

INDEX

Chapter	Content	Page No
1.	Introduction	1
2.	About the Commission	1
3.	Powers of the Commission	1
4.	Composition of the Commission	2
5.	Minorities of the Country	2
6.	Provisions of the NCMEI Act, 2004	3-6
7.	Minority Educational Institutions can approach NCMEI	6
8.	Eligibility for grant of Minority Status Certificate	6
9.	Authorities which can grant Minority Status Certificate	6
10.	MSCs Granted by the Commission	7
11.	Procedure to apply for fresh Minority Status Certificate	8
12.	Procedure for filing an appeal against the Competent Authority (12-A)	9
13.	Procedure for filing an appeal against the order of Competent Authority for the State/UT Governments under Section 12-B of NCMEI Act, 2004	10
14.	Procedure for Cancellation of Minority Status - Section - 12 C	10
15.	Rights of MEIs	11
16.	Landmark Judgements	11
17.	Public Reach	11
18.	Autonomous /Associated Bodies/Institutions Work for the Welfare of the Minorities	12
19.	Prime Minister's New 15 Point Programme for the Welfare of Minorities	13-15
20.	Annexures	16-26
21.	State-wise Population of Religious Minorities in India	24

INTRODUCTION

Article 30(1) of the Constitution of India provides for linguistic and religious minorities a fundamental right to establish and administer educational institutions of their choice. These rights are protected by a prohibition against their violation. The prohibition is contained in Article 13 of the Constitution which declares that any law, in breach of the fundamental rights would be void to the extent of such violation. It is well-settled that Article 30(1) cannot be read in a narrow and pedantic sense and being a fundamental right, it should be given its widest amplitude. The width of Article 30(1) cannot be cut down by introducing in it considerations which are destructive to the substance of the right enshrined therein.

The National Commission for Minority Educational Institutions Bill, 2004 was passed by both the Houses of Parliament and received the assent of the Hon'ble President. It came on the Statute Book as The National Commission For Minority Educational Institutions Act, 2004 (2 of 2005).

ABOUT THE COMMISSION

The National Commission for Minority Educational Institutions (NCMEI) Act has been enacted to safeguard the educational rights of the minorities enshrined in Article 30(1) of the Constitution. The Commission is a quasi judicial body and has been endowed with the powers of a Civil Court for the purpose of discharging its functions under the Act.

POWERS OF THE COMMISSION

Powers of the Commission includes deciding all questions relating to the status of any institution as a Minority Educational Institution (MEI). It also serves as an appellate authority in respect of disputes pertaining to Minority Status/ No Objection Certificate (NOC). Educational institutions aggrieved by the order of refusal to grant Minority Status Certificate/No Objection Certificate by the competent authority of the State/UT, can appeal to the Commission against such orders. The Commission has the power to cancel the minority status of an educational institution granted by an Authority or Commission, on grounds laid down in the Act.

The Commission also has powers to call for information while enquiring into the complaints of violation or deprivation of the educational rights of the minorities. Where an enquiry establishes violation or deprivation of educational rights of the minorities, the Commission may recommend to the concerned Government or authority to initiate disciplinary proceedings or such other action against the concerned person or persons as it may deemed fit.

As per the judgment of Hon'ble Apex Court in the matter of Sisters of St. Joseph of Cluny v/s The State of West Bengal and Ors. (2018) 6 SCC 772, this Commission has both original as well as appellate jurisdiction.

Parliamentary paramountcy has been provided for by Articles 246 and 254 of the Constitution. In view of the mandate of these Articles of the Constitution, the National Commission for Minority Educational Institutions Act,

2004, being a Central law shall prevail over the State law. The State Government cannot add, alter or amend any provision of the Act by issuing executive instructions.

No court (except the Supreme Court and a High Court exercising jurisdiction under articles 226 and 227 of the Constitution) shall entertain any suit, application or other proceedings in respect of any order made by the Commission.

No suit, prosecution or other legal proceeding shall lie against the Central Government, Commission, Chairperson, Members, Secretary or any officer or other employee of the Commission for anything which is done in good faith or intended to be done under the NCMEI Act.

The provisions of NCMEI Act 2004 shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than the NCMEI Act 2004.

COMPOSITION OF THE COMMISSION

The Commission is headed by a Chairperson and there are three members who are nominated by the Central Government.

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The Chairman of the Commission, Justice (Retd.) Narender Kumar Jain completed his tenure of five years on 30.9.2023 and Hon'ble Member Dr. Jaspal Singh completed his tenure of five years on 14.06.2023. Presently, the Commission has one Member - Dr. Shahid Akhtar who joined the Commission on 24.08.2021.

MINORITIES IN THE COUNTRY

The term "Minority" is not defined in the Indian Constitution. However, the Constitution recognises religious and linguistic minorities. The Central Government has notified six religious minority communities viz. Muslim, Christian, Sikh, Buddhist, Parsi and Jain.

