

Tour Report

Visit to Bodh Gaya and Patna by Hon'ble Members Smt. Spalzes Angmo and Shri H.S. Hanspal from 30th December, 2009 to 3rd January, 2010.

In view of the recent protest held in Delhi against the Bodhgaya Temple Management Committee Act of 1949, a team of National Commission for Minorities consisting of myself and Shri H.S. Hanspal went on a tour to Bihar from 30th December, 2009 to 3rd January, 2010 to assess the situation on ground and also to review the implementation of the Prime Minister's 15 Point programme. We reached Patna on 30th December, 2009 and were received at the Airport by Mr. Abul Hasan CEO, Bihar State Sunni Wakf Board and Mr. Sohaib Ahmed, Deputy Secretary, Minority Welfare Department. At Patna, a meeting was held with representative of Minority Commission's Members and various Muslim groups Maulana Rahman Qasmi, Chairman Bihar State Haj Committee, Maulana Ezaz Ahmad, Chairman, Madarasa Board Shri Naushad Ahmad, Chairman Minorities Commission, Dr. Dileep Sinha, Vice Chairman, Minorities Commission and NGO's were present who presented their grievances regarding non – implementation of the various schemes meant for minorities. It seems there were no schemes for lending loans for education. There was delay in scholarship distribution.

The Buddhists representative monk Ven. Mahanama Bhante brought forth the major grievances of the Buddhist community regarding the amendment of the Bodh Gaya Temple Management Committee Act of 1949 which violated the right of religious freedom and stated that no other religious institution in the country was allowed to be run by people not professing the faith to which the institution belonged.

On arrival at 31st December, 2009 Bodh Gaya, the most sacred place for the Buddhist, we went to visit the Mahabodhi Mahavihara Temple, the seat of enlightenment of Lord Gautam Buddha, which was thronged by thousands of devotees from all over the world.

Meeting with the Bodh Gaya Temple Management Committee:

According to the Bihar Act 17 1949, The Bodh Gaya Temple Management Committee consists of a Chairman and 8 members nominated by the State Government, all of whom shall be Indians and four of whom shall be Buddhists and four shall be Hindus including the Mahanth. The DM shall be the ex-officio Chairman of the Committee provided that in case the DM is a non- Hindu, then the State Government shall nominate a Hindu as the Chairman. Therefore, this proviso as eminent Supreme Court Lawyer Mr. Rajeev Dhawan aptly opined is against the secular fabric of the constitution.

Members of the Bodhgaya Temple Management Committee:

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| 1) Mr. Sanjay Kumar Singh, IAS, D.M. | Gaya, Ex. Officio | Chairman |
| 2) Ven. Nagarjun Surai Sasai | Nagpur | Member |
| 3) Ven. Gyaneshwar Mahathera | Kushinagar | ” |
| 4) Dr. (Smt.) Mahashweta Maharathi | Patna | ” |
| 5) Dr. (Smt.) Kumud Verma | Patna | ” |
| 6) Dr. Radhakrishna Mishra | Bodhgaya | ” |
| 7) Dr. Arvind Kumar Singh | Bodhgaya | ” |
| 8) Mahanth Sri Sudarshan Giri | Bodhgaya | ” |
| 9) Sri Nangzey Dorjee, IAS (Retd.) | Sikkim | Member Secretary |

After a thorough interactive session and discussion with the Temple Management Committee it was felt that after the appointment of a Buddhist Member from Sikkim as the Secretary, overall management has improved and so has the essence of keeping the spirit of Buddhism alive. Earlier a Hindu Member was the Secretary for many successive terms. The Members are nominated for 3 years term. It was surprising to note that only 3 members were present for the meeting, and all belonged to the Hindu Community. One of the Buddhist Member of the Bodhgaya Temple Management Committee Ven. Nagarjun Surai Soosai had recently organized a protest rally in the Capital in protest against the 1949 act. None of the Buddhist members were present during the meeting with them. The DM being the Chairman of the Committee was the sole authority on all matters administrative and financial. After the meeting with the Temple Management Committee we had a meeting with various Buddhist groups. Around 25 Buddhist Members attended the meeting in the office the Bodhgaya Temple Management Committee complex which was organized by the Shri Nangzey Dorjee, Secretary among them were present Bhikkhu Priyapal, Gyan Ratna and Ven. P. Seebali Thero. Although most of the Monasteries of Bodh Vihara were facing many common problems relating to the maintenance, connectivity and infrastructural development, the key issue pointed out during this meeting was the presence of the majority of Hindus in the Temple Management Act and the fact the Chairman had to be the DM, who should be a Hindu according to the act. So a question arises as to what if the DM is a Buddhist, then he would not be able to be the Chairman of the Shrine, which is the most sacred place for the Buddhists because of the condition laid down in the 1949 act, which states Chairman should be the DM , who should be a Hindu.

