

**ACTION TAKEN MEMORANDUM ON THE RECOMMENDATIONS CONTAINED IN THE 5th
ANNUAL REPORT OF THE NATIONAL COMMISSION FOR MINORITIES FOR THE PERIOD
FROM 1997 TO 1998.**

Chapter-10, Para No.A-II (1) Page No.90

1. RECOMMENDATION

While re-constituting the National and State Minorities Commission each time, the Union and State Government must choose representatives of various Minorities on the Commission in consultation with eminent leaders of the respective communities at National and State levels respectively. Those selected must have a proven knowledge of and known concern for the rights, interests and problems of the Minorities.

ACTION TAKEN

The National Commission for Minorities is reconstituted in accordance with Section 3(2) of the National Commission of Minorities Act, 1992 from, amongst persons of eminence, ability and integrity and include representatives of all notified minority communities. State Governments have been advised to take appropriate action relating to the State Minorities Commission, as per Section 9 (3) of the National Commission for Minorities Act, 1992.

Chapter-10, Para No.A-II (2)

2. RECOMMENDATION

Certain specific recommendations relating to the powers and functioning of the Commission were incorporated in the NCM Annual Report for the financial year 1996-97. All of them should be accepted and implemented through proper legal and administrative measures.

ACTION TAKEN

The Action Taken Memorandum in respect of the recommendations contained in the fourth annual report of the National Commission for Minorities for the year 1996-97 has already been tabled in both Houses of Parliament in May, 2006.

Chapter-10, Para No.A-II (3)

3. RECOMMENDATION

The NCM Act 1992 should be amended to give it the same powers, structure, staff and status as are enjoyed by the National Human Rights Commission and the National Commission for Scheduled Castes and Scheduled Tribes.

ACTION TAKEN

It has been decided to confer constitutional status on the national Commission for Minorities, which would infuse greater confidence among the minorities. Accordingly, the Constitution (One Hundred and Third Amendment) Bill, 2004 has been introduced in the Lok Sabha on 23rd December, 2004.

Chapter-10, Para No.A-II (4)

4. RECOMMENDATION

As recommended by the Planning Commission's Sub-Group on Minorities (Varadarajan Committee) in its Reports of 1996, the NCM should be given enhanced funds, proper staff and the necessary facilities

to establish its Regional Offices in all parts of the country. Especially, the NCM Regional Office at Mumbai, for which the Government is committed to the Supreme Court, must be set up forthwith.

ACTION TAKEN

The Central Government sanctioned opening of a Regional office of the National Commission for Minorities in Mumbai vide order dated 12th February, 1996. The National Commission for Minorities was unable to set up the office till July, 2003. Therefore, after the matter does not seem to have been pursued as the State Government of Maharashtra set up the State Commission for minorities.

Chapter-10, Para No.A-II (5)

5. RECOMMENDATION

All Ministries/Departments of the Central and State Government should be directed to co-operate with the Commission and let it effectively play its legal role. They must not instantly dispose of the Commission's Recommendations/Suggestions at an administrative level and should put them up to the Ministers concerned for being tabled in Parliament as required by the NCM law.

ACTION TAKEN

All the Ministries/Departments have been advised to invariably follow this recommendation.

Chapter-10, Para No. A-II (6)

6. RECOMENDATION

Government in all the States should establish State Minorities Commission on a statutory basis. The NCM Act 1992 should be amended to make specific provisions into for the establishment of State Minorities Commissions on an obligatory basis on the pattern of a similar provision in the NHRC law of 1993.

ACTION TAKEN

The State Government of Andhra Pradesh, Bihar, Chhattisgarh, National Capital Region of Delhi, Jharkhand, Karnataka, Madhya Pradesh, Rajasthan, Uttar Pradesh and West Bengal have set up statutory State Minorities Commissions. The State Government of Assam, Maharashtra, Manipur, Tamil Nadu and Uttaranchal have set up non-statutory Commissions. Other State Governments/Union Territories have been requested to take necessary action in the matter.

Chapter-10, Para No.A-II (7)

7. RECOMMENDATION

By a suitable amendment of the NCM Act, the National Minorities Development and Finance Corporation should be linked with the NCM and the two bodies be enabled to function together as integrated parts of the same Constitutional mechanism.

ACTION TAKEN

The National Commission for Minorities is a statutory body, while the National Minorities Development and Finance Corporation is a public sector undertaking, registered under the Companies Act, 1956 and their functions are quite distinct. There appears to be no need to link the two.

Chapter-10, Para No. A-II (8)

8. RECOMMENDATION

The Ministries of Welfare and HRD and the UGC, etc., should regularly consult the Commission while framing, implementing and reviewing their schemes for the welfare of Minorities. This should be especially provided for in the NCM Act 1992.

ACTION TAKEN

The National Commission for Minorities would be consulted, whenever considered necessary, on important policy matters concerning the minorities.

Chapter-10, Para No.A-II (9)

9. RECOMMENDATION

The Maulana Azad Education Foundation and the Central Wakf Council should act in close and constant consultation with the NCM. This should be made legally mandatory by a specific provision inserted into the NCM Act 1992.

ACTION TAKEN

While the National Commission for Minorities and Central Wakf Council are statutory bodies, the Maulana Azad Education Foundation is a society registered under the Societies Registration Act, 1860. The duties and functions of these organizations are distinct from one another. The responsibility for co-ordination is that of the Ministry of Minority Affairs.

Chapter -10, Para No. A-II (10) Page No.91

10. RECOMMENDATION

All matters concerning or affecting the Minorities in general, or particular Minorities, which the Central and each of the State Government may have to consider, should be referred to the Commission for its opinion.

