

Recommendations contained in the Report of the High Level Committee on Social, Economic and Educational Status of the Muslim Community of India headed by Justice Rajindar Sachar (Retd.)

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| 1 | Chapter - 12 Para - 1.3 Page - 237-238 | The Committee strongly suggests that the policies to deal with the relative deprivation of the Muslims in the country should sharply focus on inclusive development and 'mainstreaming' of the Community while respecting diversity. There is an urgent need to recognize diversity in residential, work and educational spaces, apart from enhancing inclusion of the really deprived SRCs in 'spaces' created by public programmes and policy interventions. The need for equity and inclusion in a pluralistic society can never be overemphasized. But the mechanisms to ensure equity and equality of opportunity to bring about inclusion should be such that diversity is achieved and at the same time the perception of discrimination is eliminated. This is only possible when the importance of Muslims as an intrinsic part of the diverse Indian social mosaic is squarely recognized. |
| 2 | Chapter - 12 Para - 2.1 Page – 238 to 239 | 2.1 Need for Transparency, Monitoring and Data Availability We recommend creation of a National Data Bank (NDB) where all relevant data for various SRCs are maintained. The NDB should also be the repository of data on different beneficiary-oriented government programmes undertaken at the national and the state levels along with the details of beneficiaries drawn from different SRCs. Details of employment, credit flows, programme participation, etc. should also be shared by various national and state agencies and undertakings with the NDB. For this purpose, the NDB should have the resources and authority to access data from other agencies identified above as well as to obtain required information from government departments both at the Centre and the state levels. |
| 3 | Chapter - 12 Para - 2.1 Page - 239 | Once such data are available (with NDB) there is a need to institutionalize the mechanisms for assessment and monitoring in order to suggest policy options on a timely basis. The Committee recommends the setting up of an autonomous Assessment and Monitoring Authority (AMA) to evaluate the extent of development benefits which accrue to different SRCs through various programmes. |
| 4 | Chapter - 12 Para-2.2 Page-240 | 2.2 Enhancing the Legal Basis for Providing Equal Opportunities It is a well accepted maxim in law that not only must justice be done but it must appear to be done. It is in that context that the Committee recommends that an Equal Opportunity Commission (EOC) should be constituted by the government to look into the grievances of the deprived groups. |
| 5 | Chapter - 12 Para-2.3 Page-241 | 2.3 Enhancing Participation in Governance The Committee recommends that on the lines of initiatives taken by the Andhra Pradesh government, appropriate state level laws can be enacted to ensure minority representation in local bodies (See Box 9.2 in Chapter 9). Each state implementing this provision may need to recognize both linguistic and religious minorities. This effort on the part of the government to enhance diversity in the local governance structures leading to the visible participation of minority communities would go a long way in building an atmosphere of trust and faith and will yield extraordinary results enabling India to be a vibrant democracy. |
| 6 | Chapter - 12 Para - 2.3 Page - 241 | The Committee also recommends the elimination of the anomalies with respect to reserved constituencies under the delimitation schemes discussed in Chapter 2. A more rational delimitation procedure that does not reserve constituencies with high minority population shares for SCs will improve the opportunity for the minorities, especially the Muslims, to contest and get elected to the Indian Parliament and the |

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| | | State Assemblies. |
| 7 | Chapter - 12 Para - 2.4 Page - 242 | <p>2.4 Shared Spaces: Need to Enhance Diversity</p> <p>The idea of providing certain incentives to a 'diversity index' should be explored. Admittedly, this is a complex proposition but if a transparent and acceptable method to measure diversity can be developed, a wide variety of incentives can be linked to this index so as to ensure equal opportunity to all SRCs in the areas of education, government & private employment and housing. The diversity principle which entails equity is to be applied not only between the majority and minorities but also between minorities so that the truly disadvantaged can and should benefit. Given an acceptable diversity index, policies can provide for :</p> <ul style="list-style-type: none"> - Incentives in the form of larger grants to those educational institutions that have higher diversity and are able to sustain it. These incentives can apply to both colleges and universities, both in the public and the private sector. - Incentives to private sector to encourage diversity in the work force. While such initiatives should be part of the corporate social responsibility, some affirmative action may help initiate this process. - Incentives to builders for housing complexes that have more 'diverse' resident populations to promote 'composite living spaces' of SRCs. |
| 8 | Chapter - 12 2.4 242 | <p>Most poor children do not have access to parks, libraries and even study spaces within their own houses. Such spaces can enhance interaction among SRCs and also provide the much needed fillip to educational initiatives; such spaces can be used by the community or civil society to organize remedial classes, reading rooms and other constructive initiatives. The State should encourage such initiatives in mixed localities and across neighbourhoods so that children belonging to different SRCs can interact and at the same time pursue studies. Part of the funds earmarked for the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) can be used for this purpose.</p> |