Clearly this violates the secular nature of the constitution and surely a infringing on the religious right of another community. The monks opined that “when Churches are managed only by Christians, Mosques by Muslims, and Gurudwaras by Sikhs and Temples by Hindus then why not the Buddhists be able to run their own shrine”.

Some of the monks even felt hesitant to voice their opinion freely and openly.

The DM by virtue of being the Chairman of Temple Management Committee was over all in-charge of both administrative and financial matters. The Chairman was in general control of funds and subject to this control the secretary was in charge of the funds of the committee. Since the present Secretary is a Buddhist from Sikkim and ever since he took over the income of the committee rose from approx Rs. 3 crore to 9 crore. This was a significant noteworthy development which would lead to better maintenance of the Temple complex.

Another significant complaint of the Buddhist monks were that on the occasion of Bodh Mahotsav instead of having programmes and themes dedicating to the life and teaching of the Lord Gautam Buddha, the TMC would invite cultural troupes which would render a Bollywood style flavor on this auspicious occasion and thus minimizing the significance and importance of its being a festival which should reflect Lord Buddha’s preaching of non-violence, peace and compassion.

In 2002, the Mahabodhi Temple at Bodh Gaya has been declared a world Heritage site, precisely because of its significance as the seat of enlightenment of Lord Gautam Buddha. Therefore, it is imperative that the underlying theme of the Bodh Mahotsav in Bodh Gaya should be on the doctrines of principles as preached by Lord Buddha. This would help preserve and protect the sanctity of this holy place.

Visit to Takht Sri Harimandir Ji, Patna Saheb

On 2nd January, 2010 at 9.30 A.M. we visited Takht Sri Harimandir Ji, Patna Saheb (Birth place of Sri Guru Gobind Singh Ji Maharaj) and had a meeting with Shri Raja Singh, Secretary, Takht Sri Harimandir Ji and other Members of the Prabandhak Committee. About 15 victims of 1984 Sikh riots were also present.

Takht Patna Sahib enjoys the privilege of being the birth place of the Tenth Guru Sri Guru Gobind Singh Ji. He was born here on December 22, 1666. There stands, at the sacred place a magnificent holy shrine, called Takht Sri Harimandir Saheb. It is situated in the old Patna city. Gurudwara Patna Sahib is regarded as the centre for propagating Sikhism in the east. As history would have it, Takht Sri Patna Sahib is the second of the five accepted and acknowledged Takhts of Sikhs in India.

EVALUATION OF PRIME MINISTER'S 15 POINT PROGRAMME.

In order to evaluate and monitor the Prime Minister's 15 Point Programme and discuss the cases pending with the Commission. We had a meeting with the Home Secretary Shri Amir Subhani and 5 other officials were present regarding the monitoring of 15 Point Programme.

As compared to other states the mere presence of only the department dealing with minority and education were present and thereby did not do justice to the whole purpose of evaluating the schemes under the Prime Minister's 15 Point Programme.

The Scholarship schemes needed to be streamlined and disbursed on time, so that fresh funds would be availed from the centre. Urdu teachers needed to be recruited which was being done but it would be noteworthy to point out that the State had not replied to cases pertaining to the recruitment of Urdu teachers. Most of the cases pending in the Commission were discussed. We directed the State to give us a detailed reply within a month regarding these pending cases and also those of scholarships.

6 MONKS ON INDEFINITE HUNGER STRIKE

As soon as we reached Patna, we found out that Six Buddhist monks were on an indefinite fast unto death in protest against the Bodh Gaya Temple Management Committee Act of 1949 and their principal demand was the implementation of the recommendation of the National Commission for Minorities so that managements vest exclusively with the Buddhists. They also demanded that Bodh Gaya be declared a holy city.

In view of the grave situation, we tried to discuss this issue with Chief Minister and Governor of Bihar, but to our dismay we could not and it was disappointing to note that even the Chief Secretary could not meet us.

RECOMMENDATIONS:

1. A statutory recommendation should be made to the Government of Bihar reiterating the stand of the National Commission for Minorities to the effect that the control and management of the Bodh Gaya Temple Committee should exclusively vest with Buddhist and thereby the act should be either amended or repealed. The legal opinion of eminent Supreme Court Lawyer Mr. Rajeev Dhavan states that the act is unconstitutional
2. Bodh Gaya should be declared a Holy City, since it is the seat of enlightenment of Lord Gautam Buddha and most sacred place for Buddhists all over the world.

3. The State must give report of the pending cases in the Commission and also of the Scholarship disbursement within a month.
4. The victims in the 1984 Sikh riots need to be given compensation and there were about 100 cases pending in Patna which be dealt with sympathetically. Their grievances need quick redressal, as many have not availed of the compensation yet.
5. In January 2017, falls 350th Birth Anniversary of Sri Guru Gobind Singh Ji. It is recommended that this occasion be celebrated at a national level and now is the right time to start its preparations. It is recommended that a committee under the Chairmanship of the Hon'ble Prime Minister of India should be formed to celebrate the occasion in a befitting manner, like the celebrations recently concluded at Nanded Sahib. Also a letter should go from the Commission to the Hon'ble Prime Minister on the lines proposed by the Takht Sri Hazoor Sahib for the celebration of 350th Birth Anniversary of the holy Tenth Guru.
6. Appointment of Urdu Teachers on equal pay scale.
7. Representation of Muslims in different departments has gone down. Remedial measures may be taken for this.
8. It seems there are no specific schemes in the State for providing loans for education for minorities. These needs to be looked into as there are specific schemes for education loan as envisaged by the centre. This needs to be provided to the state if they have not availed of it so far from the Centre.
9. The Bodh Gaya being the holiest place of pilgrimage for Buddhist, an International Airport within Bodh Gaya Caters to direct flights from Bangkok, Bhutan and Srilanka. At present basic amenities / facilities required for the passengers likes. This need to look into by the Centre and for the time being alternative arrangements could be facilitated till the airport becomes functional and commercially viable.
10. Inclusion of Buddhist Member in the State Commission for Minorities, since there is no representative for Buddhists in the present State Commission.

(Spalzes Angmo)
Member
18.1.2010

(H.S. Hanspal)
Member
18.1.2010

11.DRAFT

Minutes of the meetings held during the tour to Patna and Bodh Gaya from 30.12.2009 to 3.1.2010 of Hon'ble Members of NCM Mrs. Spalzes Angmo and Shri H.S. Hanspal.

30.12.2009

Reached Patna Airport at 8.20 hrs on 30th December 2009. Received by a team of officials comprising of Mr. Amir Subhani, Home Secretary, Bihar and Secretary to Minority Welfare Department, Mr. Mohd. Ansar Udin, Managing Director, Minority Financial Corporation, Dy. Secretary, State Minority Commission, Bihar and Mr. Mohd. Maqsood Alam, Protocol Officer. Home Secretary has deputed two Liaison officers Mr. Sohaib Ahmed, Dy. Secretary, Minority Welfare Department and Mr. Abul Hasan, Chief Executive Officer, Bihar State Sunni Waqf Board for NCM Members. The team proceeded to Guest House

At 11.00 A.M the team had a meeting with representatives of Minority communities. The following points were discussed:

- 1) Minority benefits are not clear to the state minority communities. Minority benefits to be reached at the correct level. Our schemes are not correctly published. Implement EBB (Economically Backward Block) instead of EBA (Educationally Backward Area).
- 2) The Muslim Community representatives demanded that Madrasa Board is to be made.
- 3) Minority Commission in the State is required extension or to be called other.
- 4) The Buddhist representatives demanded implementation of their eight point charter of demands. They demanded the total control over Mahabodhi Temple. In Airport the facilities for pilgrimage people to be improved. The shrine, as per the Bihar Act 1949, is managed by both Hindus and Buddhists under a power sharing in which five of the nine members of the committee, including the chairman, have to be Hindus. Lakhs of rupees are spending for the temple management. Vishru Path constructed by Hindus. DM is the Chairperson of the Committee.
- 5) Some people are in jail those who protested against the domination of Hindus over the Bodh Gaya Temple. Members desired to get a list of those persons.
- 6) Reservation is needed for minority students in schools and colleges.

