

MINISTRY OF WELFARE

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EXPLANATORY NOTE TO THE ^FTWELFTH ANNUAL REPORT OF THE
MINORITIES COMMISSION FOR THE PERIOD 1.4.1989
31.3.1990.

The Minorities Commission was set up by the Government through a Government Resolution dated 12th January, 1978.

2. The resolution provides that the commission will submit an Annual Report to the President detailing its activities and making recommendations. The Resolution also provides that the Report together with a Memorandum outlining the Action Taken on the recommendations and explaining the reasons for non-acceptance of the recommendations, if any, in so far as they relate to the Central Government will be laid before each Houses of the Parliament.

3. The Commission, submitted its ~~twelfth~~ Annual Report for the Period 1.4.1989 to 31.3.1990 to the Welfare Ministry on 11.7.1991.

4. The direction of the president for laying the Report before the two Houses of Parliament was obtained on 3.7.97.

5. The Report is being laid on the Table of the House now.

PAPERS TO BE LAID ON THE TABLE OF THE LOK SABHA.

AUTHENTICATED

Sd -
(B.S. RAMOOWALIA)
MINISTER FOR WELFARE

New Delhi-110001.

Dated: 4th AUG. 1997

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MINISTRY OF WELFARE

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STATEMENT EXPLAINING THE DELAY IN LAYING THE TWELFTH^F
ANNUAL REPORT OF THE MINORITIES COMMISSION
FOR THE PERIOD 1.4.1989 to 31.3.1990.

The typed copy of the Twelfth Report was submitted by the Minorities Commission to the Ministry of Welfare on 11.7.1991. However, the printed copies of English and Hindi versions were received by the Welfare Ministry from the Commission on 5th May, 1993. Further time was taken in processing the Report by the Welfare Ministry. This included sending the relevant extracts of the Report to the concerned Central Ministries/Departments for their comments and preparing the Action Taken Memorandum. Hence, the delay in laying Report before the Parliament.

Sd/-

(B.S. RAMOOWALIA)
MINISTER FOR WELFARE

New Delhi-11001

Dated: 4th AUG, 1992

Action Taken Memorandum on the 12th Annual Report
of the Minorities Commission from 1.4.1989 to 31.3.1990

Recm- mendation No.	Chapter, Para and page of the Report.	Text of the Recommendation	Comments
1	2	3	4
1.	Chapter-IX Para 9.02 Page-180	The Commission has been repeatedly stressing the need to have constitutional/statutory status. It would surprise many to know that even after twelve years of existence, the Commission does not have a permanent status. All the posts, right from the Chairman to the peon, are temporary and these are renewed from year to year. In the absence of statutory powers, the Commission had to rely on the good will of the Departments of the Central Govt. and the State Governments. The Commission would therefore, like to reiterate its earlier recommendations to grant it statutory status. (1.06).	{The National Commission for Minorities Act, 1992 has been brought into effect on 17 May 1993 and the National Commission for Minorities has been constituted under the Act from the same day. The statutory Commission which has a Chairman and 6 Members will have the powers of a civil court to perform some of its functions.) No specific action is necessary on this recommendation.
2.	Chapter-IX Para 9.03 Page-180	One of the early recommendations of the Commission mentioned in its Fourth and Fifth Annual Reports was to set up a National Inter-cum-Human Rights Commission to be provided for by the Constitution itself. Such a Commission would have sub-Commission dealing separately with problems of minorities and those of Scheduled Castes and Scheduled	The withdrawal of the recommendation of the Minorities Commission for setting up Human Rights National Integration Commission has been accepted by Government. (The Government has since set up two separate National Commissions for Minorities and for Human

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4. Chapter IX
Para 2.05
Page 181

Considering the gravity of the Communal riot that took place in Bhagalpur(Bihar), the Commission decided to visit that place. After seeing the affected areas and talking to all concerned, the Commission made some suggestions/recommendations which were sent to the Government of Bihar and the Union Ministries of Home Affairs and Welfare.(3.03).

(The Commission's Report on its visit to Bhagalpur(Bihar) has been forwarded to the Ministry of Home Affairs and the State Govt. of Bihar for necessary action. The specific action on the recommendations of the Commission was to have been taken by the Govt. of Bihar. The State Govt. has reported that it has apprised the Commission of the action taken by them for the relief and rehabilitation of the riot-victims of Bhagalpur. The Ministry of Home Affairs also issued guidelines to promote communal harmony to all State Govts./UT Administrations on 23 April 1990 laying special emphasis on prompt payment of relief to and rehabilitation of riot-affected people.)

2. No specific action is, therefore, necessary on the recommendation.

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5.) Chapter IX
Para 9.06
Page 181

The Commission has held the view that there should be a total ban on any kind of militant organisation and Sena. Likewise, no new place of worship of any religion should be allowed to be constructed without appropriate permission of the competent authority. In this connection the Commission commended the enactment of legislation on the lines of the West Bengal Religious Buildings & Places Act, 1985 (3.11). Another recommendation made by the Commission was that the status-quo position of all religious places as on August 15, 1947 should be maintained. Carrying of arms, 'trishuls' or offensive weapons in public places should be totally banned. Officers with proven record of secularism should be posted in districts which are communally sensitive. (3.04).

The Government has been taking action to ban militant organisations and Senas whenever considered necessary like the banning of B.S.S., V.H.P., I.S.S. etc. after the Ayodhya incidents. However, the basic responsibility for the maintenance of law and order rests with the State Govts. The States have been advised to ensure that religious places are constructed only with the prior approval of district authorities at the earmarked places. In the guidelines issued for the promotion of Communal Harmony in April 1990, the need for obtaining prior permission to the construction of any place of worship has been specifically mentioned.

The Central Govt. have already enacted the Religious Places (Special Provision) Act, 1991 to prohibit conversion of any place of worship and to provide for the maintenance of the religious character of any place of worship as

Existed on 15-8-1947.

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6. Chapter-IX
Para 9.07
Para-182

In addition, the Commission recommended that an immediate blanket ban should be imposed on all religious processions all over the country irrespective of the community involved, atleast for the next few months. Imposition of collective and punitive fines on concerned localities should also be resorted to. Speedy trials and conviction of culprits involved in riots should be ensured. (3.16).

No specific action is necessary on the recommendation.

As mentioned in the comments of Recommendation No.5 these issues come within the purview of the State Governments.

No all India Policy can be evolved on a sensitive issue like this. As per the guidelines issued by the Ministry of Home Affairs from time to time, to the State Governments, no new processions as did not exist before 1-1-1990, should normally be allowed. The provisions of the Police Act or similar legislation should be effectively used by the local administration. It has also been mentioned in the guidelines that the organisers of the processions should be asked to guarantee good behaviour and in case of breach of normal law and order situation, collective fines should be imposed. However, a blanket ban on religious processions has been held to be

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unlawful by the Court, in a

number of cases as it contravenes Article 19 of the Constitution.

Instructions also exist for setting of Special Courts for speedy trial of riot cases.

No specific action, is, therefore, necessary.

7.

Chapter-IX

Para 9.08

Page-182

With regard to the Ram Janam Bhoomi - Babri Masjid Case, the Commission desired that both parties be persuaded to accept the decision of the Court and eschew an appellational approach. (3.19).

Following the demolition of the Ram Janam Bhoomi-Babri Masjid structure at Ayodhya on 6 December, 1992, the Central Government had acquired the disputed area and suitable adjacent land through the Acquisition of Certain Area at Ayodhya Ordinance/Act 1993. The Supreme Court vide its judgement dated 24 October 1994, upheld the validity of the Acquisition Act but not the provisions relating to the abatement of the pending suits. Consequently, all relevant pending suits and other proceedings have revived for adjudication of the dispute therein. Further, the Central Government is now to act as a statutory receiver of the

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disputed area with the duty to maintain the status-quo therein till the disposal of the revived suits and to hand it over in terms of the adjudication made in the suits for implementation of the final decision therein. Compliance with the Supreme Court's decision is essential.

Hearings in the revived title suits have resumed before the Lucknow Bench of the Allahabad High Court.

The investigation into the offences relating to the demolition of the IJB - BM, structure on 6 December, 1992 was entrusted to the CBI who, after completing the same, filed a combined charge sheet against 40 persons in October 1993. The case after committal is presently being tried in the Court of Special Additional Sessions Judge, Lucknow. A Commission of Inquiry headed by Mr. Justice Mammohan Singh Liberhan was set-up on 16 December 1992 to look into inter-alia, matters relating to the occurrences in the Ram Janna Bhoomi - Babri Masjid Complex at Ayodhya on 6 December 1992 involving the destruction

8. Chapter-IX
Para 9.09
Page-182

On the educational side, the Commission regrettably recorded that the implementation of National Policy on Education with special reference to the Chapter on Minorities was unsatisfactory. The Ministry of Human Resource Development, Department of Education, did not have information of what was being done by the States and Union Territories and there was a conspicuous lack of monitoring on important items. (4.01 and 4.02).

of the disputed structure. The proceedings of the Commission are in progress.)