| 9 | Chapter – 12 Para - 2.4 Page - 243 | <p>In order to respect and sustain diversity in the development and implementation of innovative programmes or in the provision of services, the relevant functionaries should be sensitive to the need to have diversity and the problems associated with social exclusion. It is important to sensitize state and other functionaries on these issues. A large scale programme for sensitization of various staff members, especially those who come in public contact on a regular basis is desirable, with a focus on health personnel, teachers, police and other security personnel.</p> |
| 10 | Chapter – 12 Para - 3.1 Page - 243 | <p>3.1 Criticality of Education</p> <p>Once the "hurdle" of school education is crossed, the differences across most SRCs in the likelihood of completing graduate studies narrow down and are at times not very significant. Therefore, a sharper focus on school education is desirable.</p> <p>Free and compulsory education up to the age of 14 is the responsibility of the State. And the fulfillment of this obligation is critical for the improvements in the educational conditions of Muslims, in fact, of all socio-economically deprived children. In addition, a sharper focus on a few areas listed below is desirable.</p> |
| 11 | Chapter – 12 Para - 3.1 Page – 244 | <p>The Committee recommends that a process of evaluating the content of the school text books needs to be initiated to purge them of explicit and implicit content that may impart inappropriate social values, especially religious intolerance.</p> |

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| 12 | Chapter – 12 Para - 3.1 Page - 244 | Muslims have the largest percentage share of children in the age group of less than 10 years with 27 percent falling in this range as compared to the 23 per cent for the country as a whole. However, the current enrollment and continuation rates at elementary level (though picking up in recent years) are the lowest for the Muslims. These facts make primary education particularly important for the Community and the need to ensure that all children in the age group 0-14 have access to free and high quality education more urgent. |
| 13 | Chapter – 12 Para - 3.1 Page - 244 | <p>In addition, the following initiatives are desirable:</p> <p>— Given the fact that a substantial proportion of households in urban settlements live in one- room accommodation it is absolutely necessary to create local community study centres for students so that they can spend a few hours to concentrate on their studies. This is an area in which the government, NGOs and the corporate sector can co-operate.</p> <ul style="list-style-type: none"> - High quality Government schools should be set up in all areas of Muslim concentration. - Exclusive schools for girls should be set up, particularly for the 9-12 standards. This would facilitate higher participation of Muslim girls in school education. In co-education schools more women teachers need to be appointed. - Availability of primary education in one's mother tongue is constitutionally provided for. There is an urgent need to undertake appropriate mapping of Urdu speaking population and provide primary education in Urdu in areas where Urdu speaking population is concentrated. Once again utilization of JNNURM funds for this purposes should be explored. |
| 14 | Chapter – 12 Para - 3.1 Page - 245 | <p>The Committee recommends that:</p> <ul style="list-style-type: none"> - The pre-entry qualification for admission to ITIs should be reduced to Class VIII. The scope of ITI courses should be expanded to focus on emerging market needs including those of the retail sector. - Skill development initiatives of ITIs and polytechnics should focus on sectors which have high growth potential and in which the Muslim population is concentrated. These training initiatives should also focus on areas where the minority population concentrated. - The eligibility for such programmes should also be extended to the Madarsa educated children, as they are ineligible to get trained under many current formal technical education streams. |
| 15 | Chapter – 12 Para - 3.1 Page - 245 | The University Grants Commission (UGC) should be encouraged to evolve a system where part of the allocation to colleges and universities is linked to the diversity in the student population. Even private colleges, including those run by the minorities and which have affiliation with universities or are recognized by state bodies can be provided additional funds if they have a diverse student population and charge reasonable fees. |
| 16 | Chapter – 12 Para - 3.1 Page - 246 | To facilitate admissions to the 'most backward' amongst all the SRCs in the regular universities and autonomous colleges, alternate admission criteria need to be evolved. |
| 17 | Chapter-12 Para - 3.1 Page - 246 | Providing hostel facilities at reasonable costs for students from minorities must be taken up on a priority basis. While this is required for all minority students, such facilities for girls in cities of all sizes are particularly desirable . |

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| | | Another possibility is to create boarding houses for backward SRCs in taluka headquarters where large number of poor minority and other children can stay and study in local schools. For both these initiatives allocations can be made from the special funds earmarked by the Centre for the upliftment of the educational status of educationally backward groups. Once again, participation of the Community should be encouraged. Muslim Wakfs should be encouraged to utilize their assets for this endeavour. In addition, donations from NGOs and multilateral organizations can also be utilized. |
| 18 | Chapter – 12 Para - 3.1 Page - 247 | Teacher training should compulsorily include in its curriculum components which introduce the importance of diversity/ plurality within the country and sensitize teachers towards the needs and aspirations of Muslims and other marginalized communities. The implementation of this should be monitored by the National Council of Teacher Education (NCTE). |