ACTION TAKEN

The National Commission for Minorities is expected to perform the functions specified under Section 9 of the National Commission for Minorities Act, 1992. The Government is already referring important matters relating to minority communities to the Commission, whenever required.

Chapter-10, Para No. A-II (11)

11. RECOMMENDATION

The Law Commission must interact with the NCM in respect of all matters which it may be examining and reporting on if they have a bearing on the rights and interests of all or any of the Minorities.

ACTION TAKEN

Before finalizing the Commission's recommendations on any subject, the Law Commission normally consults and invites views from the public, judges, advocates, eminent jurists, concerned institutions (including statutory institutions such as National Commission for Minorities), State Governments etc. Therefore, before any amendment in Law or Fresh legislation is proposed concerning minorities, the views of those concerned, including the National Commission for Minorities, would be obtained as per the normal procedure/practice followed by the Law Commission.

Chapter-10, Para No.A-II (12)

12. RECOMMENDATION

Each Annual Report of the Commission should be tabled in Parliament during the same financial year, if necessary even without waiting for the preparation of an Action-Taken Memorandum-[which may be tabled later when ready].

ACTION TAKEN

It is not possible to accept the recommendations the recommendation is at variance with Section 13 of the National Commission for Minorities Act, 1992, which reads as “the Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any of such recommendations and the audit report to be laid as soon as may be after the reports are received before each House of Parliament.”

Chapter-10, Para No.A-II(13)

13. RECOMMENDATION

The Government should have prior consultation with the Commission before posting senior officers in its office. This should be specifically provided for in the NCM [Officers and Employees] Rules 1994.

ACTION TAKEN

Noted for future. There is no need to amend the NCM Terms and Conditions of Service of Officers and Employees Rules, 1994.

Chapter-10, Para No.A-II (14)

14. RECOMMENDATION

A system should be evolved under which the NCM Chairman and Members may have an easy access to the Prime Minister, Members of the Union Council of Ministers and State Chief Ministers.

ACTION TAKEN

No instance of inconvenience has been reported regarding the present practice of access to the Prime Minister, Members of the Union Council of Ministers or State Chief Ministers.

Chapter-10, Para No.A-II (15)

15. RECOMMENDATION

The Recommendations and Suggestions made by the Commission from time to time, as also its Annual Reports, should be regularly placed before the Cabinet Committee on Minorities for its discussion and decisions.

ACTION TAKEN

The Action Taken Memoranda on recommendations and suggestions made by the National Commission for Minorities from time to time, as also in its annual reports are laid before each House of Parliament, after obtaining the approval of the Cabinet.

Chapter-10, Para No.B-II (1) Page No. 92

16. RECOMMENDATION

The Cabinet Committee on Minorities should act as Standing high-powered body to regularly review the reports/recommendations and working of all official Minority related institutions including NCM, NMFDC, Maulana Azad Education Foundation, Minority Unit of the MOW etc.

ACTION TAKEN

The Ministry of Minority Affairs reviews the functioning of the apex bodies under its administrative control like the National Minorities Development & Finance Corporation, Maulana Azad Education Foundation etc. The action taken memoranda on the recommendations contained in the annual reports of the National Commission for Minorities are placed before the Cabinet. There is no Cabinet Committee on Minorities at present.

Chapter-10, Para No.B-II (17)

17. RECOMMENDATION

Prime Minister's 15 Point Programme for Welfare of Minorities, 1983, as revised by the Welfare Ministry in consultation with NCM (revised draft lying with the Ministry), should be approved and incorporated in the form of Parliamentary legislation as suggested by NCM earlier.

ACTION TAKEN

The Prime Minister's 15-Point Programme for the Welfare of Minorities has since been recast. The programme includes- (a) Enhancing opportunities for education, (b) Equitable share in economic activities and employment, (c) Improving the condition of living of minorities; and (d) Prevention & control of communal riots. Two important aspects of the programme are that (i) wherever possible, earmarking of 15% of target and funds for minorities in the schemes included in the programme and (ii) that the Committee of Secretaries (COS) would review the progress of the programme with respect to monitorable targets once every six months and report the status to the Cabinet.

Chapter-10, Para No.B-II (3)

18. RECOMMENDATION

Detailed legislation should be undertaken to spell out the dictates of Article 30 relating to Educational Rights of the Minorities under the Constitution so as to ensure free and unfettered enjoyment of those Rights by all the minorities in actual practice, Parliament should enact a "Minority Educational Institutions (Establishment and Administration) Act", for which NCM can submit a draft.

ACTION TAKEN

The National Commission for Minority Educational Institutions has since been set up under the National Commission for Minority Educational Institution Act, 2004.

Chapter-10, Para No.B-II (4)

19. RECOMMENDATION

State Education Acts in all the States, the UGC Act, the AICTE Act and the laws relating to Universities (Central and State) should be modified to incorporate in all of them suitable provisions for an effective implementation of the provisions of Article 30 of the Constitution.

ACTION TAKEN

The National Commission for Minority Educational Institutions (NCMEI) set up under the National Commission for Minority Educational Institution (NCMEI) Act, 2004 has been given wide powers to protect rights under Article 30 (1) of the Constitution. Hence, there is no need to amend other Acts.

Chapter-10, Para No.B-II (5)**20. RECOMMENDATION**

For a period of 15 years, candidates belonging to educationally backward Minorities should be exempted from the UGC requirements of NET (Nationally Eligibility Test), and of 55% marks at Master's level for appointment as University and College teachers.