(The National Policy on Education(NPE) 1986 was reviewed and updated in 1992. Following this the Programme of Action(POA) on NPE was also revised. Chapter 3 of the POA 1992 deals with minority education.

2. In pursuance of the programme set out in POA 1992 two new Central Schemes have been sanctioned and under implementation since May, 1993. The scheme are of (i) Financial Assistance for Modernisation of Madrasa Education and (ii) Area Intensive Programme for Educationally Backward Minorities.

The Scheme of Financial Assistance for Modernisation of Madrasas aims at encouraging the traditional education institutions like Madrasas and Maktabas to introduce Science, Mathematics, Social Studies, Hindi and English

in their curriculum. The Central Government gives full grants to the institutions for appointment of qualified teachers for teaching these new subjects.

Under the scheme of Area Intensive Programme for Educationally backward Minorities, Central Government gives full grants to State Governments/ Voluntary Agencies for (i) establishment of new primary/upper primary schools, N.F.E. Centres, (ii) for strengthening of physical facilities in the existing primary/upper primary schools and (iii) for opening of residential higher secondary schools for girls (Under the scheme, grants of Rs.4.57 crores have been disbursed during the last two years and there is a budget allocation of Rs.2.20 crores for 1995-96).

Scheme of Coaching Classes for competitive examinations for students from minority communities is currently under implementation in 22 Universities and 33 Colleges.

All the 41 Minority concentration districts identified in the POA 1986 have been covered under the Scheme of Community Polytechnics or their Extension Centres.

POA also visualizes the creation of a cell in the Ministry of Human Resource Development and in the State Education Departments exclusively for

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9. Chapter-IX
Para 9.10
Page-182

Minority Educational Institutions continued to suffer in matters relating to recognition, grant-in-aid etc. In Karnataka, grants-in-aid were not given for 7 years even after a minority-run school started to function. Every year a minority-run institution had to renew its application for recognition. (4.17). Similar Complaints were received from West Bengal also. (4.19) The Christian schools in Gujarat had complaints to make. (4.24). The minority managed

monitoring implementation programmes for educationally backward Minorities.

A High Powered Committee "National Monitoring viz., on Minorities Education" has been set-up under the Chairmanship of Union Minister of Human Resource Development to monitor implementation of programmes on Minorities Education envisaged in of POA 1992. Its first meeting was held on 8th November, 1995.

The Governments in the States and Union Territories have been advised to set up Monitoring Committee at State level.

In view of the status indicated no specific action is considered necessary on the recommendation.

(The Department of Education have prepared norms and stressed for recognition of minority managed educational institutions other than those meant exclusively for imparting religious instructions and circulated these to all State Govts. and Union Territories Administrations for action on 5.10.1989. These guidelines have been re-circulated to the Education Secretaries of all the States and Union Territories Administration for giving priority for examination of the applications of recognition of minority managed institutions taking into

consideration the above cited norms as well as the

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educational institutions of Kerala, Maharashtra and Uttar Pradesh face difficulties with regard to recognition and grant-in-aid. (4.17), (4.23), (4.24), (4.25) and (4.27).

10. Chapter-IX
Para 9.11
Page-182

The Commission was happy to note that the Ministry of Human Resource Development, Department of Education had finalised the policy norms and principles for recognition of minority managed educational institutions and had circulated them to the State Governments. The Commission would request the Department of Education to ensure that these are strictly enforced by the States/Union Territories and all pending applications for recognition are promptly disposed of in the light of these guidelines. Delay in granting recognition only served to deny the constitutional safeguards provided in Article 30(1).

11. Chapter-IX
Para 9.12
Page-183

The Commission has dwelt on the difficulties and problems facing the minority educational institutions in Kerala. There was a proposal to impose a tax on private educational institutions. Recognition of 91 un-aided schools had been withdrawn. The State

own State Education Acts or Rules framed thereunder. The matters of recognition and grant-in-aid to such institutions are however to be decided by the State Govts. and UT Administrations as per the appropriate provisions of their own State Education Act or Rules framed thereunder. Specific case of complaints of institution cited by the Commission have been referred to the State Governments for appropriate action.)