| 19 | Chapter – 12 Para - 3.1 Page - 247 | The other issue is that of dearth of Muslim school teachers, especially women. Given the current education levels, the possibility of more Muslims opting for B.Ed course is limited. But more Muslims may be able to participate as para teachers. An effort should be made to enhance participation of Muslims in this cadre as an interim measure. |
| 20 | Chapter – 12 Para - 3.1 Page - 247 | There are only a few teachers who can teach in the Urdu medium. Given the commitment to provide primary education in the child's mother tongue, the State is required to run Urdu medium schools. This in turn would require teachers capable of teaching in the Urdu medium. Preference to teachers who can instruct through Urdu medium is desirable in all teacher training departments in states where Urdu speaking population is substantial. |
| 21 | Chapter – 12 Para - 3.1 Page - 247-248 | In addition, three more measures are desirable : <ul style="list-style-type: none"> - Often Urdu schools have teachers who have no knowledge of Urdu. This problem is partly compounded by the fact that posts of Urdu teachers are reserved for the SCs/STs and such candidates are not available. This anomaly needs to be corrected urgently. - High quality Urdu medium schools can be opened in those parts of the country wherever there is demand for them. However, it needs to be ensured that good quality text books are available in Urdu language and the products of these schools are employable. - Urdu should be introduced as an optional subject in all government and government-aided schools in states having a substantial Urdu speaking population. |
| 22 | Chapter – 12 Para - 3.1 Page - 248 |Madarsas should not to be looked upon as alternatives to the regular school, but a complement. The following steps seem desirable : <ul style="list-style-type: none"> - Work out mechanisms whereby Madarsas can be linked with a higher secondary school board so that students wanting to shift to a regular/mainstream education can do so after having passed from a Madarsa. - Provision of "equivalence" to Madarsa certificates/degrees for subsequent admissions into institutions of higher level of education. Flexibility should be introduced so as to enable Madarsa graduates to move across to regular mainstream education after graduating from these institutions, if they so wish. In other words the opportunity should be made available to them, especially in courses where admission is done through an entrance test/ competitive examination. - Recognition of the degrees from Madarsas for eligibility in competitive examinations such as the Civil Services, Banks, Defense Services and other such examinations. The |

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| | | <p>idea is to facilitate a process whereby Madarsa graduates too have a choice and an incentive to participate in these employment streams. This should, however, remain within the existing framework of these competitive examinations.</p> <p>- In the 1990s government introduced a scheme for modernization of Madarsas. This was a step in the right direction but it was robbed of part of its utility because of some deficiencies relating for example to choice of subjects, quality of teachers, accommodation of the modern subjects in a time-table intensely packed with traditional subjects. Government will be well advised to review and revamp the scheme before embarking on its expansion.</p> |
| 23 | Chapter – 12 Para - 3.2 Page - 249 | <p>3.2 Enhancing Access to Credit and Government Programmes</p> <p>....the following recommendations can be made:</p> <p>Several complaints about the exclusion of Muslim concentrated areas from the activities of the banks have been reported to the Committee. To partly address at least this perception, a simple regulation on the lines of the one adopted by the government of United States, is desirable. All banks should be required to provide information to anyone who asks about the localities to which loans have been disbursed. If sharing information with the individuals can add significantly to the transaction costs, such information can be provided to the Reserve Bank of India, which in turn can provide this information to others under the Right to Information Act. The information regarding the SRC background of customers and clients should also be maintained by the banks and made available to the RBI. It is not required to provide information on individual accounts but aggregated across SRCs.</p> |
| 24 | Chapter – 12 Para - 3.2 Page - 249 | <p>The Committee, therefore, recommends promoting and enhancing access to Muslims in Priority Sector Advances. Any shortfall in achievement of targeted amount in minority specific programmes should be parked with NMDFC, NABARD and SIDBI and specific programmes should be funded with this amount.</p> |
| 25 | Chapter – 12 Para - 3.2 Page - 249 | <p>Analysis of the Census of India 2001 results has indicated that banking facilities are inversely correlated to the proportion of the Muslim population in a village/locality. This issue should be addressed on a priority basis by providing incentives to banks to open more branches in Muslim concentration areas.</p> |
| 26 | Chapter – 12 Para - 3.2 Page - 250 | <p>The Committee also recommends that the coverage under Public Programmes should be extended to include more schemes and should also include lending by NABARD and SIDBI. SIDBI should set aside a fund for training for minorities under its Entrepreneurial Development Programme. Such programmes should not only aim to improve skills of artisans in traditional occupations but also reequip them with modern skills required to face the adverse effects of globalization in their area of artisanship. Given the substantial presence of Muslims in these occupational groups special attention should be given to them.</p> |
