Chapter VI

MONITORING ENFORCEMENT OF MINORITY SAFEGUARDS: ROLE OF NCM
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In order to monitor the enforcement and implementation of the constitutional and legal safeguards provided to the religious and linguistic minorities, the Government of India established Minorities Commission as a unit of Ministry of Home Affairs in January, 1978. The Government obligated the Commission to submit an Annual Report to the President detailing its activities and recommendations. The Commission was also authorized to submit Special Reports to the Government at any time they consider necessary on the matters within their scope of work. The Government on the other hand ensured in the Resolution that the Annual Report together with a Memorandum outlining the action taken on the recommendations and explaining the reasons for non-acceptance of a recommendation, if any, in so far as it relates to the Central Government, will be laid before each House of Parliament.

The National Commission for Minorities Act 1992, which provided statutory status to the Commission besides retaining the provision of submission of Annual Report by the Commission and tabling of such Reports in the Parliament by the Government also included inter alia:

Where any recommendation referred to in Clause (c) of Sub-Section (1) or any part thereof in such with which any state Government is concerned, the Commission shall forward a copy of such recommendation or part to such state Government who shall cause it to be laid before the legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendation relating to the State and the reasons for the non-acceptance, if any, of such recommendation or part.
Thus, the Annual Reports submitted by the Commission are in fact the progress report of the Commission. Hence, the best way to evaluate the performance of the Commission is to critically examine its Annual Reports. These Reports are also the index of minority situation in our country and the action taken by the Government is an exposition of its sincerity towards minorities and their problems.

**Annual Reports of the Commission**

The following discussion is based on the evaluation of the Annual Report of the Commission covering the period 1978-2006.

1. **Annual Reports of 1978-1981**

The Minorities Commission was like a new born baby in 1978. It started functioning without proper office accommodation and the sanctioned budget. Despite this the Commission submitted its First Annual Report to the Government for the year ending the 31st December 1978. In its first Report the Commission had observed:

"The nature of the work of the Commission requires close contacts with the people and the Governments of the several states. In order to do its work expeditiously, the need is felt for the Commission to establish regional offices of the Commission in different parts of the country to act as liaison between the Commission and the people who approach the Commission for redress of their grievances".6

The Commission accordingly sent proposal for the establishment of regional offices at Madras, Calcutta, Bombay, Lucknow, and Hyderabad.7 The Commission also pleaded for granting constitutional status to it.8

The Commission’s report to the Government on the Aligarh Muslim University (Amendment) Bill, 1978 deserves our special attention.
It not only recognized the Minority Character of the Aligarh Muslim University but also expressed its view unequivocally that:

"The Aligarh Muslim University was established by the Muslims of India with their own funds and properties, and that the judgment of the Supreme Court in Azeez Basha’s case must be deemed to have been overruled by subsequent judgments of larger Benches of the Supreme Court in certain other cases and that in any event the Parliament was competent to pass legislation recognizing the Minority Character of the University". 9

The Commission recommended to the Government to recognize the University as having been established and administered by the Muslim minority and as such, entitled to the protection of Article 30 of the Constitution.

Communal riots took place at Pernambut town (Tamil Nadu), Aligarh (Uttar Pradesh) and at many other places in 1978. The Commission conducted on-the-spot enquiry into Pernambut and Aligarh communal riots. It expressed its view that sufficient measures were not taken by the authorities to protect the life and property of the Muslims of Pernambut.10

On the communal disturbances in Aligarh, the Commission observed that the P.A.C. has adopted a partisan attitude against the Muslims and all those who died as a result of firing by the P.A.C. were Muslims.11

The Commission on the basis of the information obtained from the district authorities revealed that 28 people (6 Hindus, 19 Muslims 3 unidentified) died during the riots. 57 public men and 31 Government servants sustained injuries.12 The Commission recommended that:

"The Provincial Armed Constabulary (PAC) should be withdrawn from Aligarh and that minorities, especially Muslims, should be
adequately represented in the services in general. Furthermore, the police force posted in Aligarh as well as in other sensitive areas should include persons belonging to the minority communities, especially the Muslims".13

The Commission expressed its concern for the protection of life and property of the minority communities in view of the occurrence of communal riots in various parts of the country. It proposed to investigate the root causes of the communal disturbances and to suggest effective measures for controlling and preventing such disturbances.

The Commission suggested two immediate steps for the purpose:

1) the discouragement of para military training on a communal basis, and
2) replacement in schools and colleges of text-books which tend to instil in young minds feelings of animosity between communities, by text-books which encourage feelings of equality and brotherhood between the members of all communities.14

Besides above, the Commission took cognizance of lack of employment opportunities to the members of the minority communities and impressed upon the government to adopt special measures for providing adequate representation to them in services.15 It also called for providing educational facilities to minorities to bring them up to the required standard.16 The place of Urdu among other languages of the country was another issue taken up by the Commission. Thus the Commission expressed its sorrow over the non-implementation of the safeguards provided in the Constitution as well as in the Central and State laws for imparting education at the primary school level through the medium of the mother-tongue if justified by the sufficient number of students.17 The Commission also complained about the undue interference of the Governments in educational institutions established and administered by the linguistic and religious minorities.18 It received
complaint from the Christian minority that the safeguards provided to the religious minorities by Article 26 of the Constitution for management of properties belonging to religious institutions like Churches was being violated by legislation taking over the management of such properties.¹⁹


On the dispute over the construction of Shiv Temple near Gurdwara Manji Sahib, the Commission expressed its view that the District Administration should not have allowed the temple to be constructed in its present dimensions and that in any case the Administration should have taken steps to stop the further construction of the temple beyond the height reached on 3ʳᵈ February, 1979. It also recommended that the structural strength of the Temple should be examined to ensure that it does not constitute a hazard to the people living and working in the area or going to the Gurdwara.²⁵

The communal disturbances in Jamshedpur (Bihar), Adomi town (Andhra Pradesh) Palacode, Dharampuri (Tamil Nadu) drew the attention of the Commission.²⁶ The Commission visited these places and came out with its reports on the communal disturbances at these places.
In its report on the rehabilitation of the sufferers of communal disturbances in Jamshedpur the Commission observed:

"There was unanimous complaint that the Bihar Military Police (B.M.P.) which was the main police force on the scene at the early stages not only did not protect the life and property of the Muslims, but actually attacked the Muslims along with the Hindus. The Commission had reason to believe that this complaint was based on reliable evidence."\(^{27}\)

Noting the gruesome incidents during the riots, the Commission complained:

"Certain incidents were marked by extreme cruelty and savagery. An ambulance Van carrying Muslim Women and children was waylaid attacked and set on fire resulting in the death of almost all the passengers. A Muslim intellectual who had undertaken a fast for communal harmony was hacked to pieces and his body thrown into a well".\(^{28}\)

In its report on the status of Punjabi language in the Union Territory of Delhi, the Commission recommended Punjabi should be accorded the same position as was given to Urdu in the Union Territory of Delhi.\(^{29}\)

Besides the above reports and recommendations, the Commission took into consideration the atrocities on the Christians in Himachal Pradesh and Bihar,\(^{30}\) the U.P. Government Ordinance\(^{31}\) prohibiting the transfer of Church properties, Parsi Marriage and Divorce (Amendment) Bill,\(^{32}\) discontinuance of U.P.S.C. Advertisements to the Urdu Daily "Musalman" published from Tamil Nadu.\(^{33}\)

Some other important recommendations of the Commission in its Second Annual Report were: integration of the office of Special Officer for Linguistic Minorities,\(^{34}\) Statutory Status for the Minorities Commission,\(^{35}\)
establishment of the Regional Offices of the Commission in different parts of the country.\textsuperscript{36}

In its \textit{Third Annual Report} submitted for the year ending 31\textsuperscript{st} December 1980, the Minorities Commission reiterated its demand for according Constitutional status to the Commission with jurisdiction throughout the country.\textsuperscript{37} It also demanded that the Commission should be able to act in a quasi judicial capacity and may, in appropriate circumstances, require a person to give evidence or produce relevant documents in terms of the provisions of the Commission of Inquiry Act, 1952. Thus the Commission suggested that it should be remodelled for example, on the lines of the Commission for Racial Equality in U.K.\textsuperscript{38}

During the period, the Commission submitted three separate reports to the Union/ State Governments. These reports included: Report on the grant of compensation to the victims of communal riots,\textsuperscript{39} Note on Section 153-A (C) of Indian Penal Code,\textsuperscript{40} and Report on communal disturbances in Palacode (Tamil Nadu).\textsuperscript{41}

The attention paid by the minorities to the Commission as an agency to redress their grievances can be understood by the fact that during the period of the report, it received 700 representations or complaints from the members of minority communities which included 500 related to individual grievances.\textsuperscript{42}

\textbf{II. Annual Report of 1981-1984}

The Minorities Commission submitted its \textit{Fourth Annual Report} covering the Period from 1\textsuperscript{st} January 1981 to 31\textsuperscript{st} March, 1982 in accordance with its own resolution stating:

"The Commission resolves that henceforth for administrative convenience the Annual Reports of the Commission should correspond to the financial year i.e. from 1\textsuperscript{st} April to 31\textsuperscript{st} March".\textsuperscript{43}
The Commission realized and complained in its report that:

"It has looked into cases where members of minority communities have had grievances whether individually or as groups against the state or its organs or its officials. It has found it impossible to attempt to resolve, with its limited powers (emphasis added) and spheres of activity, problems lying in the wider social areas of discriminatory conduct of individuals in general towards each other or of those who control voluntary organizations".44

