

**U.T Administration of Daman & Diu**  
**Directorate of Education**  
**Daman & Diu**  
**Daman**

No.DE/ADM/NCMEI/Crit/2014-15/1590

Date: 02 MAR 2015

**Read:** Letter No.7-8/2012-MC dated 19/06/2013 of GOI, Ministry of Human Resource Development, Dept. of Higher Education, Minority Cell.

**NOTIFICATION**

In pursuance of letter No. 7-8/2012-MC dated 19/06/2013 of Ministry of Human Resource Development, Department of Higher Education and Minority, Government of India, the Administrator of UT of Daman & Diu is pleased to notify the guidelines/criteria for determination of Minority Status to an Institution established and administered by the Minority Community.

**Guidelines /Criteria for determination of Minority Status to an Institution established and administered by the Minority Community**

1. A "Minority Educational Institution" established and administered by the Minorities under Article 30 of the Constitution of India shall have to prove by production of satisfactory evidence that the Institution was established by the said Minority Community; such as -
  - (i) that the Educational Institution was established by a member /members of the Minority Community;
  - (ii) that the Educational Institution was established for the benefit of the Minority Community and ;
  - (iii) that the Educational Institution is being administered by the Minority Community.
2. The aforesaid facts may be proved either by direct or circumstantial evidence. 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 the members of the society, as the case may be, must be from the minority community and the trust deed /Articles of Association or any other document duly executed in this regard must reflect the objective of sub-serving the interest of the minority community. In the absence of any documentary evidence some clear or cogent evidence must be produced to prove the aforesaid facts. There is no bar to the members of other communities to extend their help to the member of a minority community to establish an educational institution of its choice.
3. Power of Commission to decide on the minority status of an Educational Institution (section 12B of National Commission for Minority Educational Institutions Act, 2004) –(1) 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 the 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 the Commission.
  - (2) An appeal under sub-section (1) shall be preferred within thirty days from the date of the order communicated to the applicant:

Provided that 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.

(3) An appeal to the Commission shall be made in such form as may be prescribed and shall be accompanied by a copy of the order against which the appeal has been filed.

(4) On receipt of the appeal under sub-section (3), the Commission may, after giving the parties to the appeal an opportunity of being heard, decide on the minority status of the educational institution and shall proceed to give such direction as it may deem fit and, all such directions shall be binding on the parties.

Explanation – For the purposes of this section and section 12 C, “authority means any authority or officer or commission which is established under any law for the time being in force or under any order of the appropriate Government, for the purpose of granting a certificate of minority status to an educational institution.

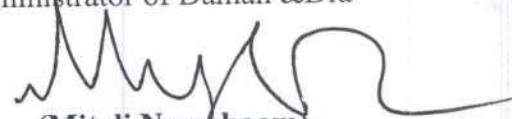
#### 4. Cancellation of Minority Status Certificate

The Minority Status Certificate granted by the authority can be cancelled under section 12C of the National Commission for Minority Educational Institutions Act, 2004 on violation of any of the conditions enumerated therein. Section 12C is as under:-

**12C. Power to cancel** – Any authority or officer or the Commission for the purpose of granting a certificate of Minority Status to an Educational Institution, such authority may after giving a reasonable opportunity of being heard to a Minority Educational Institution to **which minority status has been granted by an authority or Commission, as the case may be,** cancel such status under the following circumstance;

If the constitution, aims and objectives 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 Minority Educational Institution.

By order and in the name of the  
Administrator of Daman & Diu

  
(Mitali Namchoom)  
Director (Education),  
Daman & Diu,  
Daman

Copy to:

- 1) The Staff Officer to Administrator, Secretariat, Daman
- 2) The Secretary (Education), Secretariat, Daman
- 3) The Special Secretary (Education), Secretariat, Daman
- 4) The Director (Education), Collectorate, Daman
- 5) The Dy. Director (Education), Daman
- 6) The Asstt. Director (Education), District Panchayat, Daman
- 7) The Asstt. Director (Education), Collectorate, Daman
- 8) The Education Officer, District Panchayat, Diu
- 9) The Dy. Director, Govt. Printing Press, Daman to publish the same in Official Gazette.
- 10) The Asstt. Director (OL), Daman for translation in to Hindi Version
- 11) The DIO, NIC Daman for uploading on website.
- 12) Office file

## APPLICATION FOR MINORITY STATUS CERTIFICATE

1. (a) Name and address of the institution

(b) Name and address of the President/Secretary of the trust/ Society

2. Whether the applicant's institution claim is based on religious or linguistic minority?

3. Whether the applicant's institution has been established or administered by:-

(a) Religious Minority or

(b) Linguistic Minority

(Direct or circumstantial evidence must be attached, in the absence of any documentary evidence some clear or cogent evidence must be produced to prove that the institution was established & being administered by Minority Community)

### **4. Details pertaining to the Society/Trust**

(a) Name and address of the Society/Trust

(b) Whether it is registered (attach a copy of the certificate of registration)

(c) Attach a copy of the MOA of Society/Trust deed

(d) Name and address of the founding members/Mutwallis/Trustees and specify their religion/minority language.

(e) Whether the MOA of the Society/Trust deed has been amended at any time and if yes, attach a copy of the amendments.

### **5. Details pertaining to the Institution**

(a) The year in which the institution has been established.

(b) Who established the Institution?

(c) Names and addresses of the Trustees /Mutwallis/Members of the Governing Body and specify their religion/minority language.

(d) Whether the Trust/Society of the applicant's institution has been recognised by any court or competent authority as religious or linguistic minority institution? If yes, provide details.

(e) Whether the minority status of the applicant institution has been withdrawn by the competent authority at any time. If yes, on what grounds.

(e) Whether the name of the institution or its ownership has changed since its inception and if so the details thereof.

(f)Have you ever approached any judicial forum including Supreme Court or High Court regarding minority status certificate? If so, furnish details and give present status.

(g)Is the institution affiliated to the State Board or Central Board or University? Furnish details including copy of order/letter of affiliation.

**6. Whether the institution is aided or un-aided.**

**DECLARATION**

I \_\_\_\_\_ Chairman/Secretary/any authorised officer on behalf of the \_\_\_\_\_ society, hereby aver that the particulars furnished above are true to the best of my knowledge and that if any detail is found on verification/ inspection to be otherwise, the institution shall forfeit the minority status certificate awarded to it. The decision of the minority status certificate issuing authority in this regard shall be final.

Chairman/Secretary/Authorised Officer  
(for and on behalf of the Institution)

Place:

Date: