Commissions.
3. The conferment of Constitutional status to the National Commission for Minorities is pending since 2004 and should be expedited by the Central Government.
4. The Communal Violence Bill is pending for consideration by the Central Government for a long time. The Central Government should take necessary steps to have the law passed by the Parliament.
5. The recommendations of the Sachar Committee Report should be implemented fully and in true letter and spirit.
6. Enhanced compensation to the 1984 Sikh riot victims announced by the Government of India in 2005 have not been paid in many cases and the matter in all seriousness should be taken up with the concerned authorities. There should be a uniform compensation to all the riot victims in respective of their communities.
7. The criteria for identification of minority concentrated districts/towns needs to be looked into and modified, if need be.
8. The State Minorities Commission should be given appropriate role and powers to implement monitor and review all developmental programmes and welfare schemes under the P.M's new 15 Point Programme intended for the minorities.
9. An independent, permanent and centralized institutional mechanism to monitor and evaluate the implementation of the schemes of the Government should be put in place to assess whether 15% target for minorities is being identified and achieved both in physical and financial terms.

10. Awareness campaigns to publicize the programmes of the Government should be undertaken in local and vernacular languages, in particular, Urdu. A compendium of schemes be prepared by every State in local vernacular language and widely distributed.
11. Amendment to the Bodh Gaya Temple Act, 1949 restructuring the composition of the Management Committee, which at present appears to be in conflict with the secular fabric of the Constitution, should be got expedited.
12. Protection and preservation of old religious monuments of heritage value by ASI is necessary. Urdu and Gurmukhi should be promoted.
13. Representation of a member belonging to the minority community in selection committees for public appointments etc. should be ensured.
14. Reservation for Dalit Christians and Muslims at par with SCs/STs should be considered by the Government in all seriousness and all facilities extended. There are instances where certain category of the Muslim community (namely Shaikh and Sayyed) have been excluded from the list of OBCs for reservation in Karnataka. This anomaly has to be rectified.
15. The thrust of the programme of educational advancement of the minorities should be to ensure access to education at all levels and delivery of quality education. Emphasis should be on vocational and technical courses, opening/capacity building of schools, training of teachers and coaching schemes. Modernization of Madarsas should be taken up for speedy implementation, in right earnest. The number of scholarships and amount disbursed under the scholarships schemes should be enhanced.
16. Issuing minority status certificate to educational institutions and certificate to minorities should be made hassle free and simplified and could be accorded by the authorities of the State Government on the recommendations of the State Minorities Commission.
17. Ensure easy access of credit flow to minorities and monitor loans/advances sanctioned by Banks and NMDFC/SMDFC on an ongoing basis. An allocation of Rs.750 crores has been made to NMDFC in the XIth Plan. But the functioning of NMDFC/SMDFC leaves much to be desired and needs improvement. Restructuring of NMDFC needs immediate attention.

#### 4.2 Annual NCM lecture delivered by Justice (Rtd.) A.M. Ahmedi on 8.7.2008

Mr. Justice A.M. Ahmedi former Chief Justice of India delivered the first NCM lecture on 8.7.2008 in Constitutional Club, Rafi Marg, New Delhi on "*How to dispel mistrust between majority community and minorities – the need for Confidence Building Measures*".

Mr. Justice Ahmedi in his lecture stated that every religion advocates peace and its believers look for a peaceful environment to live a life of happiness. This is why every religion and every civilization across the globe have condemned bigotry which is responsible for creating conflicts between religious and believers of different faith. Faith and civilization are intended to civilize human beings and prevent discord.

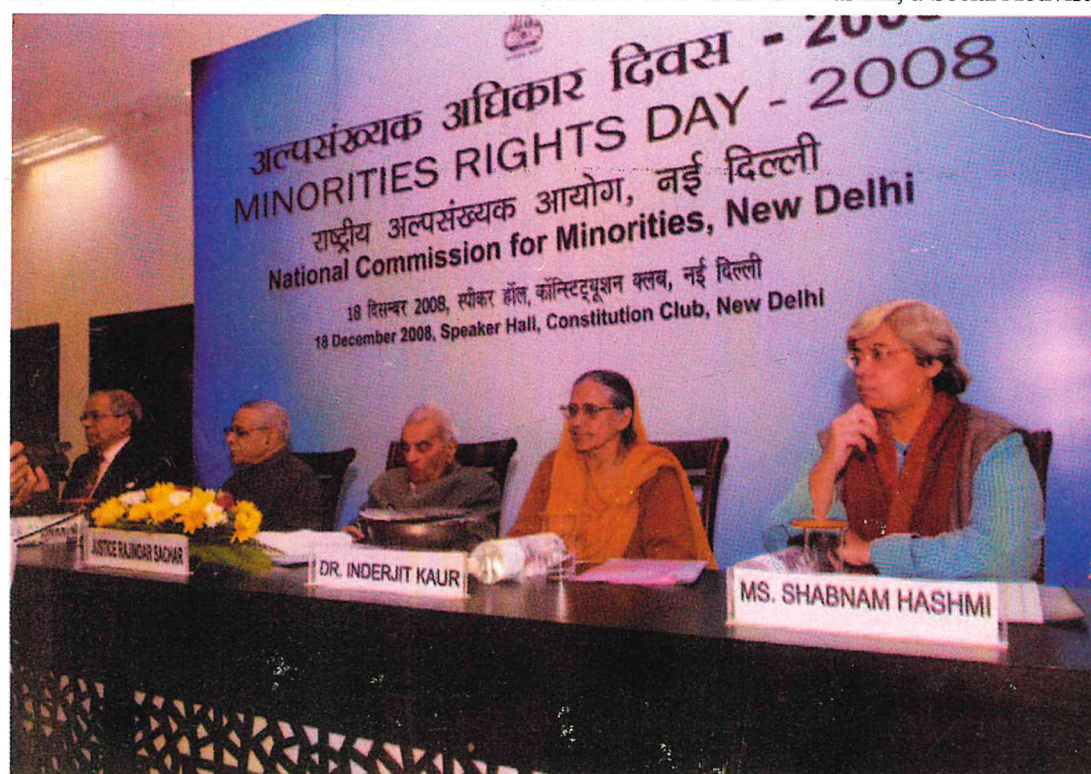
With the advance of telecommunication and relative ease of movement, there is on the one hand free flow of ideas and on the other increased travel facilities making societies more and more pluralistic across the globe. Countries with deeply religious societies, such as India, have to face challenges, sometimes grave, since such societies have their share of fanatics and obscurantists who are hell bent on using religion as a instrumentality to divide the society, spread hatred and indulge in violence. India must face this challenge with grit and determination and not allow such elements to succeed. In fact it must take the lead to show to the world how to foster inter-cultural amity through inter-faith dialogue. Civil society initiative and a strong government he said, will nip such endeavors in the bud. We need to awaken the secular forces from their slumber to contain the malafide designs of communal forces, or else our democracy and freedoms will be jeopardized, he observed. He also opined that establishment of peace committees by the NCM and State Minority Commissions at village level would go a long way in maintaining communal harmony.





#### 4.3 Minorities Rights Award 2008.

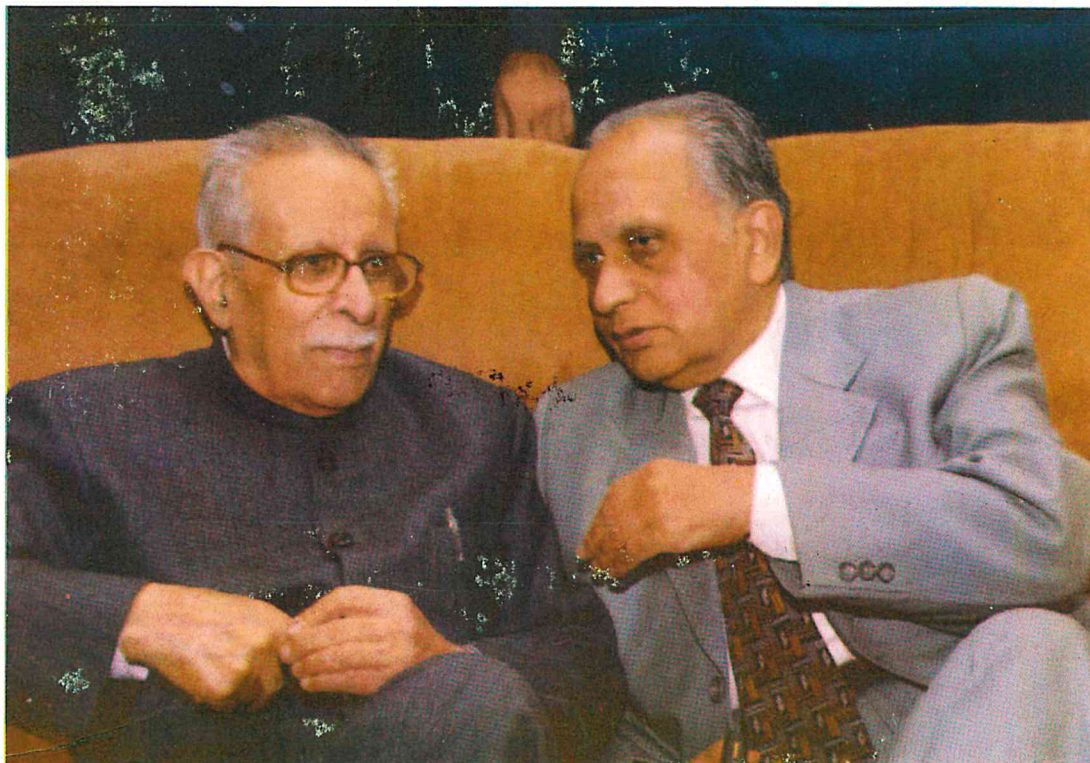
4.3.1 The Commission celebrated the Minorities Rights Day on 18.12.2008 at a glittering function held at the Constitution Club. On this occasion the Commission honoured Smt. Shabnam Hashmi, a Social Activist and Dr.





(Mrs.) Inderjit Kaur, with the Minorities Rights Award. The award was conferred by Justice Rajender Sachar, in appreciation of their 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.

4.3.2 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 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.



#### 4.4 Research Studies taken up by the Commission during 2008-09

Following research studies/projects were taken up by the Commission during the year 2008-09:—

1. Study of Sikligar, Lubana and Banjara Sikhs by PEACE and Feet for Future, New Delhi.
2. Study of Socio Economic status of Parsi community by Tata Institute of Social Sciences, Mumbai.
3. Study on Bhoti language by the Central Institute of Indian Languages, Mysore.
4. Up-gradation/ revision of compendium of welfare schemes for minorities.
5. Minorities related Questions in Parliament and Response: 1991—2007—under Internship programme.

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## CHAPTER – 5

### Special Reports by the Commission

**5.1** 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.

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

#### Visit of Commission to Lucknow & Kolkata:

**5.2.1** As a part of its outreach programme, the Commission visited Lucknow and Kolkata on 11-12th June 2008 and Kolkata on 12-13 January 2009 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** Issues placed before the Commission at Lucknow for consideration of the Central Government were:—

- Government of India targets for pre-matric, post-matric and merit cum-means scholarships be raised to 5 lakh, 1 lakh and 10,000 respectively keeping in view the large population of minorities in the State. Merit should be the basis and not necessarily income because verification of income criteria is difficult.
- Teachers for modern subjects under the modernization scheme of Madarasas & Maktabas are paid less salary than primary school teachers in the State and enhancement of their honorarium to Rs. 6,000 – Rs. 8,000 is needed; and one time book bank grant to Madarsa be raised from Rs. 7,000 – Rs. 25,000. Scheme of grant for girls' hostels and school building be extended to cover Madarsa & Maktab with an increased grant for 100 bedded girls' hostel from Rs. 50 lakh to Rs. 100 lakh.

**5.2.4** **Buddhists:** The Buddhist Community's demands were as under:—

- Money allocated for Buddhists' welfare not spent on Buddhists and Buddhists Educational Institutions do not recognize certificates issued by the Buddhist Sansthan and their claims are rejected. Certificate of religion issued by their Sansthan should be recognized or self certification may be allowed. Pali language be recognized.
- The number of Buddhists in U.P. is approximately 15 lakh but official figures given are only 1000 approximately.
- A separate piece of land to Buddhists should be allotted to carry on their religious practices.
- Bodhgaya management is controlled by Hindus whereas it should be vested in the hands of Buddhists.



