



IMPACT OF EXEMPTION UNDER ARTICLE 15(5) W.R.T. ARTICLE 21A OF THE CONSTITUTION OF INDIA ON EDUCATION OF CHILDREN OF MINORITY COMMUNITIES

Report
March 2021





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PREFACE



The National Commission for Protection of Child Rights has been set up under the Commission for Protection of Child Rights (CPCR) Act, 2005 to ensure that children enjoy their rights and develop in a free and fair environment. To realize this aim, Section 13 of the said Act assigned certain functions to the Commission that intend to ensure that the legal and constitutional rights of children are protected.

Our Constitution acknowledged the importance of education and in 2002 inserted right to education as a fundamental right for all children. Later in 2009, the Law was enacted to extend this right of free and compulsory education to children without discrimination. The Right to Education (RTE) Act, 2009, is anchored in the belief that the values of equality, social justice and democracy and the creation of a just and humane society can be achieved only through provision of inclusive education to all.

With a view to provide opportunities to children from different religious and linguistic minority communities to have a distinct culture, script and language and to conserve the same, Article 30 of the Indian Constitution states the right of minorities to establish and administer educational institutions. Subsequently, in 2012, through amendment, the institutions imparting religious education were exempted from following the RTE Act. Later on, in 2014, while discussing the validity of exemption under Article 15 (5), the Hon'ble Supreme Court declared the RTE Act inapplicable to schools with minority status with the view that the Act should not interfere with the right of minorities to establish and administer institutions of their choice.

As this is creating a conflicting picture between fundamental right of children and right of minority communities, it was observed that many children who are enrolled in these institutions and/or schools were not able to enjoy the entitlements that other children are enjoying because the institution they are studying in is exempted and is enjoying the rights of minority institution. The effort to explore and hold wider consultations with the students, teachers and communities, began in 2015-16. Since then 16 such consultations have been organized. Also, the topic was discussed during a consultation meeting with the State Commissions in 2017 where 80 participants including Chairpersons and Members of 19 State Commissions and National Commission passed a charter of recommendations including to study this impact. Therefore, it was felt important to further explore as to how the exemption under Article 15 (5) of the Constitution has benefited the children of minority communities.

Thereafter, NCPCR took the initiative to conduct a research study to examine the impact of these exemptions on the education of children studying in minority schools across the country. This Report is a result of both secondary data analysis of the trends pertaining to minority schools as well as qualitative consultations with stakeholders of minority schools such as students, teachers and principals. The report provides a reliable and comprehensive analysis which produces useful recommendations to ensure that the

benefits of the fundamental right to education reach every child in the country.

I would like to thank Mr. Adil Zainulbhai, Chairman, Quality Council of India (QCI) and Dr. R.P. Singh, Secretary General, QCI and their team for the undertaking this study.

I would like to extend my whole hearted gratitude to all the State Commissions for supporting the idea and contributing in initiating the effort to develop a deeper understanding into the issue. Also, my sincere thanks to all the Members of RTE's National Advisory Council; Members of National Monitoring Committee for Minorities' Education (NMCME); Mr. Javed Malik, Ms. Rubina Khatib Siddique, Ms. Arti Kujur, Ms. Asma Sheikh, Mr. Tanveer Ahmed, Shri Iqbal Ansari, Ms. Mamoon Akhtar, Mr. Abdul Kayyum Ansari, Ms. Mohammedi Mewati, Maulana Zirghamuddin, Mr. K Chitti Babu, Ms. Nuzhat Fatima, Mr. Mushtaq Pathan, Mr. S.P. Singh, Mr. Zafar Ansari, Mr. Irfan Khan, Mohd. Jamshid Khan. The list is long and there are many other child right supporters, thinkers that have helped us in carrying out this massive exercise that I may not have named here but whom I am extremely grateful to. They are the important pillars in this endeavour, our resource persons from across different parts of the country who wholeheartedly and dedicatedly supported the Commission in reaching out to the community and hold discussions. I extend my gratitude to all the Officials from State Education Departments for providing data and all other staff and officers for supporting in organizing the consultations.

The study would not have been possible without the administrative support of the Member Secretary, Ms. Rupali Banerjee Singh and Members of the Commission. I am also thankful to Ms. Stuti Kacker, former Chairperson, NCPCR, for her encouragement and guidance. All the experts, consultants and DEOs from Education Division of NCPCR for their involvement in organizing the consultations. I take this opportunity to extend my gratitude to Late Shri Rajnikant, National Programme Coordinator, NCPCR for his commitment and dedication towards extending the rights of children of minority community. It was because of his excellent efforts and skills that the Commission was able to reach to a large number of children and other stakeholders in various parts of the country and could discuss these issues. Also, I am thankful to Dr. Madhulika Sharma, Advisor (Education/PP&R Cell), NCPCR for her contribution and inputs in monitoring the study at all stages and completion of this research Report.