As per 2011 Census, the percentage and number of people from minority communities are:

- Muslims 14.23% (172.2 million)
- Christians 2.30% (28.7 million).
- Sikh 1.72% (20.8 million)
- Buddhists 0.7% (8.5 million)
- Jains 0.37% (4.48 million)
- Parsis 57,264

PROVISIONS OF THE NCMEI ACT, 2004

Definitions in the NCMEI Act, unless the context otherwise requires:-

Section 2(ca)

"Competent authority" means the authority appointed by the appropriate Government to grant no objection certificate for the establishment of any educational institution of their choice by the minorities

Section 2(da)

"educational rights to minorities" means the rights of minorities to establish and administer educational institutions of their choice

Section 2(2f)

"minority" for the purpose of this Act, means a community notified as such by the Central Government.

Section 2(g)

"Minority Educational Institution" means a college or an educational institution established and administered by a minority or minorities

Section 2 (l)

"University" means a university defined under clause (f) of section 2 of the University Grants Commission Act, 1956 (3 of 1956), and includes an institution deemed to be a University under section 3 of that Act, or an institution specifically empowered by an Act of Parliament to confer or grant degrees.

Section 9

Procedure to be regulated by Commission.

- (1) The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit.
- (2) The Commission shall regulate its own procedure.
- (3) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized by the Secretary in this behalf.

Section 10

Right of a Minority Educational Institution.

- (1) Subject to the provisions contained in any other law for the time being in force, any person, who desires to establish a Minority Educational Institution may apply to the competent authority for the grant of no objection certificate for the said purpose.
- (2) The Competent authority shall
 - (a) on perusal of documents, affidavits or other evidence, if any; and
 - (b) after giving an opportunity of being heard to the applicant, decide every application filed under sub-section (1) as expeditiously as possible and grant or reject the application, as the case may be: Provided that where an application is rejected, the Competent authority shall communicate the same to the applicant.

- (3) Where within a period of ninety days from the receipt of the application under sub-section (1) for the grant of no objection certificate,
 - (a) the Competent authority does not grant such certificate; or
 - (b) where an application has been rejected and the same has not been communicated to the person who has applied for the grant of such certificate, it shall be deemed that the Competent authority has granted a no objection certificate to the applicant.
- (4) The applicant shall, on the grant of a no objection certificate or where the Competent authority has deemed to have granted the no objection certificate, be entitled to commence and proceed with the establishment of a Minority Educational Institution in accordance with the rules and regulations, as the case may be, laid down by or under any law for the time being in force.

Explanation—For the purposes of this section,—

- (a) "applicant" means any person who makes an application under subsection (1) for establishment of a Minority Educational Institution;
- (b) "no objection certificate" means a certificate stating therein, that the Competent authority has no objection for the establishment of a Minority Educational Institution.

Section 10A.

Right of a Minority Educational Institution to seek affiliation. (1) A Minority Educational Institution may seek affiliation to any University of its choice subject to such affiliation being permissible within the Act under which the said University is established.

(2) Any person who is authorized in this behalf by the Minority Educational Institution, may file an application for affiliation under sub-section (1) to a University in the manner prescribed by the Statute, Ordinance, rules or regulations, of the University:

Provided that such authorized person shall have right to know the status of such application after the expiry of sixty days from the date of filing of such application.

Functions of the Commission:

Section 11

Functions of the Commission - Notwithstanding anything contained in any other law for the time being in force, the Commission shall -

- (a) Advise the Central Government or any State Government on any question relating to the education of minorities that may be referred to it.
- (b) Enquire, suo-motu, or on a petition presented to it by any Minority Educational Institution, or any person on its behalf into complaints regarding deprivation or violation of rights of minorities to establish and administer educational institutions of their choice and any dispute relating to affiliation to a University and report its finding to the appropriate Government for its implementation.

- (c) Intervene in any proceeding involving any deprivation or violation of the educational rights of the minorities before a court with the leave of such court.
- (d) Review the safeguards provided by or under the Constitution, or any law for the time being in force, for the protection of educational rights of the minorities and recommend measures for their effective implementation.
- (e) Specify measures to promote and preserve the minority status and character of institutions of their choice established by minorities.
- (f) Decide all questions relating to the status of any institution as a MEI and declare its status as such.
- (g) Make recommendations to the appropriate Government for the effective, implementation of programmes and schemes relating to the MEI and
- (h) Do such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission.

Section 12D

Power of Commission to investigate matters relating to deprivation of educational rights of minorities.

- (1) The Commission shall have the power to investigate into the complaints relating to deprivation of the educational rights of minorities.
- (2) The Commission may, for the purpose of conducting any investigation pertaining to a complaint under this Act, utilize the services of any officer of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be.
- (3) For the purpose of investigation under sub-section (1), the officer whose services are utilized may, subject to the direction and control of the Commission,-
 - a. summon and enforce the attendance of any person and examine him;
 - b. require the discovery and production of any document; and
- (4) requisition any public record or copy thereof from any office.
- (5) The officer whose services are utilized under sub-section (2) shall investigate into any matter entrusted to it by the Commission and submit a report thereon to it within such period as may be specified by the Commission in this behalf.
- (6) The Commission shall satisfy itself about the correctness of the facts stated and the conclusion, if any, arrived at in the report submitted to it under subsection (4) and for this purpose the Commission may make such further inquiry as it may think fit.