ACTION TAKEN

The University Grants Commission (UGC) has reviewed the Scheme of National Eligibility Test (NET). None of the categories has been exempted from NET, except for a relaxation of 5% from 55% to 50% at the Master's level for appearing in NET to Scheduled Caste and Scheduled Tribe candidates.

The UGC has further revised the Scheme and NET is not compulsory for those with M.Phil (to teach UG) and PhD (to teach UG and PG).

Chapter-10, Para No.B-II (6)**21. RECOMMENDATION**

Pending enactment of new laws and revision of existing laws as recommended in paras 2 and 3 above, all educational authorities, both Central and State (including UGC, AICTE, Medical Educational Council, Bar Council, all Universities, State Education Departments and Boards, etc.) should be directed by the Government to ensure a faithful implementation of the provision of Article 30 of the Constitution and to strictly follow the Policy Norms and the Guidelines for the Recognition of Minority Educational Institutions issued by the NCM and the HRD Ministry in 1986 and 1989 respectively.

ACTION TAKEN

All authorities are required to follow the Government guidelines for recognition of Minority Educational institutions issued in 1989 and reiterated in 1997. The Government of India has recently set up the National Commission for Minority Educational Institutions under the National Commission for Minorities Educational Institutions Act, 2004. Based on the recommendations of the National Monitoring Committee on Minorities Education (NMCME) the UGC and other bodies have been directed to establish "Minority Cell" to specifically address issues pertaining to the educational rights of the minorities.

Chapter-10, Para No.B-II (7)**22. RECOMMENDATION**

The revised list of Minority Concentration Districts [of 137+ 84 districts], as finalized by the Commission, should be immediately notified by the Government to replace the old list of 41 such districts.

ACTION TAKEN

The list of Minority Concentration Districts is in the process of being revised on the basis of Census 2001.

Chapter-10, Para No.B-II (8)

23. RECOMMENDATION

To clear up the cases of TADA detainees, a Review committee consisting of former Judges should be constituted with appropriate powers and suitable facilities.

ACTION TAKEN

In accordance with the Supreme Court judgment dated 11th March, 1994 in Kartar Singh versus Union of India regarding release of TADA detainees a Central Review Committee has been set up by the Central Government for speedy disposal of such cases. Similarly, State level Review Committee have been set up at the State level.

Chapter-10, Para No.B-II (9) Page No. 97 & Para No.C-II (e) (2) Page No. 97

24. RECOMMENDATION

The recent judgment of the Delhi High Court raising State compensation for riot victims from twenty thousand to two lakhs [plus interest due] must be adopted as the general norm to be applied to the victims of all other riots irrespective of religion, whenever they occur. It should also be applied to all unsettled cases relating to riots of the past.

63. RECOMMENDATION

The Delhi High Court judgment fixing compensation for the victims of anti-Sikh riots of 1984 living in Delhi should be made applicable to such victims in all those parts of the country where such riots had taken place in or around 1984.

ACTION TAKEN

In pursuance of the judgment of the Delhi High Court in the case of Smt. Bhajan Kaur versus Union of India, death compensation has been paid as ordered.

The question of extending the enhanced rates of compensation to such victims in other parts of the country, in accordance with the judgment of the Delhi High Court, falls within the purview of the concerned States. A public interest litigation was also filed in the Hon'ble Supreme Court seeking, among others a direction to all States to adopt this rate of compensation. Hon'ble Supreme Court vide judgment dated 16/03/2001, in case No. WP(C) 232 of 1997 transferred the writ to the concerned High Courts.

Chapter-10, Para No.B-II (10) Page No.93

25. RECOMMENDATION

The Constitution (Scheduled Castes) Order 1950 should be amended so as to omit from it altogether the Proviso that persons not professing particular religions cannot be regarded as members of Scheduled Castes, so that the Un-Constitutional nexus between caste and religion created by this Proviso is eliminated.

ACTION TAKEN

The Writ Petition (Civil) No. 180 of 2004 and W.P.No.94 of 2005 had been filed in the Supreme Court. The main contentions raised in the petitions are that the social and economic disabilities of Scheduled Caste converts to Christianity continue to persist in most cases even after their conversion. Like-wise seven Writ Petitions have been filed in different High Courts in regard to inclusion of Scheduled Castes converts to Islam religion in the list of Scheduled Castes.

The Government of India, vide Notification No.14/6/2005-MC dated 28th September, 2005, resolved to expand the terms of the National Commission for Religious and Linguistic Minorities constituted vide Resolution No.1-11/2004-MC(D) dated 29th October, 2004 to add the following clauses to its terms of reference:-

“(d)- to give its recommendation on the issues raised in W.P.No.180/04 and 94/05 filed in the Supreme Court and in certain High Courts relating to Para 3 of the Constitution (Scheduled Castes) Order, 1950 in the context of ceiling in the list of Scheduled Castes”.

The Commission is presently examining the issue of inclusion of Scheduled Castes converts to Christianity/Islam religion in the list of Scheduled Castes, to which it has been referred in view of aforesaid Writ Petitions.

Chapter-10, Para No. B-II (11)

26. RECOMMENDATION

Circular should be issued to all Ministries, Government Departments, Public Sector Undertakings and Corporations, etc, emphasizing that the Minority-community employees must not feel harassed and discriminated against in matters of appointments, transfers, ACR entries and other service affairs.

ACTION TAKEN

So far as protecting the service interests of employees belonging to minority communities is concerned, service rules/instructions are drafted in such a way that no harassment or discrimination is made against any section of employees, including the minorities. Further, adequate machinery already exists to look into the complaints made by employees regarding their service matters.