| 27 | Chapter – 12 Para - 3.2 Page - 250 | <p>A policy to enhance the participation of minorities in the micro-credit schemes of NABARD should be laid down. This policy should spell out the intervention required by NABARD through a mix of target and incentive schemes based on the population percentage of Muslims in the village in order to enhance the participation of Muslims in micro-credit. In any case, data on the participation of different SRCs in such schemes should be collected and shared with the RBI or the NDB. The implementation of such schemes may need to be tailored to specific situations.</p> |
| 28 | Chapter – 12 Para - 3.2 | <p>The detailed analysis of Muslim participation in government employment and other programmes has shown very limited participation in both. While no discrimination is being alleged, it may be desirable to have experts drawn from the Community on</p> |

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| | Page - 250 | relevant interview panels and Boards. This practice is already in vogue in the case of SCs/STs. |
| | Chapter – 12 Para - 3.3 Page - 252 | A more transparent recruitment system will help to build public confidence in the system. It is not being suggested that inclusion of minorities in selection committees will improve the chances that Muslims will get selected, it can surely improve the confidence of Muslim applicants during the selection process. |
| 29 | Chapter – 12 Para - 3.2 Page – 250 | There is a need to revise the coverage of districts under the Prime Minister's 15 Point Programme based on the Census 2001 data. The Committee recommends that all 58 districts with more than 25 % Muslim population should be brought under the 15 Point Programme. A special assistance package for the development of these districts should be launched. The same principle might be applied to units taluka/block with similar concentration of Muslims. |
| 30 | Chapter – 12 3.2 250-251 | There should be transparency in information about minorities in all activities. It should be made mandatory to publish/furnish information in a prescribed format once in three months and also to post the same on the website of the departments and state governments. There should be provision for reporting default and delays in processing/rejection of application at the state/district/block levels. In line with the thrust towards greater transparency, applicants should also have full rights to information about the status of their applications. |
| 31 | Chapter – 12 Para - 3.2 Page - 251 | The review of Government programmes suggests that Muslims have not benefited much from them. At times the Muslims do not have adequate participation as beneficiaries; when participation is adequate, the total amounts allocated to the programme are too low to make any meaningful impact. The current formats in which the data are kept do not permit easy assessment of the benefits that have accrued to various SRCs. Detailed data should be collected regularly on the participation of different SRCs in government programmes, both at the state and the Central level. As suggested earlier such data should be made available to the NDB which will maintain it and make it available to users. |
| 32 | Chapter – 12 Para - 3.2 Page - 251 | Last but not the least, although there are many Centrally Sponsored Schemes (CSS) and Central Plan Schemes (CPS) available for the welfare of SCs, STs and OBCs, such schemes for the welfare of minorities are rare. Even the available schemes are inadequately funded. Overall, targeting backward districts and clusters where special artisanal groups exist, will ensure a sharp reduction in disparities of access and attainment. The Central Government should introduce a few schemes with large outlays for welfare of minorities with an equitable provision for Muslims. |
| 33 | Chapter – 12 Para - 3.3 Page - 251 | 3.3 Improving Employment Opportunities and Conditions Provide financial and other support to initiatives built around occupations where Muslims are concentrated and that have growth potential. These initiatives can take the form of interventions where existing skills of the workers are combined with knowledge of modern management practices, new technology, and emerging market needs. |
| 34 | Chapter – 12 Para - 3.3 Page - 252 | While initiatives of the kind discussed in the earlier point can also be undertaken in areas/clusters which have large concentrations of Muslim population, a few more cluster/area specific initiatives are desirable. Since skill up-gradation needs might be high in such clusters, location of ITIs, polytechnics and other institutions that provide skill training to non-matriculantes need to be located here. Availability of such institutions in the vicinity would not only help those sections of the workers who are involved in growth-oriented industries but also those who wish to move to new sectors through skill |

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| | | formation or up-gradation. |
| 35 | Chapter – 12 Para - 3.3 Page - 252 | Given the precarious conditions of the self-employed persons in the informal sector, especially the home-based workers, it is desirable to have a mandated social security system for such workers. Casual workers in the informal sector should also be able to participate in such schemes. Since the State is already thinking of such a scheme, an early implementation would benefit a large section of the Muslim population along with helping the larger segment of the informal sector workforce. |
| 36 | Chapter – 12 Para - 3.3 Page - 252 | It is imperative to increase the employment share of Muslims particularly in contexts where there is a great deal of public dealing. Their public visibility will endow the larger Muslim community with a sense of confidence and involvement and help them in accessing these facilities in larger numbers and greater proportion. To achieve this, efforts should be made to increase the employment share of Muslims amongst the teaching community, health workers, police personnel, bank employees and so on. Employers should be encouraged to endorse their organizations as 'Equal Opportunity Institutions' so that applicants from all SRCs may apply. A time bound effort in this direction is desirable. |
