

F. No. 7-10/ 2015-NCMEI
GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS

Subject: Minutes of the meeting with competent authorities of the State/ UT Governments held on 18th November, 2019 from 11:30 a.m. onwards in the Conference Hall of the Commission.

Present: Justice Narendra Kumar Jain, Hon'ble Chairman
Dr. Naheed Abidi, Hon'ble Member
Dr. Jaspal Singh, Hon'ble Member
Shri Manoj Kumar Kejrewal, Secretary
Shri Jagdish Singh, Deputy Secretary
Shri Jayprakash, Under Secretary
Representative/ competent authorities of the State/ UT (As per list)

A meeting with the competent authorities of the State/ UTs was held under the Chairmanship of Hon'ble Chairman, NCMEI on 18.11.2019 from 11:30 a.m. onwards. The agenda of the meeting was to sensitize the stakeholders about the provisions of the NCMEI Act 2004 and the challenges faced by NCMEI in issuing of Minority Status Certificate (MSC) to the MEIs. List of participants attached.

In his opening remarks, Hon'ble Chairman welcomed all the participants and emphasized on the Article 30(1) of the Constitution, which provide religious minorities / linguistic minorities a fundamental right to establish and administer educational institutions of their choice. Further, he informed that as on 14.11.2019, 13561 MSC have been granted by NCMEI, out of which 4687 MSCs have been granted to MEIs from the State of Kerala.

He expressed concern about the lack of data on MSCs granted by the States/ UTs and emphasized that there is a need to have a uniform mechanism for grant of NOC/ MSC.

Hon'ble Member Dr. Naheed Abidi welcomed the participants.

While welcoming the participants, Dr. Jaspal Singh, emphasized that regular meetings with the States/ UTs should be held and a robust mechanism to issue NOC/ MSC be put in place by every State / UT Government. He expressed that all the State / UTs need to interact frequently with NCMEI.

Secretary, NCMEI gave a detailed presentation about the provisions of the NCMEI Act, 2004 and the challenges being faced by the NCMEI in issue of MSC.

Mr. K.V. Muraleedharan, Special Secretary, Kerala informed that the process of appointing the Competent Authority U/s 2(ca) is at final stage and the same would be communicated to the NCMEI shortly. The Hon'ble Chairman raised the issue about the State's response on the NOC application wherein the petitioner is informed that the State is not granting MSC and approach the Commission for obtaining minority status. He advised the State to either accept or to reject the NOC application within 90 days from its receipt.

Mr. Jata Shankar Choundhary, Special Secretary cum Director Secretary Education, Jharkhand informed that the State has appointed competent authority to grant NOC and assured the Commission to take action on the NOC application within 90 days from its receipt.

The representative from the State of Gujarat referred to the letter sent by the State regarding extension of time to respond on the NOC application. To which Hon'ble Chairman clarified that time extension beyond 90 days is outside the purview of NCMEI Act and hence the Competent Authority has to decide within 90 days. In reply to the query from the State regarding direct submission of MSC application to the NCMEI, the Hon'ble Chairman reiterated the Hon'ble Supreme Court's judgement in the matter of Sisters of St. Joseph of Cluny Vs. The State of West Bengal and Ors. in which it was held that any person who desires to establish a MEI after the

amendment Act of 2006 must apply to the competent authority appointed by the State / UT for grant of NOC.

The Joint Director from Himachal Pradesh observed that the State faces problems in issue of NOC to those institutions which do not have students from the minority community in their respective areas. In response, Hon'ble Chairman clarified that the State / UT can prescribe percentage governing admission in a minority educational institution and only percentage of minority population cannot deny the fundamental right of an institution to be declared as MEI.

Secretary (Education), Arunachal Pradesh informed that the State is in the process of preparing guidelines for grant of MSC and assured the Commission to take action on the NOC application within the time frame.

The meeting ended with the vote of thanks to the Chair.