Chapter-10, Para No.B-II (12)

27. RECOMMENDATION

Appropriate and binding directions should be issued to all the schools and other educational institutions to ensure that children belonging to Minorities are not forced to join religious prayers and other practices relating to the Majority community. Especially all contrary directions issued in this respect in Uttar Pradesh should be nullified in order to faithfully abide by the provisions of the Constitution on this subject.

ACTION TAKEN

Religious prayers are not held in the Kendriya Vidyalayas, Navodaya Vidyalayas and Central Tibetan Schools, which come under the purview of the Central Government. As regard others, State Governments have been advised to take appropriate action under Section 9(3) of the National Commission for Minorities Act, 1992, as the matter falls under their jurisdiction.

Chapter-10, Para No.B-II (13)

28. RECOMMENDATION

Urdu, which is in fact not a regional language and has sizable numbers regarding it as their mother tongue in at least 15 States, is in need of special protection by the Central and State Governments. No discrimination should be allowed in any form against the Urdu language (which must not be regarded as the language of any particular community) either in Legislatures and Government Department (e.g., for taking oaths, etc.) or in the schools (for use as medium of instruction or as one of the languages to be learnt). The Central and State Governments must ensure this by passing specific laws and issuing policy directions.

ACTION TAKEN

Urdu is one of the languages included in the Eighth Scheduled of the Constitution. There is no discrimination against Urdu either by the Centre or by the States. Moreover, Urdu speakers being widely dispersed, the Govt. of India has special responsibility for its promotion and development. In discharge of this responsibility, the Central Government has taken several steps for the preservation and promotion of Urdu language.

At the National Monitoring Committee for Minorities Education (NMCME) meeting held on 11-12th July, 2006, three Central Universities have resolved to establish centres for strengthening Urdu teaching.

Chapter-10, Para No.B-II (14)

29. RECOMMENDATION

Since the Minorities and Scheduled Castes/Tribes are two different “Weaker Sections” of the society in terms of the Constitution, the interest of either of them cannot be subverted to that of the other. Therefore, the reservation for Scheduled Castes/Tribes in minority educational institutions should be confined to that 50% of the intake in such institutions against which non-Minority candidates are to be admitted as per the Supreme Court decision (as long as that decision remains the law). The norms for SC/ST reservations should not be made compulsorily applicable for appointment of the staff in Minority educational institutions. This is all the more imperative since, as per the present law, persons belonging to three of the five notified Minorities (Muslims, Christians and Parsis) cannot be regarded as Scheduled Castes even if they belong to the particular castes so listed.

ACTION TAKEN

In view of 93rd amendment of the Constitution Article 15(5) enables Parliament and the State Legislatures to make appropriate laws for advancement of socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes for their admission to educational institutions including private educational institutions, **other than minority educational institutions.**

Chapter-10, Para No.B-II (15)

30. RECOMMENDATION

Since, as a result of the aforesaid Supreme Court decision, 50% seats in Minority educational institutions are to be compulsorily offered to non-Minority candidates in order to promote national integration, on the same analogy and for the same purpose 20% seats in non-Minority educational institutions (both Government and Private) must be offered to minorities. This should be ensured by issuing proper directions at appropriate level.

ACTION TAKEN

Article 15 of the Constitution has been amended by the 93rd Constitutional Amendment and now States are competent to make rules and regulations in the matter.

Chapter-10, Para No.B-II (16)

31. RECOMMENDATION

As some Minorities in particular are still terribly under-represented [often wholly unrepresented] in all public employments, ways and means should be adopted to ensure them their due share in all such services-more or less in proportion to the percentage of their respective population at the national level. This should be ensured by issuing appropriate directions of a binding nature to all Government Departments and Public Service Undertakings.

ACTION TAKEN

Public sector undertakings generally follow the policy formulated by Department of Personnel and Training in matters of recruitment, reservation, relaxation, concession etc. for various categories, which are extended to the public sector enterprise from time to time. All public sector undertakings have been advised that wherever a Selection Committee/Board is constituted for making recruitment to 10 or more vacancies in Group 'C' and Group 'D' posts/services it shall be mandatory to have one member at least belonging to a minority community in such committees/boards.

Administrative Ministries have been requested to direct the official directors in all public sector undertakings to ensure that interests of the minorities are taken care of.

All administrative Ministers have also been advised to instruct public sector undertakings under their administrative control to advertise their vacancies in Hindi/Urdu newspapers, more so, in the minority concentration districts.

Chapter-10, Para No.B-II (17) and Para no. C-II (c) (1), Pages No. 94 &96

32. RECOMMENDATION

Special measures of a binding nature should be adopted and strictly enforced for an adequate recruitment of Minority-community candidates in Police and Para-Military forces, etc,- which is an imperative also for curbing mishandling of communal riots.

50. RECOMMENDATION

Muslims must get their due share in Parliamentary institutions of the country, in all public employments and in the Police and allied services. Policies, programmes, laws, rules and regulations to this effect should be devised without delay.

ACTION TAKEN

Central Paramilitary forces have been advised to ensure sufficient representation to minorities by making minority community candidates aware of the employment opportunities/recruitment programme and the incentives/prospects available in these forces. Recruitment Boards have also been advised to send special information to the minority community run institutions/organizations with a request to encourage candidates from these communities to apply for recruitment in Central paramilitary forces.

All public sector undertakings have been advised that wherever a Selection Committee/Board is constituted for making recruitment to 10 or more vacancies in Group 'C' and Group 'D' posts/services it shall be mandatory to have one member belonging to a minority community in such committee/boards.

Administrative Ministries have been requested to direct the official directors in all public sector undertakings to ensure that interests of the minorities are taken care of.