No specific action, therefore, necessary on the recommendation.

(Whenever specific complaints are received regarding violation of Constitutional safeguards provided in Article 30(1) of the Constitution of India they are examined in the Deptt. of Education in depth. If necessary, the Ministry of Law is consulted in such matters. In the particular case cited by the Commission

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Govt. took over the right to withdraw recognition of any school without even giving notice to the affected party. Certain orders had been passed which to the Commission appeared to be in violation of Article 30(1). The Commission had taken up the matter with the State Government of Kerala but did not receive a satisfactory reply. It, therefore, brought the matter to the notice of the Government of India for taking appropriate remedial action. (4.25).

the State Government was requested to send the factual information to examine whether the Government's action was in violation of Article 30(1) or not. 97

No specific action is, therefore, necessary on the recommendation.

12. Chapter-IX
Para 9.013
Page-183

It had been brought to the Commission's notice that the three-language formula was not being implemented uniformly over the country. In some states the formula was being followed in such a way as to deny the Urdu-knowing people the facilities of studying in that language. It was suggested to the Government of India, Deptt. of Education that Urdu be introduced as a subject at the primary stage in Navodaya schools in the States of Uttar Pradesh, Bihar, Madhya Pradesh and other States where there was a sizable Urdu speaking population. This facility should also be provided to students whose mother-tongue was Urdu. (4.40).

[[The Central Govt. has been recommending to the State Govts. to implement the 3-language formula faithfully. However, school education is primarily looked after by the State Govt. The State Education Boards work out and prescribe the Scheme of studies. Due to wide variation in composition of linguistic groups in the States, the State Governments have to provide flexibility in formulation of their schemes of study of Languages in their school system to cater to the needs of different linguistic groups to the extent possible. This is again subject to financial and operational constraints, particularly availability of 3-language teachers. Urdu is offered as a part of 3-language formula in the States of Uttar

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Chapter-IX
Para 9.14
Para-183

A special institute on the pattern of the Central Institute of Buddhist studies at Sarnath and Leh be set up in the north eastern region. The interested students could pursue their study of Bhoti, Sanskrit, Pali Hindi, English etc. as such studies would help revive the rich Buddhist culture of that region. It was also recommended that the Bhoti language should be taught in schools in predominantly Buddhist areas such as West Kameng and Tawang in Arunachal Pradesh as a third language. Further, the important monasteries, shrines and places of historical and archaeological importance in places like Bhagajiang, Khymoi-Nas, Sig-Tsang, Tag-Stang, Nagula, Thangphe, etc., needed to be maintained and developed by the State Govt. and the Archaeological Survey of India. The Archaeological Survey of India would conduct a detailed survey

Pradesh, Bihar, West Bengal and Andhra Pradesh and Delhi.

The Navodaya Vidyalaya starts from class VI and hence the question of introducing Urdu as a subject at primary level in those Schools does not arise.

2. No specific action is, therefore, necessary on the recommendation.)

(At present institutions of Buddhists and Tibetan Studies are functioning in Varanasi, Leh and Gangtok in addition to the one at Sarnath. The Govt. has been giving grants to these institutions depending upon their requirement to enable the students interested in Buddhist studies to pursue their studies.

2. In March 1991 the Central Board of Secondary Education had accorded permission for introduction of 'Bhoti' Language as the third language in the schools of Arunachal Pradesh. All the secondary/higher secondary schools of Arunachal Pradesh are affiliated to the C.B.S.E. and they follow the CBSE syllabus. The State Govt. has also expressed satisfaction on the decision of the CBSE to introduce 'Bhoti' in the Schools of Arunachal Pradesh.

3. The Archaeological Survey of India has taken steps to conduct a detailed survey of the North-

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of the region to identify monuments, etc. of interest and to declare and maintain them as archaeological sites. (4.46).

eastern India to identify monuments etc. which include monasteries, shrines and places of historical importance and to declare and maintain them as archaeological sites.))

4. No specific action is, therefore, necessary on the recommendation.

14. Chapter-IX
Para 9.15
Page-133-184.

The Commission recorded its appreciation of the action taken by the Government of Uttar Pradesh in according Urdu the status of a Second Official Language in that State in response to the long standing demand of the linguistic group whose mother-tongue was Urdu. (4.42).