I also extend my gratitude to Ministry of Education especially Ms. Anita Karwal, Secretary, Department of School Education and Literacy, Ministry of Education, for her encouragement in Commission's efforts.

In short, this report is a result of efforts in last six years and contribution of number of individuals, in one way or the other. I hope this Report would take us in a direction which will help in the creation of a roadmap that helps all children in the country to lead their lives in a safe, healthy and a productive environment and contribute to the nation building movement in a more comprehensive manner.

Shri Priyank Kanoongo
Chairperson,
National Commission for Protection of Child Rights
(NCPCR)

Acknowledgements

Quality Council of India (QCI) expresses its gratitude to the National Commission of Protection of Child Rights for giving us an opportunity to conduct a study on the impact of exemptions under Article 15(5) with regard to Article 21A of the Constitution of India on education of children of minority communities.

QCI is deeply thankful to Shri. Priyank Kanoongo, Chairperson, National Commission for Protection of Child Rights for his constant guidance and effective leadership throughout the project. This project would not have been completed without his valuable inputs and unmatched insight on a range of issues pertaining to education of minority communities. QCI would like to acknowledge the constructive role played by Dr. Madhulika Sharma, Advisor (Education/PP&R Cell), NCPCR, for providing her unmitigated support and guidance from the beginning to the successful completion of the project. QCI also extends a warm note of gratitude to Late Shri. Rajnikant, National Coordinator - Programme(s), NCPCR for conducting the consultation meetings with students, teachers, principals and community leaders of minority schools throughout the country from 2016 to 2020.

QCI would like to take this opportunity to thank the district and state officials at the State Education Department for providing details of the minority schools in their respective areas. This is the first time that such a large-scale study of minority schools has been made possible, because of the data received from the states and UTs. The contributions have helped us strengthen our understanding of the issue, refine our findings and frame recommendations for the concerned authorities.

QCI would like to thank the participants including but not limited to the school students, teachers, principals and community leaders who engaged and put forward their views with respect to their education experience in minority schools. These consultation meetings would not have been possible without the logistical support of the State Commissions for Protection of Child Rights as well as the knowledgeable input provided by the participation of RTE Experts at these meetings. They provided us with information about the conditions and issues in minority schools along with their valuable comments on the issue.

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EXECUTIVE SUMMARY



Education is necessary to lead a life of dignity. Recognising its importance, the forefathers inserted Article 45 and Article 39(f) as part of the Directive Principles of State Policy in Part IV of the Constitution of India. Article 39 (f) stated that the State shall, in particular, direct its policies towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment and Article 45, stated that the State must endeavour to provide free and compulsory education for all the children until they complete the age of 14 years.

In 1992, India became a signatory to United Nations Convention on the Rights of the Child (UNCRC), a human rights initiative which set out the civil, political, economic, social, health and cultural rights of children. The UNCRC was an international treaty making it incumbent upon the signatory countries to take all necessary steps to protect children's rights enumerated in the Convention.

In 2002, the 86th Amendment to the Constitution of India provided the Right to Education as a fundamental right in Part III of the Constitution. The same Amendment inserted Article 21A which made Right to Education a fundamental right for children between 6-14 years. The passage of the Amendment was followed by the launch of the Sarva Shiksha Abhiyan (SSA), a Central Government scheme implemented in partnership with the State Governments that aimed to provide useful and relevant, elementary education to all children in the 6 to 14 years age group in a time-bound manner.

In 2006, the 93rd Constitution Amendment Act inserted Clause (5) in Article 15 which enabled the State to create special provisions such as reservations for advancement of any backward classes of citizens like Scheduled Castes and Scheduled Tribes, in all aided or unaided educational institutes, except minority educational institutes. Clause (1) of Article 30 of the Constitution provides the right to all minorities to establish and administer educational institutions of their choice. Accordingly, institutions declared by the State to be minority institutions under Clause (1) of Article 30 are excluded from the operation of this enactment.

In 2009, Article 21A was operationalised with the with the Right to Education Act (RTE) that provided for free and compulsory education to all children of the age of 6 to 14 years as a Fundamental Right. Specifically, Section 12(1)(c) of the Act provided for 25% reservation of seats in unaided schools for admission of children from economically weaker sections and disadvantaged groups. The RTE Act was applicable to all government schools, aided non-minority schools and unaided non-minority schools. It was not applicable to minority schools because the RTE Act, particularly Section 12(1)(c), was held to infringe on the other Fundamental Rights guaranteed to minority schools under Article 30(1). The rationale behind the exemption to minority educational institutes was to provide equal opportunity to the minorities to conserve their language, script and culture.