Section 24 (1)

Power to make rules: The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Exercising the Powers under Section 24, the Central Government has notified the following rules:

- NCMEI Procedure for appeal rules, 2006 [no. F. 7-12/2006-mc (p)]
- NCMEI Rules for salaries and allowances and other conditions of service of Chairperson and other Members [no.f.7-16/2005-mc(p)]
- NCMEI Annual statement of accounts rules, 2006. [no. F. 7-12/2005- mc]
- NCMEI Annual report rules, 2005. [no. F. 7-30/2005-mc]
- NCMEI (financial and administrative powers) rules, 2005 [no. F. 7-6/2005-mc(p)]

MINORITY EDUCATIONAL INSTITUTIONS CAN APPROACH NCMEI

- For obtaining Minority Status Certificate (MSC).
- For filing of appeal on being aggrieved by the order of rejection of NOC application by the State/UT (Section 12A) or refusal to grant minority status certificate (Section 12 B).
- Resolving disputes regarding affiliation/deprivation and violation of rights of minorities to establish and administer the institutions of their choice.

MSC: Recognition that the institution was established and is being administered by a religious minority or minorities and was established primarily for the benefit of the minority community.

ELIGIBILITY FOR GRANT OF MSC

- (i) the educational institution is established by a member/ members of the religious minority community (s).
- (ii) the educational institution is established primarily for the benefit of the minority community.
- (iii) the educational institution is being administered by the members of the minority community(s).
- (iv) If the Minority Educational Institution concerned is being run by a trust or a registered society, the majority of the trustees of the trust or members of the society, as the case may be, must be from the minority community and the trust deed/ Articles of Association must reflect the objective of sub-serving the interest of the minority community.
- (v) if the Minority Educational Institution concerned is being run by a company under Section 25 of the Companies Act, 2013, the members of the company must be from the minority community and the Articles of Establishment of the company must reflect the objective of sub-serving the interest of the minority community

AUTHORITIES WHICH CAN GRANT MINORITY STATUS CERTIFICATE

- (i) The State Government as per the provisions contained in the National Commission for Minorities Act, 1992 (19 of 1992), where an authority established by the Central Government or any State Government, as the case may be or
- (ii) The National Commission for Minority Educational Institutions (NCMEI), prior

to which the Educational Institution has to apply before the State Competent Authority for grant of NOC under section 10 of the NCMEI Act 2004.

In case, the State Competent Authority does not take any action within 90 days and has not communicated the order, then it is deemed that the State Competent Authority has granted NOC to the applicant Institution.

MSCs GRANTED BY THE COMMISSION

Since its inception and upto 31.03.2024, the Commission has granted MSC to 14027 eligible MEIs. State/UT-wise status of MSC granted is given in table below:

S. No.	State	MSCs granted till 31.03.2024
1.	Andaman & Nicobar Island	9
2.	Andhra Pradesh	246
3.	Arunachal Pradesh	24
4.	Assam	223
5.	Bihar	164
6.	Chandigarh	21
7.	Chhattisgarh	232
8.	Dadra & Nagar Haveli	4
9.	Daman & Diu	1
10.	Delhi	259
11.	Goa	165
12.	Gujarat	66
13.	Haryana	182
14.	Himachal Pradesh	28
15.	Jharkhand	119
16.	Karnataka	753
17.	Kerala	4719
18.	Madhya Pradesh	593
19.	Maharashtra	202
20.	Manipur	37
21.	Meghalaya	8
22.	Nagaland	1
23.	Odisha	131
24.	Puduchery	32
25.	Punjab	123
26.	Rajasthan	104
27.	Sikkim	18
28.	Tamil Nadu	1119
29.	Telangana	352
30.	Tripura	13
31.	Uttar Pradesh	3253
32.	Uttarakhand	130
33.	West Bengal	696
Total		14027

PROCEDURE TO APPLY FOR FRESH MSC

- (i) Application for MSC can be made to the Commission in the prescribed format **(Annexure-1)**.
- (ii) Documents required along with the application.
 - If previously applied to the NCMEI for grant of MSC, attach copy of the final order of the Commission.
 - NOC/Copy of application for NOC along with proof of service to competent authority in case of deemed NOC
 - Affidavits
 - Affidavit in support of filing MSC application **(Annexure-2)**
 - Affidavit regarding not to deny admission to the eligible student from minority community. **(Annexure - 3)**
 - General Body Resolution (GBR) to obtain MSC from this Commission (GBR to be signed by the majority of the society member /company members/ Trustees)
 - Trust/ Society/ Charitable Company are required to attach:
 - Copy of registration certificate
 - Copy of MOA/Trust Deed.
 - Copy of amended MOA/ Trust Deed (if any)

Important Note: *The MoA/Amended MoA/ Trust Deed/ Amended Trust Deed must have Beneficiary clause "to support and promote the advancement of educational activities in all its branches, particularly spiritual, cultural, technical, moral and social education, primarily for benefit of _____community".*

- NITI Aayog Unique ID in case of registered Society/Trust
- Institution established and administered by an individual from minority community, the following documents are to be attached:
 - Identity proof
 - Residence proof
 - ITR for last three years (if applicable)
 - Documentary evidence (title or possession) of the institution
- List of founding members/trustees and present members/trustees, certified by the Competent authority.
- Copy of Affiliation/ Recognition letter issued by affiliating Central/ State/ Recognised Board/ University/ UGC. In case of professional institutions, recognition certificate by the regulatory body (Copy of Affiliation/ Recognition letter should clearly indicate the Validity period of Affiliation/ Recognition).

