

Govt. of India
National Commission for Minorities
Lok Nayak Bhawan, Khan Market, New Delhi-3
File No. C/DL/60/0242/10-NCM

The Bench of the NCM hearing on 24.10.2011 consisted of:

- i. Shri Wajahat Habibullah, Chairperson
 - ii. Dr. H.T. Sangliana, Vice Chairman
 - iii. Smt. Syeda Imam, Member
 - iv. Shri Vinod Sharma, Member
 - v. Shri Keki N. Daruwalla, Member
2. Director and Legal Officer assisted the bench.

Brief record of hearing held in the Conference Room of the National Commission for Minorities held at 11.00 A.M. on 24.10.2011.

3. Present:

District Collector, Tiruchirapalli, Shri K.C. Mahali, IGP, Central Zone and Fr. S. Ignacimuthu, Secretary and Treasurer of the Catholic Mission, Trichy were present through video conference, in Collectorate, Tiruchirapalli. Shri Selvaraj President and Shri K. Irudayaswamy, Secretary, R.C.M.C. Trichy appeared in person.

4. The Chief Secretary, Govt. of Tamil Nadu had sought permission of the Commission vide fax letter dated 21.10.2011 to allow District Collector, Trichy to attend the hearing through video conference in view of his preoccupation with Cabinet meeting. The request was accepted

5. Shri Radhakanta Tripathi had made a complaint to this Commission on the basis of a news report alleging that in the Catholic cemetery, Tiruchirapalli discrimination has been meted out to the Dalit converts to Christianity from the un-touchable Hindu caste. These Christians are allocated space for burial on one side of the wall while the upper castes converts are buried on the other side of the wall of the Catholic cemetery, violating the principles of Christianity.

6. In the first hearing held on 20.12.2010 Father S. Ignacimuthu representing the Bishop submitted that the cemetery referred to in the complaint does not

belong to their diocese or any other Church. It is owned and managed by an independent society i.e. R.C.M.C. Cemetery Protection Society, Trichy. The matter had gone to court wherein it was declared that the property in dispute is a private property owned by the Trichy R.C.M.C. Cemetery Protection Society and the wall in between is not a dividing wall but for protection of the property of the society. It was also brought to the notice on a query from the Commission that even in other parts of the State of Tamil Nadu such practice is prevalent. The Commission decided to hear the R.C.M.C. Society and examine the judgment.

7. The representatives of the R.C.M.C. Cemetery Protection Society submitted that the land of the burial ground falling on one side of the wall is a private property purchased 60 years back by individuals who subsequently formed a society for the burial of the members of that society and the wall is only for the protection of the property and not a dividing wall. He further submitted that a suit was filed in 1976 before the Court of District Munsif, Trichy and the Court declared that the wall is for protection of a property of the society and not a dividing wall. Against the decree passed by the Court, the plaintiff filed first appeal in 1977 vide appeal no. 282 which was dismissed with cost, confirming the judgment and decree of the trial court. The matter had gone in second appeal before the Hon'ble High Court of Madras and was also dismissed. The copy of the orders of the Court submitted to the Commission by RCMC has been taken on record.

8. The Commission enquired from Fr. Ignacimuthu how the Church allows such discriminatory practice and why they perform rites for such burial which are against the teaching of Bible. It was submitted by the Fr. that they don't recognize such practice but at the same time as per canons of Bible they cannot deny performing the rites of burial. The representatives of the R.C.M.C. Society on examination by the Members stated that the converts to Christianity from Scheduled Caste are neither members nor represented in the management of their society. Moreover, they have no objection to their becoming members provided they agree to abide by the rules and regulations of RCMC. They also contended that there is inadequate space in the graveyard in question for even the existing members. The wall is only to safeguard the property from anti-social

elements. They further submitted that they do not subscribe to any discriminatory practice, that both the sections of the Christian community have settled the matter amicably and there is no dispute with regard to the existence of the wall now. On specific questions from the Commission to the District Collector and IGP with regard to effort made by the government to eradicate such practices the District Collector apprised the Commission that she has not come across such cases of discrimination in her tenure in Trichy so far. The IGP submitted that there will be no problem in providing protection from anti-social activities in the burial place, if brought to their notice.

Discussion:

9. The Commission after hearing the parties was of the view that there should be no partition wall and the alleged practice is in violation of the Constitution of India and is against the law. There should be no discrimination on the grounds of caste/religion. The division in ownership of the premises can be marked through other means.

Decision notice:

10. The Commission made the following recommendations:-
- (i) RCMC Society will consider including members from converts to Christianity from Scheduled Caste in their Society subject to abiding by their rules and regulations.
 - (ii) The Government of Tamil Nadu / District Collector in future while allocating land for burial grounds/graveyards will ensure that it is made subject to the condition that no discrimination on ground of caste/religion/creed is practiced.
 - (iii) The representatives of RCMC management and Bishop might sit together within thirty days of receipt of this Decision Notice and consider ways and means to remove any symbol of discrimination within the community.

Sd/-
(Wajahat Habibullah)
Chairperson

Sd/-
(Dr. H.T. Sangliana)
Vice Chairperson

Sd/-
(Syeda Imam)
Member

Sd/-
(Vinod Sharma)
Member

Sd/-
(K.N. Daruwalla)
Member

Authenticated true copy. Additional copies of order shall be supplied on application.

Ms. Esther Kar
(Jt. Secretary)
31.10.2011