

Conclusions and Recommendations

- 14.1 From the detailed presentations given in the previous chapters of this Annual Report, it is more than apparent that NCM worked tirelessly during the reported year to ensure that the constitutional and legal rights of the notified minority communities are adequately preserved and protected. In particular, the Commission tried its best to ensure justice for the victims of the Muzaffarnagar Riots of 2013. In fact, the Commission is still monitoring follow up action on its various recommendations in this regard.
- 14.2 Although recommendations of NCM have already been highlighted at appropriate places in the previous chapters, it would be worthwhile to recapitulate in brief the major recommendations made by NCM during the reported year.
1. The recommendations given during the Annual Conference of State Minority Commissions have already been highlighted in Chapter-8 of this Annual Report.
 2. **Visit of Chairman, NCM to J.P. Nagar (Amroha)**

National Commission for Minorities benchmark the functioning of the D.A.T schools and continue close co-ordination with that organization in its efforts to promote education in the Muslim community. This can be done through a continuing reference to DAT's National Centre For Research & Development with its headquarters in Bengaluru set up by the D.A.T with the objective to continuously analyze social and economic changes and to suggest directions on a wide range of issues relating to education, health, human resources, welfare & poverty alleviation, governance, communalism, gender discrimination, ethics and morality.
 3. **Visit of Chairperson, NCM, to Jaipur, Rajasthan**

The booklet of the training module prepared by RIPA may be shared with all the State Governments of the country and also with Administrative Training Institutes of each of the States. In tandem, a separate continuous communication may be opened with DOPT on the need to incorporate such training into the training process of all India Services beginning with National Academies of Administration of each of the services like LBSNAA, SVPPA, etc.
 4. **Visit of National Commission for Minorities to Leh**
 - Follow up action to be taken by the NCM for granting of Deemed University Status to CIBS, Leh.
 - Necessary steps to be pursued to extend the NCM Act, 1992 to the State of Jammu and Kashmir.

- NCM to move Government of India to include the Bhoti language in the 8th Schedule of the Constitution of India; matter needs to be expedited with Ministry of Home Affairs.
- On the handing over of the management of Bodh Gaya Temple to the Buddhists, an initial step to amend the Bodh Gaya Temple Act 1949 to be taken by the Govt. of Bihar. Follow up action to be taken up with the Govt. of Bihar.
- Follow up action to be taken by the NCM to take up the issues with the Central Govt. for restoring the appropriate security level to the H.H. Gyalwa Karmapa as per his stature.
- The vital issue of reservation for women @33% in the Panchayats as well as in the Hill Council to be taken up with the State Govt. of J&K.
- The issue of earmarking quota for the students in the College admissions and in Hostel admissions for the students from Ladakh to be taken up with the Ministry of HRD and respective authorities like Govt. of NCT and Administration of U.T. Chandigarh for providing conducive academic atmosphere to the Ladakhi students.
- To approach Ministry of Home Affairs for consideration of recruitment of Ladakhi women in the Central Para-Military Forces.
- The demands of residents of Turtuk to be taken up on priority with the concerned Departments of Government of India and Government of Jammu & Kashmir for early execution. Chairperson to take up the issue of establishment of an English medium school with the Minister for Human Resource Development and Chief Minister (J&K).

5. Visit of National Commission for Minorities to Muzaffarnagar

1. The Maha Panchayat at Nangla Mandaur should not have been allowed.
2. Fake videos (of allegedly Taliban atrocities in Afghanistan) were said to have been displayed at Jat gatherings and at the Maha Panchayat, and disseminated across the district and neighbouring areas, leading to eruption of riots on the night of 07.09.2013. Such misuse of ICT can readily go viral through cell phones that are widely owned. Hence the need for training in law enforcement agencies to curb this phenomenon.
3. The CRPF supported by RAF be deployed in the District in the coming months.
4. The Administration should not be totally dependent on the Armed Police, and needs to initiate measures like Peace Committees etc. to restore harmony between communities, which were historically not inimical to each other.
5. There were instances of some Pradhans trying to bring about harmony by assuring safety for members of minority community in their panchayat who had fled the village to relief camps. They too need to be recognized.
6. Two Addl. SPs and about 30 Inspectors and SIs were being deputed as part of a special investigating cell to investigate the cases. They should be given a deadline to complete

investigations so that the guilty are brought to account and compensation dispensed to those deserving.

7. Speedy rehabilitation of the affected should be ensured preferably on the lines recommended under the Communal and Targeted Violence Bill, which is yet to become law, but can be used as a guideline. For this purpose, while government might initiate measures to restore a sense of security as suggested above, local panchayats can play a major role in approaching migrants from their villages, who have not suffered assault or persecution, to return. However, for such migrants who have suffered loss of life or property, and who informed NCM that they recognize their assaulters, it would be necessary that those suspected of criminal acts were proceeded against in an open and transparent manner, so that migrants could regain their confidence.

6. NCM'S Visit to Dist. Shamli, UP

- 1) Culprits from whatever side must be speedily and accurately identified and suitable criminal action initiated immediately by the police with prosecution beginning promptly. The Police must also take abundant care to ensure that no action is taken against those innocent, even if in the initial disorder FIRs might have been registered against them.
- 2) The public seems to have lost confidence in the effectiveness of the local police administration. Therefore, the central forces along with the local police must be deployed in all the riot affected villages immediately for joint administration. They should not be withdrawn until complete confidence and normalcy returns.
- 3) The damage caused to the properties should be accurately assessed with compassion and transparency by the local administration, and it must be ensured that any complaint by the affected should be addressed openly and forthwith. For this purpose, it was suggested that a committee be set up under the chairmanship of the D.M. including members from all the communities to monitor the assessments of the damage, payment of compensation, restoration of properties, communal harmony, rehabilitation and public order on a set timeline basis. This Committee might consider availing of the offer of the villagers of the majority community to contribute to the restoration of homes of the migrants from minority community.
- 4) Joint village level committees involving representatives of all the communities may be formed, headed by the local Tehsildar and Circle Officers (Police) to ensure communal harmony, public safety and normalization of the situation. Women from all communities must be included as members in such committees.
- 5) The police and revenue administration should be made co-terminus with immediate effect.
- 6) Irresponsible press reporting has played a destructive role in exacerbating tension and precipitating violence. This needs to be brought to the attention of the Press Council of India.