Chapter-10, Para No.B-II (18) Page No.94

33. RECOMMENDATION

At the time of Elections, expression like "appeasement", "vote-bank", etc. are freely used by the political parties and the media which is a practice that violates the dignity of the Minorities and their Human Rights to honour and respect. The Election Commission and the Government should adopt measures to put a ban on the use of such expression.

ACTION TAKEN

It has not been found feasible by the Election Commission of India to put a ban on the use of expressions such as "vote bank".

Chapter-10, Para No.B-II (19)

34. RECOMMENDATION

As recommended by the NHRC in its Annual Report for 1996-97, all-Party meetings should be periodically held to consider ways and means of eliminating communal overtones from the political and Government systems of the country.

ACTION TAKEN

The recommendation has been forwarded to all the State Governments/UT Administrations for appropriate action. Guidelines to promote communal harmony have been issued to all State Governments/UT Administrations, which adequately address the problem.

Chapter-10, Para No.B-II (20)

35. RECOMMENDATION

A Documentation Center on Minorities (DCM) should be set up at Hyderabad jointly with the assistance of the A.P. Government. It should function as a unit of the NCM.

ACTION TAKEN

The Proposal for setting up a Documentation Centre is under the active consideration of the State Government of Andhra Pradesh.

Chapter-10, Para No.B-II (21)

36. RECOMMENDATION

The NMDFC should have its exclusive SCAs in all the States and Union Territories. State Agencies of Development and Finance Corporations for SCs/STs/Backward Classes should not be assigned that role. NCM should be given an effective say in the affairs of and surveillance on the NMDFC affairs.

ACTION TAKEN

State Minorities Development and Finance Corporations have been set up in twelve States namely Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Karnataka, Maharashtra, Pondicherry, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal. Further, the recommendation of the National Commission for Minorities have been forwarded to those Governments, which have not yet set up exclusive State Minorities Development and Finance Corporation. The Ministry of Minority Affairs oversees the functioning of NMFDC.

Chapter-10, Para No.B-II (22)

37. RECOMMENDATION

Minority character of Jamia Millia Islamia, St. Stephen's College and all other Minority managed colleges, schools and universities should be fully protected by law.

ACTION TAKEN

Jamia Millia Islamia is a Central University established by an Act of Parliament. The issue regarding the minority character of Jamia Millia Islamia is before the National Commission for Minority Educational Institutions. St. Stephen's college is a minority managed institution and its rights etc. are protected under the Constitutional provisions and also as per the judgment of the Supreme Court of India in St. Stephen's College Vs. Delhi University [1992 (1)].

Besides the above, the National Commission for Minority Educational Institutions has been set up to safeguard the interests of minority educational institutions and enforce the safeguards provided in the Constitution.

Chapter-10, Para No.C-II (23) Page No. 95

38. RECOMMENDATION

The classification of Buddhist as "Neo-Buddhists" and other Buddhists should have no official recognition- all followers of Buddhism are "Buddhists" only.

ACTION TAKEN

The Central Government has been treating all followers of Buddhism as one, i.e. Buddhists. There is no official recognition of "Neo-Buddhists" as such.

Chapter-10 Para No. C-II (a) (2)

39. RECOMMENDATION

The law relating to the Bodh Gaya Temple should be modified so as to ensure dominance of the Buddhists community in its management and an unrestricted observance of Buddhists religious rites and ceremonies in the temple.

ACTION TAKEN

As Bodh Gaya Temple is both for the Hindus and the Buddhists and not for the Buddhists alone, there is no violation of the safeguard for the protection of interests of the Buddhists. Further, the Bihar Government has informed that the two Writ Petitions No. 871/92 and 65/93 by M.O. Kandaswami Singh, Navayana Buddhists Society, Tamil Nadu and Rev.Nagarjuna Shurai Sasai, Indora Buddha Vihar, Nagpur which were filed in the Supreme Court, relating to the vesting of control and management of Bodh Gaya Temple exclusively in the Buddhists have been withdrawn by the Buddhists.

Chapter-10 Para No. C-II (a) (3)

40. RECOMMENDATION

The scenic beauty and spiritual surroundings of Nagarjun Hills should be fully protected.

ACTION TAKEN

The State Government of Maharashtra has clarified that the location of Kulaguru Kalidas Sanskrit University, Ramtek, Nagpur is far away from the Nagarjun Hills. No construction has been undertaken by the University on Nagarjun Hills.

Chapter-10 Para No. C-II (a) (4)

41. RECOMMENDATION

Budh Purnima should be treated a National holiday on par with Janamashtami, etc.

ACTION TAKEN

As per the revised holiday policy, 'Budh Purnima' is now one of the compulsory holidays observed by Central Government Administrative Offices.

Chapter-10 Para No. C-II (a) (5)

42. RECOMMENDATION

Local Languages spoken by the Buddhists in North-Eastern State, including Lepcha, Limbu, Nepali, etc, should be provided all facilities in respect of official use and instruction in schools.

ACTION TAKEN

Nepali is one of the languages included in the Eighth Schedule of the Constitution. The National Policy on Education, 1986 has reiterated the adoption of regional languages as the media of instruction upto the university stage.

The Central Institute of Indian Languages, Mysore has taken several steps for the promotion of Lepcha, Limbu, Bhutia languages. The recommendation has also been forwarded to all North-Eastern State Governments for taking appropriate action in accordance with Section 9 (3) of the NCM Act, 1992.

Chapter-10 Para No. C-II (a) (6)

43. RECOMMENDATION:-

Buddhists tribes like Baruas, Jaunsaris, Limbus and Tamangs, should be accorded Scheduled Tribe status.

ACTION TAKEN ON MEMORANDUM:-

The Jaunsaris of Uttaranchal and the Limboos and Tamangs of West Bengal and Sikkim have already been accorded the Status of a Scheduled Tribe, who may profess any religion. As far as Baruas are concerned, it is stated that it is not the name of a community, rather it is a surname used by the members of various communities.

44. RECOMMENDATION

The life, personal liberty, honour and human rights of the Christians must be effectively protected in all parts of the country. All those guilty of killings and humiliating Christians anywhere in India should be severely punished so as to deter others from repeating such crimes in future. The Government should make policy announcements in this regard and take suitable steps.

ACTION TAKEN

Government of India is committed to safeguarding the life, personal liberty, honour and human rights of all citizens of India, including those belonging to minority communities. State Governments, who are primarily concerned with the maintenance of peace and public order within their respective jurisdictions, are also sensitized about their constitutional responsibility in this regard from time to time.

Chapter-10 Para No. C-II (b) (2)

45. RECOMMENDATION

Properties belonging to Christian Churches, seminaries and cemeteries must be protected. Suitable legislation to ensure this should be enacted at the Central and State levels.

ACTION TAKEN

Though 'Public Order' and 'Police' are State Subjects and it is the responsibility of State Governments to deal with crime, the Central Government has been assisting State Governments for improving their policing infrastructure, besides sharing intelligence with them. It has also constituted a special force, called Rapid Action Force, for assisting State Governments in controlling communal situations. Guidelines have also been issued from time to time, drawing the attention of the State Governments to the need for taking action against persons spreading ill-will hatred or disharmony between members of different communities.

Chapter-10 Para No. C-II (b) (3)

46. RECOMMENDATION

Reports of NCM investigation teams/delegations in respect of Dumka (Bihar), Ludhiana (Punjab) and elsewhere should be accepted by the Government for immediate action on the recommendation contained in these reports.

ACTION TAKEN

Reports of the investigations teams of the National Commission for Minorities have been brought to the notice of State Governments of Punjab and Jharkhand for taking appropriate action.

Chapter-10 Para No. C-II (b) (4)

47. RECOMMENDATION

Christians in all parts of the country must be allowed to observe their religious practice without any unreasonable restrictions. Specific directions should be issued for this purpose by the Government to the local Administrations.

ACTION TAKEN

Further all the State Governments have been instructed to protect the properties including seminaries and cemeteries. Action is taken against those who promote or attempt to promote disharmony, ill-will among different religions, castes and hurt the religious feelings of any community under various sections of IPC viz. Sections 153-A, 154-B, 295-A, 298 and 505(2).

Chapter-10 Para No. C-II (b) (5)

48. RECOMMENDATION

Easter Sunday should never be declared to be a working day under any circumstances.

ACTION TAKEN

Except for operational organizations like Railways, Telecom etc., Sunday, including Easter Sunday is observed as a weekly holiday subject only to exigencies of work.

Chapter-10 Para No. C-II (b) (6)

49. RECOMMENDATION

The Christian Personal-Law Reforms Bills, which NCM has sent to the Government after evolving consensus on them should be taken up for enactment by Parliament. No substantial changes should be made in those Bills without prior consultation with the Commission.

ACTION TAKEN

The Government of India consulted various groups of Christians relating to the Christian Marriage Bill, 1994, Indian Succession (Amendment) Bill, 1994 and the Christian Adoption and Maintenance Bill, 1994 proposed by the National Commission for Minorities. After considering the suggestions, the Indian Divorce Act, 1869 was amended through the Indian Divorce (Amendment) Act, 2001, and the Indian Succession Act, 1925 through Indian Succession (Amendment) Act, 2002. Since no consensus could be arrived at regarding the Christian Adoption and Maintenance Bill, 1994, this could not be amended.

Chapter-10 Para No. C-II (c) (2)

50. RECOMMENDATION

Communal riots must be curbed with all the force at the State's command. A compensation of Rs. 2 lakhs per head for all victims of anti-Muslim riots including those of the past should be paid as per the norm set by Delhi High Court in 1996 (in the case of a victim of anti-Sikh riots of 1984).

ACTION TAKEN

In accordance with Constitutional provisions, public order is a State subject. Hence, it is the primary responsibility of States/UTs to maintain law & order. The Central Government shares relevant intelligence inputs in this regard with the State Governments/UTs to enable them to take pre-emptive action, provides Central Para Military Forces (CPMF) on specific request and also gives financial assistance for the modernization and up gradation of police infrastructure. A special force called the Rapid Action Force (RAF) has been created exclusively for control of riots.

The question of enhanced rates of compensation in accordance with the judgment of the Delhi High Court falls within the purview of the States. A public interest litigation was also filed in the Hon'ble Supreme Court seeking among others, a direction to all States to adopt this rate of compensation. Hon'ble Supreme Court vide judgment dated 16/03/2001, in case No. WP(C) 232 of 1997, transferred the writ to concerned High Courts.

Chapter-10 Para No. C-II (c) (3)

52. RECOMMENDATION

Muslims must be given all help, encouragement and assistance to establish educational institutions of all sorts (those of technical, medical, legal, vocational education included) in order to fully develop themselves educationally. For this purpose there should be legally sanctioned permission for relaxation of administrative rules and requirements.

ACTION TAKEN

Right of minorities to establish and administer educational Institutions has been enshrined in Article 30 of the Constitution of India. In pursuance of the same, the Government of India has recently set up the National Commission for Minorities Educational Institutions to perform the functions of (a) advising the Central Government or any State Government on any question relating to the education of minorities that may be referred to it; and (b) looking into specific complaints regarding deprivation or violation of rights of minorities to establish and administer educational institutions of their choice and any dispute relating to affiliation to a Scheduled University and report its findings to the Central Government for its implementation.