**5.2.5 Sikhs :** 40 delegates of the Sikh community appeared before the Commission and their main grievance related to non-payment of compensation to those affected by the Sikh riots of 1984. The points raised by them in this regard were:—

- The claims are rejected on the ground of it being *Balheen* though FIR and Challan copy had been produced. There should be uniform criteria for grant of compensation on pro-rata basis depending upon the percentage of destruction of houses, loss etc. and it should be released on FIR basis without any door-to-door survey or verification of old documents.

### 5.3 Meeting with State Minorities Commission

**5.3.1** The Chairman, U.P. State Minorities Commission apprised the NCM that the effectiveness of the Commission is mainly impeded due to lack of investigative powers and lethargy in implementation of schemes. However, the rate of disposal of complaints by them is 80%. The State Commission suggested that the NCM can forward complaints of victimization to them.

- The State Commission emphasized the need of awareness about schemes and assessment of facilities in the minority concentration districts;  
The NCM should take up the issue of raising boundary walls around the grave yards.
- The State Commission suggested a separate quota and allocation of funds for backwards among minority communities in scholarship schemes including for B.Ed and Nursing students and renovation of old dilapidated schools.

### 5.4 Meeting with NGOs & Intellectuals on 12.6.2008

**5.4.1** In his opening remarks, Hon'ble Chairperson, NCM outlined that the purpose of the Commission's visit to every State is to reach out to the minorities and assess ground realities for taking purposeful and meaningful measures for minorities' welfare. He lamented that even though Muslims are a majority in U.P., their conditions are not good and they do not feel secure. He pointed out that arrests are made without disclosing the charges and family members are kept in the dark about the whereabouts of the accused and progress of the case. He observed that transparency and fairness in dealing with problems of minorities alone can build their confidence in the State. The following demands/suggestions were made before the Commission:—

- Permission for construction of Masjid.
- Urdu teachers should be provided training to refresh their knowledge and Urdu should be promoted and introduced as third language, in official functions/meetings.
- The enrolment of female girls under various schemes of HRD like Sarva Shiksha Abhiyan, Kasturba Bal Vidyalaya etc. is in reality 4%. Reasons for shortfall in enrolment should be studied for remedial measures. Government of India should also consider opening ITIs within Madarsas.
- Schemes should be formulated in Muslim Blocks for their improvement and welfare and got implemented through an outside agency.
- Affirmative action should be taken by the Govt. for safety and security of Muslims and adequate representation of this community be ensured in official committees.
- The condition of Wakf Boards, are pitiable and wakf properties are encroached upon by various agencies and individuals. These should be protected and a law should be enacted similar to that of Public Premises Act so that eviction of Wakf property is made legally viable and possible. Mutawallis indulged in selling of wakf properties should be made responsible and action against them should be taken under IPC, CPC and Cr. PC by passing a Law.
- Dalit Muslims and Christians should be accorded reservation.
- Muslims being branded as terrorist without any evidence should be stopped.



**5.5.4** The public hearing was followed by a press conference. Chairperson highlighted that NCM received maximum number of complaints from U.P and Muslims happened to be the most aggrieved but they are fast losing faith in Commissions as Commission after Commission have failed to bring out any substantive change in their lives. He called for strengthening of institutions and conferment of powers to Commissions to be effective.

#### **Commission's Visit to Kolkata**

The Commission visited Kolkata (West Bengal) on 12-13 January 2009 and had public meetings with the representatives of minority communities, State Govt. officials and the Chief Minister of West Bengal. The following action points emerged out of these meetings.

- Rehabilitation of nearly 614 villages of Muslim minority community washed out by *Padma River* due to change of course of river water.
- Efforts to check the problems of school dropouts of Muslim community at primary and secondary levels. Modernization of *Madarsas* on priority to ensure that Muslim students are able to have modern education. Starting vocational training centres for Muslim boys and girls. Granting status of second official language to Urdu in 5 sub-divisions of West Bengal State where Urdu is spoken widely.
- Doing away with the stipulation that a gazetted officer should give guarantee/certification in respect of a candidate applying for scholarships under various schemes of the Govt. Allowing issue of such certificates by the School Principal/ eminent people of the locality.
- Adequate measures to check illegal trafficking of women (especially Muslim women) or prostitution on account of acute poverty and efforts to improve their economic and employment conditions to curb this evil practice. Ensuring that bonafide Muslims of West Bengal origin are not harassed or deported in the name of *Bangladeshis* by the State police and other organisations.
- Ensuring that BPL ration cards are given to Muslim labourers and rickshaw pullers and in predominantly Muslim inhabited areas the dealership of civil supplies *viz.* fair price shop, kerosene etc. be allotted to Muslims.
- Efforts be made by the State Government to ensure representation of Muslims in State Govt. services and Para-military organizations in proportion to their population. A member of Minority Community be nominated in all Selection Committees to ensure that no injustice is done to minorities in the matter of recruitment to public employments.
- Acceleration of the funding to the minorities by Maulana Azad Financial Development Corporation (MAFDC) as funds under their control are not being released in a satisfactory manner.
- Illegal grabbing of Wakf properties in the State by unscrupulous elements be stopped. Action by State Government to ensure that Wakf lands are freed from encroachment is needed. Specific attention of the Government to problems of grabbing of some of the graveyards (Muslim *Qabristan*) and Church properties by *Adivasis* and unscrupulous elements is required.
- In the matter of land reforms, the State Govt. to ensure that minority communities are not rendered landless and they also have adequate share in the cultivable/industrial land.
- Allocation of at least 15% of the Plan Budget exclusively for minorities welfare by the State Govt. be considered.
- Compensation to victims of the communal riots of 1984, wherein 10 casualties occurred and 70 persons suffered financial losses due to arson and looting be looked into afresh by the State Govt. as these people have not been given any compensation.

- Repair work of *Gurdwara Guru Ka Bagh* by the Sikh community under the legal framework be allowed by the State Govt.

### 5.7 Visit of NCM to Indore on 15-16 July, 2008

A team of NCM consisting of Chairperson, Shri Mohamed Shafi Qureshi, Members, S/Shri Harcharan Singh Josh and Ven. Lama Chospel Zotpa visited Indore on 15-16 July, 2008 for assessing the situation that had arisen after the communal riots that occurred in Indore on 3rd & 4th July, 2008. The Team also visited the residences of the persons killed during the riot and the affected areas. The facts that emerged were as under:—

#### Visit to Juna Risala:

Md. Rizwan, aged 22 years resident of 15/2, Dawood s/o Shamsul Haq and Zeeshan s/o Syed Nizamuddin r/o 41/1, Juna Risala were killed by police firing without any magisterial orders for the police to open fire. The police shot on the chests and heads of the victims with a clear intention to kill them. There was no one left in the family of deceased Zeeshan to support his three sisters and widowed mother. The D.M. who accompanied the team assured that Zeeshan's eldest sister who is studying in B.Com final year will be given some job to support her family.

Shri Ejazul Hasan r/o Juna Risala was shot in stomach and booked by the police under Section 307 IPC despite the fact that he was at the receiving end and injured seriously. Rafique r/o Juna Risala, Gulrez r/o Juna Risala, Mansoor Ansari, Khajrana and Mohd. Shah r/o Khajrana were also seriously injured in police firing.

It was complained that a number of innocent people living in that area including those who were killed in police firing were implicated by the police in false cases of rioting. The electronic media (B.TV, Raj TV & S.R.TV) was also blamed for its discriminatory and partial attitude towards Muslims.

#### Visit to Sindhi colony:

Shri Kehmchand Makhija (aged 25) died in stone hurling and stampede during the rioting in Bombay Bazar area.

#### Visit to Khajrana:

Khajrana is a Muslim dominated locality. On 3rd July, 2008, some anti social elements carrying motorcycles with three riders shouting provocative and abusive anti-Muslim slogans compelled the small shopkeepers to close down their shops. When this was reported to the police they refused to take action against the culprits. This resulted in a scuffle and stone hurling. In order to disperse the crowd, the police lathi charged, fired teargas shells, and started firing at the crowd.

Imran, an 18 years old boy was dragged by Constable Shiv and shot in his mouth by another constable Shailendra killing him instantly. The funeral procession of Imran was attacked by the rioters and many taxis and cars belonging to Muslims were burnt.

Some anti social elements also opened fire on the houses of Muslims in which three persons Shareef s/o Kismat Patel; Anwar s/o Nana Patel and Mehmood s/o Mehboob were killed and a number of persons injured seriously.

The role of Rapid Action Force also came under question as the Muslim community accused them of being partial and violent towards them during curfew.

#### OBSERVATIONS:

The Government had announced a compensation of Rs. One lakh each to the next of kin of the persons killed and Rs.25,000/- for the injured but this is hardly a solace to the victims who went through the trauma of gruesome killings.



## RECOMMENDATIONS:

The Commission made the following recommendations:—

1. A judicial probe is made to fix responsibility.
2. A national policy of discouraging the cult of hatred and communal polarization should be devised and implemented.
3. The persons found guilty of mis-use of their fire arms should not only be punished but their arms licences should also be cancelled.
4. Separate cases should be registered looking into each incidents of killing in these riots.
5. Adequate compensation be given to the nearest kith and kin of the victims of violence.
6. Peace committees should be re-constituted in all areas of the city giving representation to the youths of both the communities.
7. The civic amenities like road, sewage etc. in the Muslim colonies like Khajrana should be improved and special drive should be undertaken to spread modern education among Muslims.

### Visit of Sh. M.P. Pinto, Vice Chairperson to Alibaug (Maharashtra):

In Shangothi village (Alibaug) on 15th March, 2008, a programme to celebrate Women's Day and to sensitize the local Adivasi population about rights of women was organized.

Before the programme could take off it was interrupted by several people. They accused the sisters and began to attack them. The Sisters as well as those who tried to defend them were beaten. The district police registered FIR under various sections. Meanwhile a local activist, Ms. Vaishali Patil, who lives in the area visited the police to complain that the attackers had used tribal slurs against the local people. The S.P. of the district entrusted investigation of the entire affair to the Sub-Divisional Police Officer, 13 people were arrested and granted bail. On 17th March another 14 people were given anticipatory interim bail.

The Commission decided to investigate the matter in greater depth and deputed Vice Chairperson to conduct an on the spot inquiry. It emerged from the discussions he had with the people who were attacked that the attack was executed by people who were outsiders and not known to the villagers. The allegation made was that one Narendra Maharaj, a local Swamiji with followers deliberately set out to disturb the function and ensure that it did not take place. The matter was further complicated by intervention of Ms. Vaishali Patil. A complaint was made by a local Adivasi that she had abused him with tribal slurs. The police registered FIR under Tribal Act. Ms. Patil surrendered before the Court and was immediately granted bail.

Based on the inquiry, the following recommendations were made in the report:—

1. Investigations into the FIR already filed must be speeded up and an enquiry into the role played by forces inimical to communal harmony should be made.
2. Some sensitization at the lower levels of the police hierarchy is necessary.
3. A concerted effort at political and the administrative levels is necessary to curb disruptive forces.

### Visit of Sh. M.P. Pinto, Vice Chairperson to Indore, Ujjain and Bhopal

The Vice Chairman made a three-day visit from 17th to 19th May, 2008 of Madhya Pradesh covering Indore, Ujjain and Bhopal.

In Indore, a large number of persons complained that their relatives were picked up by the Police under Prevention of Unlawful Activities Act for their alleged association with SIMI. Another allegation made was that Temples are constructed without seeking official permission, while a mosque or a church on private properties

requires sanctions from different authorities at all levels and application for permission were kept pending for a very long period.

Based on the inquiry, the following recommendations were made:—

1. The State Government of M.P. should sensitize its district level officials for quick disposal of cases for grant of permission for construction of places of worship.
2. The indiscriminate use of the Dharma Swatantraya Adhiniyam 1968 to settle personal scores should be checked. Those guilty of misusing the Act for their own purposes should be punished.
3. The administration must act firmly and impartially and file charge sheet against all those who take the law into their own hands and attack the life and property of those against whom they have some grievance. The State Minority Commission should monitor the progress of filing charge sheets in all such cases.
4. Recognition to minority educational institutions should be given permanently.
5. Confidence building measures between communities must be strengthened. Peace Committees should include as many representatives from minority communities as possible.
6. Grants-in-aid should not be denied to minority educational institutions.
7. Greater awareness of the provisions of the several new schemes introduced by government for minority welfare is needed.

