

No. 11-CIC/2016-NCMEI

GOVERNMENT OF INDIA

**NATIONAL COMMISSION FOR MINORITY EDUCATIONAL
INSTITUTIONS**

**PRO-ACTIVE DISCLOSURE UNDER SECTION 4(1)(b) OF RIGHT TO
INFORMATION ACT, 2005**

1. The particulars of the organization, function and duties:

- i. The National Commission for Minority Educational Institutions was established in 2004. The Government brought out an Ordinance in November 2004 establishing the Commission. Later a Bill was introduced in the Parliament in December 2004 and both Houses passed the Bill. The NCMEI Act was notified in January 2005. Under the Prime Minister's New 15 Point Programme for Welfare of Minorities there will be definite goals which are to be achieved in specific time frame. On high priority is enhancing opportunity for education.
- ii. The Commission is mandated to look into specific complaints regarding deprivation or violation of rights of minorities to establish and administer educational institutions of their choice. Protection of rights of minorities are enshrined in Article 30 of the Constitution which states that "all minorities, whether based on religion or language shall have the right to establish and administer educational institutions of their choice".
- iii. Thus, the Commission can look into any complaints relating to violation and deprivation of rights of minorities to establish and administer educational institutions of their choice.
- iv. This Commission is a quasi-judicial body and has been endowed with the powers of a Civil Court. It is to be headed by a Chairman who has been a Judge of the High Court and three members are to be nominated by Central Government. The Commission has 3 roles namely adjudicatory function, advisory function and recommendatory powers.
- v. So far as affiliation of a minority educational institution to a university is concerned, the decision of the Commission would be final.

- vi. The Commission can make recommendations to the Central Government and the State Governments regarding any matter which directly or indirectly deprives the minority community of their educational rights enshrined in Article 30.
- vii. The empowerment of the Commission has provided a much needed forum for the minority educational institutions to highlight their grievances and to get speedy relief. The subject matter of a petition / complaint include non issue of No Objection Certificate (NOC) by the State Governments, delay in issue of NOC, refusal / delay in issue of minority status to minority educational institutions, refusal to allow opening of new colleges / schools / institutions by minorities, refusal to allow additional courses in minority educational institutions, delay / refusal in the release of grants in-aid, refusal to give financial assistance, denial of permission to create new posts of teachers in minority educational institutions even though there is increase in the number of students, approval of appointment of teachers being denied, non equality in pay scales of minority schools teachers as compared to Government school teachers denial of teaching aids and or other facilities like computers, library, laboratory etc. to minority educational institutions on par with Government institution, non availability of books in Urdu in all subject for students of Urdu school, non appointment of Urdu knowing teachers, in adequate payment to Madrasa employees, non-release of grants to Madrasa, non-payment of retirement benefits to teachers and non-teaching staff of minority schools, extension of Sarva Shiksha Abhiyan facilities to minority educational institution especially in the deprived rural areas etc.

2. The Powers and duties of the Commission:

- i. Advise the Central Government or any State Government on any question relating to the education of minorities that may be referred to it;
- ii. 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;
- iii. 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;
- iv. 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;

- v. Specify measures to promote and preserve the minority status and character of institutions of their choice established by minorities;
- vi. Decide all questions relating to the status of any institution as a Minority Educational Institution and declare its status as such;
- vii. Make recommendations to the appropriate Government for the effective, implementation of programmes and schemes relating to the Minority Educational Institutions; and
- viii. 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.

3. Procedure followed in decision-making process including channels of supervision and accountability:

Regarding Judicial aspects, it may be mentioned that every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code (45 of 1860) and the Commission shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974). Hence, judicial matters are heard in NCMEI Court by the Chairman/Members of the Commission and decisions taken thereon accordingly.

For administrative works, the NCMEI follows the procedure indicated in Manual of Office Procedure (MOP) for decision-making. The Section Officer proposes Action with the help of staff (Assistant, UDC/LDC) posted in his section in accordance with the departmental instructions prescribing the level of final disposal and channel of submission for each category of cases. The Section Officer normally submits the file to Under Secretary who in turn submits the file to Deputy Secretary. DS submit the file to the Secretary. Level of submission depends on the delegation of power in administrative and financial issues. Each officer in the channel is accountable with respect to submission of true facts, but the ultimate accountability lies with the highest level approving a proposal or taking decision.

4. The norms set by it for the discharge of its functions:

The Commission follows the National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006. Every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code (45 of 1860) and the Commission shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

5. Rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions:

There are following NCMEI Rules, which are followed for decision making:

- i. National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006.
- ii. National Commission for Minority Educational Institutions (Salaries and Allowances and Conditions of Service of Chairperson and other Members) Rules, 2006.
- iii. National Commission for Minority Educational Institutions (Annual Statement of Accounts) Rules, 2006.
- iv. National Commission for Minority Educational Institutions (Annual Report) Rules, 2005.
- v. National Commission for Minority Educational Institutions (Financial and Administrative Powers) Rules, 2005.

6. A statement of the categories of documents that are held by it or under its control:

There are mainly two wings in the Commission, (i) Judicial Wing and (ii) Administration Wing. Files related to judicial matters are kept in Judicial Wing and the files relating to administrative matters are kept in Administration Wing.

7. Particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof.

The National Commission for Minority Educational Institutions performs its functions as per National Commission for Minority Educational Institutions (Procedure for Appeal) Rules, 2006.

8. **A statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public:**

No such body exists in this Commission.

9. **A directory of its officers and employees:**

| S. No. | Name & Designation | Tel. No. (Office) | Tel. No. (Res.) | Email address |
|--------|---|----------------------|-----------------|-------------------------|
| 1. | Chairman (vacant) | 23367760 23343765 | | chairman.ncmei@nic.in |
| 2. | Dr. Baltej Singh Mann (Member) | 23367756 | 9814323325 | mannbs2001@yahoo.com |
| 3. | Dr. Naheed Abidi (Padmashri) Member | 23367757 | 9868277884 | abidi.ncmei@gov.in |
| 4. | Member (vacant) | | | |
| 5. | Mrs. Saroj Punhani Secretary | 23367759 | 9811644460 | secretary.ncmei@nic.in |
| 6. | Shri Sandeep Jain Deputy Secretary | 23367761 | 9911271412 | sandeepjain.edu@nic.in |
| 7. | Shri Jayprakash Under Secretary | 23367758 | 9163261349 | jp.ncmei@gov.in |
| 8. | Mrs. Tripatha Sharma Section Officer | 23343782 | 9711184636 | triptasharma.edu@nic.in |

Name, designation, phone number, mobile number and e-mail addresses of important officers of the Commission are given below:

10. Monthly remuneration received by each of its officers and employees, Including the system of compensation as provided in its regulations:

The pay scales of the Commission are as under:

| S. No. | Name of the Post | Scale of Pay (Revised Pay) |
|--------|------------------------|---|
| 1. | Chairman | Rs. 80, 000 (Fixed) |
| 2. | Member | Rs. 80, 000 (Fixed) |
| 3. | Secretary | Rs. 37,400-67,000 Grade Pay Rs. 10,000 |
| 4. | Deputy Secretary | Rs. 15,600-39,100 Grade Pay Rs. 7,600 |
| 5. | Sr. PPS | Rs. 15,600-39,100 Grade Pay Rs. 7,600 |
| 6. | Under Secretary | Rs. 15,600-39,100 Grade Pay Rs. 6,600 |
| 7. | Section officer | Rs. 9,300-34,800 Grade Pay 4,600 |
| 8. | Private Secretary | Rs. 9,300-34,800 Grade Pay 4,600 |
| 9. | Assistant | Rs. 9,300-34,800 Grade Pay 4,200 |
| 10. | Personal Assistant | Rs. 9,300-34,800 Grade Pay 4,200 |
| 11. | Librarian | Rs. 9,300-34,800 Grade Pay 4,200 |
| 12. | Accountant | Rs. 9,300-34,800 Grade Pay 4,200 |
| 13. | Urdu Translator | Rs. 9,300-34,800 Grade Pay 4,200 |
| 14. | Stenographer Grade - D | Rs. 5,200-20,200 Grade Pay 2,400 |
| 15. | Reader/UDC | Rs. 5,200-20,200 Grade Pay 2,400 |
| 16. | LDC | Rs. 5,200-20,200 Grade Pay 1,900 |
| 17. | Staff Car Driver | Rs. 5,200-20,200 Grade Pay 1,900 |
| 18. | Daftry | Rs. 5,200-20,200 Grade Pay 1,800 |
| 19. | Peon | Rs. 5,200-20,200 |

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|--|--|-----------------|
| | | Grade Pay 1,800 |
|--|--|-----------------|

11. Budget allocated to each of its agency indicating the particulars of all plans, proposed expenditures and reports on disbursements made.

This Commission does not provide funds to any agency.

12. The manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes:

This Commission does not provide any subsidy on any programme.

13. Particulars of recipients of concessions, permits or authorizations granted by it:

Not applicable in the case of this Commission.

14. Details in respect of information, available to or held by it, reduced in an electronic form:

Details of educational Institutions to whom minority status has been granted by this Commission is available on the website of this Commission. Annual Reports of the Commission are also available on the website.

15. The particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use:

The Commission has all relevant information and forms etc. available at its reception counter for information of general public. A helpline number (011- 2334 3782) has also been provided on the website for general public.

16. Public Information Officer

The Commission has designated Shri Sandeep Jain, Deputy Secretary, NCMEI as the Public Information Officer of the Commission. The address and the telephone nos. of PIO are as under:-

Shri Sandeep Jain, Deputy Secretary, NCMEI & Public Information Officer

Office Address: Gate No. 4, 1st Floor, Jeevan Tara Building 5, Sansad Marg, New Delhi- 110 001 Office Tel. No. 23367761 Fax No. 23343766

First Appellate Authority

Mrs. Saroj Punhani, Secretary has been designated as the First Appellate Authority (FAA) of the Commission. The address and the telephone nos. of FAA are as under:

Office Address: Gate No. 4, 1st Floor, Jeevan Tara Building 5, Sansad Marg, New Delhi- 110 001 Office Tel. No. 23367759 Fax No. 23343766

17. Such other information as may be prescribed and thereafter update these publications every year:

For more details, please visit Commission's website, www.ncmei.gov.in.