31.12.2009

Meeting with Mr. Sanjay Kumar Singh, IAS, DM Gaya, Ex.Officio, Chairman Bodhgaya Temple Management Committee:

1) International facility for flights only in Bihar now. We are trying for domestic facility also. For this we should need more land. Here everybody is interested for commercial. We are also trying to modernizing the Post Office also. Telegram facility will be improved. So many people. We have free medical facilities at the premises of the Temple. For these we need your support also.

- Without licence no mutton shop will be existed.
- Butchers should be arrested.
- Royalty to the state govt.
- Sanitation and health problems existing.
- Education

Even now we are going to put 5 health camps because Dalai Lama is coming. 40 temporary projects. We are putting toilets, plants. We are putting tube wells. We are trying to repair our old transformers, we are installing street lights. We have free medical camps. We have many doctors and nurses. The Bodhgaya Temple is a historical place. This Temple is not only for Buddhists but also for the nation. Everyday 40 to 50,000 pilgrims are coming. We don't have any shortage of funds. Fund is not an issue at all. First Buddhist council was held in Bihar. We have to identify and making up integrated these places: Rajpur to Bodhgaya, Rajpur to Vaishali, Vaishali to Lumbini (Lumbini is in Neepal). Earlier pilgrims are afraid to walk in the night. Now the situation is changed. We have better sewerage plans. All the roads are improving. We are getting drinking water. Whatever proposals we have we will implement. Chief Minister is also interested to identify the historical places. Children are going back to their own countries after education. 10,000 people are here from other countries like Viatnam, Thailand, Combodia , Mangolia etc.

Bodhgaya Committee Members are for three years. Next year other members will come.

Hon'ble Members of the Bodhgaya Temple Management Committee:

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| 1) Mr. Sanjay Kumar Singh, IAS, D.M. Gaya, Ex. Officio | Chairman |
| 2) Ven. Nagarjun Surai Sarai | Nagpur Member |
| 3) Ven. Gyaneshwar Mahathera | Kushinagar “ |
| 4) Dr. (Smt.) Mahashweta Maharathi | Patna “ |
| 5) Dr. (Smt.) Kumud Verma | Patna “ |
| 6) Dr. Radhakrishna Mishra | Bodhgaya “ |
| 7) Dr. Arvind Kumar Singh | Bodhgaya “ |
| 8) Mahanth Sri Sudarshan Giri | Bodhgaya “ |
| 9) Sri Nangzey Dorjee, IAS (Retd.) | Sikkim Member Secretary |

Till today no decision has been taken against the sanctity and spirit of the Buddhists. Regarding cutting of branch some controversy occurred. FIR is here. They can tell us scientifically. We have another peepal tree also. Present govt. is so sensitive. Chief Minister is so much sensitive about this. He walks through out the forest strength of Bihar. Trying to improve all doing by conviction. Member's opinioned current situation goes against the sentiments of the people that the Chairman should be a Hindu. Happy that Secretary is a Buddhist. This sprit has not see any religion. The temple is run by an eight member committee with the local district magistrate as its chairman as laid down in the Mahabodhi Temple Management Act, 1949.

The Committee comprises four Buddhist and four Hindu members, with the condition that the district magistrate-cum-chairman must be a Hindu by religion. In case the district magistrate is non-Hindu, the SDO will be the committee chairman. "When churches are managed only by Christians, mosques by Muslims, Gurudwaras by Sikhs, Hindu temples by the Hindus, why are Hindus interfering in the administration of a Buddhist shrine?"

Both the Hindus and the Buddhists have traditionally worshipped in the temple. Besides worship of Lord Buddha, the Hindus have also been performing a number of religious ceremonies like 'Pinda Dan', solemnization of marriages in the Temple and immersion of idols in the Lotus Tank etc.

31.12.2009

Meeting with various Buddhist groups

Around 25 members were attended. Most of the monasteries are facing common matter related to construction and maintenance. So many problems are facing. One monastery was demolished and the other a Cambodian monastry. Policemen went there and beaten the Cambodian monks. We called a meeting, but not obtained any satisfactory answer from the officials. The Buddhist groups do not know why the govt. has taken such action. Why they can not tolerate with the monasteries. In tax matters existing discrepancy. Happy to say most of the temples at Srilanka, Burma there was existing commercial tax.