As a result of the exemption, students studying in minority institutes of all religious and linguistic communities were deprived of their Fundamental Right guaranteed as part of RTE Act, 2009. It had considerable consequences for students from minority communities since in the absence of guidelines, minority schools functioned arbitrarily, setting their own norms in terms of admission of students, recruitment of teachers, implementation of curriculum, pedagogy, etc. Certain detrimental effects were observed: while, on the one hand, there were schools that admitted only a certain class of students, becoming cocoons populated by elites, some institutions became ghettos of underprivileged students languishing in backwardness. Thus, while Article 29 and Article 30 provided rights to minority communities to establish and administer minority schools, at the same time, it ended up depriving the children studying in these same schools of their educational rights. The RTE Act, prophesied as an enabling tool, became a tool of deprivation and discrimination.

OBJECTIVE

The present study, thus, sought to study the impact of exemption in Article 15(5) with regard to Article 21A of the Constitution of India on education of children of minority communities. It is pertinent to note that Article 15(5) empowers the government to form any policy for the upliftment of socially backward class, thus forming the basis of affirmative action in private unaided schools in India. However, since it has been made inapplicable to minority schools along with the



RTE Act, the study aimed to understand the impact of their exemption on the children.

Therefore, the aim of the study was to find out ways to create a pathway to ensure that children in minority schools are able to study in an inclusive environment conducive to their development by receiving both modern & foundational education, as guaranteed by their fundamental rights, along with religious & cultural education.

The National Commission for Protection of Child Rights in pursuance to their mandate as prescribed under Section 31 and 32 of RTE Act, sought to examine the immunization of minority institutions under Article 15(5). The study was carried in a two-phased methodology: Phase I aimed to generate insights with regard to number of minority schools, community type, enrollment, recognition status, affiliation status, and more. Phase II aimed to understand the concerns and understand suggestions of the representatives of minority communities, heads of the education institutions, parents and students studying in the minority institutions.

METHODOLOGY

As discussed in the objectives, this study had been divided into two key tasks. Phase I involved desk review and data analysis of 23,487 minority schools across India, while Phase II involved consultation workshops, document analysis and formal and informal group discussions with CABE, OoSC Review Meetings, Inter-Departmental meetings, SCPCR consultations and interactions with stakeholders.

The present report concludes the study and provides a thorough analysis of the highlights of and insights from the minority school databases sent by 29 states & UTs, followed by summaries of the consultation meetings conducted with key stakeholders of the minority institutes. The report also includes recommendations and outcomes for NCPCR to facilitate creation of a road map to ensure that benefits of these institutions reach the children of minority communities.

FINDINGS

In Phase I, the number of minority schools and their educational indicators such as the recognition status, affiliation status, and enrollment details have been

captured in the report.

When comparing the share of each state as a percent of total religious minority population with the share of each state as a percent of total religious minority schools in India, a high degree of variance is observed. The Christian community which makes up 11.54% of the total religious population, contributes to 71.96% share of the total religious minority schools of the country. On the other hand, the Muslim community despite contributing a share percentage of 69.18% to the religious minority population in the country, contributes only a paltry share of 22.75% to the religious minority schools.

While considering the recognition status of schools, majority of the minority schools across states were found to be recognised by the respective State Governments, with States and UTs like Chandigarh, Dadra & Nagar Haveli, Daman & Diu, Delhi, Maharashtra, Rajasthan, Tamil Nadu, Telangana, Kerala, Sikkim, Arunachal Pradesh, Nagaland and West Bengal reporting to have 100% of their minority schools recognised. While considering the affiliation status of the schools, majority of the schools were affiliated, however a wide range of disparity was observed with 88.61% schools in Gujarat affiliated to a Board but only 13.64% schools affiliated to a Board in Rajasthan. States and UTs like Chandigarh, Chhattisgarh, Dadra & Nagar Haveli, Madhya Pradesh, Rajasthan, Tamil Nadu, West Bengal, Kerala, Jharkhand, Nagaland and Arunachal Pradesh have 100% schools affiliated.