#### **Visit of Shri. M. P. Pinto, Vice Chairperson to Orissa**

Shri M. P. Pinto, Vice Chairman, visited Tikabali, Udaigiri, Raikia and Naugam Blocks of Orissa from 11—13 September, 08 to assess the situation that had arisen after the outbreak of communal violence against the Christians following the assassination of Swami Laxamananda Saraswati, in the state. The cause of the violence was that body of Swami Laxamananda Saraswati was taken in procession to Chakpad the place where his first ashram was established. At K. Nuagam, a large crowd obstructed the procession and insisted that it be diverted to places where his followers were waiting to pay homage to the slain leader. In contravention of the earlier agreement regarding the route the procession was to take, it was diverted to cover the blocks of Udaigiri and Raigarh. This resulted in mindless mob violence and the Christian community fell innocent victims to wide spread acts of arson and looting.

The State Government's estimate put casualties of Christians to be 17, destruction or damage to 2853 houses and 127 institutions. Christians fled and took refuge in the forest nearby due to fear of attacks from Hindus. To cope with this, the State Government opened 14 relief camps in the six most affected areas of the districts, approximately for 20,000 people. The Vice Chairman visited the camps and was shown a letter addressed by name stating that the only way to return to home and property is to become Hindu. It was complained that the bodies of those who lost their lives in violence could not be recovered as these had been burnt or had been destroyed by wild animals. Without the recovery of bodies & post mortem the compensation promised to the next of kin of those killed in the riots is not possible.

Some groups complained that the large scale conversion was the root cause of the disturbance as the Christians population has registered a large increase than that of Hindu population. On this occasion it was reported that 203 cases were registered against 223 people who were arrested.

**The following recommendations were made following fact finding inquiry:—**

1. Strong steps to restore full normalcy must be taken and a sense of confidence should be built up among Christians.
2. The political leadership should consider holding a peace march in the most affected areas along with religious leaders of both sides.



3. The provisions of the Orissa Freedom of Religion Act must be invoked against those using force to convert.
4. Investigations into cases filed must be completed under a time bound programme and charge sheets filed in the court. If the number of cases is sufficiently large, establishment of special court(s) could be considered.
5. Extra manpower at a sufficiently senior level must be deputed by the State Government to Kandhamal to assist in investigation of cases and in rehabilitation measures.
6. Christian medical relief teams and Christian groups should be allowed to work in the affected areas and to distribute relief materials in the camps.
7. In special cases where the dead body of a victim of the riots cannot be traced ex-gratia compensation must be given to the heirs of the victim after getting an indemnity bond from them.
8. Orissa must constitute a Minority Commission as soon as possible.

### **Visit of Commission to Karnataka**

On receiving complaints from NGOs regarding attacks on Christian worship places in the State of Karnataka particularly in Mangalore, Bangaluru and Udipi, the NCM team headed by Sh. Mohammad Shafi Qureshi, Chairperson visited the troubled spots in Karnataka between 16th and 18th September 2008. The other members of the team were Sh. Michael P. Pinto, Vice Chairperson, Shri Harcharan Singh Josh, Member and Sh. M.K. Khanna, Secretary. The team alongwith DM and SSP inspected the New Life Prayer Hall which was damaged by the miscreants allegedly belonging to Bajrang Dal Organization while they were performing their prayers. A loss of Rs. 2.00 Lakhs for the damaged articles was estimated by the Christian Community. From there the Commission visited the Mother of Sorrows Church where Rev. Mathew Vas informed that only 15% children in their school belong to the Christian Community and the rest are from other communities. Their effort has always been to provide good education to these children, irrespective of their community. The Management of the Church informed that a one day bandh call on 29.08.2008 was given by the Christian Society, Karnataka as a mark of solidarity for the victims in Orissa. The Administration issued show cause notices to the School management for giving bandh call and also threatened the Management to withdraw their regular grants. The DM and SSP informed the NCM team that in all 17 persons had been arrested for violence in the district of Udipi and they all belong to the Bajrang Dal. The NCM team visited Mangalore on 17.09.2008. The maximum loss reported of human lives as well as damage to the churches was at Mangalore. The team visited Holy place Milgres Church where the vandals attacked the nuns. The nuns alleged that the police had damaged their church and broken the statue of Isu Mashih, Window panes with their lathies.

The NCM team visited St. Joseph School, Parmannur Church, Ullal where the people complained of act of vandalism on the church and atrocities by Bajrang Dal people and police who damaged St. Mary's statue and church properties and mercilessly beat the Christians with lathies and gun butts. About 25 women and school children showed sign of injuries on their bodies. Youth Christians were arrested and sent to judicial lock-up in Parmannur Church, the police fired tear gas shells that resulted in holes in the roof of the church. The people demanded action against the police and Bajrang Dal people.

On 18th September 08, Sh. Arnold James, Member, Delhi State Minorities Commission joined the team, at Bangaluru. The team had a detailed discussion with Chief Secretary, DG Police and other State Authorities on security of people, particularly Christians and took up the matter of responsibility of Chairman, Bajrang Dal, Karnataka who issued statement in the press acknowledging the damage of the prayer halls in Karnataka. The administration informed the Commission that so far 201 persons were arrested, out of which 83 were in judicial lock up (47 belong to Christian community and 36 are Bajrang Dal members) 21 religious places of Christians were damaged. The Commission also took up the issue of transfer of prisoners who were arrested in participating in bandh on 29th August 2008, from Mangalore jail to 700 KM away Bellary Jail. The team observed that the attacks on the Christian institutions and

community members seemed to be well planned and implemented with some central design. The lack of actionable intelligence was also noticed because there was a substantial gap between various events and no precautionary measures were taken before these systematic attacks were launched against the Christian organizations. The Karnataka State Police also seemed to be influenced by the ruling party to take a stance which is not friendly to the minorities. The police officers in the field feel that frequent transfers and other means are being adopted to demoralize the strict and honest officers.

The Commission made the following recommendations on the basis of facts that emerged and their observation:—

1. The anti-Christian events have stirred a threat psyche and insecurity complex amongst the Christians. The State Govt. should take stern action against those who triggered communal incidents and assaulted women, in a calculated move.
2. Security for all Churches and Christian organizations should be beefed up in Karnataka to avoid such incidents in future.
3. All Christian establishments damaged should be immediately repaired by the State Government.
4. An Inquiry Commission be instituted to be headed by a sitting Judge of the High Court.

#### **Visit of Members of Commission to Assam:**

Professor Zoya Hasan and Dr. Dileep Padgaonkar—visited Assam from 29—31 October 2008 to enquire into the ethnic/communal violence that erupted in Udalgiri and Darrang Districts. Sh. M.P. Pintoo, Vice Chairperson also joined the team.

The State Govt. in their report to the Commission traced the origin of the latest clashes and furnished data on the number of people who died or were injured in the violence (57 and 118 respectively), the number of villages affected (149), the number of houses destroyed (2519) and the number of inmates in 68 relief camps (approximately 1,07,349). Details about the total force deployed in the affected areas were also given and it was claimed that “the situation is at present fully under control and peaceful.”

#### **OBSERVATIONS:**

The epicenter of communal violence was Udalgiri and Darrang districts which are located some 150 km and 70 km respectively from Guwahati. Assam has a history of ethnic/communal tensions which have often erupted into terrible violence. Historically, Assamese have never been divided on the grounds of religion. Many Assamese did take up Islam when the Mughals ruled but language seemed to unify them. The Brahmaputra wreaks havoc in the delta region annually. Farmland is limited and coastal Bangladesh is submerged and apparently more and more land is coming under water. Annual cyclones destroy many coastal and inland villages. On the other side of the border there are plentiful forests, land on which anything will grow with little effort and government seems unable to deal with the problem of influx.

At present, out of a population of 2.66 crores, Muslims account for 82.41 lakhs. 35 lakhs are categorized as indigenous Muslims who began settling in Assam as far back as 1202 A.D. The others have been dubbed variously as ‘outsiders’, ‘illegal migrants’ and ‘foreigners.’ Muslims are in a majority in eight of the Assam’s 27 districts.

The most vicious outbreak of ethnic/communal violence in Assam happened on 18 February 1983 when, in defiance of a boycott call given by the All Assam Students Union (AASU), Muslims decided to vote in the elections for the State Assembly and 14 Lok Sabha seats. To take revenge Muslims were attacked, the worst killings took place in a sleepy village called Nellie, which continued for five hours. The survivors, who sought to flee, were chased and put to death and the number of those killed was from 3000 to 4000. The victims of this massacre did not receive proper compensation and The Nellie Enquiry Commission Report was not made public by the Assam government and none of the perpetrators of violence were punished.



In 1993-1994, violence broke out in Kokrajhar, Bongaigaon and Barpeta districts during the agitation for a separate Bodo Autonomous Council. Clashes have taken place between Bodos and Adivasis (1996-1998), Kukis and Karbis (2003-2004), Hmars and Dimasas (2003) and Karbis and Dimasas (2005). It is, however, the Muslim influx that has received the widest attention. A large number of Muslims were driven out so as to create a 'Bodo majority' districts. Because no action was taken against those involved in the violence, many Muslims claim that they are seen as 'soft targets by communal forces in Assam'.

For the last 60 years about 4-5 million Muslims Bangladeshi refugees have crossed over to India. Many of them worked as rickshaw-pullers, masons, labour, construction workers, maid, drivers, sweepers, road-workers, fish sellers and agriculturists. In July 2008 the Guwahati High Court rejected an appeal of certain individuals from the minority community who had been declared foreigners by the Foreigners Tribunal. The court said that most of them were able to avoid 'proceedings against them as well as their deportation from India' and that they have 'incorporated their names in the voters' lists on the basis of which they must have cast their votes. The court went on to declare that 'a large number of Bangladeshis' in the state now play 'a major role in electing the representatives both to the Legislative Assembly and Parliament and consequently, in the decision-making process towards building the nation.' The verdict described their political influence as that of 'kingmakers'.

On 14 August 2008 Bodo and Muslim groups clashed in some parts of Udalgiri district. The clashes occurred during the Assam Bandh call given by Muslim Union Students of Assam (MUSA) after a judgment of Guwahati High Court in July 08 declaring a large number of Muslims as Bangladeshis. It alleged that under the guise of detecting illegal migrants, some student and youth organizations had committed atrocities against the minority community. The first clashes, which continued until 20 August 2008, resulted in the death of 6 persons, 5 Muslim, 1 Hindu and unknown number of persons are stated to be missing. Both communities set up teams to guard their villages at night.

A Muslim, Abdul Jabbar, was attacked near the office of the Deputy Commissioner, Udalgiri on 3 October 2008 with sharp weapons leading to his instantaneous death. Violence spread to many areas including the adjoining Darrang district resulting in the torching of many Muslim and Bodo houses. The violence continued for five days despite police enforcement.

According to the official sources, overall 57 persons including 31 in Udalgiri, 21 in Darrang, 2 in Baksa and 1 in Chirang district were killed while more than 100 persons received injuries. A total of 24 persons out of 57 died as a result of police firing. Around 2500 houses spread over several villages in both districts were burnt down. The information collected by various NGOs, however, indicates that 75 people had lost their lives and several persons are still missing. According to these sources, out of the 75 persons killed, 62 are Muslims and 13 are Bodos.

Several companies of the CRPF and Army were deployed w.e.f. 3 October 2008. The district administration clamped curfew in the entire Udalgiri district and in Dhola and Dargaon.

54 relief camps were established in Udalgiri and another 44 in Darang. The number of inmates in relief camps was approximately 2,16,545 and approximately 96,000 inmates in Udalgiri and approximately 96,000 in Darrang. The NCM team visited many relief camps of Udalgiri and Darrang on 30th October, 2008 of both the communities. The camp inmates identified the men who attacked their villages as belonging to the National Democratic Front of Bodoland (NDFB). 23 persons were killed in Darrang. The administration informed the team that the CRPF killed more Muslims (13 out of 23). This entire incident appears to be a scare tactic to drive out suspected Bangladeshi Muslims. The root cause of the violence appears to be over ownership of tribal lands which was illegally transferred to non-tribal immigrant settlers in violation of Chapter X of the Assam Land and Revenue Regulation (1886).

**Following the inquiry, the recommendations made were:**

1. Security in the affected areas and in the relief camps is of the utmost importance. It was informed that the Chief Minister has asked for CBI inquiry into the death due to the police firing. The NCM strongly recommends that a decision on the question be taken as early as possible.
2. A full fledged enquiry into the issue to identify illegal migrants be given to a national agency with a reputation for integrity and impartiality.