During the period under report, the Commission took up several matters pertaining to minorities. It prepared Special Reports on: Dispute over Jama Masjid at Sidhpur, District Mehsana, Gujarat;45 Opinion of the Commission on the report of the Backward Classes Commission;46 Note on Draft Declaration on Religious Freedom as adopted to condition in India;47 Demands of Parsis for exclusion of the community from the purview of the adoption of Children Bill, 1980;48 grievances of St. John’s Medical College, Banglore;49 recommendations relating to the Central Wakf Act of 195450 and recommendations on matters connected with National Integration.51

In its opinion on the report of the Backward Classes Commission (Mandal Commission Report) the Minorities Commission made it clear that caste could not be made the test of backwardness amongst non-Hindus whose religion does not permit caste classifications.52

The Minorities Commission expressed its view that the determination of the backwardness of a community should be primarily on economic grounds.53 The Commission also objected to two different criteria adopted for identifying backwardness of classes of persons amongst Hindus and non-Hindus and observed that there should be a 'rational nexus' between the object and a classification made on two different tests.54
During the period under the *Fourth Annual Report*, the Commission received 517 representations (240 related to individual grievances and 277 to general grievances concerning minorities). The Commission took action on 221 relevant cases. 55

The Commission also made a number of recommendations in the report. Some important recommendations included: constitutional status to the existing Minorities Commission, the conferment upon the existing Commission the powers of investigation contained in Section 5 of the Commission of Inquires Act by an appropriate notification under Section 3 of the Act, the Government of India should advise all state Governments to establish Minorities Commission or Panels in each state, Planning Commission should earmark plan-funds and frame schemes for uplift of backward sections of minority communities in consultation with the Minorities Commission of India. 59

Interestingly, the Minorities Commission of India made 'A Major recommendation for the establishment of National Integration-cum-Human Rights Commission'. The establishment of such a Commission would obviously lead to winding up of the Minorities Commission. The Commission also observed that positive measures were needed to remove the wide spread feeling among the Minority communities of discrimination against them in governmental, public sector as well as in non-governmental and private services. It also took into consideration the mass conversion of Harijans to Islam in Meenakshipuram, problems of linguistic minorities, and the communal riots during the period of the preparation of the report.

The *Fifth Annual Report* covering the period April 1, 1982 to March 31, 1983 was submitted by the Commission. The report included seven separate reports prepared by the Commission on issues like provisions of law relating to communal activities study of general
character of personal law of Muslims, constitutional aspects of citizenship rights and violation of human rights in Assam etc. In response to a communication from the Home Ministry over definition of the term communal organization, the Commission observed that:

"The existing provision seemed sufficient to the Commission to control communal activities if the provisions of law contained in Section 153A, 153B and 153C of the Indian Penal Code were liberally used and strictly enforced. It was of the opinion that strict enforcement of the provisions of the law by local administrations was not only necessary to restore order in disturbed areas but also to prevent communal activities from creating a situation in which there are repeated outbursts of violence with considerable losses of lives and properties of innocent Indian citizens".

The Commission also emphasized the fact that communalism or communal violence can be contained only through complete overhauling of prevailing system of education so as to eliminate those ideas and attitudes which damage national integration.

Besides, the above observations the Commission also made some ambiguous and impracticable recommendations. In its recommendations the Commission failed to understand that the communal riots were basically anti-minority violence perpetuated with the active or tacit support of the law enforcement agencies. Thus the Commission could not further any concrete suggestion for curbing communal violence.

On the question of codification of Uniform Civil Code in accordance with Article 44 of the Constitution, the Commission made a detailed study of the personal laws of minorities and observed:

"A secular state's basic laws cannot be dictated by any single religious group or community. All that such a group or
community can claim is that, on matters of its personal law, which affect only a segment of the lives of its members, the law should not be changed by general legislation unless and until a majority of members of the community or group affected itself wants a change. And, to that extent this Commission considers the point of view of governments of our Secular State to be justifiable, that changes in Personal laws by legislation should be made only when public opinion of the community governed by them demands such a change. 71

The situations in Assam demanded an urgent attention of the Commission. It proposed to visit Assam to find out for itself the facts of the situation there. But the Home Ministry advised the Commission 'not to trouble itself with conflicts in Assam' and the State government did not approve the visit of the Commission'. 72 Thus, the Commission did not visit Assam and it was severely criticized. However, the Commission prepared a report on Assam which is nothing more than an irrelevant and highly deviated document. The report on Assam did not reflect the situation out there but unnecessarily discussed constitutional provisions relating to minorities which seems completely out of context. 73

Keeping in view the increasing tension in Punjab and its implications for the Sikh minority at national level, the Commission took deep interest in the issue. Gyani Sujan Singh (Member of the Commission) visited Amritsar and after consultation with the Sikh representatives prepared a detailed report. The Commission concluded that the Sikhs at large are against Khalistan but they want their genuine demands must be accepted by the Government. The Commission also
observed that mixing up of religious with secular demands is contrary to the basic tenets of a Secular State.  

The Fifth Annual Report of the Commission was indeed voluminous but it lacked substance. The report contained 411 pages but many superfluous and irrelevant details of visits of the Chairman to various programmes and Seminars were provided. The report seemed more like a monograph on National Integration and secular traditions of India than the Annual Report of an esteemed body with defined functions and specific objective.

The Sixth Annual Report was submitted by the Commission for the period from April 1, 1983 to March 31, 1984. The Commission complained that placing of its reports before Parliament is unduly delayed and therefore it suggested means to obviate undesirable delay. It also complained that the Commission has not been invested with investigative powers in spite of its previous recommendation in this behalf to the Government.

The Sixth Annual Report of the Commission mentioned that in order to build up a national data bank and clearing house for all relevant information on the minorities, the Commission undertook and proposed to conduct studies in future on identified subjects relating to the issues affecting the safeguards provided to minorities. The Commission undertook studies on relevant issues like Public Employment and Educational Backwardness among Muslims in India, Nature of Education Imparted in Muslim Madarsas, Taraqi-e-Urdu Board, Evaluation of Text Books for Promoting Secularism, Code of Ethics for Political Parties etc.

The Commission received 274 Complaints (153 individual grievances and 121 general grievances concerning minorities) and took
action on 110 grievances and the remaining 164 were filed on various grounds.\textsuperscript{83}

A detailed report on communal riots during the period of the \textit{Sixth Annual Report} was prepared by the Commission. The Commission made an earnest attempt to delve deep into the causes and prevention of communalism and communal disturbances and made relevant recommendations.\textsuperscript{84}

The chapter on the Representation of Minorities in Public Services highlights the low percentage of minorities particularly the Muslims in Government services and Public Sector Undertakings.\textsuperscript{85} After studying the problems relating to public Employment and Educational Backwardness amongst Muslims of India, the Commission recommended:

“So far as Muslims or other primarily, educationally, economically and socially backward minorities, taken as a whole are concerned, it is imperative that their economic condition is improved first through such measures as have been adopted by the government for the Weaker Sections of society. The Planning Commission of India has identified 172 districts of the country as backward. Out of these, 39 districts have a considerable Muslim population. As many as 30 of these find a place in the list of the most backward districts and 7 have been included in the list of the backward districts and 17 have been declared as non-industry districts. Minorities like other citizens, should derive benefits out of the various Schemes launched by the Planning Commission and the financial assistance, which is available to the Weaker Sections under the 20-Point Programme of the Prime Minister, can also be availed of by them if they are really backward”.\textsuperscript{86}
III. *Annual Reports of 1984-1988*

While submitting the *Seventh Annual Report* for the financial year, April 1, 1984 to March 31, 1985 the Commission complained about the unexplained delay in placing the Annual Reports of the Commission before Parliament and in their publication.\(^7\) During the period of the report, the Commission conducted studies on identified problems and issues relating to minorities.\(^8\)

The Commission received and examined 255 representations and complaints from minorities. It included 169 related to individual and remaining 86 to general grievances. The Commission took up 156 cases with the authorities and remaining 99 cases were filed after preliminary examination.\(^9\)

In its recommendations the Commission reiterated its demand for statutory recognition or at least powers of investigation by Statute contained in Section 5 of the Commission of Inquiry Act, for which an appropriate notification under Section 3 of the Act was enough.\(^0\) The Commission urged upon the State Governments to adopt more liberal attitude towards the question of according recognition to the minority educational institutions.\(^1\)

Communal riots like in previous reports figured in the *Seventh Annual Report* of the Commission. The unprecedented violence and terror unleashed against the Sikh minority in the wake of assassination of the Prime Minister Indira Gandhi by her Sikh bodyguards was noted with horror. The commission expressed its view that the communal violence must be curbed at all cost. It suggested actions on three fronts for containing communal violence:

(i) Action on the law and order front where severe and adequate punishment for dereliction of duty and for encouragement given to communal violence by those holding offices or position of authority in particular and a system of rewards
for those who perform their duties well in very trying circumstances.

(ii) Improved system of detecting the nature and causes of communal violence.

(iii) A new system of education capable of transforming people’s thoughts and behaviour towards the common heritage and composite culture of our country.  

The Commission criticized police for giving false reports about communal incidents. It observed:

"A reading of official versions of riots and their causes will show a tendency to place the blame on a particular community without objective analyses of exploration of probabilities. If the machinery were impartial and the machinery of detection were efficient, we could expect better results and more reliable versions. Our distrust is based partly on lack of logic disclosed by some of the behaviour attributed to large groups without disclosing evidence or natural probabilities affecting causation".  