31.56% of minority schools were reported to be issued the Minority Status Certificate by the State/UT-level Competent Body mandated by the National Commission for Minority Educational Institutes (NCMEI). The National-Level Body, NCMEI, itself issued Minority Status Certificate to 14.96% schools across states. However, certain private religious groups as well as other Government Bodies were found issuing it in a number of states and UTs like Bihar, Gujarat, Uttar Pradesh, Maharashtra, Madhya Pradesh, Jharkhand, Kerala, etc. Further, 85.33% minority schools secured their Minority Status Certificate from 2006 onwards. A sharp increase was observed in schools securing the Certificate post passage of the 93rd Amendment in 2006.

It was found that 62.50% of students in minority schools belong to non-minority communities. In Andhra Pradesh, Jharkhand, Punjab, Chandigarh, Chhattisgarh, Daman & Diu, Dadra & Nagar Haveli,

Delhi, Haryana, Madhya Pradesh, Puducherry, Rajasthan, Uttarakhand this percentage goes up to more than 70%. In the absence of clear guidelines with regards to the minimum levels of enrollment of minority students, the minority schools are catering to only 7.95% of the minority children population in the states. In terms of community, the schools being run by the Muslim community have more than 75% of the student population belonging to the Muslim community. On the other hand, schools established by the Jain community have less than 20% of Jain student population, while schools belonging to Sikh, Buddhist, Parsi and Christian communities have less than 30% students of the respective minority community.

Further, only 8.76% of total students in minority schools belong to socially and economically disadvantaged background. Since minority schools are outside the purview of the RTE Act, there is no compulsion to admit students from disadvantaged backgrounds, with State & UTs like Madhya Pradesh and Chandigarh accepting less than 20% students. In terms of community, only schools belonging to the Muslim community have 24.95% of the student population belonging to disadvantaged background, while schools established by the rest of the communities (including Linguistic Minority communities) have less than 10% of students belonging to the disadvantaged background of the respective minority community. Lastly, only 4.18% of total students received benefits such as freeships, free uniforms and books, scholarships, etc. from schools. There is a wide range of disparity in the number of students receiving such benefits, with schools in Arunachal Pradesh, Andhra Pradesh, Bihar and West Bengal providing benefits to more than 10% of disadvantaged students while schools in Odisha, Tamil Nadu, Dadra & Nagar Haveli, Manipur and Meghalaya not providing to any student.

In Phase II, the summary of the consultation workshops with minority students are provided. The main points emerged during these consultations are as follows:

- Expanding the coverage of Right to Education (RTE) Act to Madrasas: The RTE Act, which guarantees every child in India mainstream school education, irrespective of religion professed, should take precedence over the Right to Religion. In fact, the implementation of RTE should not be seen as forced but as a moral compulsion.
- Including madrasas under SSA: The need to

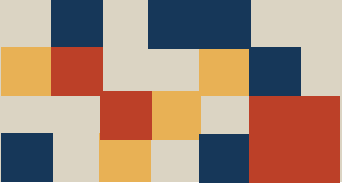
register madrasas under SSA was discussed to enjoy benefits like midday meal, free textbooks, uniforms, teaching-learning material, library, play material, computers, smart classes, and other facilities.

- Introduce General Education subjects in Madrasas: *Din-i-Taleem* and *Buniyadi Taleem* need to be equally treated and introduced in the Madrasa. Informal interactions have revealed that parents of this community want their children to be educated under both the systems of education.
- Expand coverage of scholarships: Currently, only Government affiliated institutions receive scholarships. Students studying in most madrasas are also not getting scholarships.
- Provide access to Health and Sports Facilities: Along with education, health, and nutritional aspect of children in madrasas needs to be looked at. Children must also be encouraged for sports as well.
- Ensure retention of students: There should be a local mechanism to monitor dropouts and to ensure 100% retention of children in formal schools.

DISCUSSION

The 86th amendment in December 2002 inserted Article 21A in the Constitution, making free and compulsory elementary education a fundamental right of 'all' children. The Article had a universal applicability for which a Law was enacted- the RTE Act of 2009. However, the 'universal' character of the Act was tempered with on more than once occasions, resulting in RTE Act being the only child specific Act that is partially applicable to the population of children for which it is meant and discriminates among the children based on the 'institutions' they attend for seeking education. Hence, on one hand this Act enables children to get their fundamental right and on the other hand it contravenes Article 13(2) that states that State shall not make any law which takes away or abridges the fundamental rights and any law made in contravention of this clause shall, to the extent of the contravention, be void.

In 2012, the Act was amended to exempt the institutions 'primarily imparting religious education', thus excluding the children studying in these institutions from the fundamental right. Subsequently, a significant provision of the RTE Act, section 12 (1) ©, that gave the Law its inclusive character, was challenged.