3. A sustained diplomatic engagement with the Government of Bangladesh is needed to address the influx issue in a comprehensive manner.
4. The severe problems assailing Assam are due in no small measure to the extremely low level of economic and social development. People live in harrowing conditions. This is fertile ground to breed hate and prejudice and fear. It is the issue of development that needs to be addressed on a priority basis. Unless this is done, measures to strengthen the security apparatus would only compound the problems staring Assam in the face.

#### **Visit of Members of Commission to Andhra Pradesh (20-22 October, 2008)**

A team of NCM Members comprising Prof. Zoya Hasan and Dr. Dilip Padgaonkar visited Andhra Pradesh from 20th to 22nd October 2008 to enquire into the incidents of communal violence that took place in Bhainsa town. The report dwelt in detail with the causes for the communal tension and suggested the following remedial action:—

- (1) Intelligence and police officials should monitor the contents of speeches, pamphlets, handbills and slogans of leaders of communal outfits and legal action taken against those inciting communal hatred through such hate speech.
- (2) The local authorities should ensure that procession routes avoid passing alongside places of worship.
- (3) Permission for these processions should be granted duly on the condition that it takes place outside the prayer timings.
- (4) No procession should be allowed to linger in front of a place of worship or in its immediate vicinity.
- (5) Peace Committee needs to be active on a continuous basis and not only after the outbreak of violence.
- (6) The Communal Violence Bill which has been introduced in Parliament needs to be expeditiously passed.

#### **Visit of Sh. Harcharan Singh Josh, Member, NCM to Indore, Nagpur and Hyderabad**

Shri Harcharan Singh Josh undertook series of tour to Indore on 24th -25th August 08, Nagpur on 26th-27th August 2008 and Hyderabad on 28th—30th August, 2008 in connection with the problems of Sikligar and Vanjara Sikh, Minority Communities. The main complaint of the Sikligar and Vanjara Sikh Communities in Indore was that they are being harassed by the police and are falsely implicated in criminal cases. The conditions around their Bastis are very poor, there is no cleanliness, no toilet blocks and no pure drinking water is available. They are denied Minority Certificates. The DM informed that the victims of 1984 riots families have been given compensation announced by the State Government but compensation amount of Rs. 3 lac is yet to be released by the Central Government.

On 25th Shri Josh reached Nagpur and attended meeting on 26th August 08 arranged at Kalgidhar Gurudwara, by the Community Members. A delegation of the Christians also met Shri Harcharan Singh Josh complaining that they are under constant fear of Hindu fundamentalist who are trying to capture their land. The Christian community demanded School in the village. Another grievance was that the facility of drinking water is not available and the women had to go down a long distance to collect water for their daily needs.

On 28th morning Sh. Harcharan Singh Josh had a meeting with the Members of Minority Communities at Lake View Guest House and discussed about the latest position of twin blasts case in Hyderabad. The Chairman, Andhra Pradesh State Minority Commission was also present. Christian Community demanded a CBI enquiry in the murder case of a Pastor at Nizamabad by some miscreants. The people of Vanjara Community complained about un-hygienic conditions, non-availability of medical facilities, BPL Ration Card and loans etc.

A delegation from Karimnagar Gurudwara Prabandhak Committee stated that a Gurdwara at Sikhwadi, Karimnagar was constructed by the Nizam of Hyderabad some 150 years ago and that this requires expansion and sought assistance to the tune of Rs.50 lakh for this purpose.



#### **Visit of Sh. Harcharan Singh Josh, Member, NCM to Nanded**

Shri Harcharan Singh Josh visited Nanded to attend the Celebrations of the 300th year of Gur-ta-Gaddi Diwas of Guru Granth Sahib Ji. It was addressed by the Prime Minister of India. The Gurdwara Committee demanded that the Air Services which were started from Amritsar to Nanded via Delhi on this occasion w.e.f. 29th October, 2008 to 4th November, 2008 should be continued on permanent basis.

On 1st November 2008, the Member attended Vanjara Convention organized by All India Vanjara Association. They demanded that the Statue of Bhai Lakhi Shah Vanjara be installed near the Parliament House where Sri Rakab Ganj Gurudwara is now situated.

#### **Visit of Sh. Harcharan Singh Josh, Member, NCM to Bhopal**

Shri Harcharan Singh Josh, Member was invited as a Chief Guest by the Management Committee of the Gurudwara Prabandak Committee, Hamidia Road, Bhopal, for attending the function of 300th Years of Gur-ta-Gaddi Diwas of Guru Granth Sahib Ji from 8th to 11th November, 2008. The main problem raised by the Sikh Community in Bhopal were non-issuance of Minority Certificate and recognition of Vanjara, Badhai, Lohar, Ram Gharia, Gujjar, Bhatia, Sikligar, Chipa, Darzi, Mazhabi Sikh, Saini etc. as OBC as has been declared in the States of Rajasthan, Punjab and Delhi.

#### **Visit of Sh. Harcharan Singh Josh, Member, NCM to Chandigarh**

Shri Harcharan Singh Josh visited Chandigarh from 29th June to 1st July, 2008 and reviewed 18 pending cases with the officers of Haryana Govt. He also met the Advisor, Chandigarh Administration and apprised him about the problems of minorities namely poor condition of roads, water, sanitation and education in the village of Malloya, which require attention.

#### **Visit of Members of Commission to Patna and Bodhgaya**

NCM team comprising Ven. Lama Chosphele Zotpa and Shri Harcharan Singh Josh, Members, NCM visited Patna and Bodhgaya from 20 – 23 December 2008 to review the pending cases and to resolve the long pending grievance of Buddhist Community at Bodhgaya.

Ven. Lama Chosphele Zotpa visited ancient Vikramshila University in Bhagalpur on 20.12.2008. He observed that the ancient site and roads are in bad condition. There was a demand for inclusion of this site under the Buddhist Circuit like Rajgir, Nalanda so that proper development of this area is done. Member also visited Nav Nalanda University which focuses on study in Pali Language and literature.

The NCM team visited Bihar Sharif and Bodhgaya Temple on 22.12.2008 and sorted out the complaint of discriminatory treatment of Buddhists with the D.M and SSP at Bodhgaya.

#### **Visit of Shri M.K. Khanna, Secretary, NCM to Jaipur**

The Secretary, NCM visited Jaipur on 18-19 July, 2008 and reviewed the pending cases with the Chief Secretary, Govt. of Rajasthan, issue of Micro Credit facilities with Shri N.S. Sisodia, Former Secretary, Ministry of Finance, Govt. of India, activities of Rajasthan Mission for Skill Development and employment generation with Sh. M.L. Mehta, Former Chief Secretary, Rajasthan. The Chairman and Members of Rajasthan Minorities Commission were of the opinion that if the Wakf Properties in the State are managed properly by the Wakf Boards it can be utilized for welfare of the concerned minorities.

There are lots of Custodian land in Alwar and Bharatpur occupied by Meo and Rai Sikh farmers, after the migration of original owners, but they do not have title to the land. As a result they cannot seek loans from banks. The State Government has levied a cess of 25% for giving this land to them. It has been recommended that the State Govt. may give them Khatadari rights.

The rehabilitation of riot affected people should be made by keeping the procedure simple.

The Model Act suggested by the Commission should be adopted by State Commission so as to bring about uniformity.

#### **Visit of Shri S. K. Swami, Joint Secretary, NCM to Mumbai**

Sh. S.K. Swami, Joint Secretary, NCM visited Mumbai on 23.9.2008 in connection with follow up on Sri Krishna Commission Report and held meeting with Smt. Chitkala Zutshi, Additional Chief Secretary (Home) who is heading the High Power Committee for follow up on Sri Krishna Commission Report.

During deliberations the State Government informed that out of 31 policemen indicted by the Sri Krishna Commission, charge sheets were filed in the Court against 9 officers. Out of these 06 were acquitted and 2 were discharged by the court in 2006. Legal action is to be taken on the advice of the Legal Department in the other case. The State Government did not file any appeal against acquitted/discharged persons. Of the remaining 22 officers, one had died and 10 were awarded penalties after Departmental inquiries and 11 were not found guilty in the Department inquiries.

The High Powered Committee has again looked into "Summary A" cases and identified 112 cases for detailed examination. Of these, finally in 8 cases charge sheet was filed in the Special Courts and 104 cases were closed. The High Powered Committee, it was assured, will also look into all the cases against political leaders indicted by the Sri Krishna Commission.

As regards the compensation package to the survivors of victims at par with the 1984 Anti-Sikh Riot victims, the State Government had taken up the matter with the Union Ministry of Home Affairs.

In the Hari Masjid case, the State Government had requested CBI to investigate the case but it refused. The affected parties have filed a case in Mumbai High Court, in which, the High Court has asked the CBI to explain why they refused to investigate this case. The State Government also informed that the dormant cases, where trial could not be processed for want of information, has now been started and so far 65 accused have been traced and arrested and legal proceedings are pending in the Special Courts.

#### **Visit of Dr. (Miss) M.D. Bengalee, Member, NCM to Surat on 12th April, 2008**

Dr. (Miss) M.D. Bengalee visited Surat on 12th April, 2008 and held meeting with members of minority communities and discussed with them the P.M.'s 15 Point Programme and 11th Five Year Plan Document.

The problems raised by the Muslim community are regarding affiliation, grant, teachers' appointment and teaching of Urdu in their educational institutions and difficulties experienced in obtaining Minorities and OBC Certificates. They also felt that they had no easy access to mamlatdars, tahsildars and collector and demanded a separate Minorities Department to look into the problems of the minorities.

The Christians complained that as they are not permitted to add classes to the existing strength, they do not have any share for the minority's' benefits. On the other hand those who reverted from Christianity to other religions were given benefit as OBCs and special status in the community.

The President of the Parsi Panchayat stated that there is total ignorance about Central Govt. Schemes. He opined that Gujarat Govt. may declare public holiday on Parsi New Years' Day.

#### **Visit of Dr. (Miss) M.D. Bengalee, Member, NCM to Udvada on 24th April, 2008**

Dr. (Miss) M.D. Bengalee visited Udvada on 24th April, 2008 on the invitation of the Federation of Udvada Development and inaugurated a Centre for the Parsis for which the Govt. of Gujarat had donated a sum of Rs.1.40 crores.

#### **Visit of Dr. (Miss) M.D. Bengalee, Member, NCM to Goa on 26th April, 2008**

Dr. (Miss) M.D. Bengalee visited Goa on 26th April, 2008. Muslims and Christians submitted complaints demanding burial ground and additional mosques. The President of All Goa Muslim Jammats submitted a representation, opposing the Wakf Act in Goa.



The Christians, who have established more than 150 educational institutions represented that the minority status is not fully considered and they find difficulties in recruiting teachers, filling up the higher posts and affiliating the additional classes for expansion.

The delegations desired the establishment of the State Minorities' Commission.

#### **Visit of Dr. (Miss) M.D. Bengalee, Member, NCM to Ahmadnagar 10th May, 2008**

On 10th May, 2008 Dr. (Miss) M.D. Bengalee visited Ahmadnagar and had meeting with members of minority community. At the initial discussion she explained the functions of NCM, constitutional rights of minorities, 15 Point Programme of P.M., 11th Five Year Plan Document regarding inclusive growth of minorities and Government schemes. After exchange of views the following issues were raised:—

- Muslims felt the need of 15% representation in the Public Sector employment for security and development.
- The Government Schemes are laudable but they do not reach the concerned minorities and remain locked-up in Government Offices. They need to be publicized through all possible ways in all languages, to reach out to those poor for whom they are meant.
- For security of Muslims, laws against atrocities should be made, alike Dalits.
- Historic monuments and places of Muslims should be respected, and not encroached upon.
- Urdu High School is not available in Ahmednagar, hence, Muslims cannot study beyond Std. VII. Urdu-medium schools be permitted and Urdu Teachers appointed.
- Seventy thousand Muslims reside in Ahmednagar City but are a neglected lot, staying mostly in slums, without any education or social welfare facilities.
- Madersas are looked upon as schools for terrorists and are constantly under threat.
- Enrolment in the Army is refused. Special training was given to Muslims for the same, yet rejected – inquiry necessary.
- Inquiry against Education Officer for refusing permission to Muslim Trusts to open Education Institutes.
- On the lines of Wakf Board, Christian Board be established to protect Christian properties.
- Need for Educational help to run remand home of all minorities started by Parsi Trusts. Exemption of Income-tax Certificate not provided, to attract donations.
- Christian College required lands for expansion. Only Christians from Maharashtra are permitted and not from outside Maharashtra, even from neighboring States.
- Requisition of Dokma land belonging to Parsis which need to be released from the Government.