The Commission in its *Eighteen Annual Report* submitted for the period (1.2.1985 to 31.3.1986) reemphasized its recommendations for a according statutory status to it or at least to arm the Commission with the powers of investigation. It also reiterated its earlier recommendation for the creation of a National Integration-cum-Human Rights Commission, of which the Minorities Commission should be only a part.  

The Commission received and examined 228 representations (143 individual and 85 general) from minorities during the period under report. 143 cases were investigated and taken up with the authorities concerned. Like all previous reports, the *Eighth Annual Report* of the Commission contained a detailed chapter on communal violence occurred in 14 states and in the Union Territories of Delhi and
Pondichery resulting in the death of 344 persons and injuries to 2,109. Casting shadow on Law enforcement agencies the Commission observed:

"Perusal of reports relating to communal riots leaves an impression that the minority communities seem to have lost faith in the State Police for protection during such incidents. Muslims have expressed lack of faith in the Police in Uttar Pradesh and Gujarat. The Hindus have little faith left in the Punjab Police and the Sikhs have criticized the apathy of the Police in Haryana and Delhi. This has occasionally led to some attacks on Police Stations and Police Personnel on ostensibly communal grounds. Even otherwise the injuries sustained by the Police dealing with riots have often been fairly high. It speaks either of the lack of determination of the Police to handle the situation with firmness and promptitude or indicates development of contempt for law enforcement agencies".

In its *Ninth Annual Report* submitted for the financial year 1986-87, the Commission Complained:

"It is regrettable that, in some areas, a regular propaganda is being orchestrated that the Commission is an ineffective and under-utilized body and that it has done nothing more than to churn out a few reports. The complaint is that the Commission has done nothing for the minorities and that the myriad problems affecting the minorities are not being given the attention and consideration they deserve".

In fact, for that sorry state of affairs that prevailed undermining thereby the credibility of the Commission the Government and its apathy was more to be blamed than the Commission itself.

One of the most appreciable and relevant studies conducted by the Commission during the period of the report was educational rights
of minorities in relation to 'New Education Policy' adopted by the Government of India. The Commission framed the "Guidelines for Determination of Minority Status, Recognition and Related Matters in respect of Minority Educational Institutions under the Constitution of India." These Guidelines were the result of an admirable study of relevant case law by Shri Jamaluddin, the Commission's Deputy Secretary. In its Guidelines the Commission observed:

"The minority educational institutions must have the freedom to give special consideration to the students of their own community in matters of admission. Government should not insist on admission in these institutions being thrown open to all strictly in order of merit. The Government cannot enforce the rules of reservation in favour of Scheduled Castes, Scheduled Tribes, and other backward communities for admission of students in these institutions".

On the question of appointment of teachers in minority educational institutions, the Guidelines stated:

"The Government cannot enforce the rules of reservation in favour of Scheduled Castes, Scheduled Tribes and other Backward Classes for the post of teachers and other staff in minority educational institutions".

The Commission also undertook study of communal riots in the states and suggested many long-term measures to contain them. One of the measures suggested by the Commission was restoration of proper communal balance in the Police force at all levels from Police Constable upto the rank of DSP.

In its recommendations, the Commission suggested:

"The Government should take strong steps to curb the growth of "Senas" as they are militant organizations and are capable of creating situations leading to communal riots".
It also recommended:

"The Press should be persuaded to observe self restraint in matter of reporting on communal incidents. Strict action should be taken against the publication of reports which are untrue, as publication of such items during the period when the atmosphere is surcharged, can lead to further poisoning of minds".\textsuperscript{105}

The Commission also appointed an Experts Committee to prepare a Special Report on the Education of Minorities in the context of the New Education Policy of 1986.\textsuperscript{106}

The \textit{Tenth Annual Report} of the Commission submitted for the financial year 1987-88 referred to the issues identified by the Commission for study and research. However, the Commission complained that it has been handicapped in this regard for reasons beyond its control.\textsuperscript{107} It nevertheless took up some studies with the help of its Chairman and members. These studies included: study of law relating to religious processions from the point of view of communal harmony and disharmony, implementation of 15-point programme, claims of Jains for recognition as a religious minority, study of communal riots and its causes and prevention, study of Punjab problem, study of Personal Laws of Christians and grievances of Dalit Christians etc.\textsuperscript{108}

The Ministry of Home Affairs sought the opinion of the Commission on the proposed 'Taking Over of Religious Places and Schools/Universities' Set up on Communal Name Bill, 1987. The Commission observed that the Bill was contrary to the Fundamental Rights guaranteed under Articles 25 to 30 of the Constitution and therefore it should be outrightly rejected.\textsuperscript{109} The Commission's study report on recognition of Jains as a religious minority stated that:
"The Jain’s request to be recognized as a minority community was justified on religious grounds as there was no doubt that Jainism was a religion separate from Hinduism".\textsuperscript{110}

The Minorities Commission had constituted a Committee of Experts to undertake a special study on "Education of Minorities in the context of the New Education Policy". While considering the fact that Muslims and neo-Buddhists have been identified as educationally backward minorities at the national level, the Committee felt the need to concentrate upon the removal of educational backwardness amongst these two communities in particular and other communities in general.\textsuperscript{111} The Committee also concluded:

"There were about 95,000 minority educational institutions in the country, with 17\% of students on their rolls belonging to the minority communities. With a view to obviating the difficulties faced by these institutions, a need was felt for effective implementation of the Guidelines framed by the Minorities Commission for determination of minority status, recognition, state aid and related matters in respect of them".\textsuperscript{112}

Commenting upon the Madarsa Education, the Committee observed:

"The Madarsa education needs a new orientation by way of its emphasis on cultural consciousness, economic development and science education in addition to the teaching of religion. The State governments should provide grants to the Madarsas which are running on modern lines".\textsuperscript{113}

Considering the dwindling percentage of minority students in the minority educational institutions, the Committee concluded:

"There is a feeling that even in minority educational institutions including Aligarh Muslim University, the percentage of Muslim
The Commission also tried to make an in-depth study of representation of Minorities in Government Services and Public Sector Undertaking's but as a result of the non-cooperation by the Government it could not do so and decided to consider this matter after receipt of Gopal Singh Panel Report.\textsuperscript{115}

The Commission made many important recommendations including its repeated demand for according statutory status to the Commission and conferring of powers of investigation, effective implementation of 15 point programme,\textsuperscript{126} measures for curbing communalism and preventing communal riots, recruitment of more number of minorities in police force, suitable machinery be devised to monitor the implementation of the New Education Policy by the State Government etc.\textsuperscript{117}

IV. Annual Reports: 1988-1992

The Seven-Year term of Chairman M.H. Beg ended in March 1988 and the Commission was reconstituted in April 1988 with S.M.H. Burney as its new Chairman. The Commission submitted the Eleventh Annual Report for the financial year 1988-89 and discussed the issue relating to the conferring of statutory powers and constitutional status on the Commission. It was mentioned in the report that resolutions were passed at the first, second and third Conferences of the Chairman and Members of the Central and State Minorities Commissions/ Boards in this regard and it was also resolved that pending passing of such legislation, special powers of inquiry be conferred upon the central and state Minorities Commissions under the Commission of Inquiry Act.\textsuperscript{118}
The Commission also invited Members of Parliament belonging to the minority communities for discussion on the basic problems facing the minorities. The meeting outlined many major issues that deserved immediate attention.\textsuperscript{119}

It was also recommended by the Commission that linguistic minorities be brought again within the purview of the Minorities Commission and the Special Officer for Linguistic Minorities be included as ex-officio member of the Commission.\textsuperscript{120}

The Commission took keen interest in the evaluation of implementation of 15-Point Programme for the Welfare of Minorities and prepared a report worth appreciating in many ways. It was reported by the Commission that in its Tenth Annual Report, a request was made to the Ministry of Welfare to set up a standing arrangement whereby the Ministry would furnish to the Commission a compiled quarterly report on the implementation of the 15-point Programme on a regular basis. However, the Ministry did not respond positively and the Commission reiterated its demand during the period of the report.\textsuperscript{121}

The Experts Committee constituted by the Commission to make a special study on education of Minorities in the context of the New Education Policy held its second meeting under the Chairmanship of SMH Burney and made some very important recommendations and envisaged a greater role of the Commission in proper monitoring of the Action Programme on N.E.P. by the State governments.\textsuperscript{122}

The Commission expressed its concern for a very low rate of employment amongst minorities. The Chairman of the Commission had a discussion with the Union Home Minister regarding recruitment of minorities in Central Police Forces.\textsuperscript{123}
The need to preserve secular traditions of the country and to promote national integration was emphasized by the Commission. To achieve the above purpose, it observed:

"The Commission firmly believed that religion and politics should be de-linked and that political parties based on religion should be banned in view of the secular character of the country. All militant wings/senas, however well meaning or well-intentioned they may be should be banned, especially if they conducted drills in public, because some of their actions and policies instilled fear in the minds of others and instead of strengthening secularism, only weakened it".  

Other important recommendations included: better and unbiased treatment of history and one set of text books on history for the entire country, peaceful settlement of Ramjanam Bhomi and Babri Masjid dispute through court of law, a time-bound programme for according recognition and affiliation to minorities educational institutions etc.

In its Twelfth Annual Report submitted for the financial year 1989-90, the Commission complained about the serious financial constraints faced by it. The fast deteriorating communal situation and the sudden spurt of communal frenzy witnessed in several states was another area of concern for the Commission. The Commission noted with pain that the year 1989 recorded the largest number of communal incidents in recent years. It visited many riot affected areas and made important recommendations for curbing communal violence. Some important recommendations are given below:

"There should be a total ban on any kind of militant organization and sena. Efforts should be made to post District Officers with proven track record of secularism. Strong disciplinary action should be taken against such officers who exhibit communal narrow-mindedness or are unable to prevent breakdown of law
and order machinery resulting in communal riots. Exceptional good work done by District officers in maintaining communal harmony should be rewarded.

Status-quo of all religious places should be maintained as on August 15, 1947. The concerned authority must take preventive steps to ensure communal harmony and of any unauthorized construction/extension of any place of worship. In particular, no community should be allowed to approach or construct anything on the Babri Masjid area until a judicial decision is obtained about it.\textsuperscript{131}

The Commission has been giving attention to the educational rights of minorities and the problems thereunder. It received a large number of complaints pertaining to denial and delay in according recognition to the minority educational institutions. Interestingly, the Left Front-ruled West Bengal government was accused of not according recognition to the minority educational institutions on narrow technical grounds. The Commission received a large number of complaints from the West Bengal and took up the matter with the government of the State.\textsuperscript{132}

The question of economic development of minorities was taken up by the Commission in a very extensive manner. The Commission made an evaluation of the role of nationalised banks in this regard and made a number of valuable suggestions. The Commission also complained:

"In the 15-Point Programme for the Welfare of Minorities, it has been mentioned that large scale employment opportunities are provided by the Railways, nationalized banks and the Public Sector and the concerned Departments should ensure that special consideration is given to recruitment from minority communities. However, despite government's instructions regarding fair and
adequate representation of minorities, their representation continues to be inadequate”.^133

The Commission also made an evaluation of implementation of the 15-point Programme for the welfare of Minorities in various states and Union Territories of India.\(^134\) It had earlier recommended in its Fourth and Fifth Annual Reports to set up a Human Rights-cum-National Integration Commission. Such a Commission would have a sub-Commission separately dealing with problems of minorities. The Commission decided to undertake a review of this recommendation and suggested:

“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 has 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”.\(^135\)

The Thirteenth Annual Report of the Commission submitted for the financial year 1990-91 contained fifteen tour-reports.\(^136\) The Commission also reported about the two communal riots (Ahmedabad and Hyderabad) which took place in October and December 1990.\(^137\) It expressed its concern over the growing menace of communal violence and reiterated its earlier recommendations. It also urged upon the Home Ministry to impose suitable restrictions on religious processions in view of the growing tension over Ayodhya issue.\(^138\) Drawing attention of the government over the situation in Jammu and Kashmir, the Commission observed that:

“The situation in Jammu and Kashmir has been increasingly exploited by religious fanatics and fundamentalists. The situation is further aggravated by the activities of cessationist and militant
forces who are operating in the Valley through manifest external instigation and support”.  

The Commission attended to about 200 representations and complaints during the period of the report.

In its *Fourteenth Annual Report* submitted for the financial year 1991-92, the Commission felt that it was necessary to generate better awareness of its responsibilities and activities and also to educate the minorities about various measures and schemes provided for their welfare. Hence it decided to request the Ministry of Information and Broadcasting to prepare a documentary film on minorities in India and the role of the Minorities Commission. On 14th September 1991, the Commission in co-sponsorship with Six prominent social organizations organized a National Symposium on the proposal to setup a Central Minorities Development and Finance Corporation. A brief account of the symposium along with the report of Steering group was given in the Annual Report. Keeping in view the growing menace of Communal disturbances and the partisan role of the Police during such disturbances the Commission recommended for a Peace Keeping Force which must necessarily be composite one drawn from different communities and such a force should get special training different from the normal training being imparted to the CRPF.

The Commission also made on the spot study of the alleged Pilibhit encounters of the Sikh Pilgrims on 13 July, 1991. The report of the Commission concluded:

“All the 10 deceased (and possibly 2 and 3 more male passengers) were certainly taken off the bus and were eliminated by the police in three false encounters”.  

An exhaustive study on the Implementation of the 15-point Programme for the Welfare of Minorities and economic development
in relation to minorities also found space in the Annual Report. In its concluding remarks on minority education, the commission observed:

"Education is by far the most serious area of minority concern.... The schools set up by the Government in the minority areas also do not have proper infrastructure and the institutions set up by the minorities do not get recognition easily. Permission for opening technical institutions are generally either denied or delayed."  

The Commission recommended:

"Speedy action has to be taken for giving recognition and affiliation to the minority institutions based on the guidelines in vogue. Spotlight has to be focused on the problems of minority managed educational institutions, especially non-appointment of language teachers, non-approval of text books, discouraging students to opt for minority language, etc".

The Fourteenth Annual Report was the last report signed by S.M.H. Burney as Chairman. However, this report was unusually delayed and submitted after three years of its due date.

V. The year 1992-93

The year 1992-93 was unique and perhaps sad in the history of the Minorities Commission. During this period the Commission functioned without a Chairman and unfortunately no Annual Report was ever prepared for this financial year. Tahir Mahmood noted this malfunction of the Commission and observed that:

"It was during this year, 1992-93, that the status of the Minorities suffered the biggest and most violent jolt in Independent India- in the form of the anti-Constitutional vandalism and wanton sacrilege leading to daylight destruction of the religio-historic monument in the holy city of Ayodhya, known as the Babri Masjid. The Commission had nothing to say or report about this most heinous crime against the Nation's honour. Was it, then, just a lapse or
deliberate escapism? There is no justification at all why 1992-93 was treated as Zero year and no report was ever submitted for it not even by the next Commission.\textsuperscript{149}

VI. Annual Reports of 1993-96

The first Statutory Commission created under the National Commission for Minorities Act 1992, submitted its First Annual Report\textsuperscript{150} for the financial year 1993-94. The Commission while analyzing the communal situation in the country was alarmed and shocked by the reported massacre of Muslims in the North-Eastern State of Manipur\textsuperscript{151} and ethnic riot between Nagas and Kukis in the same state.\textsuperscript{152}

The Commission took into consideration the draft amendment to Article 30 of the Constitution proposed by B. Akbar Pasha, M.P. and observed that:

"Although the idea behind it is un-exceptionable, it may not be sufficient to resolve the prevailing confusion in view of the recent Court Judgement".\textsuperscript{153}

Referring to its National Level Conference on Minorities held on February 7, 1994, the Commission reported that one of the suggestions made during the Conference was to enact suitable legislation to help in removing bottleneck questions regarding recognition, affiliation, grant-in-aid, admissions etc., in respect of minority managed educational institutions.\textsuperscript{154}

Evaluating the Implementation of 15-point Programme for the Welfare of Minorities the Commission observed that:

"the 15-Point Programme prescribed ‘Special consideration’ for the minorities in recruitments. From the QPRs, it is clear that the Special consideration has not even got the marginal impact. In view of the above, the 15-Point Programme should be made meaningful and result-oriented".\textsuperscript{155}
The Commission attended to 190 representations out of 360 received during the period of the report.\textsuperscript{156} It expressed its dissatisfaction that in some cases the concerned Ministries/Departments of the Central and State Governments did not reply to the Commission in spite of reminders. It also observed that:

"The Commission has now all the powers of a Civil Court trying a suit particularly in respect of summoning and enforcing the attendance of any person from any part of India and examining him under oath. The Commission has, however, been handicapped in the exercise of these powers due to the absence of adequate and trained legal staff. Besides, the absence of investigating powers prevents the Commission to inquire in depth into a number of cases where such inquirers were required".\textsuperscript{157}

In its first ever statutory recommendation, under Section 9 (1) (c) of National Commission for Minorities Act, 1992, the Commission impressed upon the government to set up Central Minorities Development and Finance Corporation.\textsuperscript{158}

The National Commission for Minorities in its \textit{Annual Report} submitted for the financial year 1994-95 presented a review of Terrorist and Disruptive Activities (Prevention) Act (TADA) cases in different States/Union Territories of India. The Commission found that there was a gross misuse of the Act and recommended the immediate repeal of TADA. The Commission seemed to be convinced that the TADA was very often being used as a weapon against the minorities.\textsuperscript{159}

Powers of investigation have been constantly demanded by the Minorities Commission since its establishment. The Commission while reiterating its demand observed that:

"In spite of the conferment on it the powers of a Civil Court in certain cases enumerated in the National Commission for Minorities Act 1992, the Commission found itself handicapped
because it did not possess investigating powers on the pattern given to the National Human Rights Commission. The Commission felt that the powers relating to inquiries and investigations need to be conferred on it under the National Commission for Minorities Act, 1992”.

Referring to the 15-point Programme the Commission expressed concern over the inadequate representation of minorities in Central and State Police Forces and urged upon the concerned governments to give relaxation in qualifications to candidates of minority communities on the pattern of relaxations granted to SC/ST candidates. The Commission’s intervention in the case of Muslim voters in Maharashtra and Delhi led to positive result which was highly appreciated.

In its Annual Report submitted for the financial year 1995-96, The Commission made a number of statutory recommendations under Section 9 of the National Commission for Minorities Act, 1992. Some of these recommendations were as follows:

i) Setting up of a Department for Minority Affairs at the Centre.

ii) According of legal status to 15-Point Programme and setting up of Separate Departments for Minorities Welfare in every State and also the Central Government for running Minorities related programmes.

iii) Relaxation of the educational and other qualifications in the case of minority communities’ candidates for recruitment to Central and State Police Forces on the lines of the relaxations granted to the SC/ST candidates.

iv) Enactment of changes in the Personal Laws of the Christians.

v) Continuance of privileges/ statutory benefits to the SC/ST persons after their conversion to Christianity and Islam.


vii) Placing of Statutory recommendations made by NCM on the table of both Houses of Parliament within time frame.

viii) Declaration of Jains as minority community
Vestiging of management of the Bodh Gaya Temple in Buddhist Community. The Commission also expressed its anguish and concern over the decision of the government of Maharashtra to scrap Sri Krishna Commission inquiry in these words:

"The Commission was very much distressed to note the decision of the Government of Maharashtra to wind up the Sri Krishna Commission and strongly recommended that the State Government may reconsider its decision without delay and allow the Sri Krishna Commission to continue and complete its work".

VII. Annual Reports, 1996-1999

The NCM Report for the year 1996-97 was the first Annual Report of the Commission fully prepared under the guidance of Prof. Tahir Mahmood, one of the illustrious Chairmen of the Commission. The report is precise and more focused on the issues and problems of minorities.

After assuming office, the Chairman set up a Committee consisting of two Members of the Commission to examine the NCM Act, 1992 and make proposals for its necessary revision. The Committee examined the Act and made the following important recommendations:

i) Consultation by the Government with the leadership of various communities before selecting their respective representatives as Chairman or Members of the Commission;

ii) rotation of the post of Vice-Chairman among the Members;

iii) extension of the Commission’s tenure from three to six years with a system of rotational retirement of Members on the Rajya Sabha pattern;

iv) restriction of the Government’s power of "removal" under Section 4 (3) of the Act;

v) substitution of the word "recommendation" with "advice' under Section 9 (1) (C);
vi) setting a proper status on a permanent basis for the Chairman, Vice-Chairman and Members; and

vii) right of representation for the Commission in Parliament at the time of discussion of its Annual Reports and problems of Minorities.\(^{166}\)

The Commission in its report reiterated its recommendation for establishing Minorities Commission in States and observed:

“For an effective implementation of the constitutional safeguards for the protection of Minorities, all State Governments and Union Territory Administrations must set up local Minorities Commissions on a statutory basis”.\(^{167}\)

Taking up the issue of recognition of Minority-Managed Educational Institutions the Commission complained:

“During 1988-89 the Commission and the Union Human Resource Development Ministry had issued Guidelines for the Recognition of Minority Educational institutions. These are, more often than not, being flouted by the concerned authorities…”\(^{168}\)

Referring to rule of “Special Consideration” to Minorities in 15-Point programme, the Commission observed:

“No “special consideration”, or any “consideration at all for that matter, is being given to the Muslims and some other Minorities in respect of recruitment to any service in any part of the country. The Muslims are under-represented in all services – their number in these services (Police, CRPF, Railways, Banks and Public Sectors, etc.) being far below their officially recognized population.

Nobody seems to know the meaning and implications of the term “Special Consideration” appearing in the 15-Point Programme. There is urgent need to spell out full connotation and demands of the term special consideration and to ensure that such “Consideration” is actually given to the Minorities”.\(^{169}\)
The Commission recommended that the 15-Point Programme should be suitably revised and enlarged and incorporated in the form of a binding law. It also recommended that Parliament should enact a “National Minorities (Protection and Development) Act” on the pattern of Protection of Human Rights Act 1993. It should include also other concrete provisions to implement the basic principles of the U.N. Declaration on the Rights of Minorities promulgated in 1992.

The Commission’s Annual Report submitted for the financial year 1997-98 took up some vital issues of minorities. While evaluating the enforcement of constitutional safeguards to minorities the Commission felt that the gradual dilution, rather suppression of the rights guaranteed by Article 30 of the Constitution is the biggest reason for the total lack of educational development of Minorities.

It was also pointed out by the Commission that the Minorities and the Scheduled Castes/Tribes both are “Weaker Sections” of the society within the meaning of this term as used in the Constitution and that their mutual interests are to be carefully worked out. Thus the Commission observed:

“The UGC is exceeding its legal jurisdiction in forcing the Minority Educational Institutions to protect the interests of SC/STs at the cost of the interests of the Minorities themselves.”

The Commission suggested the following two steps for the educational development of minorities:

i) the judicial decision under which Minority educational institutions must offer at least 50% of their seats to the majority Community candidates needs reconsideration so as to reduce the limit so set;

ii) it is necessary to fix a similar quota for the Minorities in the institutions run by the Majority community and in those of a general nature.
In its observations on communal riots the Commission criticized the law enforcement authorities for their inaction or partisan role during such situations. It also called upon the State to provide adequate compensation to the victims of communal violence. The Commission suggested that all the State Governments should adopt a Uniform Policy of Compensation on the line of Delhi High Court judgment in *Bhajan kaur vs. Delhi Administration.*

The Commission also brought to the notice of the concerned authorities the illogical practice of reserving for Scheduled Castes/Tribes the posts requiring knowledge of languages like Punjabi, Persian and Urdu — generally spoken by the Minorities. This practice eventually leads to denying Minorities (notably, Muslims and Christians cannot be SCs) the opportunity of employment and if the posts are kept vacant it may cause harm to the Languages spoken by the Minorities.

The Commission also successfully intervened in the matter of withholding of AMU’s grant by the UGC on the issue of reservation of SC/ST in the University. It also recommended that the Central Government should suitably amend the Jamia Millia Islamia Act 1988 to preserve the autonomy, historical traditions and Minority Character of the institutions. A prestigious Minority educational institution of the Country, St. Stephens College of Delhi also faced problem from the Delhi University to which it is affiliated on the question of admission of SC/ST students. Considering the above mentioned problems of the Minority educational institutions, the Commission observed and suggested:

"In view of the facts and ground realities stated above, it is imperative to enact a specific law detailing and elaborating upon
the provisions of Article 30 of the Constitution and laying down adequate legal principles for their meticulous interpretation and satisfactory working. A law for this purpose, titled “Minority Educational Institutions (Establishment and Administration) Act” should be enacted by Parliament and properly enforced so as to supersede contrary provisions of all State laws, rules and regulations, as also of the special enactments governing the Central and State universities and the bodies like the UGC and AICTE”.

Interestingly the Commission made two specific recommendations relating to the Hindus in its Annual Report for 1997-98:

(a) the Hindu Minority in the State of Jammu and Kashmir must be accorded full protection in respect of their life, property and civil liberties; and

(b) 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.

The Annual Report of the Commission submitted for 1998-99 is illustrative of its proactive role during the year. It attended to complaints and representations of a large number of educational institutions, a major Study on the Rights of Minorities under Article 30 of the Constitution was prepared and several explanatory rulings were issued on certain important aspects of the working of Minority educational Institutions. It also looked into a number of incidents of communal riots and violence against Christians, made Special recommendations on the Sri Krishna Commission Report on Mumbai Communal Riots and released a Study titled “Communal Riots: Prevention and Cure”.

In its explanatory ruling on SC/ST reservations in Minority educational institutions the Commission observed that there need not be any reservation for Scheduled Castes and Scheduled Tribes in the
Minority Educational Institutions — either in admission intake or in faculty appointments.\textsuperscript{188}

VIII. Annual Reports, 1999-2002

The Commission's Annual Report for the year 1999-2000 included a number of important recommendations made by it. Some of the important recommendation were: Proposed Amendment in the Representation of the People Act, 1951 to effectively curb the misuse of religion and caste issues for electoral purposes and gains,\textsuperscript{189} the Kashmiri Pandits be declared a minority community at the national level, the territorial jurisdiction of the NCM Act, 1992 be extended to the State of Jammu and Kashmir,\textsuperscript{190} publication of census data on Socio-economic and educational status of minorities, etc.\textsuperscript{191} The Commission also made a statutory recommendation to UGC and Ministry of Human Resource and Development for the grant of exemption to candidate belonging to minority communities from the requirement of clearing UGC's NET for 15 years for their appointment against teaching posts in all colleges and universities.\textsuperscript{192}

Surprisingly, the Commission received a total number of 1868 representations during the period 1999-2000.\textsuperscript{193} It attended to a large number of these complaints. Most of the complaints received from the organization were of educational matters like denial or delay in recognition of minority institutions, Non-disbursement of grant to Madarsas, undue interference of the Governments in the matters of minority educational Institutions etc.\textsuperscript{194} After examining the documents submitted by the Government of Uttar Pradesh, about the killing of several Muslims in Hashimpura, Meerut on 22-23, May, 1987, the Commission observed:

"There had been a serious negligence on the part of the State Government in taking appropriate action against the persons who
were responsible for the brutal killings of innocent youth belonging to the Muslim minority community of Hashimpura”.\textsuperscript{195}

In its Annual Report submitted for the year 2000-2001, the NCM expressed its concern over non-submission of its Annual Reports by the Government before the Parliament.\textsuperscript{196} It also reiterated its demand for uniform compensation to all victims of communal riots in the country irrespective of any religion, on the lines of the Delhi High Court judgment of 1996 in the case of Smt. Bhajan Kaur.\textsuperscript{197}

The Commission also took cognizance of alleged harassment of Muslims in Delhi by Custodian of Enemy Property and recommended that Enemy Property Act, 1968 is wholly out-dated and deserves to be repealed.\textsuperscript{198}

Giving attention to the TADA cases the Commission observed:

“Though considerable time has lapsed since the TADA itself was abrogated by the Central Government but reports in the Press and the representations received by the Commission continue to reflect that the cases of a large number of TADA detenues have not been finalized yet and they continue to languish in Jails, in the absence of a speedy trial of their cases”.\textsuperscript{199}

During the period of its Annual Report for 2000-2001 the Commission received a total number of 2478 representations/complaints.\textsuperscript{200} In its Annual Report for the year 2001-2002, the Commission recommended that entry to the places of worship of all Minority communities should be exempted from any entry fee.\textsuperscript{201} It also advised the State Government of Maharashtra after Malegaon riots that:

“The Government should take steps to restore the eroded confidence of the Muslim minority in the Police. The proportion of Muslims in the Police is negligible and, therefore, it is advisable to post some officers/ Policemen belonging to the Muslim minority community in Malegaon. At the same time, it is necessary to ensure
adequate recruitment of minority communities in the Police in various ranks".202

The Commission also took cognizance of the representation that volunteers of Bajrang Dal were getting firearms training in Mumbai and the same was being appreciated and endorsed by the Shiv Sena chief Bal Thakeray who was also instigating Hindus to take arms against Muslims.203

During the period of the report the Commission received a large number of complaints, representations (1120 from minority organizations/institutions + 1470 from individuals = 2590), relating to denial of rights and safeguards of the minorities.204

IX. Annual Reports, 2002-2005

The Annual Report of the Commission for the year 2002-2003 had assumed special significance due to communal slaughter of Muslims in Gujarat.205 The activities and role of the NCM were closely followed by all concerned individuals and institutions. However, the role of the Commission during and after the genocide of Muslims in Gujarat was not commendable at all. In fact, under the political compulsion the Commission could not even denounce and condemn the violence in unequivocal language.206 The Commission met the Prime Minister on 5.3.2002 and had a detailed discussion with him about the steps to be taken but it did not recommend any action against the perpetrators of violence. Without doing the needful, the Commission took all the credit for many actions which were taken by the Central/State governments under the growing pressure of media, citizens and human rights organizations. Thus the NCM in its Annual Report for the year 2002-2003 observed:

"As a result of the concerted efforts of the Commission, the State government issued a Notification dated 21.5.2002 to set up a
Commission of Inquiry under the Chairmanship of Justice G.T. Nanavati, retired judge of the Supreme Court to inquire into Gujarat violence.\textsuperscript{207}

Besides, Gujarat violence the Commission took up several other issues during the period of the report. On the issue of carrying of Kerpans by Sikh passengers travelling by Air, the Commission observed:

"NCM has been of the firm view that a Sikh passenger traveling within India has every right to carry a Kirpan of the prescribed specification in domestic or international flights."\textsuperscript{208}

The Commission also recommended that the Sikh Gurudwaras Act, 1925 should be amended in accordance with the resolution passed by the Shiromani Gurudwara Prabandhak Committee.\textsuperscript{209}

The Commission received a total number of 3416 representations during 2002-2003.\textsuperscript{210}

In its \textit{Annual Report} for the year 2003-2004, the Commission stated about its meeting with the Speaker of the Lok Sabha to apprise him about the fact that, the Annual Reports of the Commission had not been laid in the Parliament for the last seven years.\textsuperscript{211}

The Commission produced the gist of the recommendations made by the "Study on the Minority representation in Police Force in Uttar Pradesh and Bihar" in its Annual Report. The Study revealed that the Police force of U.P. tends to reflect the bias and intolerance of the majority community to a considerable extent. However, this is largely confined to lower ranks.\textsuperscript{212} The study team recommended that there should be at least 6\% reservation of the minority communities in Police force of Bihar.\textsuperscript{213}
The Commission recommended also the inclusion of ‘Bhoti’ language in the Eighth Schedule of the Constitution and reiterated its demand for exclusive control of the Buddhists in management of Bodh Gaya Temple in Bihar.\textsuperscript{215}

Besides the above, the Commission visited many places in the country to assess and evaluate the enjoyment of constitutional safeguards by the minorities, made evaluation of progress of economic development of minorities under the Union and states, attended to 1399 representations out of 3578 received during 2003-04.\textsuperscript{216}

The Commission’s *Annual Report* for 2004-05 did not include any new matter. The report was repetitive in its recommendations and conclusion and inadequately short. One does not find it reflective of the problems and issues confront the minorities. In its chapter on ‘Highlights of the Year’ the Commission mentioned about its routine businesses like congratulation to Dr. Manmohan Singh on assumption of charge as Prime Minister of India, conferment of National Integration Award-2004 to Dr. Rafiq Zakaria, an appreciable act of recommending nomination of Parsis in the Parliament and the legislative assemblies of Gujarat and Maharashtra etc.\textsuperscript{217} The Commission received 3342 complaints during the year.\textsuperscript{218}

X. *Annual Report, 2005-2006*

In its Annual Report for the year 2005-2006 the Commission mentions about holding of meeting at State capitals to review cases of minority communities pending with respective state Governments, Seminar of eminent intellectuals organized by the Commission to discuss the ways and means of preserving the multi-cultural fabric of India through dialogue, meeting with heads of Madrasas etc.\textsuperscript{219}
The Commission also organized a Brainstorming Session, attended by the leaders and intellectuals of minority communities. The purpose of the said session was 'to diagnose the socio-economic problems of the minorities, particularly the factors responsible for their deprivation/discrimination and identification of the solution'. The session put forward very important suggestions. Some of the suggestions are given below:

(i) A time bound system should be evolved by the Government for laying the Commission's Annual Reports in both Houses of Parliament so that the members of Parliament may know what the Commission has done for minority communities.

(ii) There should be a Joint Parliamentary Committee (JPC) for Minorities on the Pattern of the JPC for Scheduled Castes and Scheduled Tribes. Such a JPC can examine the NCM Annual Reports irrespective of whether such reports have been laid in the Parliament or not.

(iii) Childless Christian couples or other Christians who want to adopt children can not legally do so if they wish. Sometime in 2003 an attempt was made by the Union Government to introduce the Christian Adoption Bill in Parliament. The Commission decided to look into the matter as this was a major grievance of the Christian community.

(iv) Districts having substantial minority population should be identified and the beneficiary oriented schemes of the Union and State Governments should be focused on these districts.

Taking cognizance of the alleged murder of three Muslim youths by Police in Gautam Budh Nagar, U.P., the Commission successfully intervened in making the State Government to take action against the culprit Police officers and granting compensation of Rs. 5 Lakh each to the families of the deceased youths.

The Constitution (103rd Amendment Bill, 2004 for giving Constitutional status to NCM was introduced in the Lok Sabha in December 2004. The Commission, on the invitation of the Lok Sabha Secretariat appeared before the Parliamentary Standing Committee and

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presented its views on the Bill emphasizing more powers to the Commission.223

'The First Report on Religion Data' was published by the Office of the Registrar General and Census Commissioner of India on 6.9.2004. The NCM set up a four-member Expert Committee of demographers to analyse the 2001 Census data of religious minorities appearing in 'The First Report on Religion Data'. The Expert Committee analysed the data and presented its findings before the Commission which were reported in the Annual Report.224 The Commission received 2346 complaints during the year 2005-06.225

Conclusion

The foregoing discussion on the role of the Minorities Commission with regard to its assigned duty of monitoring constitutional and legal safeguard to minorities reveals that in spite of many weaknesses in the constitution of the Commission, it has done a commendable job. The Commission started functioning without adequate staff, proper office, and with limited financial resources at its disposal. But it never, except once failed to submit its Annual Report.226 It evaluated the constitutional and legal rights of minorities and suggested remedial measures if these rights were not found to be properly implemented. On many occasions the Commission felt helpless as it did not receive cooperation from the several state governments and departments of the Union Government. However, it did not hesitate to pen down those incidents of non-cooperation in its various Annual Reports. 227

The Commission worked without any statutory basis from 1978-1992 and made several important recommendations to the Central and State governments. Ironically, its recommendations were not taken seriously by the concerned governments and as a result the minorities
failed to realize their rights and safeguards provided by the Constitution. The most unfortunate part of the fact is that despite Commission’s repeated recommendations for conferring upon it the power of investigation under the Commission of Inquiry Act, it was never armed with such power. It was expected that while elevating the Commission to a statutory body, the Government would empower it to investigate into relevant areas but it was not done by the Government. Thus the Commission was given statutory status under the National Commission for Minorities Act, 1992 but without the power of Inquiry. As a result the Commission faces many problems in discharging its functions and it usually finds itself handicapped in attending to the grievances of minorities.

The Commission undertook studies into problems of discrimination against minorities and recommended that there should be proper and adequate representation of minorities in Public and Private Sectors and especially in Police and Central forces. Effective implementation of 15-Point Programme has been constantly monitored by the Commission. It is quite encouraging that on the recommendation of the Commission some appreciable measures were adopted by the Government. However, the Government has to do more to instil confidence amongst minorities and save them from discrimination and resultant marginalization.

The Commission has focused on the plight and helplessness of minorities during communal disturbances and suggested long and short term measures to be adopted to curb communal violence. It has also recommended for uniform law of compensation for the victims of communal riots. However, the Government does not seem to be giving any serious thought to the very important and relevant recommendations of the Commission in this regard.
Rights of minorities under Articles 29 and 30 of the Constitution have been given due importance by the Commission. Thus the Commission complained that the Minority educational institutions face difficulties due to undue interference of the concerned governments in the administration of these institutions. The denial or delay in recognition of these institutions has been another problem identified by the Commission. A large number of representations from Minority educational institution were received by the Commission in this regard.

The Commission also tried to expand its territorial jurisdiction by recommending that it should be extended to the State of Jammu & Kashmir.\(^{229}\) It also recommended that the Jains at national level and the Hindus in the States and Union territories wherein they are less than 50 percent of any other community should be treated as minority.\(^{230}\) The Commission accordingly took up the cases of Kashmiri Pandhhits and suggested measured for the protection of their rights.