| 37 | Chapter – 12 Para - 3.3 Page - 252-253 | As our data shows when Muslims appear for the prescribed tests and interviews their success rate is appreciable. This applies both to the public and private sector jobs. Some simple measures like undertaking a visible recruitment process in areas and districts with high percentage of Muslims, job advertisements in Urdu and vernacular newspapers and other media, or simple messages like 'women, minority, and backward class candidates are encouraged to apply' may create an atmosphere of trust and confidence. Similarly, not as a measure to eliminate discrimination but as an initiative to build confidence, it may be useful to have at least one Muslim inspector/sub-inspector in the Muslim concentrated Thanas, Muslim health personnel in health units located in such areas, a few Muslim teachers in schools located in such areas and so on. |
| 38 | Chapter – 12 Para - 3.4 Page - 253 | <p>3.4 Enhancing the Efficacy of Infrastructure Provision</p> <p>Service providers face a number of difficulties in reaching out to the Muslim community for various reasons, ranging from a sheer lack of understanding of issues particular to the Community to lack of Muslim presence in the organization and a sense of suspicion which the Community may have towards them. It is alleged that in many situations, the service providers have inherent biases and show resistance to reach out to the Community. To correct this situation the following measures are suggested.</p> <ul style="list-style-type: none"> - Sensitization of the service staff regarding issues of social exclusion has already been mentioned and can be quite useful in reducing these problems. - Credible NGOs, with necessary expertise, from the Muslim community are few and far between. But many face problems in getting their organizations registered. The registration of trusts set up by the Community, such as Wakf institutions and mosque committees should be facilitated. These institutions, being closer to the community can indeed play an important role as intermediaries between policy programmes announced by the government and their beneficiaries within the Muslim community. Besides, there is need to encourage the setting up of civil society organizations from amongst the Muslim community as well. But once again, the reach of such organizations is going to be very limited and the responsibility of the State in providing basic health and other infrastructure facilities remains the main hope of all poor, including Muslims. |
| 39 | Chapter – 12 Para - 3.4 | The government would therefore be well advised that all villages/towns/habitations/ be provided with basic amenities, good quality government schools and health facilities, pucca approach roads, and general improvement in living conditions (supply of |

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| | Page - 254 | electricity/housing/ clean drinking water and sanitation). This is in the overall interest of India and not only of Muslims alone. |
| 40 | Chapter - 12 Para - 3.5 Page - 254 | <p>3.5 Encouraging Community Initiatives</p> <p>Many of the measures suggested above would become more efficacious if there is community participation. In fact, partnerships between the government, the community and the private sector maybe quite useful to deal with problems faced by the Muslims. In this context, better utilization of Wakf properties can provide partnership opportunities.</p> |
| 41 | Chapter - 2 Para - 4.1 Page - 19 | The resistance to recognize minority educational institutions has been a matter of serious concern with the Community in several states as they face severe difficulties in setting up minority educational institutions. This is also a clear violation of Article 30 of the Indian Constitution. Several people alleged that they face severe difficulties in setting up minority educational institutions. |
| 42 | Chapter - 2 Para - 4.2 Page - 22 | Muslim women have minimal participation in Government micro-finance programmes such as Self Help Groups (SHGs), Watershed Programmes and Panchayati Raj. Efforts to increase their participation are necessary. |
| 43 | Chapter - 2 Para - 5 Page - 26 | Efforts should be made to make information widely available through media, especially in the language understood by Muslims , e.g., Urdu & through counseling centres to ensure that the people are aware of the schemes meant for them and can access them. |
| 44 | Chapter - 3 Para 8 Page 47 | Contrary to common perception, there is substantial demand for fertility regulation and for modern contraception among Muslims. This calls for the programme to provide better choices to couples. |
| 45 | Chapter - 4 Para - 1 Page - 50 | The Muslims are at a double disadvantage with low levels of education combined with low quality education; their deprivation increases manifold as the level of education rises. In some instances the relative share for Muslims is lower than even the SCs who are victims of a long standing caste system. Such relative deprivation calls for a significant policy shift, in the recognition of the problem and in devising corrective measures, as well as in the allocation of resources. |
| 46 | Chapter - 4 Para - 7 Page - 75 | The analysis of the changes overtime undertaken suggests that while both Muslims and SCs/STs continue to have significant disadvantage vis-à-vis other SRCs, the pool of eligible population for higher education seems to be increasing faster for SCs/STs than for Muslims. These trends need to be probed further. |
| 47 | Chapter - 4 Para - 8 Page - 79 | A fresh evaluation of the scheme for modernization of madarsas is required which may result in its being overhauled. |
| 48 | Chapter - 4 Para - 10 Page - 84 | Relative deprivation in education of Muslims vis-à-vis other SRCs calls for a significant shift in the policy of the State, along with the creation of effective partnership with private and voluntary sectors. |
| 49 | Chapter - 5 Para - 6.1 Page - 101 | Overall, therefore, at the macro level, of the manufacturing sectors which are important for Muslims, wearing apparel, auto repair and electrical machinery seem to be segments where policy focus can bring in employment related dividends for the Muslim workers. |