While discussing the validity of exemption provided through clause (5) of Article 15 of the Constitution, the *Pramati* judgement, exempted all institutions with minority status and declared that the “2009 Act insofar it is made applicable to minority schools referred in clause (1) of Article 30 of the Constitution is ultra vires the Constitution”. A general observation is that basically two type of institutions are exempted from RTE Act, 2009- (a) those established with a minority institution status and (b) institutions imparting religious education such as Madrasas, Gumpas etc. However, the point of divergence from RTE Act of these two types of institutions is different. The institutions with minority status are established as ‘schools’ with recognition from the State Governments but do not admit children from disadvantaged category (including from the same religion for which the special status was ought) and hence sought exemption in light of Article 15 (5) of the Constitution. On the other hand, the institutions imparting religious education such as Madrasas, Vedic Pathshalas, Gumpas do not provide basic education as per section 29 of the RTE Act. Both, section 12 (1) (c) and Section 29 of the RTE Act are important to maintain the principles of ‘secularism’ and ‘equality of opportunity’ as enshrined in the Preamble of Constitution of India.

Essentially, the competing Articles - Article 21A and Article 30 (1) talk about ‘education’ and ‘right’ with a different approach. While Article 21A is ‘individual’ right of each child in the age group of 6-14 years; Article 30 is the right of ‘minority communities’ to establish and administer educational institutions of their choice; and right of the ‘institutions’, thus established, against any kind of discrimination. Since its implementation, the discussions so far have mainly revolved around the concern that whether the applicability of RTE Act, 2009 on minority schools, aided or unaided, will abrogate the right of the minorities under Article 30(1); however, what’s often ignored is the analyses of how far the rights of minorities to ‘establish’ and ‘administer’ institutions of their ‘choice’ and the exemption of these institutions from Article 15 (5) have affected the fundamental right of all children.

To begin with, a comparison of enrolment of students from disadvantaged section as a percentage of total enrolment in the minority schools shows that across the communities, only 8.76% of the total student population belongs to the disadvantaged section. Since minority schools are outside the purview of the

RTE, there is no compulsion to admit students from disadvantaged backgrounds, with State/UTs like Chandigarh, Delhi, Odisha, Chhattisgarh and Tamil Nadu accepting less than 5% of total students’ strength. However, as per the RTE Act, 2009, all private unaided schools have to give children from disadvantaged sections at least 25 percent seats of the total class strength. By rejecting the idea of inclusion enacted through RTE, these schools are denying the rights of the most disadvantaged children, denying them equal opportunity, stripping these children off their entitlements, taking away the sense of belongingness to the society, negating the principle of social justice and disallowing numerous disadvantaged children who belong to their own religion, an opportunity to be included in the mainstream education.

Furthermore, for ensuring free and compulsory quality education to children, the RTE Act, 2009 provides for norms and standards pertaining to the physical aspect of education i.e., basic minimum infrastructure, number of teachers, books, uniform, Mid-day Meal etc. However, children, not covered under the ambit of the Act because of the exemption of the ‘institution’, are deprived of these benefits and their right to access the learning environment created as a result of these provisions. The interactions with the children studying in minority institutions and religious institutions were an eyeopener in this regard as these ‘benefits’ and ‘entitlements’ that they are deprived of, hold a much deeper meaning for these children. For them, access to these basic facilities would instill a sense of belongingness to the society; a sense of pride and acknowledgment of them being equal and no less.

Besides these physical norms and other entitlements, the Act provisions for basic education similar for all children in the defined age group and education that is based on the principles given in section 29 (2) of the RTE Act, 2009. Also, the responsibility to ensure that the curriculum in schools is laid down by the academic authorities notified by Centre and State governments. However, as the minority institutions do not have defined guidelines on what will be taught to children, thus depriving the children of their right to the knowledge and quality education that is prescribed by the notified authorities under RTE Act. Extending the right of minority communities and institutions is taking away rights of children and denying them their fundamental right to equality under Article 14 of the Constitution that prohibits the

State to deny to any person equality before the law or the equal protection of the laws within the territory of India.

As Article 29 of the Constitution empowers the citizens having a distinct language, script or culture of its own shall have the right to conserve the same, it must be seen as to whether these minority schools are undertaking activities for promoting their 'language' and 'culture'? If not, then what are the objectives of operating schools under minority categories? And; If yes, what kind of activities are included in the school curriculum to achieve this objective; and whether or not these schools, where 62.5% children from non-minority groups are enrolled, are violating Article 28 (3) of the Constitution that prohibits educational institutions from obligating the children to take part in any religious instruction, without the consent of parents?