No specific action is necessary as no recommendation has been made by the Commission.

15. Chapter IX
Para 9.16
Page-184

With regard to the economic development of minorities, the Commission appreciated the role played by rationalised banks and the Reserve Bank of India particular. The Reserve Bank had laid down guidelines and initiated steps with a view to providing easier and greater financial assistance to minorities. The Commission noted with satisfaction the steady increase in loans advanced to minority communities but requested the Reserve Bank to make additional efforts to increase advances to members of minority communities in districts other than the 40 identified districts.

No specific action is necessary as no specific recommendation has been made by the Commission.

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16. Chapter-IX

Para 9.17

Page-184

Although in the 15-Point Programme for the welfare of Minorities, it is mentioned in Railways, nationalised banks and the public sector special consideration be given to recruitment from minority communities, the fact of the matter is that the representation of minorities in these services continues to be inadequate. The Commission found difficulty in monitoring the instructions issued on the subject. While instructions were issued by the Bureau of Public Enterprises the responsibility of monitoring them was left to the Ministry of Welfare, the Commission thus requested the Bureau to undertake the monitoring, since it was the model Department and the instructions were issued by it. (5.32). The Commission felt that the State Governments should also issue instructions to their public sector undertakings on lines similar to those issued by the Bureau of Public Enterprises of the Government of India and to ensure that the instructions were properly monitored. (5.36).

(Under the 15-Point Programme for the welfare of minorities all Selection Committees/Recruitment Boards for recruitment of various posts in the Ministries/Departments as well as public sector undertakings are to include a member of minority community with a view to ensuring a fair deal to the candidate from minority communities. The Government suggested to all implementing agencies to evolve a system of sample survey keeping in view the nature of their organisational set up which may be based on regions for number of Public Sector Undertakings or number of offices.

As regards the recommendation for the issue of instructions by the State Govts. to their public sector undertakings on lines similar to those of B.P.E. in the context of 15-Point Programme, the same may be forwarded to the State Governments for appropriate action.)

17. Chapter-IX
Para 9.18
Page 184-
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While the Central Govt. had issued instructions that atleast one representative of the minority community should be a member of the Selection Committee for recruitment, it was brought to the Commission's notice that this was not so in numerous cases. However, the one reason advanced in this regard was that a representative of the minority was not easily available. The Commission suggested to the Government that the event of sufficiently senior serving Govt. Officers from the minority communities not being available in an office/organisation, the latter may be permitted to co-opt a retired senior person from the Government or a prominent person from public life belonging to the minority communities with reputation for integrity and probity. (8.253).

18. Chapter IX
Para 9.19
Page-185

A Common complaint of the minority communities, was that their representation in the private sector was negligible. The Commission took up the matter with the recognised organisations in the private sector like the Federation of Indian Chambers of Commerce & Industry, All India Manufacturers Organisation and the Associated Chambers of Commerce & Industry of India. An appeal was made to them that minorities be shown the special

The Ministry of Welfare is monitoring the implementation of the 15-Point Programme and in that context issued instructions to the various Ministries/Departments for including a representative of the minority community in the various Selection Boards/Recruitment Committees under them. DOPT is the nodal Department so far as recruitment to various Central services and posts are concerned. No Ministry/Department or the DOPT has so far expressed any difficulty about including a representative of the minority community in the Selection Committees. The suggestion of the Commission made in this regard, is, however, noted by the Government.

2. No specific action is, therefore, necessary on the recommendation.

As mentioned by the Commission, Ministry of Industry has already written to the major industries, associations to ensure that minorities be given the same special consideration in the private sector as is being done in Railways and other Public Sector Undertakings. However, in the present climate of liberalisation and removal of Government controls on industries, an approach to this issue is based on persuasion. }

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consideration in the private sector as was being done in matters of recruitment in banks, Railways, and other public sector undertakings. Responding to the appeal, the organisations agreed to send data regarding the existing level of employment of minorities. They assured that there was no bias against minorities provided they satisfied that minimum requirements. They also agreed to examine the proposal of conducting pre-recruitment training classes for the minority communities. However, the Commission records with regret that it did not get any feed back from these bodies about the action taken by them. The Ministry of Industry had also written to the Major Industries Associations conveying the views of the Commission.

The Commission recommends that the Ministry of Industry pursue the matter with the major Industries Associations and persuade them to give ~~xxxx~~ fair and adequate representation to the minorities. (5.41).