#### **Visit of Dr. (Miss) M.D. Bengalee, Member, NCM to Panchgani on 24th May, 2008**

On 24th May, 2008 Dr. (Miss) M.D. Bengalee visited Panchgani, Distt. Satara. President All Backward Classes Muslims Organisation stated that 95% of Muslims in State belong to OBC, are uneducated, have no employment and they are not getting OBC Certificate because they were asked to produce 70 to 100 years old family records.

A complaint from Muslims was that they do not receive proper and regular grants for their schools. Separate form for each individual student needs to be submitted which causes innumerable delay. Hence the request is to permit fixed grants on regular basis. They also desire to start minority colleges for medicine and engineering for which they are trying to seek permission for the last two years. They also desire to have their own cooperative bank.

Astha Bhavan is a home for the destitute and retarded children run by Christian Missionary who have applied for grant but they are still waiting for it.

**Visit of Dr. (Miss) M.D. Bengalee, Member, NCM to Nasik on 28th June, 2008**

On 28th June, 2008 Dr. (Miss) M.D. Bengalee visited Nasik and met the Parsi community. The only complaint from them was that they do not have any facility for higher professional courses and have to send their children to Mumbai or other parts of Maharashtra.

**Visit of Dr. (Miss) M.D. Bengalee, Member, NCM to Nagpur on 26th July, 2008**

On 26th July, 2008 Dr. (Miss) M.D. Bengalee visited Nagpur and met the representatives of minorities.

Almost all complained about the difficulties in getting the Minority Certificate for which they have to pay a sum of Rs.5,000/-, renewable every three years as per govt. rules.

It was complained that due to lack of information, they are living in miserable conditions without any benefit from the govt., like sanitation, medical facilities, schools etc. Urdu teachers are not provided in the Madrasas.

The Christians' delegation put forth difficulties in running their educational institutions and requested allotment of land for the cemetery.

**Visit of Dr. (Miss) M.D. Bengalee, Member, NCM to Jalna and Aurangabad on 30th August, 2008**

On 30th August, 2008 Dr. (Miss) M.D. Bengalee visited Jalna & Aurangabad and met the representatives of the minority community.

The Collector of Jalna presented a document which indicated the facilities provided by the Govt. to the Minorities. However, there were complaints regarding:—

1. Non-appointment of Urdu teachers in lieu of retired teachers in Urdu medium schools.
2. Not providing scholarship forms in time.

In Aurangabad, Member visited Johar Educational Society's Urdu Medium Secondary School. The condition of the school was very pitiable and housed in the slum area, where Muslims below the poverty line reside. The children are made to sit on the floor even with no shade on the top.

Their main problem is that though they provide Maharashtra State Education Syllabi for SSC and get 70-80% results in the Board Examination, they are not covered under grant-in-aid. As per Education Rules of the State, 50% are Muslim girls and should be given free education with all facilities upto HSC whereas in this school, no aid is given to them. It has been recommended that Johar Educational Society be provided School building and Junior ITI be opened for girls.

Al-Hira Education Society complained that they are struggling to start Urdu Jr. College in Aurangabad since 1995.

The All India Urdu Teachers' Association presented a Memorandum in which they complained that adequate Urdu-medium schools are not opened by the Govt. and are not giving permission to Urdu Societies to open the same.

They also stated that all Govt. teacher-training programmes are conducted in Marathi and Urdu teachers are unable to cope up with language problem.

Out of 68,000 Anganwadis in Maharashtra, very few are in the Muslim concentrated areas. In some areas, the Societies are permitted to open the Urdu-medium schools but they are not provided grant in-aid. This is violation of Constitutional rights.

Noor-ul-Huda Education Society had complained that though permission has been granted to them to run the Primary School and the grant sanctioned since 2004, but the sanctioned amount has not been released so far.

Another complaint was regarding appointment of only Marathi knowing teacher in the Urdu-medium school. The reason of this as explained by the Education Officer was that Marathi-medium school had closed down, and the

permanent staff of that school had to be accommodated in vacancies arising in primary schools, and the said teacher has knowledge of Urdu and therefore, was asked to join the Urdu School.

**Visit of Dr. (Miss) M.D. Bengalee, Member, NCM to Hyderabad-Secunderabad on 27.09.2008**

On 27th September, 2008 Dr. (Miss) M.D. Bengalee was invited to visit Hyderabad & Secunderabad by the Parsi community.

The main grievance of the Parsis were the hardships faced by their children in getting admission in professional colleges and the high capitation fees charged by the Private Colleges.

The Govt. is not permitting to repair the Agiary.

There should be a representative of Parsi community on the State Minorities Commission who would carry their grievances.

**Visit of Dr. (Miss) M.D. Bengalee, Member, NCM to Sanjan and Surat (Gujarat)**

18th November, each year, is observed by the Parsis, as Sanjan Day to commemorate the historic landing of the Parsis in India on the sacred soil of Sanjan 1292 years back and brought the sacred fire from Iran.

The following issues were raised at Surat:—

1. Goti Agiary : This Agiary situated on the bank of a river suffered a lot during Surat floods. After the floods, the surrounding area was occupied by slum dwellers.
2. Encroachment of land near the Tower of Silence.

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## 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 where the minorities are in sizeable population. 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** The Planning Commission during the 11th plan seeks to achieve the goal of “**inclusive growth**”. The welfare and development of minorities plays a prominent role in making this “**inclusive growth**” a reality. Realizing the importance of balanced and equitable growth the Central Government has initiated several schemes for minorities under the Prime Minister's 15 Point Programme. In addition to this, several already existing programmes of the Government aimed at improving the condition of all segments of society including minorities have also been strengthened. The Commission is happy to note that some State Governments have also taken certain state level initiatives separately in this regard including reservation in government jobs for minorities.

**6.4** To be specific, the Government has undertaken a large number of schemes for the welfare of disadvantaged and deprived groups. These include the National Rural Employment Guarantee Scheme (NREGS), Reservations for the OBCs in higher education, and the PM's New 15 point Programme for Minorities, scholarships and coaching schemes, Area Intensive and Madrasa modernization scheme, setting up of the National Council for Promotion of Urdu language etc.

**6.5** During this year also the Commission has come across, after interaction with the members of the minority communities while on field visits, the same nature of difficulties encountered by them and reported in the previous year and they generally relate to access to education and credit, creation of employment opportunities, housing and health care.

**6.6** The Commission while appreciating the efforts of the Governments aimed at achieving socio economic and educational upliftment of minorities, especially Muslims feels that most of these schemes do not yield the desired results, and prove ineffective on account of certain major reasons *viz*: (i) the absence of a Village/Tehsil/District level effective monitoring system for such schemes, (ii) the lack of a proper information dissemination mechanism for publicity of these schemes among minorities, (iii) cumbersome procedural requirements for loan scholarships and grants etc. and (iv) indifferent attitude and tardy implementation by the implementing agencies/official machinery.

**6.6.1** In order to monitor the schemes/programmes of the Governments, the Commission had designed a reporting mechanism on quarterly basis to evaluate and assess its impact on the socio-economic condition of minorities. The Commission is dismayed that barring a few Ministries/ Departments of the Central Government and some State Governments, the response has been luke warm.

**6.7** The Commission has observed that there were instances where the funds earmarked by the Government for several schemes were either under-utilized or not at all utilized and surrendered to the Government, depriving the disadvantaged sections of the society, the resources they need for their upliftment. The Commission, therefore, feels that there is an urgent need to streamline the system and sensitize the implementing official machinery and the clientele for whom such schemes are meant so that maximum people from minority segments of society can reap benefits of these schemes and more effectively participate in the noble cause of nation building.

**6.8** Caste based reservations in employment and education have been the primary vehicle for fulfilling the Constitutional promise of an egalitarian society but there are indications of a perceptible shift in academic and official thinking reflected in the recognition of the multiple axis of disadvantage that characterize our society. The recent debates on equality in the wake of the Sachar Committee Report give an indication of the shift beyond the caste paradigm of inclusion.

**6.9** The Government set up two expert groups to design an Equal Opportunity Commission and a diversity index to measure diversity in public spaces as a follow up to the Sachar Committee Report (SCR) recommendations. The Expert Committee on Diversity Index has proposed a set of incentives, concessions, access to public land and resources, tenders, preferences and advertisements to encourage Institutions to bridge the diversity gap by rewarding the minorities for enhancing participation of an under represented community in education, employment and housing.

**6.9.1** The three expert group reports – SCR, Diversity Index and EOC- constitute the first serious attempt to look at the multiple grounds of inequality. They recognize that discrimination takes place on multiple grounds, and drawing a rigid boundary between the majority and minority, may produce a politics of resentment and antipathy among the excluded. The new approach appears to be more holistic and based on a broader notion of inclusion and moves beyond an exclusive focus on caste based reservation. They explore a combination of anti-discrimination and diversity promotion measures to pursue social justice. It has the potential of providing a fairer distribution of social advantage and broadens the concept of inequality taking into account contemporary discrimination. Both the EOC and Diversity Index proposals do not deal specifically with the problem of under- representation of Muslims but are pointers to a new model of equality which touches upon issues of justice hitherto reserved for caste groups. However, it raises hopes for increasing the representations of Muslims in future. How far the functions of the EOC will overlap with the functions of the existing Commissions including the National Commission for Minorities needs to be examined thoroughly by the Government.

**6.10** 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 23rd October 2007. The report received has been considered and adopted by the Commission during the year under report.

**6.10.1** The report reveals that the proportion of self employed persons is relatively higher than other forms of employment. Among the Notified Minority Communities (NMCs), more than half the Sikhs (63.65%) and Christians (53.60%) are self employed, more than half the Parsis (57.64%) are regular workers and more than half the Buddhists (53.31%) are casual workers in 2004-05. The proportion of self employed and casually employed males as well as females in rural areas are higher than in urban areas for all the notified minority communities. In the case of regular workers in urban areas, for both males and females, the proportion of urban workers are relatively higher than in the rural areas in 2004-05. Among the workers a large proportion of Buddhists are involved in casual (the worst) form of employment and Parsis in more secure forms of employment i.e. regular employment. Over the period 1993-94 to 2004-05, the proportion of self-employed has increased among Christians and Buddhists and declined in Parsi and



Sikh communities. On the other hand, the proportion of Parsi and Sikh regular worker have increased and declined in the case of Buddhist. However, in the case of casual workers, the proportion of Sikhs has increased during the same period.

**6.10.2** Given the high dependents on self-employment by most NMCs, improving access to credit assumes importance. Improving social security measures for NMCs, especially the poor informal sector workers belonging to Buddhist community is extremely critical.

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## CHAPTER – 7

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

#### 7.1 Safeguards provided in the Constitution of India

The safeguards for the protection of interests of minorities are enshrined in the Constitution of India. The Constitution of India provides two sets of rights for minorities which can be placed in 'common domain' and 'separate domain'.