To conclude, the right provided to minority institutions under Article 30 (1) of the constitution of India cannot be taken as unconditional or absolute. This right is subject to the basic principles of equality and secularism of the Constitution and individual rights of the children. In *Bal Patil & Anr vs Union Of India & Ors*, (2005), Hon'ble Supreme Court stated that 'state' will have no religion. The states will treat all religions and religious groups equally and with equal respect without in any manner interfering with their individual rights of religion, faith and worship. Prohibiting discrimination on grounds of religion, race, caste, sex or place of birth, the Constitution, under Article 15 also states that State shall not discriminate against any citizen on grounds only of religion and State can make special provision for women and children. Let alone special provisions, the exemption of institutions with minority status have led to discrimination among children those who are enrolled in institutions with minority status; those who are seeking education in unmapped religious institutions. Moreover, the right to freedom of religion given under Article 25 (1) is subject to the other provisions in Fundamental Rights including Article 21A, Right to Education which is constitutionally unconditional. The language of equality, secularism, non-discrimination, meant for inclusion, is rather used with different interpretations for exclusion of children.

RECOMMENDATIONS

Certain key recommendations are put forward, and extensively discussed in Chapter 4. These are as follows:

1. Mapping of all Unrecognised Institutions during Survey to Identify Out of School Children
2. Greater role of the Minority Cell in NCERT/ SCERTS to take the fundamental right to elementary education to all children especially children of minority communities.
3. Need for appropriate steps to extend the provisions of RTE to minority educational institutions or make law with similar effect to ensure RTE of children studying in minority educational institutions
4. Need for care and protection of children as per Juvenile Justice Act, 2015
5. Interpretation and implementation of rights of children especially with regards to right to education.
6. Requirement of issuing guidelines regarding nature and number of minority institutes in a state
7. Notification of guidelines regarding composition in minority institutes
8. Re-examination and further amendment of guidelines for grant of minority status to schools
9. Creation of appropriate administrative system for the purpose of meaningful realization and effective implementation of linguistic minority rights
10. Addition of Minority Status Renewal at periodic interval
11. Introspection by managements of schools with minority status and religious institutions on their role and contribution

LIST OF ABBREVIATIONS

| | |
|--------|--|
| NCPCR | National Commission for Protection of Child Rights |
| QCI | Quality Council of India |
| MOE | Ministry of Education (formerly known as the Ministry of Human Resource Development) |
| NCMEI | National Commission for Minority Educational Institutions |
| NCM | National Commission for Minorities |
| NCLM | National Commissioner for Linguistic Minorities |
| MSC | Minority Status Certificate |
| NOC | No Objection Certificate |
| NGO | Non-Governmental Organisation |
| RTE | Right to Education Act |
| SSA | Sarva Shiksha Abhiyan |
| NCERT | National Council for Educational Research and Training |
| CBSE | Central Board of Secondary Education |
| ICSE | Indian Certificate of Secondary Education (see also, CISCE) |
| IB | International Baccalaureate (formerly known as the International Baccalaureate Organization) |
| IGSCE | International General Certificate of Secondary Education |
| CISCE | Council For The Indian School Certificate Examinations (see also, ICSE) |
| UDISE | Unified District Information System for Education |
| TMREIS | Telangana Minorities Residential Educational Institutions Society |
| CABE | Central Advisory Board of Education |
| SCPCR | State Commission for Protection of Child Rights |
| UNICEF | United Nations International Children's Emergency Fund |
| NAC | National Advisory Council |

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1

INTRODUCTION

1.1. Objective

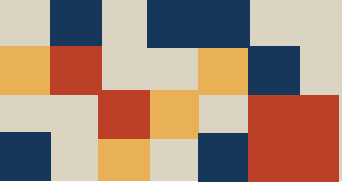
International law recognises that education is necessary to lead a life of dignity; it primes a person to exercise their social and political rights. India is a signatory to United Nations Convention on the Rights of the Child (UNCRC), a human rights initiative which sets out the civil, political, economic, social, health and cultural rights of children. It is an international treaty that makes it incumbent upon the signatory countries to take all necessary steps to protect children's rights enumerated in the Convention. The articles of the Convention are grouped into four categories of rights – survival, development, protection, and participation. Education, as a process and a tool, is central for fulfillment of all these rights to guarantee that children as children as well as adults are able to lead a life of dignity.

It is for this reason that in Indian law, the Right to Education flows from the Right to Life under Article 21. To universalise basic education, the Government of India enacted the Constitutional (Eighty-sixth Amendment) Act, 2002 by introducing Article 21A in the Constitution of our country. Thus, free and compulsory elementary education was made a Fundamental Right for all children within the age group of 6-14 years. In 2009, it was operationalised with the enactment of the Right to Education (RTE) Act.