19. Chapter-IX

Para 9.20

Page-185

The Commission had made a recommendation that a Central Minorities Development Corporation should be established which would render assistance, financial and otherwise to the minorities to encourage their economic development. The Commission was then informed that the Ministry of Welfare had been requested to formulate a Plan scheme in consultation with the

The Government has set up the National Minorities Development and Finance Corporation in 1994-95 with an authorised share capital of Rs.500 crores which has equity share of Rs.125 crores from the Central Government the VIIIth Plan. The balance equity will that of State Minority Corporations and individuals. Assistance from the Apex

Planning Commission for financial assistance to the State-level Minorities Development Corporation on 50:50 basis. It said that the scheme could be implemented during the Eighth Plan, if not in the last year of the Seventh Plan. The matter was under correspondence with the Ministry of Welfare but without any progress. The Commission would request the Ministry to take an early decision in the matter. (5.54).

Corporation will be routed through the State level Minorities Finance Development Corporation or other channelising agencies designated by the State Governments. A Corporation registered as a Company under Section 25 of the Companies Act 1956 has the objective to promote economic and development activities for the benefit of "backward sections" among minorities, preference being given to occupational groups and women. No further action is, therefore, considered necessary. 1

20. Chapter-IX
Para 9.21
Page-186

The Commission viewed with concern the fact that in some States which had set up the Minorities Commission/Boards these were ineffective or dormant because the Chairman and Members had not been appointed to it. Thus, at the end of the year pertaining to the Report no chairman had been appointed to the State Minorities Commissions in Madhya Pradesh (6.30) and Uttar Pradesh (6.31). The Chairman and Members of the Andhra Pradesh Minorities Commission ceased to hold office with effect from May 16, 1989 on expiry of their term but the State Govts. had not reconstituted the Commission thereafter (6.29). The Commission accordingly requested the concerned State Governments to reconstitute the State Commissions

It is for the State Governments to consider setting up of State Minorities Commission and to make them effective where they are existing at present by giving them adequate powers and by promptly filling up the vacancies of Chairman, Members, etc. The recommendation of the Commission for the setting up of State level Minorities Commission made in earlier report have already been sent to the State Govts./UT Adms. for necessary action.

2. With the conferring of the Statutory status on the Minorities Commission, the Commission has been made more effective body and the Commission has already been taking

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as quickly as possible because they served an important purpose in redressing the grievances of the minorities.

21. Chapter-IX
Para 9.22
Page-186

The Commission had been in correspondence with the Ministry of Home Affairs and the State Government of Jammu & Kashmir regarding the extension of the Commission's jurisdiction to that State. The Commission would request the Ministry to take an early decision in the matter. (6.32).

22. Chapter-IX
Para 9.23
Page-186

With regard to Wakfs, the Commission informed the Ministry of Welfare of its desire to be Associated with the Central Wakf Council. If it was not possible to be represented on the Council the Commission suggested that the decisions of the Council may be sent to it as the Commission was also involved and interested in matters relating to Wakf properties. (6.41). Their response is still awaited.

these matters with the State Governments concerned, as mentioned in the recommendation.

No specific action is considered necessary on the recommendation.

1 The question of extending the jurisdiction of the Commission over the State of Jammu & Kashmir was considered at the time of the enactment of the National Commission for Minorities Act, 1992. It has been decided that the National Commission for the Minorities Act, 1992 under which the Commission had been constituted now would not extend to the State of Jammu & Kashmir. A request in this regard has to be made by an elected Government in accordance with the constitutional provisions keeping in view the special status accorded to the State under the Constitution.)

2. No action is, therefore, necessary on the recommendation.

1 Central Wakf Council is a statutory body set up under Wakf Act, 1954, now replaced by the Wakf Act, 1995. The Commission has already been advised by the Ministry to contact the Central Wakf Council directly on matters which any information was desired by the Commission.

2. No further action is, therefore, considered necessary on the part of the Central Government

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23. Chapter-IX
Para 9.2
Page-186

The process of conducting the National Census 1991 has started. The Commission took up with the Census Commissioner the need to have data with regard to the socio-economic conditions of Minorities. For this purpose it would be essential to have relevant figures for each religious minority separately. In the absence of such data, it would be difficult to make any meaningful or viable schemes for their upliftment. The Census Commissioner has replied that religious data are cross-classified only with fertility levels and not with other socio-economic characteristics. However, considering the significance of the matter the Commission would request the Government to take a policy decision to generate and publish data on the all socio-economic aspects of all communities. (6.50).