Photocopy/ Incomplete applications will not be entertained.

Please Note:

1. Application/Petition/Appeal and related documents, to be submitted at the reception of the Commission, and thereafter take receipt from the concerned clerk.
2. Five Sets of duly filed application alongwith the requisite documents are required to be submitted.
3. The Commission does not entertain application for linguistic minority.
4. Applicant institution whose application for grant of NOC under section 10 of the NCMEI Act 2004 has been rejected by the State Competent Authority, then the applicant can apply under Section 12A of the NCMEI Act, 2004 and as per NCMEI Procedure for appeal rules, 2006.
5. Applicant institution whose application for grant of MSC under section 12 B of the NCMEI Act 2004, has been rejected by an Authority can apply, as per NCMEI Procedure for appeal rules, 2006.
6. On filing the petition, the petitioner is required to submit envelope along with postal charges for sending communication by registered A.D, to respondent(s) and petitioner(s).

(The Declaration, Affidavit and Vakalatnama should be signed by the same person and who can be the following:

Institutions run by:

- (I) Individual-Owner
- (ii) Society - Chairman / President / Secretary
- (iii) Trust - Trustee/ Authorised signatory as per resolution)

PROCEDURE FOR FILING AN APPEAL AGAINST THE ORDER OF COMPETENT AUTHORITY OF THE STATE/UT GOVERNMENTS UNDER SECTION 12A OF NCMEI ACT, 2004

- Any person aggrieved by the order of refusal to grant NOC under sub-section (2) of section 10 of the NCMEI Act by the Competent Authority for establishing a MEI, may prefer an appeal against such order to the Commission within thirty days from the date of the order communicated to the applicant.
- The Commission may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.
- An appeal is to be made to the Commission in prescribed format (Annexure-4) alongwith the certified copy of the order against which the appeal has been filed.
- The Commission, after hearing the parties, pass an order and give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

Photocopy /Incomplete applications will not be entertained.

PROCEDURE FOR FILING AN APPEAL AGAINST THE ORDER OF COMPETENT AUTHORITY OF THE STATE/UT GOVERNMENTS UNDER SECTION 12 B OF NCMEI ACT, 2004

- Without prejudice to the provisions contained in the National Commission for Minorities Act, 1992 (19 of 1992), where an authority established by the Central Government or any State Government, as the case may be, for grant of minority status to any educational institution rejects the application for the grant of such status, the aggrieved person may appeal against such order of the authority to this Commission within thirty days from the date of the order as per section 12-B of the NCMEI Act.
- Provided that the Commission may entertain an appeal after the expiry of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.
- An appeal to the Commission shall be made in prescribed format **(Annexure-4)** along with the certified copy of the order against which the appeal has been filed.

Photocopy /Incomplete applications will not be entertained.

PROCEDURE FOR CANCELLATION OF MINORITY STATUS - SECTION-12C

Under Section-12C of the NCMEI Act 2004, the Commission may, after giving a reasonable opportunity of being heard to a MEI to which minority status has been granted by an authority or Commission, as the case may be, cancel such status under the following circumstances, namely:

- (a) if the constitution, aims and objects of the educational institution, which has enabled it to obtain minority status has subsequently been amended in such a way that it no longer reflects the purpose or character of a MEI.
 - (b) if, on verification of the records during the inspection or investigation, it is found that the MEI has failed to admit students belonging to the minority community in the institution as per rules and prescribed percentage governing admissions during any academic year.
- If a MSC has been obtained by practicing fraud or if there is any suppression of any material fact or any fundamental change of circumstances warranting cancellation of the earlier order, the authority concerned would be within its powers to cancel the MSC after affording an opportunity of being heard to the institution, in conformity with the principal of natural justice.
 - The State Government can prescribe percentage of Students from the minority community to be admitted in a minority educational institution taking into account the population and educational needs of the area in which the institution is located and also maintain balance between two objectives - preserving the right of the minorities to admit students of their own community and that of admitting "sprinkling of outsiders" in their institutions subject to the condition that the manner and number of such admissions should not be violative of the minority character of the institution.

RIGHTS OF MEIs

Institution after obtaining MSC, have the following rights: -

- Section 10 (A): MEI may seek affiliation to any University of its choice subject to such affiliation being permissible as per the statute of that University.
- Choose its governing body and appoint teaching and non-teaching staff.
- The management of MEI can use property and assets of the institution for its future development and expansion.
- To admit eligible students of their choice.
- Non-minority students cannot be forced upon it.
- Policy of reservation on admission cannot be enforced.
- The medium of instruction is entirely the choice of the management of the MEI.
- To devise its own fee structure.
- The policy of reservation in employment cannot be made applicable to a minority institution.
- MEIs are exempted from the RTE Act.

