

Govt. of India
National Commission for Minorities
Lok Nayak Bhawan, Khan Market, New Delhi-3

Petitioner: Smt. Zubaida Begum, Jamshedpur

File No. M/16/81/4/06-NCM

Brief record note of the meeting held on 28.12.2011 at 12.00 Noon in the Conference Room of the NCM (through video conference) with the husband of petitioner Smt. Zubaida Begum.

Shri Wajahat Habibullah, Chairman

Joint Secretary and Legal officer assisted the bench.

Present:

- (i) Shri Waris Hussein Khan, husband of Smt. Zubaida Begum and
- (ii) Dr. S.B. Singh Advocate were present through video conference.

1. Shri W. H. Khan submitted that Smt. Zubaida Begum is ill and is not in a position to attend the meeting. He however, submitted that the father of the petitioner was an employee of the Tata Steel Company, Jamshedpur and in the communal riots of 1979, her father and mother were killed by the guards of Tata Steel Company and her brother was permanently incapacitated. One of her sisters Ms. Mumtaz Begum became mentally ill and has been diagnosed with dreaded disease of duplication of stomach with renal ailments. The family has not been provided adequate compensation and financial assistance. Shri W.H. Khan further sought implementation of the Commission's direction given in the hearing dated 12.2.2010.

2. The decision in the hearing held on 12.2.2010, where W.H. Khan, husband of the petitioner and Shri Anil Kumar Jha representative of the State Government of Jharkhand were present was perused. The representative of the State Government of Jharkhand had deposed that they will provide maximum

possible relief in the form of rehabilitation and financial assistance either by itself or through Tata Steel Company. It was also pointed out that no FIR was registered either by the Company or by the petitioner in 1979. The Commission observed that it is the primary responsibility of the State Government to take care of the welfare of all residents of the State especially riot hit people who have no means of livelihood and are in dire need of suitable rehabilitation and financial assistance. The Commission decided to grant a final chance for personal appearance of the Managing Director of the Tata Steel Ltd.

3. The Tata Steel Ltd. submitted a detailed reply inter-alia stating that father of the petitioner Mohammed Saifullah was indeed an employee of the company and had two wives namely Matabin Nisa and Raisunnisa. During his employment he was allotted quarter no. L4/8, Road No.17, Kadma Farm Area, Jamshedpur. During the communal riots in April 1979 the father of the petitioner and his second wife died. Shri Saifullah left behind one son and five daughters from second wife including Zubaida Begum & Mumtaz Begum and one daughter from first wife. Smt. Zubaida Begum submitted an application on 02.08.1979 to the company requesting for suitable employment of her husband Shri Waris Hussein Khan and also requested for allotment of another quarter instead of quarter no. L4/8, Road No.17, Kadma Farm Area. The Tata Steel Ltd. entirely on sympathetic consideration gave employment to Shri W.H. Khan from 20.11.1979 and provided alternate accommodation out of turn and entitlement. In 1995, Shri W.H. Khan took early separation much before attaining the age of superannuation. Shri W.H. Khan and his family including the petitioner have enjoyed financial and other benefits up to July 2007 i.e. till the age of superannuation including monthly pension equivalent to 1.5 times of last drawn salary subject to revision in accordance with the rules of the company, medical facility, provident fund, gratuity, employees pension etc. It is also stated that as per company policy Shri W.H. Khan had to vacate the accommodation before the financial benefit could be provided. Instead of vacating the accommodation, Shri Khan requested the company for allotment of the same accommodation to his

elder brother an employee of the company, although he was not so entitled. Nevertheless, the company, on sympathetic ground, transferred the allotment of accommodation in his brother's favour. It was further contended that the medical help sought by the family for treatment of Ms. Mumtaz Begum was provided and the expenses incurred by the family for the tests not available with the company reimbursed through cheque. It was also stated that Shri Afzal Waris Khan son of Smt. Zubaida Begum approached the company for providing temporary allotment of a flat to the family in 2005 and submitted an undertaking on 26.10.2005 that they will vacate the accommodation by 11.11.2005, but despite the undertaking the family failed to vacate the accommodation and are still occupying the same.

4. The Commission held a meeting with the representatives of the Company on 14.7.2011 wherein, the representative detailed the benefits as aforesaid provided by the company and their inability to concede to the unceasing demands of the petitioner and Shri W.H. Khan. The company however agreed to provide a job according to qualification to one of the heirs of Ms. Zubaida Begum in their subsidiary companies.

5. The Government of Jharkhand in response to the direction given in the hearing dated 12.2.2010 requested the Management of the company vide their letter dated 21.8.2010 to allot land, medical facility and rehabilitation. The State Government vide their letter dated 09.12.2011 forwarded to the Commission the copy of the reply already submitted by the company before this Commission. During the hearing, Shri W.H. Khan stated that Shri Afzal Hussein Khan his son aged about 29 years could be considered for a suitable employment with the company.

Recommendation:

6. The Commission after hearing the petitioner and based on the earlier discussion with the representative of the company on 14.7.2011 finds that the

plea for pending relief and rehabilitation for the riots of 1979 is unsustainable. However, because the family is noticeably in distress and has been in the employment of TISCO, it was decided that in keeping with the Company's offer, to ask the Company to provide a job to one child of the petitioner as a rehabilitation measure and save the family from hardship. Representative of the petitioner Shri W.H. Khan was asked to Fax a CV to this Commission which has been received subsequent to the hearing. The CV of Afzal Hussain Khan, s/o Waris Hussain Khan and petitioner Zubaida Begum, as appended to this decision, may be forwarded to the Tata Steel Ltd, Jamshedpur, Jharkhand for offer of employment as discussed in the hearing of 14.7.2011.

Sd/-

(Wajahat Habibullah)
Chairperson

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

(Esther Kar)
5.1.12