| 50 | Chapter - 5 Para - 6.1 Page - 101 | A more elaborate exercise to identify sectors where Muslims are concentrated is desirable. While, policy focus on high growth sectors where Muslim workers are located is desirable, strategies through which Muslim workers can move from low to high |

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| | | growth sectors will also have to be thought of. |
| 51 | Chapter - 6 Para - 5 Page - 137 | Steps should be introduced to specifically direct credit to Muslims, create awareness of various credit schemes through publicity and organize entrepreneurial development programmes. One of the important ways to help communities living in poorer areas, both urban and rural, is to provide micro credit, especially to women. |
| 52 | Chapter - 8 Para - 3.4 Page - 160 | Thus the reduction in poverty shows a unique trend for Muslims living in urban and rural areas - conditions of urban Muslims remains vulnerable with lower decline in poverty while rural Muslims appear to have had some extraordinary favorable economic opportunities and recorded the highest decline in poverty. These trends need to be analysed systematically. |
| 53 | Chapter - 9 Para - 3.2 Page - 183 | Maulana Azad Education foundation The interest from the corpus is too low for its scheme to have a significant impact on educational status. The reduction in interest rates too has reduced funding capacity of the foundation. During 2002-03 to 2005-06 the foundation was sanctioned grants of only Rs 27 crores. To be effective, the corpus fund needs to be increased to Rs. 1000 crores. |
| 54 | Chapter - 9 Para - 3.2 Page - 183 | The data furnished to the Committee from the Ministry of Human Resource Development (Minority Cell) reveals that 4694 Madarsa have been provided assistance under this scheme. The total allocation in the four years covered from April 2002 to March 2006 is a paltry Rs.106 crores of which Rs.79 crores is for Infrastructure Development and Rs.27 crores for modernization of Madarsa. This needs to be enhanced considerably. |
| 55 | Chapter - 9 Para - 3.2 Page - 186 | State government remains the biggest hurdle to getting a loan from the NMDFC. Given the tight financial position of State governments, they are becoming increasingly reluctant to guarantee loans. This has lessened the flow of funds to beneficiaries. In addition, the identification of beneficiaries based on recommendations has led to credit flowing to households that are not DBL households. The time taken for loan disbursement is not standardized; in many cases it is slow and depends upon the availability of funds from the NMDFC. Under Micro Finance, the demand for loans from NGOs is quite high. The availability of funds from NMDFC has to be increased and made more regular to meet targeted needs. |
| 56 | Chapter - 10 Para - 4 Page - 195 | Being at the bottom of the social hierarchy, the arzals are the worst off and need to be handled separately. It would be most appropriate if they were absorbed in the SC list or atleast in a separate category, Most backward (MBCs) carved out of the OBCs. |
| 57 | Chapter - 10 Para - 7 Page - 213 | The Committee therefore is of the opinion that enumeration of castes/groups as part of the decennial Census exercise is critical to assess the equitable distribution of benefits meant for groups included in the category, OBC. |
| 58 | Chapter - 10 Para - 7 Page - 214 | The three groups (Ahsraf, Ajlaf, Arzal) require different types of affirmative action. The second group, ajlaf/OBCs, need additional attention which could be similar to that of Hindu-OBCs. The third group, those with similar traditional occupation as that of the SCs, may be designated as Most Backward Classes (MBCs) as they need multifarious measures, including reservation, as they are 'cumulatively oppressed' |
| 59 | Chapter - 11 Para-3.2 Page-225 | The Minorities Department of U.P. Government has unauthorisedly passed orders over-ruling the quasi-judicial orders given by the Wakf Board a copy of the most recent example of the UP government over ruling the Wakf Board orders is available with the community. Such actions are ultra vires the Wakf Act. The Wakf Act 1995 may be amended to prevent such interference |

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| 60 | Chapter - 11 Para-4.1 Page-228-229 | It appears to be essential to provide a technical advisory body for development of Wakf properties both at the state and national levels. This body may comprise representatives from state Wakfs Boards, area experts from institutions such as School of Planning and Architecture, National Institute of Design and IITs and academics such as sociologists, economists, financial and legal experts. A representative from appropriate government department should also be part of this body. |
| 61 | Chapter - 11 Para-4.1 Page-229 | Woman Representation: It is of utmost importance to provide for atleast two women each in the Central Wakf Council and each state Wakf Board. Besides providing gender equity this will help in improving direct access to welfare measures for women and children. |
| 62 | Chapter - 11 Para-4.1 Page-229 | Composition of the Central Wakf Council (CWC): It is proposed that a full time President should be appointed from out of eminent persons like retired high court judges, chancellors and vice chancellors of central universities and former chiefs of state Wakf Boards. The President may hold office for a period of three years. The other members of the Central Wakf Council could be nominated from a list of eminent Muslims drawn from various professions such as architects, doctors, lawyers, chartered accountants and academicians. The representation of MPs and MLAs as at present may be combined and their gross number in each state Wakf Board may be reduced from the existing four to two. The Secretary of the Central Wakf Council should be an officer of the rank of at least Joint Secretary to Government of India so that meaningful and effective communication and interaction with government authorities is facilitated. In order to be effective, this officer must have a good knowledge of Wakf matters, Muslim scriptures and proficiency in Urdu. |