LANDMARK JUDGMENTS (Leading Cases)

The following judgments can be referred by the concerned MEI for guidance:

- (I) T.M.A. Pai Foundation vs. State of Karnataka (2002) 8 SCC 481, 2005 (6) SCC 537
- (ii) P.A. Inamdar vs. State of Maharashtra (2005) 6 SCC 537
- (iii) Azeez Basha vs. Union of India [AIR 1968 SC 662]
- (iv) D.A.V. College vs. State of Punjab [AIR 1971 SC 1731]
- (v) Pramati Educational & Cultural Trust & Others Vs. Union of India WP (c) No.416 of 2012 reported in "2014 AIR SCW 2859": 2014 (Section 1)
- (vi) In Re, Kerala Education Bill AIR 1958 SC 956
- (vii) Sisters of St. Joseph of Cluny vs. The State of West Bengal and Ors. CIVIL APPEAL NO. 3945 OF 2018 (Arising out of SLP (c) NO.35786 of 2016)
- (viii) Islamic Academy of Education and Aur. Vs. State of Karnataka - 2003 (6) Section 697

Where the provisions of the NCMEI Act, 2004 is silent or where there is no judgement of the Hon'ble Supreme Court/High Courts on issues pertaining to the minority character of the educational institution, in that scenario the wisdom of the Court of the Commission would prevail.

PUBLIC REACH

Important Notices

1. In order to streamline the process of filing application for grant of MSC, it has been decided that the Declaration, Affidavit and Vakalatnama should be signed by the same person, and who can be the following:

- (i) Individual-Owner
 - (ii) Society - Chairman / President / Secretary
 - (iii) Trust - Trustee/Authorised signatory as per resolution)
2. All the documents which are required to be submitted in the Court of Commission, must be made available at least five days before next date of hearing.

Enquiry no: 011 -23343782

For any query regarding the procedure for filing of MSC application or Appeal petitions, etc one can call on the above telephone number.

RTI

For information under RTI, the applicant can approach the Under Secretary who is the CPIO and Deputy Secretary is the First Appellate authority.

Website:

NCMEI Website (<http://ncmei.gov.in>)

NCMEI has its own website which is user friendly and updated with current content. Procedure for filing MSC application, checklist of mandatory documents, details of the nodal officers and State Competent Authority etc. are all available.

- ❖ Online search of cases according to State, Year and Community
- ❖ Daily Cause List /Court Orders / Judgments are uploaded
- ❖ Details of MSCs granted/issued to the MEIs along with Community are uploaded
- ❖ Annual reports of the Commission and important notices and circulars are also available on website.

Procedure for Obtaining Certified copy

Certified copies of the documents can be obtained, by submitting an application alongwith postal order of Rs 10 /- for per page.

AUTONOMOUS / ASSOCIATED BODIES / INSTITUTIONS WORK FOR THE WELFARE OF THE MINORITIES.

For all minority communities:

1. The Commissioner for Linguistic Minorities in India
2. The Maulana Azad Education Foundation
3. The National Commission for Minorities
4. The National Minority Development Finance Corporation
5. The National Commission for Minority Educational Institutions

Only for Muslims:

1. Dargah Khwaja Saheb Act

2. Central Waqf Board
3. National Waqf Development Corporation

PRIME MINISTER'S NEW 15 POINT PROGRAMME FOR THE WELFARE OF MINORITIES

(A) Enhancing Opportunities for Education

(1) Equitable Availability of ICDS Services

The Integrated Child Development Services (ICDS) Scheme is aimed at holistic development of children and pregnant/lactating mothers from disadvantaged sections, by providing services through Anganwadi Centres such as supplementary nutrition, immunization, health check-up, referral services, pre-school and non-formal education. A certain percentage of the ICDS projects and Anganwadi Centres is located in blocks/villages which has a substantial population of minority communities to ensure that the benefits of this scheme are equitably available to such communities also.

(2) Improving Access to School Education

Under the Sarva Shiksha Abhiyan (now Samagra Shiksha), the Kasturba Gandhi Balika Vidyalaya Scheme and other similar Government schemes, it is ensured that a certain percentage of all such schools are located in villages/localities having a substantial population of minority communities.

(3) Greater Resources for Teaching Urdu

Central assistance is provided for recruitment and posting of Urdu language teachers in primary and upper primary schools that serve a population in which at least one-fourth belong to that language group.

(4) Modernizing Madarsa Education

The Plan Scheme of Area Intensive and Madarsa Modernization Programme provides basic educational infrastructure in areas of concentration of educationally backward minorities and resources for the modernization of Madarsa education. The Scheme for Providing Quality Education in Madrasas (SPQEM) and Infrastructure Development in Minority Institutes (IDMI) has come under the umbrella Schemes for Providing Education to Madrasas and Minorities (SPEMM).