**Common Domain:**—*The rights which fall in the 'common domain' are those which are applicable to all the citizens of our country.*

**Separate Domain:**—*The rights which fall in the 'separate domain' are those special rights which are applicable to the minorities only and these are intended to protect their identity.*

#### 'Common Domain', the Fundamental Rights — Part III of the Constitution.

The Constitution has provided a definite space for both the 'domains' i.e. 'common' as well as 'separate'. Part III of the Constitution, which deals with the Fundamental Rights is divided into two parts viz. (a) the rights which fall in the 'common domain' and (b) the rights which go to the 'separate domain'. In the 'common domain', the following fundamental rights and freedoms are covered:

- (i) people's right to 'equality before the law' and 'equal protection of the laws'; [Article 14]
- (ii) prohibition of discrimination against citizens on grounds of religion, race, caste, sex or place of birth; [Article 15 (1) & (2)]
- (iii) authority of State to make 'any special provision for the advancement of any socially and educationally backward classes of citizens' (besides the Scheduled Castes and Scheduled Tribes); [Article 15 (4)]
- (iv) authority of State to make any special provision by law, for the advancement of any socially and educationally backward classes of citizens or for Scheduled Castes or Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions whether aided or unaided by the State other than the minority educational institutions referred to in clause (1) of Article 30; [Article 15(5)]
- (v) citizens' right to 'equality of opportunity' in matters relating to employment or appointment to any office under the State – and prohibition in this regard of discrimination on grounds of religion, race, caste, sex or place of birth; [Article 16(1)&(2)]
- (vi) authority of State to make 'any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State; [Article 16(4)]
- (vii) operation of a law, which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination, shall not be affected;
- (viii) Right against exploitation – Authority of the State to impose compulsory services for public purpose and in imposing such service prohibition of any discrimination on grounds only of religion, race, caste or class or any of them; [Article 23(2)]

- (ix) people's freedom of conscience and right to freely profess, practice and propagate religion – subject to public order, morality and other Fundamental Rights; [Article 25(1)]
- (x) For regulating or restricting any economic, financial, political or other secular activity which may be associated with a religious practice and providing for social welfare or reform or the throwing open of Hindu religious institutions of a public character to all classes and section of the Hindus, the operation of any existing law shall not be affected and the State is authorized to make any law for these purposes. The reference to Hindus & Hindu religious institutions is construed to include a reference to persons professing the Sikh, Jain or Buddhist religion and their institutions; [Article 25(2) & Explanation II]
- (xi) right of every religious denomination or any section thereof – subject to public order, morality and health – to establish and maintain institutions for religious and charitable purposes, 'manage its own affairs in matters of religion', and own and acquire movable immovable property and administer it 'in accordance with law'; [Article 26]
- (xii) prohibition against compelling any person to pay taxes for promotion of any particular religion; [Article 27]
- (xiii) people's 'freedom as to attendance at religious instruction or religious worship in educational institutions' wholly maintained, recognized, or aided by the State. [Article 28]

#### **'Common Domain', the Fundamental Duties – Part IV A of the Constitution**

Part IVA of the Constitution, relating to Fundamental Duties as provided in Article 51A applies in full to all citizens, including those belonging to Minorities. Article 51A which is of special relevance for the Minorities stipulates as under:—

- (i) citizens' duty to promote harmony and the spirit of common brotherhood amongst all the people of India 'transcending religious, linguistic and regional or sectional diversities; and
- (ii) citizens' duty to value and preserve the rich heritage of our composite culture.'

#### **'Separate Domain' of Minority Rights**

The Minority Rights provided in the Constitution which fall in the category of 'Separate Domain' are as under:—

- (i) right of 'any section of the citizens' to 'conserve' its 'distinct language, script or culture'; [Article 29(1)]
- (ii) Non denial of admission to any citizen to any educational institution maintained or aided by the State, 'on grounds only of religion, race, caste, language or any of them'; [Article 29(2)]
- (iii) right of all Religious and Linguistic Minorities to establish and administer educational institutions of their choice; [Article 30(1)]
- (iv) State law providing for compulsory acquisition of property of minority educational institution shall ensure that compensation amount to be paid does not restrict or abrogate the right guaranteed above; [Article 30(1A)]
- (v) freedom of Minority-managed educational institutions from discrimination in the matter of receiving aid from the State; [Article 30(2)]
- (vi) special provision relating to recognition of the language spoken by a section of the population of any State; [Article 347]
- (vii) provision for facilities for instruction in mother-tongue at primary stage for children belonging to linguistic minority groups; [Article 350 A]



(viii) provision for a Special Officer for Linguistic Minorities and his duties; and [Article 350 B]

(ix) Sikh community's right of 'wearing and carrying of *kirpans*'. [Explanation I to Article 25]

**7.2** The Commission ensures that the laws enacted by Central Govt./State Govts. are in conformity with the provisions of the Constitution of India particularly special safeguards for protection of the interest of minorities. The Commission also ensures that due process of law is followed by the law enforcement authorities and the provisions of IPC, CPC, CrPC and other related laws are duly complied with. The Commission has been of the firm opinion that in the cases of violation of minorities rights, there should be no laxity on the part of the law enforcement authorities and that FIRs against the accused should be registered promptly. Investigation should be conducted expeditiously and chargesheets should be filed in the courts within stipulated time period. The perpetrators of crime especially those indulging in communal violence should be brought to book quickly such that it can act as a deterrent.

**7.3** Wherever instances of deprivation of safeguards in Central laws were brought to notice of the Commission, these were taken up with the concerned Ministries/Departments of the Govt. of India/State Governments administering the laws for appropriate action and recommendations were made wherever considered necessary. Some instances wherein the National Commission has intervened and made recommendations to the appropriate Government are listed below:—

**(1) Issue of Management of Bodh Gaya Temple:**

The Govt. of Bihar was advised to take necessary action so that the management of the Bodh Gaya Temple is vested exclusively with the Buddhist community keeping with the letter and spirit of Article 26 of the Constitution and in accordance with legal opinion of a Constitutional Expert obtained in the matter.

**(2) Anti-Conversion legislations put in place by different State Governments:**

The Commission after examination of the provision of these legislations came up with the following recommendations:

- (a) Sweeping powers given to the District authorities to conduct enquiry and to grant or withhold permission to those seeking to convert must be reviewed and modified.
- (b) If the intention of the legislation is to prevent the use of force or fraud in conversion, this provision must equally be applied to re-conversion to a persons' original religion.
- (c) The existing laws are adequate to deal with conversions by force or fraud.

**7.4 Discriminatory treatment with Buddhists at Bodhgaya**

The Commission received complaints from Buddhist community regarding discriminatory treatment with them by the District Administration at Bodhgaya. The NCM team comprising Ven. Lama Chosphele Zotpa and Shri Harcharan Singh Josh, Members, NCM visited Patna and Bodhgaya from 20 – 23 December, 2008 to discuss and to resolve the long pending grievance of Buddhist Community at Bodhgaya.

The NCM team visited Bihar Sharif and Bodhgaya Temple on 22.12.08. The Management of Bodhgaya Temple organized a meeting which was attended by the DM and SSP and Shri N. Dorjee, Secretary, Bodhgaya Temple Management Committee representative of International Buddhist Council along with representatives of NGOs from various countries and monasteries. The Secretary of Management Committee complained about exorbitant electricity bills, levying of house tax at commercial rate, liquor shops, mutton shops in the vicinity of the temples and monasteries, bad sanitary system, cleanliness, law and order, police atrocities on the monks etc. The general complaint was that the Administration is indifferent towards the problems of the Buddhist Pilgrims. After detailed deliberations the District Administration agreed to re-categorize the Buddhist temples in non-commercial category which will reduce electricity bills. On the suggestions of NCM the District Administration agreed to appoint a Nodal Officer for having

direct interaction with management of various temples/monasteries in the Bodhgaya to sort-out the problems quickly. The NCM team was informed that on the objection of certain monasteries, the master plan for Bodhgaya approved by the Legislative Assembly in year 2005 is being reviewed. The Administration also assured that from the next financial year it will be ensured that within the radius of 3 KMs no mutton or liquor shop is allowed.

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## CHAPTER – 8

### Research Studies

Research studies conducted on socio-economic and educational development of minorities are:—

- (i) Bhoti language—Planning for recognition and development through Central Institute of Indian Languages, Mysore.
- (ii) Socio-economic status of the notified minority communities other than Muslims through Institute of Human Development (IHD), New Delhi.
- (iii) “Socio-economic, cultural, traditional and occupation status of the Sikligar, Lubana, Vanjara and Dakhini Sikh communities in India” through Feet for Future and PEACE (Popular Education and Action Centre), New Delhi.
- (iv) Report on the status of Dalit Muslims and Christians by Prof. Satish Deshpande, Delhi School of Economics, New Delhi.

#### A. RECOGNITION OF ‘BHOTI LANGUAGE’

A study was entrusted to Central Institute of Indian Languages, Mysore on 26.9.2008. The report was considered and adopted by the Commission in its meeting held on 4.3.2009.

Bhoti is an ancient heritage language prevalent in different States across the Himalayan belt particularly in Jammu & Kashmir, Himachal Pradesh, Sikkim and Arunachal Pradesh. There has been a persistent demand from various organizations predominantly Buddhist bodies from these States as well as Members of Parliament from the region for inclusion of this language in the VIIIth Schedule of the Constitution. The purpose of study was to ascertain the fitness of Bhoti language for inclusion in the VIIIth Schedule of the Constitution.

#### The Salient features of the Report are as under:

- Bhoti language has a long literary tradition and a most valued script of India origin. It is the storehouse of a vast body of literature which can match if not excel the literature of some scheduled languages.
- The language is used over a vast territory, the entire Himalayan belt from Ladakh to Arunachal Pradesh.
- It is the cultural language of all Buddhist tribes of the region who takes special care of the manuscripts in their monasteries. It is a language that has been traditionally taught for centuries, primarily in the monasteries, but now also in some schools.
- Bhoti offers a unique record of an earlier form of ancestral language from which various varieties have been diversified. Bhoti provides an opportunity to link several tribal languages of the region with a great written tradition.
- Bhoti offers lexical resources that can aid the modernization of languages like Ladakhi or Bhutia, and can perform for Bodic group of languages in the Tibeto-Burman group of languages the role Sanskrit has admirably performed for several Modern Indian Languages.
- It is the symbol of unity in diversity and performs the role of lingua franca for all concerned communities. It would reaffirm the symbolic order of a diverse pluralistic nation whose many components are in constant dynamic exchange.

#### Recommendations of the study:

The report after examining the richness of the language in literature, its use as a language of education, administration, higher education, media and as a symbol of identity, its perception and diglossic situation has come to

the conclusion that Bhoti should be given the status of the national language by its inclusion in the VIIIth Schedule of the Constitution.

For development of the language consequent upon the recognition of Bhoti and its inclusion in the VIIIth Schedule following recommendations have been made:—

- (i) All mother tongues under Bhoti language be given an opportunity to participate in the literacy process by adopting the Bhoti script with minimal modifications and only where absolutely necessary.
- (ii) Professional linguists, materials producers and teacher educators be involved along with teachers who are the native speakers of these mother tongues in preparing the inputs for the pedagogy process and the decision makers be sensitized from the beginning about the implementation strategies.
- (iii) Research must be undertaken to understand the diversity of languages and the historical processes that allow diversification; such studies would open up our understanding of our diverse cultures and provide genuine inputs for the future as well.

## **B. STUDY ON 'SOCIO-ECONOMIC STATUS OF NOTIFIED MINORITY COMMUNITIES OTHER THAN MUSLIMS'**

The study was entrusted to Institute of Human Development. The report was considered and adopted by the Commission on 1.5.2008. The study was a quantitative one based on 2001 Census data and the National Sample Survey.

### **2. The highlights of the report are as under:**

- (i) The four minorities other than Muslims constitute 5% of total population of India (51.32 million). Among them, Christians are 2.3% of population, Sikhs are 1.9%, Buddhists are 0.8% and Parsis are just 0.007%. Among these four minorities males constitute 51.14% and females are 48.86%. A major portion of this population i.e 68% live in rural areas.
- (ii) **Literacy rate:** These four minority communities together have a literacy rate higher than the average literacy rate for India at 64.8%, though females, especially in the rural areas, have a lower literacy rate than their male counterparts. Parsis have a very high literacy rate of 97.9%, followed by Christians with 80.3%, Buddhists with 72.7% and Sikhs with 69.4%. The female literacy rate is relatively high among the Christian community with 76.2% and lowest among Buddhists i.e. 61.7%. The male-female literacy gap is the highest among Buddhists and lowest among the Parsis.
- (iii) **Health and Nutrition:** Among the minorities, the proportion of undernourished children is the highest among the Buddhists i.e. 39.2% in 2005-06. It is the lowest among the Sikhs i.e. 22% in 2005-06. There has been a fall in the fertility rate of all the minority communities, except the Buddhists (whose rate of growth is very low). The rate of fall in fertility rate is the highest among the Sikh community.
- (iv) **Land and Property:** 56.39% of the total population of India is landless; among the minority communities, the Christian community is the least landless (54.81%), who also have the highest percentage of population with below marginal (20.51%) and marginal operational holdings (14.30%). **Trends in Operational Landholdings:** Among the minority communities, the proportion of landless among the Christians has declined sharply. The Sikhs and Buddhists exhibited fluctuating trends. The proportion of landless among the Sikhs had declined in 1993-94 then increased in 2004-05. Among the Buddhists, the proportion of landless declined in 1993-94, 1999-2000 and then increased in 2004-05.
- (v) **Poverty:** 19.8% of the total population of India lives below the poverty line, and the minority communities have a greater incidence of urban poverty than rural poverty.
- (vi) **Employment by MPCE quintiles:** Among the lowest strata of the minority communities, the Christian community (48.28%) has largest proportion of self-employed workers, and Buddhist (16.02%) are the least self-employed. Among the rich, self-employment is high among the Sikhs (75.74%) and least among



the Parsis (44.09%). **Unemployment:** the unemployment rate is higher in urban India (5.21%) than in rural India (1.80%). The rate of unemployment declined and then rose in 2004-05. **Occupational Distribution:** the majority of the population in India, except the Parsis, work as farmers, fishermen, hunters, loggers and other related works which are mainly primary in nature. The Parsi community is more involved in tertiary activities like administrative, executive and managerial occupations, services and sales, professional and technical occupations, especially in urban areas. In the rural areas majority of workers in primary activities are from the Buddhist community (82.13%) while the Christian community forms the major proportion of workers in production related works in other services. **Distribution of Tertiary Sector:** 47.17% of the total male labour force is engaged in the tertiary sector of trade, hotels and restaurants. Public administration, education, health and others engage 24.98% of the male labour force in India. The Sikh and Christian males in tertiary sector are mainly occupied in trades, hotels and restaurants. Buddhists form the major work seekers in transport, storage and communication. There has been a decline in the Christian males entering public administration, education and health. Two thirds of total tertiary sector female labour force is engaged in these fields but also shows decline over the period. **Distribution of Primary Sector in Rural Areas by MPCE Quintile:** The poorest of Christians and Sikhs show a withdrawal from the primary sector over the years, while a major increase is visible among affluent of these communities who are seen entering the primary sector. Buddhists maintain the trend of engagement in primary sector.