| 63 | Chapter - 11 Para-4.1 Page-229 | State Wakf Boards: The chairmen and members of the state Wakf Board can be selected from a list of eminent persons in each state. For example, a retired high court judge, the former vice chancellors, and those who have established Muslim educational institutions of repute should be considered for appointment in the Wakf Board. The other members of the Wakf Boards can be nominated from a list of Muslim professionals drawn from various professions such as the architects, doctors, lawyers, chartered accountants and academicians. The representation of MPs and MLAs as at present may be combined and their gross number in each state Wakf Board may be reduced from the existing four to two. The Act does not provide any qualification for a person to be appointed by the state Government as Chief Executive Officer of the Board. It has been found that in cases where the Chief Executive Officer is not high ranking in the hierarchy of state bureaucracy the interests of the Wakf Board often suffer. It is, therefore, necessary that the Chief Executive Officer must be full time and must rank with senior officers of the state Government. Ideally a Class I Officer of All India or Central Services directly recruited through UPSC should be appointed as CEO. |
| 64 | Chapter - 11 Para-4.1 Page-230 | Group-A Officers for Wakfs: There is strong case to create a new cadre of officers to manage the affairs of State Wakf Boards and Central Wakf Council. It is estimated that up to 200 Group-A officers are needed to service the Wakfs affairs across India. The government may, therefore, consider creating a new cadre of officers to be recruited by the UPSC so that they can deal with the specific affairs of the Wakfs efficiently. Such officers, however, should have the knowledge of Islamic law and Urdu, as most of the documents relating to Wakfs are in that language. Some officers of this cadre could, subject to the concurrence of the Central Haj Committee, be seconded to the Central and State Haj Committees for giving them administrative support. |
| 65 | Chapter - 11 Para-4.1 Page-230 | Maintenance of Accounts: It is recommended that all the Wakfs are compulsorily brought under the scheme of 'financial audit'. |

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| 66 | Chapter - 11 Para-4.1 Page-230 | National & State Wakf Development Corporations: A National Wakf Development Corporation may be constituted by the central Government with a revolving corpus fund of Rs 500 crores. It would also be advisable to seek out matching funds to be added to the corpus from the community and NGOs. The CMD of this corporation should be well versed in Muslim religious practices and be proficient in Urdu. The corporation may continue providing financial and technical help for development of Wakf properties with a view to enhance Wakf resources. Similar corporations should be established in all the states. |
| 67 | Chapter - 11 Para-4.1 Page-230 | Ajmer Dargah Act needs to be amended: Wakf Act 1954 was amended in 1995. Now some more amendments are being suggested in this Report. However, Dargah Khwaja Saheb Ajmer Act 1955 has never been amended while the problems there are same as in the case of all other Wakfs in the rest of India. Hence it is necessary to introduce comprehensive changes in Dargah Khwaja Saheb Ajmer Act also. |
| 68 | Chapter - 11 Para-4.2 Page-230 | 4.2 Legal and Administrative Remedies - Removal of Avoidable Judicial Dichotomy: Amendment of Wakf Act Section (6) sub-section (1): The Supreme Court in Board of Muslim Wakf, Rajasthan vs Radha Kishan and Others stated that where a non-Muslim is in possession of a certain property his right, title and interest therein can not be put in jeopardy merely because the property is included in the list of Wakfs. Such a person is not required to file a suit (within a period of one year) for declaration of his title, as required in the Wakf Act. That is to say, the special rule of limitation laid down in the proviso to sub-section (1) of Section 6 is not applicable to non-Muslims. Such interpretation is detrimental to the interests of Wakf and may well tend to encourage encroachments. Section 6 may therefore be amended to avoid the confusion and the amendment should be given retrospective effect from the date of notification of the property as Wakf. In section 6(1) of the Wakf Act 1995 after the expression "or any person interested therein" the following words may be added "irrespective of his / her / its religion". |
| 69 | Chapter - 11 Para:4.2 Page-231 | Enhanced Lease Period: Increase the maximum period of lease of Wakf properties from 3 to 30 years where the property is used by registered charitable societies or trusts for building and/or running educational or health care institutions, or for other social and economic developmental purposes consistent with the objects of the Wakf (if any specified) and as permissible under Islamic law. |
| 70 | Chapter - 11 Para-4.2 Page-231 | Define 'Encroacher': The definition of 'Encroacher' needs to be inserted in Section 3. This definition should say that 'Encroacher' means "any person occupying the Wakf premises without the authority of law and includes a person whose tenancy, lease or license has expired or has been terminated by the Board, or who has altered the property leased out or occupied by him without the prior written permission of the Wakf Board concerned". The inclusion of this definition will help the Wakf Boards in removing encroachments. Secondly, a person occupying the Wakf premises should be included in the definition of "person interested". Thirdly, the "Wakf premises" should be defined to mean "any Mosque, Graveyard, Mazar, Takiya, Eidgah, Imambara, Dargah, Khanqah, Maqbara, Anjuman and land appurtenant or belonging to them, the property dedicated for their maintenance, the property purchased from their income, the land, garden, well, baoli, school, hospital and other institutions dedicated as Wakf and the passages used leading to the Wakf premises". This definition will help in the proceedings under Section 54, for removal of unauthorised occupants of Wakf property. |