(5) Scholarships for Meritorious Students from Minority Communities

(6) Improving Educational Infrastructure through the Maulana Azad Education Foundation.

The Government provides all possible assistance to Maulana Azad Education Foundation (MAEF) to strengthen and enable it to expand its activities more effectively.

(B) Equitable Share in Economic Activities and Employment

(7) Self-Employment and Wage Employment for the Poor

- (a) The Swarnjayanti Gram Swarojgar Yojna (SGSY), now the National Rural Livelihood Mission (NRLN), the primary self-employment

programme for rural areas, has the objective of bringing assisted poor rural families above the poverty line by providing them income generating assets through a mix of bank credit and Governmental subsidy. A certain percentage of the physical and financial targets under the the scheme is earmarked for the beneficiaries belonging to the minority communities living below the poverty line in rural areas.

- (b) The Swam Jayanti Shahari Rojgar Yojana (SJSRY), now the Deendayal Antodaya Yojana-National Urban Livelihood Mission (DAY-NULN), consists of two major components namely, the Urban Self-Employment Programme (USEP) and the Urban Wage Employment Programme (UWEP). A certain percentage of the physical and financial targets under the scheme is earmarked to benefit people below the poverty line from the minority communities.
- (c) The Sampurna Grameen Rozgar Yojana (SGRY), now the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) is aimed at providing additional wage employment in rural areas infrastructure.

(8) Upgradation of Skills through Technical Training

A very large proportion of the population of minority communities is engaged in low-paid technical work or earns then living as handicraftsmen. Provision of technical training to such people upgrades their skills and earning capability. Therefore, a certain proportion of all new ITIs are located in areas predominantly inhabited by minority communities and a proportion of existing ITIs are upgraded to 'Centers of Excellence' is selected on the same basis.

(9) Enhanced Credit Support for Economic Activities

- a) The National Minorities Development & Finance Corporation (NMDFC) was set up in 1994 with the objective of promoting economic development activities among the minority communities. The Government is committed to strengthen the NMDFC by providing it greater equity support to enable it to fully achieve its objectives.
- b) Bank credit is essential for creation and sustenance of self-employment initiatives. A target of 40% of net bank credit for priority sector lending has been fixed for domestic banks. The priority sector includes, inter alias, agricultural loans, loans to small- scale industries & small business, loans to retail trade, professional and self-employed persons, education loan, housing loan and micro-credit. It is ensured that an appropriate percentage of the priority sector lending in all categories is targeted for the minority communities.

(10) Recruitment to State and Central Services

- a) In the recruitment of police personnel, State Governments are advised to give special consideration to minorities. For this purpose, composition of selection committee is made representative.
- b) The Central Government takes similar action in the recruitment of

personnel to the Central police forces.

- c) Large scale employment opportunities are provided by the Railways, nationalized banks and public sector enterprises. In these cases also, the concerned Departments ensures that special consideration is given to recruitment from minority communities.
- d) An exclusive scheme is launched for the candidates belonging to the minority communities for providing coaching in government institutions as well as in credible private coaching institutes.

(C) Improving the Conditions of Living of Minorities

(11) Equitable Share in Rural Housing Scheme

The Indira Awaas Yojana (IAY), now Prime Minister Awas Yojna (PMAY) provides financial assistance for shelter to the rural poor living below the poverty line. A certain percentage of the physical and financial targets under the scheme is earmarked for beneficiaries from poor minority communities living in rural.

(12) Improvement in Condition of Slums Inhabited by Minority Communities

Under the schemes of Integrated Housing & Slum Development Programme (IHSDP) and Jawaharlal Nehru National Urban Renewal Mission (JNNURM), now Atal Mission for Rejuvenation of Urban Transport (AMRUT) the Central Government provides assistance to States/UTs for development of urban slums through provision of physical amenities and basic services. It is ensured that the benefits of these programmes flow equitably to the members of the minority communities and to cities/slums, predominantly inhabited by minority communities.

(D) Prevention & Control of Communal Riots

(13) Prevention of Communal Incidents

In the areas, which have been identified as communally sensitive and riot prone, district and police officials of the highest known efficiency, impartiality and secular record is posted. In such areas and even elsewhere, the prevention of communal tension is one of the primary duties of the District Magistrate and Superintendent of Police. Their performance in this regard is an important factor in determining their promotion prospects.

(14) Prosecution for Communal Offences

Severe action is taken against all those who incite communal tension or take part in violence. Special Court specifically earmarked to try communal offences is set up so that offenders are brought to book speedily.

(15) Rehabilitation of Victims of Communal Riots

Victims of communal riots is given immediate relief and provided prompt and adequate financial assistance for their rehabilitation.

NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS

Ministry of Education

(Govt. of India)

APPLICATION FORM FOR MINORITY STATUS CERTIFICATE

APPLICABLE (w.e.f. September, 2024)

1. (a) Institution run by:- (Tick the appropriate)

- Individual
- Trust
- Society

Institutions administered by a Trust/Society are required to furnish the unique ID provided by NGO

Darpan (portal Url: <http://ngo.india.gov.in>). The details given in the form should match with the corresponding details of NGO Darpan. (Not applicable for the institution run by an individual).