### C. STUDY ON 'SOCIO-ECONOMIC, CULTURAL, TRADITIONAL AND OCCUPATION STATUS OF THE SIKLIGAR, LUBANA, VANJARA AND DAKSHINI SIKH COMMUNITIES IN INDIA'

The study was entrusted to Feet for Future and PEACE (Popular Education and Action Centre). The report was considered and adopted by the Commission on 4.3.2009.

#### 2. The findings of the report are:

- The Sikligar, Vanjara and Dakshini Sikhs reside in the States of Andhra Pradesh, Madhya Pradesh, Maharashtra, Punjab, Rajasthan and Delhi. According to the 2001 Census data and the National Sample Survey reports, the poverty level of Sikh community had been estimated to be 5%. However, Vanjara, Sikligar, Lubana and Dakshini Sikh communities are leading a life of utmost deprivation and are extremely vulnerable. Illiteracy rate is higher than what has been reported by the National Sample Survey for the Sikh community. Educational attainment is low and restricted mainly to primary level. This is mainly due to ignorance, lack of awareness, unavailability of schools, distance factor of location of schools, economic constraints and social discrimination.
- Awareness of beneficiary oriented Govt. schemes is poor as majority of these communities are not availing the same. A majority of them do not possess BPL card (78.3% of the population of these communities).
- Work participation rate among males is high and majority of them were engaged as artisans and labourers. Their monthly family income is below Rs. 3000/- p.m which is insufficient to meet the basic daily requirements. Work participation rate among females is quite low though they do lend a helping hand to the men.
- The community members reside in kacha houses (75.8% of the population of these communities) or juggis/shanties made of mud stone and tin shades. A majority of them own houses which are not registered (54.4% of the population of these communities). Facilities in the colonies they live like drinking water (52.1% of the population of these communities do not have access), sanitation, electricity etc. are absent. Majority of them do not own land or shops.
- The community members live in conditions of extreme deprivation and struggle for their survival and basic necessities of life i.e food, shelter and clothing.

- Social practices are as per rituals. Discrimination against the girl child was not evident from the child sex ratio. Widow remarriage found to be fairly common. Though social interaction among these communities is common Sikligars are ostracized as they are perceived to be criminals.

### 3. Recommendations:

- The Sikligars, Vanjaras, Lubanas and Dakshini should be recognized as Sikhs and accorded the status of minority by all States.
- The State Governments should allot well constructed houses to the members of these communities so as to ensure security and stability in their lives and also protect them from being displaced by local land mafias. BPL cards should be issued to all the families living below the poverty line from amongst these communities.
- Provision for availability of tap water within the residential premises should be ensured.
- Facilities like construction of toilets (83.8% do not have access to toilets) and proper sewerage system for waste disposal should be put in place.
- Large proportion of the population under study is illiterate and provision of schools and educational and vocational training institutions is pivotal. Facilities of free education, mid-day meals, free uniforms and textbooks, mobile schools and libraries should be extended. Adult literacy programmes should be launched.
- Awareness programmes to educate these communities about their rights and Govt. schemes should be organized periodically by the Govt./voluntary organizations.
- Industry support may be extended to the skilled artisans of these communities particularly the Sikligars and bring them into the mainstream of the society. Establishment of small scale industries, promotion of cooperatives, financial grants and imparting technical knowledge are measures needed to generate more employment/jobs for them.
- The elder population is not covered under the old age pension scheme. Eligible persons and widows should also be extended these benefits as applicable.

### D. 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 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 considered and adopted on 3.4.2008.

The two groups with whom Dalit Muslims and Dalit Christians were compared were (a) Dalit castes of other communities, i.e., Hindus, Sikhs and Buddhists; and (b) non-Dalit castes among Muslims and Christians respectively. The main findings are as follows:

- *Proportions of population in poverty or affluence:* DMs are the worst off among all Dalits, in both the rural and specially the urban sector and they are completely absent in the affluent group for urban India. DCs may be said to moderately better off than other Dalits except Dalit Sikhs, who are even better off. DCs have a much higher proportion in poverty than Dalit Sikhs, specially in rural India.
- *Intra-community comparisons:* DMs are only slightly worse off than non-Dalit Muslims, specially the OBCs, i.e the Muslim community as a whole tends to be very badly off compared to other communities, specially in the urban areas, and consequently the intra-community gap between Dalits and non-Dalits is by far the smallest for Muslims. DCs are at the other end of the spectrum, with the highest inter-caste differentials.



- *Average levels of consumption* measured by percentiles of MPCE states that with the exception of rural Dalit Sikhs who are slightly better off all along the economic spectrum except at the very top, all other Dalits are basically the same in economic terms.
- *Occupational structure*: DMs are *not* the worst off group, being slightly better represented among the 'self-employed in agriculture' (taken as a rough proxy for access to land) category than other groups. In urban India, however, DMs are back in the bottom slot, with the highest proportion in 'casual labour' and the lowest proportion in the 'regular wage' category. In rural India, DCs are between Buddhists and Sikhs (who have a slightly better profile) and Muslims and Hindus (who have a worse profile). In urban India, DCs have the highest proportion in the 'regular wage category' among all Dalits, but Dalit Sikhs are almost equal to them.
- *Educational levels*: DMs are the worst off in rural India in terms of illiteracy. DCs are slightly better off in rural, and significantly better off in urban India. At the other end of the educational spectrum, there are no major differences across Dalits in rural India (except Buddhists, who seem to have comparatively high proportions with graduate or higher degrees). DCs are significantly better off than other Dalits except for Buddhists, who are much better off and by far the best among Dalits in this respect. However, in both rural and urban India, and at both ends of the educational spectrum, all Dalits except Muslims do much worse than their non-Dalit co-religionists, specially the upper castes.

On the whole, it can be said that inter-Dalit economic differences across religion are not very significant for most criteria and for most of the population. DMs are the worst off while the top quarter of the DCs may be slightly better off than all others except Dalit Sikhs, who are even better off than them. Urban Muslims exhibit worrying levels of economic vulnerability across caste groups. Occupational differences are generally not significant, and where significant, show DMs to be worst off in urban India. Educational differences are slight, and work across contexts only for DCs. However, intra-community caste differentials are very high for all except the Muslims, so that Dalits in general are much worse off educationally than non-Dalits.

The report concludes that there is thus strong justification for treatment of DMs and DCs at par with those of Scheduled Castes.

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## CHAPTER – 9

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

9.1 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 2250 complaints during the year 2008-09. Out of these complaints 1474 were from the Muslim community/ organizations / institutions, 183 from Christian community, 413 from Sikh community, 42 from Buddhist community and 37 from Parsi community and 101 were from those other than minority communities.

9.2 113 complaints were related to Educational matters, 205 were related to service matters, 1310 were law and order problems, 61 concerned economic matters, 11 were related to Cultural Rights, 58 were regarding religious based harassment, 33 were on wakf matters and the remaining 459 complaints were of miscellaneous nature. 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:-

#### **Hearing held by the Commission on 19.5.2008 on the complaint of Dr. S.H. Khan against District Administration, Bokaro, Jharkhand**

Dr. S.H. Khan, General Secretary, Muslim Welfare Society, Bokaro, Jharkhand complained that the Bokaro Steel Plant (BSL) allotted a plot to the Muslim Welfare Society for construction of a Mosque, but the District Administration is not allowing construction of the Mosque and also failed to register the land in the name of Muslim Welfare Society on flimsy grounds.

2. It transpired that the land was allotted by BSL Management on 29.8.1991 for construction of a Mosque but no legal formalities had been completed by the District Administration because of apprehended law and order problem.

3. On the encouragement of the Commission, the Dy. Commissioner, Bokaro set up a committee to resolve the issue and the members of the committee jointly agreed to explore the possibility of allotting another site for the construction of mini mosque. For the purpose, two sites were identified.

The Commission deputed two Officers to make a spot study of the land allotted by the Bokaro Steel Authorities Ltd (BSL). The team met the Officers of BSL and District Authorities. After visiting the allotted sites and discussions with BSL and district authorities the team came to the conclusion that the district administration may review the present situation and transfer the land to the society or alternatively Dr. Khan may consult the members of the society for another site. If agreed by both the parties, BSL may consider the allotment of new site on old terms and conditions despite changed policy.

The Recommendations contained in the Tour Report were forwarded to the BSL Authorities and the District Administration for appropriate action and report.

#### **Hearing held by the Commission on 19.6.08 and 18.8.08 on the complaint of Sh. Parvez Hashmi, MLA and others for essential repairs of their houses**

A delegation led by Sh. Parvez Hashmi, visited the NCM and complained that NCT, Delhi, DDA, MCD and Delhi Police are harassing the Muslims residing in Okhla village and Abul Fazal Enclave, New Delhi and are not permitting them to construct or renovate their houses on one pretext or the other. The Commission summoned Senior Officers of NCT, Delhi, DDA, MCD and Delhi Police who explained that the Government has banned new construction in this area on the directions of Court. The Commission gave directions to the authorities to allow repairs of the existing houses.



**Hearing held by the Commission on 1.9.2008 on the complaint of Sh. Razi Haider of Saharanpur**

Sh. Razi Haider r/o Village Nai Majra, Pargana Gangon Tehsil, Nukarh District, Saharanpur, UP made a complaint regarding encroachment of agricultural land by some influential persons and cutting of his crops. DM, Saharanpur was summoned by the Commission who assured that compensation for the wheat crops on the encroached land will be paid at the time of settlement of the case. The case has been settled now.

**Hearing held by the Commission on 12.5.2008 on the complaint of Shri Mohammad Ahtasham against the CGM, Heavy Water Plant, Manuguru**

A hearing was held in the Commission with the Chief General Manager, HWP, Manuguru. Due to the intervention of the Commission, the matter regarding reimbursement of dues to the complainant was resolved successfully.

**Hearing held before NCM in connection with irregularities in recovery of term loan from Sh. Mazhar Azad & others on 4.11.2008**

The Commission summoned the Chief Secretary and Secretary, Minorities Affairs, Govt. of U.P. The Commission observed that irregularities has been done in recovery of term loan by way of charging higher rate of interest. The Commission advised the State Government to settle the matter under one time settlement scheme.

**Hearing held by the Commission on the complaint of Smt. Jamila Khatoon regarding physical possession of agricultural land by custodian**

A hearing was held in the Commission on 21.8.2008 with ASC and Dy. Legal Advisor, Land and Building, Govt. of NCT, as physical possession of land has not been given so far by the Custodian of Evacuee Property. They sought some more time for collecting the factual position in the above case. The Commission accepted the request of the NCT of Delhi and fixed another date for hearing i.e. on 3.9.08.

In the subsequent hearing held on 3.9.2008 with ASC and Dy. Legal Advisor, Land and Building, Govt. of NCT, the plea taken was that the matter is subjudice. The Commission opined that when the authority itself has been repealed by gazette notification, the matter cannot be construed as sub-judice. It is purely an administrative matter. After the abolition of the authority, Land and Building, Govt. of NCT, should have taken possession of records & files and taken appropriate action. The matter is still under consideration of the NCM.

**9.3** The Complaint Monitoring System (CMS) developed with the assistance of NIC is running successfully. However, the system is being improved upon and once the CMS becomes fully functional, it will be uploaded on the Commission's website for public consumption. This will facilitate the petitioners to check the status of their cases from their village/town on internet, thereby saving time and expenditure on correspondence on the part of the Commission as well as the complainants/petitioners.