The Act contains 39 sections spread over eight parts including all aspects of school education that fulfills the goal of education for all in an equitable and just education system. The Act prescribes regulations regarding minimum physical infrastructure, staff and facilities that all schools are required to provide, as well as educational benefits such as the requirement for students to be taught in age-appropriate classes, for students that are out-of-school to be placed in a special training centre before enrolment in schools, barring schools from charging capitation fee or using screening procedure in admission, etc. To meet the financial burden, the Central Government is also expected to provide funding to these schools. Other provisions prohibit corporal punishment. Since the implementation of the RTE Act, India has made rapid progress in the universalisation of education.

The fundamental principle behind the landmark legislation served to provide an inclusive elementary education system that will create a humane society. One of the key highlights of the RTE Act, therefore, mandates private schools to reserve 25% of their seats for children from economically weaker sections and disadvantaged groups under the Section 12(1)(c), which reads as: “*school [...] shall admit in class I, to the extent of at least twenty-five per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education.*”

Section 12 (1) (c) of the Act qualifies as the most significant legal and social endeavor to promote inclusion and eliminate inequality in education by addressing the deep-rooted socio-economic disparities that exist in the country. It can be seen as an extension of the spirit of National Education Policy of 1968 and 1986. Further, taking note of the Judgement in *Social Jurist vs Government of National Capital Territory of Delhi* (2002) (Judgment in C W No 3156 of 2002), the Delhi High Court ordered the Delhi Government to ensure that private schools – who had procured land at a concessional rate or for free – to provide 25% reservation to children belonging to economically weaker sections. The Act applies widely on schools




because 'free and compulsory education of satisfactory quality to children from disadvantaged and weaker sections is... not merely the responsibility of schools run or supported by the appropriate Governments, but also of schools which are not dependent on Government funds.'

However, the provision was not welcomed by the private unaided schools that had until then benefited from an unrestricted right to grant admissions. In 2012, in the landmark case of *Society for Unaided Private Schools vs the Union of India* (hereafter '*Society*') (2012 6 SCC 102), Section 12(1)(c) was challenged on the basis that it was an unreasonable restriction on the right to carry on a trade or business under Article 19(1)(g). The Supreme Court upheld the constitutional validity of the provision and required unaided schools to apply Section 12(1)(c) in their administration. However, all minority schools were exempted from it on the basis that the provision will violate the right of minorities as defined in Article 29 to conserve their language, script and culture, and as defined in Article 30 to establish and administer educational institutions of their choice. As a follow-up to this Judgment, the Right of Children to Free and Compulsory Education (Amendment) Act, 2012 was passed by Parliament, which clarified that the provisions of the RTE Act which applied to minority schools were to be subjected to Articles 29 and 30.

Two years later, in May 2014, Section 12(1)(c) was again challenged in the Supreme Court in *Pramati Educational & Cultural Trust & Ors. vs Union of India & Ors* (hereafter '*Pramati*') (2014 8 SCC 1). The ground for challenge was that Article 15(5), which empowers the state to make reservations with regard to admissions into educational institutions for advancement of backward classes, and Article 21A of the Constitution, violated the basic structure of the Constitution and the Right to Equality by making an unreasonable distinction between aided and unaided minority schools. The Constitutional Bench held that the objectives of Articles 15(5) and 21A were to provide equal opportunities for students from weaker sections of the society and would not violate the private schools' right under Article 19(1)(g). Further, the Court held that all minority schools, even the aided ones, would be exempted from the coverage of the RTE Act. It was observed that if the Act is made applicable to minority schools, whether aided or unaided, 'the right of the minorities under Article 30(1) of the Constitution will be abrogated.' The National Commission for Minority Educational Institutions (NCMEI) Act was enacted to safeguard the educational rights of the minorities enshrined in Article 30(1) of the Constitution.

The rationale behind the exemption to minority educational institutions was to provide equal opportunity to the minorities to conserve their language, script and culture. Another legislation, Article 15(5), introduced through the 93rd Constitution Amendment Act, 2005, aimed to enable the State to make special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in matters of admission of students belonging to these categories in unaided educational institutions including private educational institutions, whether aided or unaided by the State. However, the minority educational institutions referred to in clause (1) of Article 30 are exempted from the above amendment.

However, NCPCR in pursuance to their mandate as prescribed under the Commis-



sions for Protection of Child Rights (CPCR) Act, 2005, have observed that the real objective of benefitting children of minority communities by immunizing the minority institutions under Article 15 (5) is not being fulfilled. It was also observed that there are some schools run by management of minority education societies that provide formal education as per section 29 of the RTE Act, 2009 but are not providing religious education as per section 1(5) of RTE Act. Also, these schools are immunized through 93rd Amendment Act, 2005. Such practices adulterate the spiritual and cultural aim of minority institutions and dilute the fundamental objective of Article 30 of the Constitution.