- a) Name and address of the institution.
 - b) UDISE/AISHE Code
 - c) Copy of Report Card on UDISE Portal
 - d) The year of its establishment.
 - e) Name along with the complete postal address of the Trust/Society (The address should match with the corresponding details provided by the Trust / Society on the NGO Darpan).
 - f) Details of the Individual/President or Secretary of the Trust/ Society
 - Name
 - Postal address (with PIN Code)
 - Contact Number
 - e-mail ID
 - (g) Name and addresses of the founding Members/ Mutwallis/ Trustees and their religion.
 - (h) Names and Addresses of the present Trustees/ Mutwallis/ Members of the Governing Body and their religion.
2. Whether the applicant institution has been established and administered by Religious minority. Proof of religion to be attached (Tick the appropriate)

Muslim	Christian	Sikh	Jain	Buddhist	Parsee
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3. Whether the applicant institution has applied to authority established by

the Central Govt. Or State Govt. as per the provision contained in the National Commission for Minorities Act, 1992 (19 of 1992) for grant of Minority Status Certificate? If so, furnish the status of the application. (Tick the appropriate)

- o Whether Minority Status Certificate application is pending before the State Authority.
 - o Minority Status Certificate application has been rejected (If yes, then the applicant has to apply under Section 12B of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006).
 - o Minority Status Certificate already granted
4. Whether applied to the State Competent Authority for grant of No Objection Certificate under Section-10 of National Commission for Minority Educational Institutions Act, 2004 . If yes, provide the following information: (Copy of the NOC application is also required to be attached)
- a. Date of application
 - b. Acknowledgement / Proof of Service
 - c. Status of the application: (Tick the appropriate)
 - (i) Application pending
Whether reminder(s) have been sent to the competent authority, if yes, provide the dates. (Copy of the reminder(s) and replies received, if any, in this regard is also required to be attached)
 - (ii) NOC granted by State Government
 - (iii) Application rejected (If yes, then the applicant has to apply under Section 12A of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006).
5. Whether the applicant institution has ever applied to the NCMEI for grant of Minority Status Certificate? If so, furnish reference number. (Copy of the final order of the Commission is required to be attached)
- (i) Whether the minority status of the applicant institution has been withdrawn/ cancelled by legal authority at any time? If yes, provide the details.
 - (ii) Whether the name of the institution or its ownership has changed since its inception and if so the details thereof.
 - (iii) Whether any judicial forum including Hon'ble Supreme Court or Hon'ble High Court has been approached for grant of minority status? If so, furnish details and give present status.
6. Details pertaining to the Institution
- Level of Education: - (Tick the appropriate)
- Madarsa

- Primary
- Secondary
- Higher Secondary
- Higher Education
 - General Degree
 - Technical includes professional/any other (Specify the stream)

(a) Numbers of existing teachers/ faculties and students from minority communities for last three academic years, where applicable

	Number of Teachers/Faculties and students in academic year							TOTAL
	Muslim	Christian	Sikh	Jain	Buddhist	Parsee	Hindi	A+B+C+
	A	B	C	D	E	F	+ Other (G)	D+E+F+G
Teachers/ Faculties								
Students								

7. (i) Whether the Trust/ Society of the applicant institution is registered under the Indian Registration Act/Societies Registration Act.
- (ii) Trust/ Society are required to attach:
- Copy of registration certificate
 - Copy of MOA/ Trust Deed
 - Copy of amended MOA/ Trust Deed (if any)
- (iii) Individual is required to attach
- Identity proof
 - Residence proof
 - ITR for last three years(if applicable)
 - Documentary evidence (title or possession) of the institution
8. Details of affiliation either to the Central/ State Board or any Govt. Recognized Board or University or UGC (Copy of affiliation to be attached)
- Date of affiliation
 - Valid Upto
9. Details of Recognition by the Regularity Body (Applicable for technical & professional Institute)
- Name of the Regularity Body
 - Recognition Valid upto
 - Details of the institutions run by the same Society/Trust which have been granted MSC by the Commission:

- Details of the institutions run by the same Society/Trust whose case is ongoing
10. Whether the institution has ever been de-recognised by the respective affiliating / regulatory body?
 11. Whether the institution is aided / un-aided.

DECLARATION

I _____ Chairman/President/Secretary on behalf of the _____ Trust/Society, hereby declare that particulars furnished above are true to the best of my knowledge and belief, and that, if any detail is found on verification/ inspection to be false, the Commission shall cancel the minority status certificate awarded to the institution. The decision of the Commission in this regard shall be final.

Place: _____ Chairman/ President /Secretary
 Date: _____ (for and on behalf of the Institution)

Please note

1. Five Sets of duly filed application form along with the requisite document are required to be submitted.
2. The Commission does not entertain application for linguistic minority.
3. Applicant institution whose No Objection Certificate application under section 10 of the NCMEI Act 2004 has been rejected by the State Competent Authority, then the applicant has to apply under Section 12A of NCMEI Act, 2004 and as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006
4. Applicant institution whose Minority Status Certificate application under section 12 B of the NCMEI Act 2004 has been rejected by an Authority, is required to apply as per appeal procedure as mentioned in rule 4 of procedure for filing the appeal, 2006.
5. On filing the petition, the petitioner is required to attach duly stamped envelope for sending communication by registered A.D, to the respondents and petitioner.

**BEFORE THE NATIONAL COMMISSION FOR
MINORITY EDUCATIONAL INSTITUTIONS
AFFIDAVIT**

(Name _____), (S/o or D/o _____) (Age ____) (R/o _____ address) do hereby solemnly affirm and

state as under:-

I state that I am the President or Secretary of _____ (Society/Trust/Charitable Company) and as per the resolution dated _____ Passed by the aforesaid Society/ Trust/ Charitable company, I have been duly authorized to swear this affidavit for the purpose of obtaining minority status certificate from the Hon'ble National Commission for Minority Educational Institutions, New Delhi.

I state that the applicant institution namely (Name of the School or College) was established in the year _____ by (Name of Society/Trust/Charitable company) which is a registered (Society/Trust/Charitable company) constituted by the members of (Muslim/ Christian /Sikh /Budh /Parsi or Jain) community.

I state that the applicant institution namely (Name of the School or College) was established and is being administered by (Name of Society/Trust/Charitable Company) primarily for the benefit of (Muslim/

Christian /Sikh / Buddh / Parsi or Jain) minority community.

I state that (Name of the School or College) is an aided/un-aided institutions and the level of the institution is (Elementary/ Secondary /Senior Secondary / Degree College/Nursing College/medical College/ Engineering College etc.) recognized by (name of the Board) and affiliated to (Board or University).

That I hereby undertake that the applicant institution shall admit all eligible students from the (Muslim /Christian /Sikh / Buddh /Parsi or Jain) Minority Community. I further state that this institution shall not Deny admission to eligible students from the (Muslim/Christian/Sikh/Budh/Parsi or Jain) minority Community.

That the averments made in the petition and statements given in Para No. 1 to 11 of the Hon'ble Commission's prescribed format are true and correct to the best of my knowledge.

Deponent

Verification

Verified at _____ on the _____ Day of _____ and state that the contents stated above are true and correct to my knowledge and nothing materials has been concealed there from.

Deponent

**BEFORE THE NATIONAL COMMISSION FOR
MINORITY EDUCATIONAL INSTITUTIONS
AFFIDAVIT**

I, _____, D/o. _____ and authorized signatory as per resolution of _____, aged about _____ years, R/o _____ do hereby solemnly affirm and state as under:-

I hereby undertake that _____ shall admit all eligible students from the _____ Minority Community. I further state that this institution shall not deny admission to any eligible students from the _____ Minority Community.

That hence it is prayed that this Hon'ble Commission may be pleased to declare the said institution as a minority institution within the meaning of section 2 (g) of the NCMEI Act, 2004.

DEPONENT

VERIFICATION

Verified at _____ on the day of 2023 and state the contents stated above are true and correct to my knowledge and noting materials has been concealed there from.

DEPONENT

FORM NO.1

[See rule 4]

MEMORANDUM OF APPEAL UNDER SECTION 12A(1) AND 12B(1) OF
THE NATIONAL
COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS ACT, 2004

For use of Commission's office

Date of filing: _____

Date of receipt by post: _____

Registration No: _____

Signature

Secretary

**IN THE NATIONAL COMMISSION FOR
MINORITY EDUCATIONAL INSTITUTIONS**

_____ Appellant

_____ Respondent (s)

Details of appeals:

- 1 (a) Name and address of the Institution
(b) Name and address of the President/Secretary of the Trust/Society
2. Whether the appellant institution's claim is based on religious or linguistic minority?
3. Whether the appellant institution has been established or administered by:-
(a) Religious minority, or
(b) Linguistic minority
4. Particulars of the respondent(s) including address for service of notice
5. Particulars of the order under appeal:-

Order Number :

Date of the order:

Name of the authority, whose order has been challenged in the appeal:

6. Limitation. - The appellant further declares that the appeal is within the limitation prescribed under the Act.

7. Facts of the case and orders passed by the competent authority - The facts of the case are given below:
(Give herein a concise statement of facts and grounds of appeal against the order passed by the competent authority.)
8. Matter not pending with any other Commission, etc. - The appellant further declares that the matter regarding which this appeal has been made is not pending before any commission of law or any other authority or any other Tribunal.
9. Relief sought. - In view of the facts mentioned in paragraph eight above, the appellant prays for the following reliefs; (specify below the reliefs sought by the appellant).
10. Details of indeed. - An index in duplicate containing the details of the documents to be relied upon is enclosed.
11. List of enclosures:

VERIFICATION

I, _____ (name in full in block letters) son / daughter / wife of
Sh. _____ Do hereby verify that the contents of paras 1 to 11 are true to
personal knowledge and belief and that I have not suppressed any material
facts.

Signature of the Appellant