The Ministry of Human Resource Development has taken up the Area Intensive and Madrasa Modernization Programme to provide for basic educational infrastructure in areas of concentration of educationally backward minorities.

The Prime Minister's 15-Point Programme for the Welfare of Minorities has been revised. It now focuses on enhancing the educational opportunities for minorities.

Chapter-10 Para No. C-II (c) (4)

53. RECOMMENDATION

Facilities now available under the Madrasa Modernization Scheme of the HRD Ministry should be expanded so as to provide greater opportunities of modern education to be imparted in the madarasas. Madarsa Education Boards should be set up in all the States and Union Territories on the pattern of such Boards created by law in Bihar and West Bengal.

ACTION TAKEN

The scheme of Madarsa Modernization has been revamped as 'Area Intensive and Madarsa Modernization Programme' to provide basic educational infrastructure in areas of concentration of educationally backward minorities and resources for the modernization of Madarsa education. Madarsa Education Boards have been set up in the States of Andhra Pradesh, Assam, Bihar, Madhya Pradesh, Uttar Pradesh and West Bengal. State Madarsa Boards being the subject matter of States, it is for them to take a decision in this regard.

The scheme is being reviewed by a sub-committee of the National Monitoring Committee for Minorities Education (NMCME) which has been constituted to make recommendations.

Chapter-10 Para No. C-II (c) (5)

54. RECOMMENDATION

Relaxation of administrative rules and requirements should be permitted also to facilitate and liberalise credit flow to the Muslims by the Banks and Financial Corporations.

ACTION TAKEN

The Reserve Bank of India has issued instructions to ensure fair and adequate credit flow, particularly under Government development programmes to the minorities. With a view to ensure adequate flow of bank credit to minority communities, some of the steps taken include:-

- (i) All Public Sector Banks are required to submit half yearly returns on advances to minorities regularly to the Reserve Bank of India;
- (ii) Districts having a concentration of minorities have been identified and the progress is reviewed at the meetings of the Districts Consultative Committee and the State Level Bankers Committee;
- (iii) The lead banks in each of these districts is required to have an officer to look after the problems regarding the credit flow to minorities; to publicise among them various programmes of bank credit and also to prepare suitable schemes for the benefit of minorities; and
- (iv) Banks have been advised to include suitable lecture sessions, as part of relevant training programmes like instruction course, programmes on rural lending, financing of priority sectors etc. To sensitize the Branch manager in this regard.

Besides, the National Minorities Development & Finance Corporation (NMFDC), which provides concessional loans to minorities, has been strengthened to increase the coverage of beneficiaries. The authorized capital has been increased from Rs.500 to Rs.650 crores.

The revised 15-Point Programme for the Welfare of Minorities envisages that 15 percent of priority sector lending by domestic banks should be earmarked for the minority communities.

Chapter-10 Para No. C-II (c) (6)

55. RECOMMENDATION

The Haj Committee Act 1959 should be properly amended so as to streamline State administration of pilgrimage to Saudi Arabia for Haj and Umrah and a senior official position created in MEA to look after the Haj arrangements.

ACTION TAKEN

The Haj Committee Act, 1959 has been replaced with the Haj Committee Act, 2002. The Rules under the Act have also been notified on 5.12.2002. A broad-based Committee, including Members of Parliament, constituted under Section 4 of the Act, reviews the arrangements made for pilgrims. A Director in the Ministry of External Affairs has been in-charge of the Haj arrangements.

Chapter-10 Para No. C-II (c) (7)

56. RECOMMENDATION

Specific central legislations should be enacted for the Dairat-ul-Ma'arif of Hyderabad and the Dargah Syed Salar Massod Ghazi of Bahraich in U.P., on the lines of Salar Jung Museum Act 1992 and the Dargah Khwaja Saheb Act 1955 respectively, so that the all-India character of these institutions could be preserved and their wealth and resources may be used on a country-wide level.

ACTION TAKEN

As per Section 2, the jurisdiction of the Wakf Act, 1995 has been extended to all Wakf properties through out the country except Jammu & Kashmir. Hence, there is no need for further special legislation.

Chapter-10 Para No. C-II (c) (8)

57. RECOMMENDATION

Wakf laws should be appropriately amended so as to ensure that a sizable part of the income of Wakf properties is spent on the educational and economic upliftment of the Muslims. Administration of financial grants and scholarships by the Central Wakf Council and State Wakf Boards should be streamlined and subjected to new rules and regulations making the same more effective and useful.

ACTION TAKEN

The Election Fund of the Central Council is being utilized for implementing the following educational programmes;

- (i) Scholarships to poor students pursuing technical/professional degree courses;
- (ii) Ad-hoc grant to poor and needy students of general degree courses;
- (iii) Matching grant to the State Wakf Boards for providing scholarship in their respective states to school students, Madarsa students and to the students doing technical/professional diploma courses.
- (iv) Grant for the establishment of ITIs in Muslim concentrated areas and some others too for needy Muslims students.
- (v) Financial assistance to voluntary organizations for vocational training centres.
- (vi) Financial assistance to libraries for developing book banks.

Chapter-10 Para No. C-II (c) (9)

58. RECOMMENDATION

Special schemes should be introduced to augment the educational facilities for Muslims girls. Suitable incentive/assistance should be provided to NGOs for this purpose.

