

**GOVERNMENT OF INDIA
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF HIGHER EDUCATION**

**LOK SABHA
UNSTARRED QUESTION NO. 1310
TO BE ANSWERED ON 11.02.2019**

Minority Status of Schools

1310. SHRI RAJIV PRATAP RUDY:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

- (a): the details regarding the procedure for a private school to get minority status;
- (b): whether the Government has come up with a common guideline for private schools to get a minority status and if so, the details thereof;
- (c): whether the Government has identified the fact that schools are applying for minority status in order to escape from complying with Section 12(1)(c) of the Right to Free and Compulsory Education (RTE) Act; and
- (d): if so, the steps taken/ to be taken by the Government to address the issue?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(DR. SATYA PAL SINGH)**

(a) &(b): For the grant of minority status by the National Commission for Minority Educational Institutions (NCMEI) to an educational institution on religious basis, the institution is required to prove that:-

- (i) it was established by a member(s) of the religious minority community;
- (ii) it was established for the benefit of the minority community; and
- (iii) it is being administered by the minority community.

An application for grant of minority status certificate may be made to the Commission in prescribed format. The applicant should move an application first before the Competent Authority established by the State Government for grant of No Objection Certificate under Section 10 of National Commission for Minority Educational Institutions Act, 2004. In case of rejection of application by the Competent Authority, application may be made as appeal under Section 12 (B) of National Commission for Minority Educational Institutions Act, 2004 to the Commission. Along with the application the following documents are also required :

- (i) The applicant minority institution should be registered as a trust under the Public Trust Act 1950 or as a Society under Societies Registration Act 1860. In case of Society, copy of Society Registration Certificate should be enclosed with the application form.

A copy of the Trust Deed, Memorandum of Association, Rules & Regulation/ Bye laws with all amendments should be enclosed. An affidavit signed by President/Secretary of the Society/Trust should also be enclosed as per prescribed format, on appropriate value of non-judicial stamp paper.

- (ii) In case of an individual run institution, applicant should file an affidavit. They should also enclose a copy of the affiliation/ approval of the concerned education authorities for running the educational institution as the case may be.
- (iii) Majority of the trustees/members (i.e. at least 51%) of the managing committee of the Society of the applicant institution should belong to the applicant Minority Community.
- (iv) Original application complete in all respects with copy of all relevant documents as annexure along with five spare sets of the application should be submitted.
- (v) The detailed guidelines for grant of Minority Status Certificate from NCMEI are available publicly at url <http://ncmei.gov.in>.

(c) & (d): No, Sir. The Right of Children to Free and Compulsory Education (RTE) Act, 2009 provides for access to elementary schools for children within the defined area or limits of neighbourhood. Section 12(1) of the RTE Act 2009 mandates all private aided, Special Category schools and private unaided schools to admit in Class-I, to the extent of at least 25% of the strength, children belonging to weaker section and disadvantaged group. Section 12 (1)(c) of RTE Act 2009 is applicable in all States and UTs only. The RTE Act 2009 is not applicable in the State of Jammu & Kashmir and Section 12 (1) (c) is not applicable in UT of Lakshadweep as it does not have any private unaided school. In order to establish the eligibility, States and UTs are required to notify the disadvantaged groups and weaker sections for admission in private unaided schools under Section 12(1)(c). Education is a subject in the concurrent list of the Constitution and majority of the schools in the country are under the administrative control of the State Governments and UT Administrations. However, Ministry of Human Resource Development (MHRD) vide letter no 12-5/2016-EE.11 dated 25.05.2016 requested States/UTs to carry out a ground assessment of private schools across the country to ensure to comply with the Section 12 (1)(c) of RTE Act, 2009. Further, MHRD, in various meetings like State Education Secretaries conference, Joint Review Missions (JRM) of SSA, PAB (Project Approval Board) Meetings, has been advising/guiding State/ UT Governments to emphasise on implementation of the Section 12(1)(c) of the RTE Act 2009.