**9.4** The Commission is perceived as a toothless body and had been persisting with the Central Government to take steps to accord more powers on the lines of other Commissions or statutory bodies to grant independent investigated powers etc. in order to be effective in its functioning but it is yet to see the light of the day.

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## **CHAPTER – 10**

### **Media Activities and Press Releases**

The Commission's media related activities, during the period under review, consisted of issue of press releases on incidents of violation of minority rights or those detrimental to minority interests, briefing of media persons, participation in radio and TV interviews/programmes, contribution of articles in leading publications by members, publication of quarterly newsletter and distribution of publicity material like brochures on the profile of the Commission and its activities during important functions organized by the Commission. The views of the Commission and findings/observations of Members during field visits formed the basis of press releases. Topics of interests and concern for minorities and important events/functions organized by the Commission were also covered by these press releases. Every meeting of the Commission to State capitals invariably ends with a press conference and interaction with local press by the Chairperson and Members of the Commission. The visit of the Commission to Lucknow and Kolkata during the year under report received wide and comprehensive coverage in the local press. Important press releases issued during the year under report are annexed.

A compilation of Beneficiary Oriented Central Government Schemes especially for the welfare of minorities has been undertaken to generate awareness amongst the minority communities.

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## CHAPTER – 11

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

**11.1** The Administrative set up of the National Commission for Minorities remained the same during the year 2008-09. The organizational chart of the Commission as in the year 2008-09 is given in **Annexure II**. Smt. Deepa Jain Singh, IAS (HR:71) joined the Ministry of Defence, Department of Ex-Servicemen's Welfare on 20.3.2008. Sh. M.K. Khanna, IAS (RJ:74) assumed the charge of Secretary, NCM on 2.6.2008.

**11.2** 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.

**11.3** As on 31.3.2009, the total sanctioned strength of the Secretariat of the Commission were 95. The list of the sanctioned posts and the vacancies is given in **Annexure- III**.

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

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

**11.5** 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.

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## CHAPTER – 12

### Conclusions and Recommendations

1. State Minorities Commissions should necessarily be set up in the States where they do not exist. In the States where the State Minorities Commissions already exist, there is no uniformity in their powers, functions, secretarial and other logistic support. The Model Act for State Minorities Commissions prepared by the NCM should be adopted and implemented by State Governments subject to specific requirement of the State.

2. The proposal of IGNOU to set up study centres in minority concentrated districts need to be supported and given wide publicity.

3. The conferment of Constitutional status to the National Commission for Minorities is pending since 2004. This should be expedited giving powers to NCM on lines of other Commissions viz. SC Commission, ST Commission, NHRC, Central Information Commission etc. by the Central Government.

4. The prohibition of Communal Violence Bill is pending for consideration by the Central Government for a long time. This should be passed giving rights to the victims of communal violence and fixing accountability on the state and its functionaries, thereby upholding the rights and privilege of the targeted religious minority communities. The Central Government should take necessary steps to have the law passed by the Parliament.

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

6. Compensation package at par with 1984 anti-sikh riot victims should also be extended to the survivors of communal violence during 1992-1993 in the aftermath of the demolition of Babri Masjid.

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

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

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

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

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

12. Reservation for Dalit Christians and Dalit Muslims at par with SCs/STs should be given, as is available to their brethren in Buddhist/Neo-Buddhist and Sikh communities by the Government in all seriousness and all facilities extended. This anomaly has to be rectified.

13. The thrust of the programme of educational advancement of the minorities should be to ensure access to education at all levels and delivery of quality education.

14. Emphasis should be given on vocational and technical courses, opening/capacity building of schools, training of teachers and coaching schemes for minorities. Modernization of Madarsas scheme should be taken up for



speedy implementation, in right earnest. The number of scholarships and amount disbursed under the scholarships schemes should be enhanced.

15. Wakf properties should be protected and developed. A law should be enacted similar to that of Public Premises Act so that eviction from Wakf property is made legally viable.

16. A National Policy for protection and development of minority communities in India should be devised and implemented.

17. Greater awareness of the provisions of the several new schemes introduced by Government for minority welfare is needed.

18. The Government schemes are laudable but they do not reach the concerned minorities and remain locked-up in Government offices. They need to be publicized through all possible ways in all languages, to reach out to those poor for whom they are meant.

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**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 basis 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 Swarozgar Yojna(SGSY), the primary self-employment programme for rural areas, has the objective of 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.

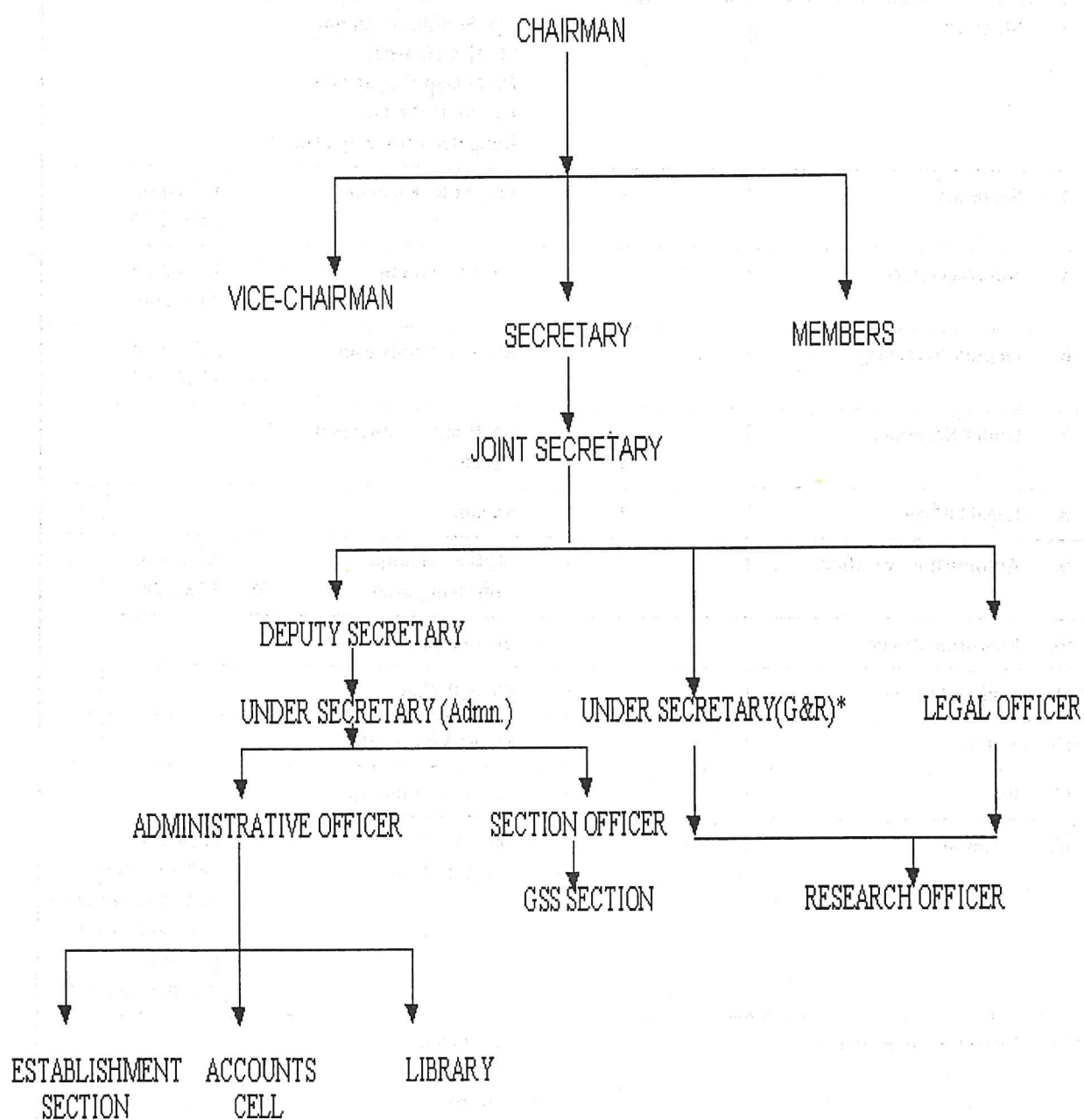
(15) Rehabilitation of victims of communal riots.

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

\* \* \* \* \*



**ORGANISATIONAL CHART OF NATIONAL COMMISSION FOR MINORITIES**



**Annexure III**

**SANCTIONED / FILLED POSTS IN NCM AS ON 31.03.2009**

Sl. No.	Designation	No. of Posts		Name of incumbent	Remarks
		Sanctioned	Vacant		
1.	Chairman	1	-	Sh. Mohd. Shafi Qureshi	Joined on 3.9.2007
2.	Vice Chairman	1	-	Sh. M.P. Pinto	
3.	Member	5	-	Smt.S. Splazes Angmo Sh. H.S.Hanspal Dr. Dileep Padgaonkar Dr. (Miss) M. D. Bengalee Prof. Zoya Hasan	
4.	Secretary	1	-	Shri M.K. Khanna	Joined on 02.06.2008
5.	Joint Secretary	1	-	Sh. S.K. Swami	Joined on 20.11.2007
6.	Deputy Secretary	1	-	Sh. T.A. Srinivasan	Joined on 15.10.2007
7.	Under Secretary	2	1	Sh. P.M.S. Narayanan <b>Vacant</b>	
8.	Legal Officer	1	1	<b>Vacant</b>	
9.	Administrative Officer	1	-	Sh. V.K. Sharma - on deputation	Joined on 18.8.2008
10.	Research officer	1	-	Sh. Q.J. Ahmad	
11.	Section Officer	1	-	Sh. A.R. Paul	
12.	Sr. P.S.	1	-	Sh. K. Viswanathan	
13.	P.S.	1	-	Sh. R.K. Malhotra	
14.	Librarian	1	-	Ms. Amna Khatoon(UDC)	Officiating because the regular Librarian of the commission presently on deputation in CBI
15.	Research Investigator	3	1	Sh. Irshad Ahmad Smt. Aruna Awal <b>Vacant</b>	



Sl. No.	Designation	No. of Posts		Name of incumbent	Remarks
		Sanctioned	Vacant		
16.	Assistant	3	-	Sh. N.K.Sharma Sh. Munshi Ram Sh. Ravinder Kumar (Adhoc)	
17.	Accountant	1	-	Sh. Mohd. Parvez (On deputation)	Joined on 01.09.2008
18.	Urdu Translator	1	-	Sh. S.R. Rashid Hussain	
19.	Hindi Translator	1	-	Shri S.C. Sharma	
20.	Research Assistant	3	2	Sh. S. Najeeb Ahmad <b>Vacant</b> <b>Vacant</b>	Fallen vacant as Ms. Yasmin Sultana and Sh. Salim Ali went on deputation
21.	Personal Assistant	2	-	Smt. D. Ambika Smt. Bindu Sadana	
22.	Steno (Urdu)	1	-	Sh. Mohd. Yusuf	
23.	Steno Grade 'D'	3	1	Smt. Anita Jain Sh. J.P. Singh <b>Vacant</b>	
24.	UDC	4	-	Sh. Shatrughan Yadav Ms. Mehajbeen Mufti Sh. Arvind Kumar (deputation) Shri Dinesh Kapoor – (ad-hoc basis)	
25.	LDC	5	4	Smt. Rajni <b>Vacant</b> <b>Vacant</b> <b>Vacant</b> <b>Vacant</b>	
26.	Staff Car Driver	8	1	Sh. Rajinder Singh Sh. Satyapal Sh. R. Rajamanikam Sh. Kailash Kumar Sh. Naresh Sh. Anil Kumar Prasad Sh. Kadar Velu <b>Vacant</b>	

Sl. No.	Designation	No. of Posts		Name of incumbent	Remarks
		Sanctioned	Vacant		
27.	Despatch Rider	1	-	Sh. Rohtas	
28.	Gestetner Operator	1	-	Sh. Devi Lal	
29.	Daftary	1	-	Sh. H.B. Thapa	
30.	Jamadar	1	-	Sh. Dharampal Singh	
31.	Library Attendant	1	1	Vacant	
32.	Peon	9	3	Sh. Dharam Raj Sh. Bhagwati Prasad Sh. Rajan Singh Smt. Rupali Gandhi Sh. Navraj Singh Smt. Shandi Pandey Vacant Vacant Vacant	
33.	Safai Karamchari	2		Sh. Ramkishore Sh. Vinod Kumar	
Total		70	15		