Electricity Board is charging highly without meter reading. Not have meter for electricity why they are charging? About one lakh, 2 lakh abd 3 lakh were charging against monasteries.

Seasonal fine from October and February, from March to September is there.

Other thing is that at the airport pilgrims facing harassment. Opening each and every bag. Items containing pooja materials also opening.

If the Act is not amended the Chairman's post will not change. Education is not developing/ improving. In every place people are suffering especially in the airport, passport matters.

Everybody opined the domination of Hindus over Bodhgaya Temple is unconstitutional. It will be ended. The Members of NCM opined that we have the legal opinion. We have written to the State Govt. Our Chairman has repeatedly written to the State and Central Govt. Regarding the master plan they can not depend the State govt. They have to get the cabinet opinion. We have taken these things. We have come to have to get your views.

Meeting with DM Gaya at 2.30 PM.

Some monasteries beyond 1000 meters: This master plan is very old. Ancient master plan is so perfect than the old master plan.

Renovation: Renovation and whitewash are allowed, but not to add. DM said no discrimination is existing between the monastery and non-monastery.

House Tax: DM is at the district level. Now we are taking commercial rates. In Sikkim Guest House they have fixed.

Regarding security problem DM have made 7 boxes. DM said regarding police interference against Compodian monastery similar respect to be given to the govt. officials also. We should try to follow the rules. It is his responsibility to go to the master plan which category it belongs. Then only we allow to give order. 4/5 people is have who guiding the people. Regarding international airport.

Shakya Muni College, Bodh Gaya is situated on the pious land of the Buddha world heritage place. The location of the college is backside of the 80 ft. Buddha Statue. Beside imparting undergraduate teaching in the faculties of Humanities Science, Social Science. They have launched many job oriented sources. Such as B.B.M, B.B.A and foreign languages. Not only local poor students come and study here but foreign national students and monks like Korean, Burmese, Bangladesh, Thailand, Vietnam etc. enrolled and study here and feel good. This institution has been centrally located at Bodh-Gaya Block and is meant for the deprived boys and girls of the local society which cannot afford to study in the Gaya city which is far off 15 km. from Bodhgaya. The govt. of Bihar State granted permanent affiliation to this college which testifies to the fact that even state govt. has approved our aims and objects. As such it is their earnest desire to request your honour to charge us spiritually, so that the coming generation may be enlightened.

Press Conference at 4.00 P.M.

1st January 2010

Meeting with Mr. Amir Subhani Bihar Home Secretary and Secretary to Minority Welfare Department and other officials.

Members of NCM explained to the Home Secretary what were the discussions held with the representatives of minority communities.

Home Secretary is promised us to let the Chief Minister know our sentiments

We visited Takht Sri Harimandir Ji, Patna Saheb (Birth place of Sri Guru Gobind Singh Ji Maharaj) on 2nd January 2010 at 9.30 A.M. and had a meeting with Shri Raja Singh, Secretary, Takht Sri Harimandir Ji and other Members of the Prabandhak Committee. About 15 victims of 1984 Sikh riots were also present.

Takht Patna Sahib enjoys the privilege of being the birth place of the Tenth Guru Sri Guru Gobind Singh Ji. He was born here on December 22,1666. There stands, at the sacred place a magnificent holy shrine, called Takht Sri Harimandir Saheb. It is situated in the old Patna city. Gurudwara Patna Sahib is regarded as the centre for propagating Sikhism in the east. As history would have it, Takht Sri Patna Sahib is the second of the five accepted and acknowledged Takhts of Sikhs in India.

Apart from other issues the following two subjects were discussed in detail:-

1. In January 2017, falls 350th Birth Anniversary of Sri Guru Gobind Singh Ji. It is proposed that this occasion be celebrated at a national level and now is the right time to start its preparations. They have proposed that a committee under the Chairmanship of the Hon'ble Prime Minister of India should be formed to celebrate the occasion in a befitting manner, like the celebrations recently concluded at Nanded Sahib. We assured them that the Commission will write to the Hon'ble Prime Minister on the lines proposed by the Takht Sri Hazoor Sahib for the celebration of 350th Birth Anniversary of the holy Tenth Guru.
2. The Victims of 1984 riots told us that there are about 100 cases pending in Patna to whom the compensation has not been paid so far. We assured them to follow the cases and get them the justice for the compensation at the earliest on receipt of the details of these cases.