However, it cannot be denied that the Commission failed on many occasion. For instance the Commission did not submit its Annual Report for the year 1992-93 without citing any convincing reason. It undertook studies in violence against minorities but guided by the political wisdom, it did not identify the majoritarian communal organizations involved in the heinous crime of communal slaughter.

It has been found that the government has also failed the Commission in exercising its duties. The Government's indifference and contempt for its recommendations, unexplainable delay in tabling of the reports of the Commission before the Parliament\(^{231}\) and ignoring or bypassing it while formulating policies with regard to minorities render the Commission weak and ineffective.
Thus it has been observed:

“To look into the major problems of Minorities viz. communal bias, educational backwardness and economic underdevelopment, successive Governments have appointed, one after another, numerous inquiry commissions, study committees and advisory panels, but given no weight to their reports, findings and suggestions. The central Minorities Commission has been in existence for the last many 23 years working on a statutory basis since 1993 — but no Government has ever seriously taken its reports submitted year after year. On the contrary this Commission ever since it began working with statutory autonomy, has itself been a victim of discrimination, bias, prejudices, misconceptions, misgivings, misinformation and misunderstandings.”

Considering the above mentioned facts the Commission itself concluded:

“The Commission strongly feels that if it’s advisory, consultative and reconciliatory role under its Parliamentary Charter had not been constantly ignored by the successive Governments, the Minority situation in the country would not have been all that bad”.

Nonetheless, the Commission with all its weaknesses and shortcomings makes an impact in the country through its annual reports, special studies and recommendation with regard to enforcement of the rights and safeguards of minorities. The minorities value it, is evident from the fact that in the beginning the Commission used to receive less than three hundred complaints. Now the number of representations and complaints received by the Commission has increased considerably exceeding sometimes to more than 3000.
NOTES


2. Ibid., clause 7.

3. Ibid.

4. Ibid.

5. Section 9, sub section (3) of the National Commission for Minorities Act, 1992.


7. Ibid., p. 4.

8. Ibid.

9. Ibid., pp. 4-5.

10. Ibid, p. 5.

11. Ibid., p. 6.

12. Ibid., p. 79.

13. Ibid.


15. Ibid., p. 9.

16. Ibid., p. 9-10.

17. Ibid., p. 10.

18. Ibid., p. 10-11.

19. Ibid., p. 11.


21. Ibid., pp. 3-7.

22. Ibid., p. 7.

23. Ibid., p. 8.

24. Ibid., pp. 8-9.


26. Ibid., pp. 3-7, 9-11.

27. Ibid., p. 5.

28. Ibid., pp. 4-5.

29. Ibid., p. 8.

30. Ibid., p. 11.

31. The U.P. Government had issued an ordinance called the U.P. Christian Public Religious Institutions (Temporary Restrictions on Transfer of
Properties) Ordinance, 1978. The Christian minority in U.P. felt that the Ordinance was an undue interference of the State in the affairs of the community and was violative of Article 26 of the Constitution of India. See Minorities Commission's Second Annual Report, Annexure-VII, pp. 57-59.

32. The Commission received proposals by Parsi minority suggesting amendments to the Parsi Marriage and Divorce Act, 1936. The Commission recommended to the Government that the amendments to the Bill proposed by the Bombay Parsi Panchayat should be adopted. See Minorities Commission's Second Annual Report, p. 11.


34. Ibid., p. 13.

35. Ibid.

36. Ibid.


38. Ibid., pp. 37-38.

39. The Commission recommended effective relief to the victims of communal riots. It observed that the Government had a moral obligation to rehabilitate the victims of communal riots and that this moral obligation should be translated into a legal obligation by passing the necessary legislation and by formulating insurance schemes. See Minorities Commission's Third Annual Report, pp. 3-4.

40. The Commission felt that the provision in section 153-A(c) of the I.P.C. was wholly ineffective in preventing communal riots and therefore it suggested certain amendments to the said provision in the I.P.C. See Minorities Commission's Third Annual Report, Annexure-V, pp. 75-77.


42. Ibid., p. 24.


44. Ibid., p. 5.

45. Ibid., Annexure-VI, pp. 129-139.

46. Ibid., Annexure-VII, pp. 163-189.

47. Ibid., pp. 12-18.

48. Ibid., pp. 18-19.

49. Ibid., pp. 20-21.

50. Ibid., p. 21.

51. Ibid., Annexure-XII, XII-A, XII-B and XIII, pp. 256-309.

52. Ibid., p. 11.

53. Ibid., Annexure-VII, p. 165.
54. Ibid., p. 164.
56. Ibid., p. 87.
57. Ibid., pp. 86-87.
58. Ibid., p. 90.
59. Ibid., p. 92.
60. Ibid., pp. 92-98.
61. Ibid., p. 91.
62. According to the State Government, on 19.2.1981 143 Harijan families consisting of 558 members were converted to Islam for enjoying equality and dignity. The event generated tension as it was alleged that the Harijans of Meenakshipuram (Tamil Nadu) were lured and induced to convert to Islam. The Minorities Commission, on the basis of the report of the Government of Tamil Nadu concluded that the Harijans did not embrace Islam under compulsion but of their own accord. See Minorities Commission's Fourth Annual Report, pp. 33-34.
63. Minorities Commissions Fourth Annual Report, pp. 119-120.
64. The Commission reported that 418 communal incidents occurred during the period from April 1981 to May 1982. A total of 228 persons lost their lives and 3096 were injured in there incidents. See Minorities Commission's Fourth Annual Report, pp. 60-61.
65. See for detail Minorities Commission’s Fifth Annual Report, Appendix-VI, pp. 244-257.
67. Ibid., Appendix-IX, pp. 349-357.
68. Ibid., p. 11.
69. Ibid., p. 12.
70. See ibid., pp. 13-14.
71. Ibid., p. 25.
72. The Commission admitted in the report that the Central and state Governments were against any visit by the Commission. See Minorities Commission’s Fifth Annual Report, p. 29.
73. Assam witnessed massacre of minorities especially Muslims during the period of the report. But the Commission’s report does not mention it at all. Thus it is evident from the fact that the Commission can not function independently, against the will of the ruling government.
74. See for detail Minorities Commission’s Fifth Annual Report, p-p. 32-38.
75. Minorities Commission’s Sixth Annual Report, p. 9.
76. Ibid., pp. 83-84.

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The Commission identified very important and relevant areas of study relating to minorities but it could not conduct these studies for want of required finance and qualified personnel. One may hope that the Government will provide adequate funds and will entrust Commission to take services of qualified and trained researchers to conduct the studies proposed by it.

Minorities Commission’s Sixth Annual Report, pp. 28-34.

Ibid., pp. 34-37.
Ibid., pp. 37-38.
Ibid., pp. 38-44.
Ibid., p. 44.
Ibid., p. 77.
Ibid., pp. 123-144.
Ibid., pp. 109-123.
Ibid., p. 151.

Minorities Commission’s Seventh Annual Report, p. 12.
Ibid., pp. 21-33.
Ibid., p. 47.
Ibid., p. 91.
Ibid.
Ibid., pp. 75-76.
Ibid., p. 75.

Minorities Commission’s Eighth Annual Report, p. 3.
Ibid., p. 4.
Ibid., p. 54.
Ibid., p. 76.
Ibid., pp. 80-81.

Minorities Commission’s Ninth Annual Report, p. 4.
Ibid., Annexure-XIV, pp. 216-218.
Ibid., pp. 217-218.
Ibid., p. 218.
Ibid., p. 90.
Ibid., pp. 114-115.
Ibid., p. 115.
106. The Expert Committee consisted of M.H. Beg as Chairman, S.S. Uban, B.S. Sarao, Col. B.H. Zaidi, Saiyid Hamid (former VCs of AMU) and its sitting Vice-Chancellor, Hashim Ali.

107. The Commission complained about the inadequate staff and limited financial powers at its disposal. The Government order of July 17, 1981 has allowed the secretary of the Commission to sanction payment not exceeding Rs. 10,000/- to individual consultants and Rs. 25,000/- to research institutions for undertaking any study on behalf of the Commission. See Minorities Commission’s *Tenth Annual Report*, p. 29.


112. *Ibid.*.


114. *Ibid.*.

115. The Minority Commission made a request to the Ministry of Home Affairs to furnish information to the Commission in respect of the representation of the minorities in various departments including the police forces and the public sector undertaking of the Central Government in respect of all categories of employees. The Ministry of Home Affairs declined to provide any such information by saying that constitutionally no group or community except the scheduled castes and schedule tribes have been given representation in the services and because of our secular attitudes government does not obtain and maintain statistics of community wise representation in public services. The Minorities Commission then approached the Ministry of Welfare for obtaining report of high power panel headed by Dr. Gopal Singh but the Ministry refused to supply the report by observing:

> The Report of the High Power Panel is secret. It is regretted, no copy can be made available at this stage. The report is already being considered by the Government.


119. See *ibid.*, Annexure-II, pp. 133-135.

120. The Government of India, Ministry of Welfare by resolution No. IV-14011/2/88 dated March 30, 1988 had amended the Ministry of Home Affairs Resolution No. II-16012/2/77-NID (D) dated January 12, 1978 under which the Minority Commission had been established. Consequently the Minorities Commission was now concerned only with the rights and safeguards of the Minorities based on religion and the
Special Officer for Linguistic Minorities (SOLM) appointed under Article 350 B would not function as Secretary of the Commission as originally envisaged. See Minorities Commission's Eleventh Annual Report pp. 9-10.

123. Ibid., p.85.
124. Ibid., p.119.
125. Ibid., p.120.
126. Ibid.
127. Ibid., 121.
128. Ibid., pp.122-123.
130. Ibid., p.12 Serious communal disturbance occurred during the period in Jaipur, Kota Makrana, Mandalgarh and Bigod in Rajasthan, Khargon, Rathan, Mhow, Nagda, Balgarh, Panagarh and Indore in Madhya Pradesh, Vadawati, Khambhat and Palanpur in Gujarat, Badaun in Uttar Pradesh and Bhagalpur in Bihar. The year also witnessed the Hindu-Christian riots in some towns of Orissa and Communal tension between the Muslims and the Buddhists in Ladakh (Jammu and Kashmir)
132. Ibid., pp.32-34.
133. Ibid., p.54.
134. See for detail ibid., pp.106-179.
137. Ibid., Annexure II & III, pp. 112-130.
139. Ibid., p.95.
141. Ibid., pp.5-6, 73-77, 275-307.
143. Ibid., p.101.
144. Ibid., pp.121-226.
145. Ibid., pp.117-316.
146. Ibid., p.318.
147. Ibid., p.319.


149. Ibid., p.79

150. After achieving the statutory status the first statutory Commission began numbering its Annual Reports afresh. Thus the Annual Reports of 1993-94, 1994-95 and 1995-96 were titled as the First, Second and Third Annual Reports respectively. (Herein after NCM’s Report)

151. In his letter to the Home Minister drawing his attention towards the massacre of Muslims in Manipur, the Chairman of the Minorities Commission pointed out that the mutual attacks on Muslims were well planned in which 100 victims including several children lost their lives and it was also feared that more than 150 reportedly missing Muslims were also dead. See *NCM’s Annual Report, 1993-94*, p.5.

152. The Commission took cognizance of the situation in Manipur in the wake of ethnic conflict between Kukis and Nagas who are Christians of Various Church denominations. The Commission send John Joseph, Member to help the State Government in resolving the above said problem. For detail see *NCM’s Annual Report, 1993-94*, pp.6-7.


154. Ibid.

155. Ibid., p.75.

156. Ibid., p.18.

157. Ibid.

158. Considering the recommendation of the Commission the Prime Minister in his speech of 15th August, 1993 announced that the Government was considering to set up such a corporation with an authorized capital of Rs. 500 crores. See *NCM’s Annual Report, 1993-94*, p.84.


160. Ibid., p.118.

161. Ibid., p.117.

162. As a result of Chief Election Commissioner’s direction under the Caption “Intensive Revision of Electoral Rolls”, the Maharashtra Police issued notices to Muslims for proving their nationality as a condition for including their names in the Voters List. The onus of proof of citizenship lied on the voter/applicant and some of the document that could be used to prove the citizenship were listed as follows.

i) Entry of name in the National Register of Citizens (NCR) if any;

ii) Citizenship certificate issued by the Competent authority;

iii) A valid Passport issued by the Government of India;

iv) Birth Certificate
One can understand that it is very difficult to produce any of the above mentioned certificate as a great majority of people do not have these documents readily available to be produced before the Police authorities. About 2,75,000 notices were served mainly on members of Muslim community. Of these 42,000 voters could not produce proof of their citizenship and hence their names were deleted from the voters’ list. Out of these 35,000 were Muslim voters. Same was the case in Delhi. The Commission met the competent authorities in Maharashtra and Delhi for the resolution of the problem. Meanwhile the Supreme Court provided relief to the aggrieved by declaring the direction as invalid. See NCM’s Annual Report, 1994-95, pp.35-40.


164. The Sri Krishna Commission was set up to enquire into the Bombay riots of December, 1962 and January, 1993 causing unprecedented communal slaughter of Muslims and loss to their property. After forming Government, the Shiv Sena-BJP Alliance passed an order to Scrap the Sri Krishna Commission. Later on the Alliance was voted out of power and the Commission completed its inquiry. The Srikrishna indicted the Shiv Sena and BJP for inciting violence and committing atrocities against Muslims.


167. Ibid, p. 43 In 1995-96, there were Statutory Minorities Commissions in Bihar, Karnataka, Madhya Pradesh, Uttar Pradesh and West Bengal. Andhra Pradesh had a non-Statutory Commission.

168. Ibid.

169. Ibid., p. 44.

170. Ibid., p. 70.

171. Ibid.

172. NCM’s, Annual Report, 1997-98, p.22.

173. Ibid.


175. AIHC 1996, 564. In Bhajan Kaur’s case the Delhi High Court had awarded a compensation of Rs. Two lakhs, with interest (Rs. 1,50,000.00) in a victim of the anti-Sikh riots of 1984.

See the relevant text of the judgement in NCM’s Annual Report, 1997-98, pp. 26-28

176. NCM’s, Annual Report, 1997-98, p. 36
177. The University Grants Commission (UGC) chose to stop or threatened to stop the grants of the Aligarh Muslim University to force it to follow the SC/ST reservation policy. The Vice-Chancellor of the Aligarh Muslim University approached the NCM for intervention.


178. NCM’s, Annual Report, 1997-98, p. 40

179. Ibid., p. 41

180. Ibid., pp. 41-42.


182. NCM’s, Annual Report, 1998-99, pp. 30-34.

183. James Massey, the Member of the Commission prepared a monograph on “Right of Minorities to establish and Administer Educational Institution” which was released on 18th December 1998 on the occasion of Minorities Rights Day. (See for the extracts of the monograph NCM’s Annual Report for 1998-99, pp. 55-58.

The Commission also released a bi-lingual booklet “Minority Educational Institutions: Recognition, Grants and related Matters” on 18th December 1998. The booklet prepared by the Chairman contains provisions relating to Educational Rights of Minorities, found in the Constitution of India 1950 and the National Education Policy 1986, besides full texts of the two sets of Guidelines for the Recognition etc. of Minority Educational Institutions issued by the NCM in 1986 and the Union HRD Ministry in 1989.


185. The year 1998-99 witnessed violence against minorities in many states of India including gruesome murder of an eminent social worker Dr. Graham Stewart Staines and his two minor Children in Manoharpur township of District Keonjhar in Orissa, and gang rape of four Nuns in the village of Navapara in Jhabhua district of Madhya Pradesh. The Muslims and Christians were main target of these violence. The States of Gujarat, Madhya Pradesh, Maharashtra, Karnataka, Orissa and Rajasthan were the main centres of violence against minorities. The Commission took cognizance of these communal incidents and prepared Special Reports on communal riots. (See NCM’s Annual Report, 1998-99, pp. 16-18.


187. NCM appointed a Study Committee under the Convener-Ship of eminent Human Rights activist and Scholar Prof. Iqbal A. Ansari to study communal riots and suggest measures to prevent them. The study was submitted on 5th March, 1999 and was subsequently released.

205. Gujarat violence occurred after the Godhra incident on 28.2.2002 in which about 57 passengers were of Sabarmati Express were allegedly burnt alive by Muslims. As a reaction of this incidence more than 2000 Muslim were brutally killed in many parts of Gujarat. The State Government did not take appropriate action to control and contain the carnage of Muslims.

206. The Commission in its *Annual Report* for the Year 2002-2003 presented a 7-page report on Gujarat riots but it did not even criticize the deliberate lapses on the part of the State Government. Many gruesome incidents like roasting alive of babies after taking them out of the womb of the mother, gangrape of women etc. were not given due space and attention. Since the NDA headed by the BJP was ruling at the Centre as well as in the State of Gujarat, the Commission could not muster courage to criticize or denounce the role of the State Government during the carnage. The national dailies, magazines and human rights organizations conducted studies and inquiries and blamed the Chief Minister and the Police and other agencies of the State for gross misconduct and dereliction of their duties.

209. Ibid., p.39.
210. Ibid., p.40.
212. Ibid., p.28.
213. Ibid., p.29.
214. Bhoti is a language largely spoken by the Buddhists.
216. Ibid., p.34.
218. Ibid., p.38.
220. The Commission organized its First Brain Storming Session on 24.3.2006 which was attended by the intellectuals and community leaders. For detail See NCM's Annual Report, 2005-06, pp.6-7.
222. Ibid., pp.10-12.
224. Ibid., pp.3-40.
225. Ibid., p.30.
227. A study of Annual Reports of the Commission reveals that the various departments/Ministries/Agencies of the State did not respond to or even acknowledge the communications sent by the Commission. In its Annual Reports the Commission has highlighted the indifference of the Government and its agencies to it.
228. The Minorities Commission in September 1991 organized a Symposium on the need to establish a National Minorities Development and Finance Corporation (NMDFC) on the pattern of such bodies already existing in U.P. and Some other States. On the recommendation of the Minorities Commission the NMDFC was set up in 1994 but in a ridiculous move the Minorities Commission was given no say at all in the affairs of the NMDFC. The body was kept under the tight bureaucratic control ignoring the fact that bureaucracy at large has shown no sincerity to the grievances of minorities in our country. See for detail Tahir Mahmood, op.cit., pp.203-206.
230. The NCM in its Annual Report, 1998-99, suggested that Hindus should be treated as minority in the following Union Territory and States besides Jammu & Kashmir, wherein the Hindus constituted:

Lakshadweep 4.52% of the total population
Mizoram 5.05% of the total population
Nagaland 10.12% of the total population
Meghalaya 14.76% of the total population
Punjab 34.46% of the total population

231. The Commission submitted its Annual Reports to the Government but most of the time the Government delayed the tabling of the reports before the Houses of Parliament and if these reports were tabled, there was hardly any debate or discussion over them. The Annual Reports covering the period between 1978-2006 (total 27) have been tabled in the Parliament so far. (The Commission did not submit its Annual Report for the year 1992-93)
