

GOVERNMENT OF INDIA  
MINISTRY OF MINORITY AFFAIRS  
**RAJYA SABHA**  
**UNSTARRED QUESTION NO. 2356**  
ANSWERED ON 16/12/2024

**PROVISIONS OF EXEMPTIONS FOR MINORITY EDUCATIONAL INSTITUTIONS**

2356 SMT. RANJEET RANJAN:

Will the Minister of MINORITY AFFAIRS be pleased to state:

- (a) provision under which minority educational institutions are exempted from admitting 25 per cent eligible children under the "Right of Children to Free and Compulsory Education Act, 2009;
- (b) percentage of seats that must be reserved for children from the minority community in minority educational institutions, if the proportion of minority children is less than 50 per cent;
- (c) whether such institutions still qualify as minority educational institutions; and
- (d) whether Article 15(5) of the Constitution of India, exempting minority institutions from SC/ST reservations, override the RTE Act's provisions including Articles 15(3) and 21A mandating 25 per cent seat reservations for underprivileged children in unaided schools?

**ANSWER**

THE MINISTER OF MINORITY AFFAIRS

(SHRI KIREN RIJJU)

(a) and (d): Government has been implementing various schemes for socio-economic empowerment of the six (6) centrally notified minority communities including various educational empowerment Schemes. The constitutional bench of Supreme Court in the judgment dated 6<sup>th</sup> May, 2014 in *Pramati Educational & Cultural Trust & others Vs Union of India & others in Writ Petition (c) No. 416 of 2012* reported in "2014 AIR SCW 2859" and "(2014) 8 SCC 1" held that the 2009 Act, in so far as it applies to minority schools, aided or unaided, covered under clause (1) of Article 30 of the Constitution. The aforesaid propositions of law establishes that RTE Act, 2009 is not applicable to Minority schools, aided or unaided.

(b) and (c): Constitutional bench of Supreme Court held in case of *T.M.A. Pai Foundation & ors vs State of Karnataka & Ors* on 31<sup>st</sup> October, 2002 that the State Government is required to fix prescribed percentage governing admission of minority students in the minority educational institutions, taking into account the population and educational needs of the area in which the institution is located.

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