| 71 | Chapter - 11 Para - 4.2 Page - 231 | Rent Control Act: Often the Rent Control Act (RCA) provides protection to the tenants in such a way that the owners lose incentive to develop and maintain properties. Wakf properties are in the purview of RCAs in most of the states. Thus the application of the |

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| | | RCA to Wakfs is damaging the noble interests of Wakfs and hurting the entitlements of the beneficiaries. Therefore, an amendment exempting the Wakf properties from the purview of the RCA within the Wakf Act is urgently needed. This can be done by introducing an over-riding provision in the Wakf Act. |
| 72 | Chapter - 11 Para-4.2 Page-231 | <p>Extension of Time for Recovery from Adverse Possession: The Public Wakf (Extension) of Limitation Act, 1959 facilitated the recovery of properties forming part of public Wakfs by way of suits. Under the said Act the time for filing suits for recovery of Wakf properties against adverse possession was extended till 31st December 1970. Various states extended the said time further; these are as follows :</p> <p>.....However, since 1947, most state Wakf Boards were either not properly constituted or were not sufficiently equipped to utilise or take advantage of the periods of extension of limitation. Although the administration and supervision of public works is the statutory obligation of the State, often for very long periods there has existed a virtual vacuum or absence of Wakf administration. Consequently, a large number of Wakf properties have been subjected to adverse possession and suits for recovery of the same have become time-barred. Therefore, the period of limitation should be extended till 2035 with retrospective effect.</p> |
| 73 | Chapter - 11 Para - 4.2 Page - 232 | <p>The Ancient Monuments and Archeological Sites and Remains (AMASR) Act, 1958:</p> <p>Given the present state of large number of Wakf properties under the control of the Archeological Survey of India (ASI), it would only be proper if their lists are annually reviewed and their condition is assessed in a joint meeting of senior officers of the ASI with the representatives of the Central Wakf Council. The minutes should be signed by both the parties, copies should be preserved by both of them as well as the ministries concerned.</p> |
| 74 | Chapter - 11 Para-4.2 Page-233 | <p>Thika Act : The Committee is of the firm view that law should not be used for acquiring Wakf properties and recommends that to ensure this on permanent basis the Government should take appropriate action.</p> |
| 75 | Chapter - 11 Para-4.2 Page-233 | <p>Wakf Rules: Even after a lapse of eleven years since the Wakf Act 1995 was enacted, a large number of states have not framed the Wakf Rules; this is one of the main reasons for non-implementation of the provisions of the Wakf Act and perpetuation of corruption and lack of accountability. Refresher training courses are to be offered regularly so that the staff of the State Wakf Boards are adequately trained. This work could be supervised by the Central Wakf Council.</p> |
| 76 | Chapter - 11 Para-4.2 Page-233-234 | <p>4.3 Enabling Legal Provisions</p> <p>Amendments to Wakf Act 1995</p> <p>The Committee suggests that the following issues should be dealt with in the Wakf Act 1995 in such a way that the state Wakf Boards become effective and are empowered to properly deal with the removal of encroachment of Wakf properties.It would therefore be appropriate to amend Section 83 (4) of the Wakf Act to specify that the Wakf Tribunal will be manned by full time presiding officer appointed exclusively for Wakf purposes. The Wakf Tribunal would also have the power to give the interim relief and award damages etc., as the case may be.Wakf deserves to get benefited in two ways: firstly, some enactments that are found in various laws need to be amended to facilitate the functioning of Wakfs and, secondly there are a few other Acts that offer empowerment in such a way that Wakf Boards can take advantage of by getting legally empowered. The state level examples for both the above types are given below:</p> |

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| | | <p>- Public Premises (Eviction of Unauthorized Occupants) Act</p> <p>All Wakfs as notified in the Gazette should be treated as public premises. Wakfs are meant for a large section of the public. Some activities of Wakfs such as running schools, orphanages, monthly financial assistance to the needy, are philanthropic and secular in nature. Any encroachment on these properties should be treated like encroachment on government land. The Public Premises (Eviction of Unauthorized Occupation) Act, 1971 should be applied to remove encroachment from Wakf properties and arrears of rent, at market rates, should be recovered as arrears of land revenue.</p> <p>- Other Legal Structures which can empower Wakfs</p> <p>As stated in the beginning of this chapter the character of Wakf properties is quite different from privately held properties. The ownership of Wakf properties is vested in God, understood in mundane sense as an artificial juridical person. And, the usufruct invariably belongs to the downtrodden, the poor and the needy. Yet, the state and central legislation, does not usually take cognizance of such difference. While the exemption of Wakf properties from some enactments would serve the greater philanthropic purpose of Wakf properties, appropriate though minor amendments in the following Acts would strengthen the functioning of the Wakfs without in any way hurting their general public objective. Government may like to take necessary action after consulting Wakf Boards and enlightened public opinion.</p> <p>Some of such enactments are:</p> <ul style="list-style-type: none"> - Rent Control Act, Land Reforms Act - Agricultural Land Ceilings Act - Urban Land Ceiling Act - Registration of Properties Act - Tenancy Act - Stamp Duty Act - Court Fee Act - Income-tax Act - Private Forest Vesting & Assignments Act |