24. Chapter-IX
Para 9.25
Page-187

While reviewing the progress of the implementation of the 15-Point Programme for the welfare of minorities, the Commission was unhappy to note that some important States like; Uttar Pradesh, Bihar, Madhya Pradesh, Andhra Pradesh, West Bengal, Karnataka and Orissa, were not furnishing quarterly reports regularly. The Commission felt particularly disturbed and concerned at the low level

Keeping in view the secular nature of the State, the Government as a matter of fact has not been evolving socio-economic data by cross tabulation of census data on the basis of religion. Now that the Commission is a statutory body and has been given the powers of a civil court it is expected that the Commission would be able to gather information and data relating to minorities in a more effective manner than before and any socio-economic data can be obtained by the Commission themselves from any authority for the purpose of research, studies, analysis, etc.

2. No specific action is, therefore, considered necessary on the recommendation.

Ministry of Welfare is monitoring the implementation of the 15-Point Programme for the welfare of Minorities through quarterly reports from State Governments. The deficiencies highlighted on the basis of the Reports are taken up with the State Governments concerned for remedial action, where necessary, at the level of Welfare Minister.

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Tribes, and a Human Rights sub-Commission as a part of it to cover cases of all citizens alleging discrimination against them on any illegal grounds. After carefully considering all aspects, it came to the conclusion that the Commission as set up at present, served a very useful purpose and so it should be continued. It had an important role to play in promoting national integration and the secular traditions of the Country. It, therefore, decided to withdraw the earlier

recommendation of setting up a Human Rights-cum-National Integration Commission. (14.11).

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Chapter-IX
Para 9.04
Page 180-181

The Fourth Conference of Chairman and Members of the Central and State Minorities Commission/Boards and Chairman and Managing Directors of State Minorities Finance/Development Corporations held in New Delhi on October 23-24, 1989, focussed special attention on the communal situation and expressed grave concern about it. Among other things, it recommended the constitution of a special composite peace-keeping force to combat communal riots. (11.19).

Rights as statutory bodies.
No specific action is
necessary on this recommendation

(The recommendation of the Conference for the constitution of a special composite Peace Keeping Force to combat communal riots has been acted upon by the Central Govt. with the setting up of the Rapid Action force under the CDPF to deal with communal riots and riot-like situations.)

No specific action is,
therefore, necessary on the
recommendation.

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or reporting by the States/Union Territories and lack of activity regarding the programme. (8.229).

25. Chapter-IX
Para 9.26
Page-187

Another matter of concern was the absence of review and monitoring by the States and Union Territories. In spite of Government instructions regarding review of the progress of implementation at the level of Chief Minister, Chief Secretary and the District Collector, it was noticed that in many States/Union Territories such a review had not taken place. This was particularly brought to the notice of the Governments of Karnataka, Kerala and Andhra Pradesh. The Commission also felt that there should be involvement of the State Minorities Commissions/Boards during the review of the programme.

26. Chapter-IX
Para 9.27
Page-187

The 15-Point Programme required the State Governments to set up special Courts for trying offences committed during communal riots. Special Courts were set up in Delhi and Meerut and were proposed at Bhopalpur, Indore and Kota. The Commission recommended to the Ministry to consider advising the High Courts to prepare a list of judges who could be appointed at short notice to the Special Courts which may be set up in future. (8.250)

(who writes to the Chief Ministers concerned in the matter). The Commission's concern the matter of non-reporting by some State Governments is noted. The matter is taken up with the defaulting State Governments from time to time.

No Specific action is, therefore, necessary on the recommendations.

The matter is essentially the concern of the High Courts and the Government cannot directly advise the courts in these matters. The recommendation has, however, been taken note of by the Government in the Ministry of Home Affairs who in turn have brought it to the notice of the Department of Justice for necessary action.)

2. No specific action is, therefore, considered necessary.

27. Chapter-IX
Para 9.28
Page-187

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The Commission took note of the suggestions made by Member Maj. Gen. (Retd.) S.S. Uban during his visit to Chandigarh from September 28-30, 1989. During his discussion with the Governor, he suggested that the formation and deployment of a Special Task Force was the only effective alternative. Further, minorities still suffered from certain disabilities like lack of education and unemployment. They constantly lived in a sense of fear and insecurity. The economic competition and rivalries, all put together, accentuated chances of violence. To eliminate any causatory factors/responsibility of the Administration to be totally impartial, fair and just. Those at the helm of affairs in the State must be broad-minded and should make special efforts towards attending to the legitimate grievances of the minorities and ameliorating their conditions.

28. Chapter-IX
Para 9.29
Page-188

The Commission took serious view of the communal outburst and attacks against Christians and Priests in some States. This seemed to emerge as a new phenomenon. The Commission felt that this trend should be immediately controlled. Some of the incidents which were brought

Since the time of the visit of the members of the Minorities Commission to Chandigarh in September, 1989, the law and order situation in Punjab has considerably improved. An elected Government is in position in the State and the sense of fear and insecurity felt by the minorities in the State on account of terrorists' activities by the extremists in the State has almost been wiped out.

2. No action is, therefore, considered necessary on the recommendation.

(a) to (f)

(The instances of attacks against Christians and Christian Priests in some States cited by the Commission are matters of law and order with which the local administration in the various States is concerned.)

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to the notice of the Commission regarding attacks against Christians and their Priests are briefly mentioned below:-

- (a) The Baurkela Christian Council had complained of the hostile attitude and persecution by communal forces and preplanned provocation against Christian in K. Lahandi, phulbani and Koraput districts of Orissa State. It was reported that the churches, house-churches, prayer halls and their properties were burnt down to ashes apart from attacks on Christians. Attempts were also made to burn the effigy of Jesus Christ publicly in Koraput District. The State Government was asked to furnish a report in the matter and the same is awaited from them.

- (b) The Commission had received a copy of the resolution passed by the St. Stanislaus Forance Church Mala, Kerala, regarding protest against the blasting of a bomb at mount Carmel Church, Mundoor, Trichur Distt on September 1, 1989 with the intention to murder the vicar. The matter was referred to the State Government.

- (c) According to the State Government, the matter was first investigated by the local police and later was

As mentioned in the Report the Commission has already taken up these incidents with the concerned State Govts. and it is hoped the Commission now armed with the powers of a Civil Court under the Act would be able to be more effective in getting the Reports from the State Governments and suggest follow up action where necessary. The Govt. agrees with the Commission about the need for continuous monitoring and that efforts are needed to curb the communally biased attitude if it is found to be the case, for ensuring that such instances do not occur in future. The recommendation may, however, be brought to the notice of the concerned State Governments.

2. No specific action is, therefore, necessary on the part of the Central Government at present.

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investigated by the Crime Branch. Since the identity of the culprits could not be established, the State Government had requested Government of India to make necessary arrangements for entrusting the investigation with the C.B.I. But Government of India did not agree on the ground that the case was under investigation by the Explosive Cell of the Crime Branch, and that there was no necessity for a C.B.I. probe into the matter.

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(d) It was brought to the notice of the Commission that on September 1, 1989 an attempt was made to murder Rev. Fr. Simon Eddakkalathur, Vicar of the Carmala Matha Church at Mundur in the Diocese of Trichur by placing three bombs. Explosions from two bombs were prevented through defusion of the bombs but the third one which exploded resulted in the miraculous escape of the Priest. The above incident was the culmination of the burning of a post box on July 23, 1989 presumably by those who protested against the card campaign conducted in response to the call of the Kerala Catholic Bishops' Council.

(e) The State Government was asked to furnish their comments/report of the incident. Reply is awaited from the State Government.

(f) Complaints were received from a few States relating to the burning of churches, house-churches, prayer

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halls and their properties and blasting of bombs particularly in Kerala and Orissa. The Commission considered these complaints and referred the matters to the concerned State Governments. Continuous monitoring/efforts are needed to curb the communally biased attitude to ensure that in future such incidents do not occur.

29. Chapter-IX
Para 9.30
Page-189

The Department of Women & Child Development, Ministry of Human Resource Development had circulated a discussion paper prepared by the Ministry of Law & Justice to consider proposed changes in the Christian Personal Law. While considering the proposed amendments the Commission was informed that a two-day workshop was held on the subject by the National Christian Council and certain changes had been proposed. In view of this, the Commission decided to await the final outcome and obtain a final draft relating to the changes in the Christian Personal Law. The Commission had asked for the views of the Joint Women's Programme. A final draft regarding the changes is still awaited from the above mentioned organisation.

No action is considered necessary as no recommendation has been made by the Commission.