ACTION TAKEN

The Government is fully conscious of the need for enhancing the educational opportunities for minorities in general and Muslims girls, in particular. The new Prime-Minister's 15 Point Programme for the Welfare of Minorities focuses on "Enhancing Opportunities for Education". Besides, the following programmes are already being implemented:-

- (i) Kasturba Gandhi Balika Vidyalayas (KGBV) are being set up for girls at upper primary level in educationally backward blocks of the country where a minimum 75% seats are for SC/ST/OBC/Minorities; 210 KGBVs have been sanctioned in minority dominated blocks.
- (ii) Maulana Azad Educational Foundation (MAEF) has launched a scholarship scheme for meritorious girl students belonging to minorities in 2003-04.
- (iii) A new programme of 20,000 merit-cum-means based scholarship scheme to encourage students belonging to minorities to pursue higher studies is being launched during the year 2006-2007.

Chapter-10 Para No. C-II (c) (10)

59. RECOMMENDATION

Directions should be issued by the Government to ensure that no restrictions are imposed on the Muslims in the Armed Forces, Police, Para-Military Services, etc., on the observance of the religious practice of growing beards.

ACTION TAKEN

All personnel in the Army, Air Force and Navy are permitted to grow beard on religious grounds, subject to certain service requirements and conditions. Similarly, members of the Muslim community in Central para-military forces are permitted to keep beard on religious grounds. As regards State police forces, the recommendation has been forwarded to the State Government for taking appropriate action.

Chapter-10 Para No. C-II (c) (11)

60. RECOMMENDATION

Directions should be appropriately issued to the nari nicketans, women's homes and orphanages all over the country to ensure that Muslim women and children living in these institutions are not forced to, or misled into, acting against their religion and personal law in respect of marriage and day to day routine, etc.

ACTION TAKEN

The State Governments and Union Territory Administrations have been advised to comply with the recommendation in respect of Muslim women and children living in Working Women's Hostels, Short Stay Homes and Swadhar Shelter Homes.

Chapter-10 Para No. C-II (d) (12)

61. RECOMMENDATION

Parsi religions places in Madhya Pradesh, Rajasthan and elsewhere should remain protected and allowed to be used by the Parsis, irrespective of whether there is now any Parsis living in the concerned localities.

ACTION TAKEN

The matter falls within the purview of the State Governments/Union Territory Administrations. The recommendations have, therefore, been sent to all the State Governments and Union Territory Administration for taking necessary action.

Chapter-10 Para No. C-II (e) (1)

62. RECOMMENDATION

Properties of Gurudwaras must be fully protected wherever in the country they are situated and no encroachment on such properties should be allowed. Gurudwara-management laws should be enacted for such purpose in all those States wherever they do not exist at present.

ACTION TAKEN

A draft Sikh Gurudwaras Bill has been sent to the concerned State Governments, which inter-alia, refers to encroachments on land or building belonging to Sikh Gurudwaras and eviction of encroachments. There is, however, no consensus as yet on the draft bill.

Chapter-10 Para No. C-II (e) (3)

64. RECOMMENDATION

Sikh women should not be compelled to wear helmets against their will.

ACTION TAKEN

As per Section 129 of the Motor Vehicles Act, 1988, “every person driving or riding (otherwise than in a side car, on a motor cycle of any class or description) shall while in a public place, wear (protective headgear conforming to the Bureau of Indian Standards shall not apply to a person who is a Sikh, if he is, while driving or riding on the motor-cycle in a public place wearing a turban”.

It is therefore, not considered a practical proposition to provide legal exemption to Sikh women from wearing helmets as this would add risk of head injury and also make it difficult for the enforcing agencies to identify and exempt Sikh women who drive/ride such vehicles.

Chapter-10 Para No. C-II (e) (4)

65. RECOMMENDATION

Wherever there is sizable Sikh population, for the use of Punjabi language for official purpose. AIR and Doordarshan Kendras in those States should arrange adequate programmes and news bulletins in the Punjabi language.

ACTION TAKEN

Punjabi programmes are being broadcast from various All India Radio Stations and Doordarshan Kendras in Punjab, Haryana, Himachal Pradesh, Rajasthan, Jammu & Kashmir, Chandigarh and Delhi where there is a sizable Sikh population.

With the introduction of 24 hr service on satellite channel (Doordarshan Punjabi), all major programmes are telecast in Punjabi language with increase in frequency and duration. Additional regional bulletins are also broadcast.

The recommendation has also been forwarded to all States where Punjabi is spoken, for taking appropriate action in accordance with Section 9(3) of the NCM Act, 1992.

Chapter-10 Para No. C-II (f) (1)

66. RECOMMENDATION

Before taking any step in respect of the demand of Jains to notify them as a Minority which seems to be one viewpoint prevailing in the community, the Government must through its own sources ascertain the broad consensus on this issue in the Jain community - keeping in view also the dissenting voices.

ACTION TAKEN

Noted.

Chapter-10 Para No. C-II (f) (2) Page no. 98

67. RECOMMENDATION

The Hindu Minority in the State of Jammu and Kashmir must be accorded full legal protection in respect of their life, property and civil liberties.

ACTION TAKEN

As per the Constitution of India “public order” and “police” fall in the State List and the concerned State Government is primarily responsible in this regard. Accordingly, the Government of Jammu and Kashmir has been advised appropriately.

Chapter-10 Para No. C-II (f) (2)**68. RECOMMENDATION**

NCM should be given jurisdiction to attend to the special problems of the Hindu community in all those States where they are numerically a minority- the majority of local people being followers of any other religion.

ACTION TAKEN

This is not appropriate time to make any change in the jurisdiction of the National Commission for Minorities, as a bill has already been introduced in Parliament to give constitutional status to the National Commission for Minorities. Any decision regarding jurisdiction will have to await the outcome of the proposed Constitution amendment bill.