7. Commission's meeting with Chief Minister, Uttar Pradesh

- (i) Effective action should be taken in identifying and proceeding against those who were involved in crimes, and they should on no account be allowed to roam free, whatever their affiliation. At the same time, innocent people, if wrongly framed in the cases, should be set free after quick and diligent investigation.
- (ii) Damage should be correctly assessed and compensation must be rightfully and promptly paid. Reconstruction work should start immediately. Although the Bill was not yet law, Government might refer to Chapter VII of Communal & Targeted Violence (Access to Justice & Reparations) Bill, 2011 for guidance with regard to remedy and rehabilitation, specifically Section 96 and Sections 100 to 105. The members of the majority community who expressed their clear desire during the Commission's visits to be part of reconstruction and bringing back the affected families to restore integrated community life should be involved in the process.
- (iii) Village level peace committees involving both the communities, particularly women of both communities in close coordination with revenue and police administration, should be setup immediately. These could then form village self-help groups, which could then serve to draw down development works under different government programmes to benefit village residents, thus promoting greater social cohesion among a section of the community, namely women. Since the public seemed to have lost confidence in the local police, stationing of central paramilitary forces in the violence affected villages was of paramount importance to build public confidence.
- (iv) Action must be speedily initiated against the police officers against whom specific complaints had been made by the affected people after due investigation.

8. Visit of Dr. Ajaib Singh, Member to Gujarat

1. The Government of Gujarat may direct the Kutch district administration to ensure the safety of the Sikh farmers of the district and prevent recurrence of attacks on them. The agricultural accounts of Sikh and Punjabi farmers in Kutch may be defreezed.
2. The Government of Gujarat may permit the utilisation of the amount earmarked for Post-matric, Pre-matric and merit-cum-means scholarships granted by the Ministry of Minority Affairs, Government of India to needy students belonging to the minority communities.
3. The Gujarat Government may take necessary steps to constitute a State Minority Commission.

9. Visit of Dr. Ajaib Singh, Member to Kerala and Tamil Nadu

Recommendations to Kerala Government

1. Immediate steps be taken to uplift the Muslim community of Ernakulam district and other districts where they were below the poverty line.
2. Eligible youth from the minorities may be given government jobs.

3. Necessary steps may be taken to ensure efficient disbursement of grant money earmarked for minorities.
4. The Village Officers may be directed to promptly certify minority status of members of the minority community to enable them to avail minority scholarships.
5. The specific grievances of the Buddhist Community – allotment of land for Buddhist temple, setting up of Buddhist Chairs in Universities and inclusion of history of Buddhism and the Buddha's teachings in school syllabus may be considered favorably.

10. Recommendations to Tamil Nadu Government

1. Permanent recognition may be granted to schools being run by minorities for many decades.
2. Minority Educational Institution status may be granted to education institutions run by minorities.
3. New schemes may be implemented to grant collateral-free loans to entrepreneurs from minority communities.
4. Necessary steps may be taken to ensure efficient disbursement of grant money earmarked for minorities.
5. Land may be allotted for setting up of a Punjabi Bhavan in Coimbatore to enable the Sikh Community to arrange their social ceremonies therein.

11. Visit of Dr. Ajaib Singh, Member to UT of Chandigarh and Haryana

The genuine 1984 anti-Sikh riot victims who were yet to be compensated might be given one more chance by the Government of India to apply for compensation with all relevant documents. A notification to this effect may be made and widely publicised wherein the applicants be given sufficient time to apply for rehabilitation. This would benefit all 1984 anti-Sikh riot victims who had migrated to UT of Chandigarh and other places after the riots.

12. Visit of Shri T.N. Shanoo, Member, NCM to Bodh Gaya

1. Deployment of Paramilitary Forces for guarding temple complex. Sashastra Seema Bal should be given the task to guard the Mahabodhi Temple as large number of Buddhist officers, JCOs and jawans were available in this organization to create and raise confidence of Buddhist community in general.
2. Amendment in Bodh Gaya Act, 1949.

13. Visit of Shri T.N. Shanoo, Member to Leh

1. NCM should urge UGC for grant of Deemed University status to CIBS, Leh
2. Steps be taken to include Bhoti Language in the 8th Schedule of the Constitution.
3. The land allotment matter to Anjuman Moinulislam should be sorted out by the Chairman, Hill Council, Leh.
4. Steps should be taken by NCM for inclusion of the State of J&K within the ambit of NCM Act, 1992.

14. Visit of Prof. Farida Abdulla Khan, Member to Muzaffarnagar, UP

- a) Education of displaced children: This would require considerable effort to identify children who need to be placed in schools and to identify schools that could be accessible given the harsh conditions and the fragility of their present living arrangements. Students who were to appear for board exams also needed to be identified and helped and supported through this exercise.
- b) Expediting cases that have been lodged and to punish those found guilty of murder, rape and other offences during communal violence.

15. Visit of Capt. Praveen Davar, Member to Araria (Bihar)

The Commission may once again take up the matter of paying compensation to the families of victims of police firing in village Bhajanpura (Distt. Araria) with the Chief Minister of Bihar pending submission of report by the one man Judicial Inquiry Commission which also need to be expedited.