To ensure that the objectives are being met by the minority institutions for all the students admitted in their schools irrespective of their non-minority or minority identity, it was the view of the National Commission for Protection of Child Rights (NCPCR) that the real objective of benefitting children of minority communities by immunizing the minority institutions under Article 15(5) needed to be examined.

The present study, thus, sought to study the impact of Article 15(5) with regard to Article 21A of the Constitution of India on education of children of minority communities. The aim of the study was to find a way to ensure that children from minority communities get both religious & cultural education as well modern & foundational education, as guaranteed by their fundamental rights within these minority institutions:

The study was carried in a two-phased methodology to understand the following:

- 1. Phase I:** Aimed to generate insights with regards to number of institutes, community type, enrollment, recognition status, affiliation status, and more. It involved desk review and data analysis of minority institutes belonging to religious and linguistic minority communities in India.
- 2. Phase II:** Aimed to understand the concerns and understand suggestions of the representatives of minority communities, heads of the education institutions, parents and students studying in the minority institutions with particular attention given to students studying in madrasas owing to their prevalence in terms of numbers and enrollment in India. It involved consultation workshops, document analysis and formal and informal group discussions with CABE, OoSC Review Meetings, Inter-departmental meetings, SCPCR consultations, interactions with UN agencies.

1.2. National Commission for Protection of Child Rights (NCPCR)

The National Commission for Protection of Child Rights (NCPCR) is a statutory body constituted under CPCR Act, 2005 with a mandate to ensure that all laws, policies, programmes and administrative mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India. As per Commissions for Protection of Child Rights (CPCR) Act, 2005, NCPCR is mandated to monitor laws related to rights of the child, review policies and procedure of the governments and give recommendations for their effective implementation. Specifically, Section 13 (1) (f) of the CPCR Act 2005 embeds the Commission to study

treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interest of children. Also, section 31(1) (a) of the Right of children to Free and Compulsory Education Act, 2009 empowers NCPCR to examine and review the safeguards for the rights provided under it. It was also mandated to monitor violation of elementary educational rights of children and recommend measures for their effective implementation. Hence, the National Commission for Protection of Child Rights plays a key role in ensuring that the rights of the child are upheld.

To fulfil these functions and suggest targeted recommendations, availability of a reliable, authentic data is important, in absence of which the effective monitoring and review are not feasible. Hence, NCPCR signed a Memorandum of Understanding with Quality Council of India (QCI), with the aim of working together in understanding and analysing the impact of the exemption of minority schools from Article 21A on the education of the children from minority communities.

1.3. Quality Council of India (QCI)

The Government of India established Quality Council of India (QCI) in 1997, jointly with the Indian Industry represented by the three premier industry associations: ASSOCHAM, CII, and FICCI. QCI is registered as an autonomous non-profit organisation under Societies Registration Act XXI of 1860 with the purpose of establishing and operating national accreditation structure and promoting quality through National Quality Campaign. The incumbent Chairman of QCI, Mr. Adil Zainulbhai, was nominated by Hon'ble Prime Minister's office in 2014.

Keeping in view the mission, "Quality for National Well Being", the Council is playing a pivotal role at the national level in propagating, adoption, and adherence to quality standards in all important spheres of activities including education, healthcare, environment protection, governance, social sectors, infrastructure sector, and such other areas of organized activities that have significant bearing in improving the quality of life and well-being of the citizens of India.

| RELIGION | NUMBER | PERCENTAGE |
|---------------------------|----------------|------------|
| All religious communities | 1,02,86,10,328 | 100 |
| Hindus | 82,75,78,868 | 80.5 |
| Muslims | 13,81,88,240 | 13.4 |
| Christians | 2,40,80,016 | 2.3 |
| Sikhs | 1,92,15,730 | 1.9 |
| Buddhists | 79,55,207 | 0.8 |
| Jains | 42,25,053 | 0.4 |
| Others | 66,39,626 | 0.6 |
| Religion not stated | 7,27,588 | 0.1 |

TABLE 1: Population of India on the basis of their religious communities in absolute numbers and percentage of total population. Source: Census of India: Religion (2011). Accessed on 30 September 2020, <https://censusindia.gov.in/Census_And_You/religion.aspx>.

1.4. About Phase I: Data Analysis pertaining to Children in Minority Schools

Article 29 and Article 30 of the Constitution constitute the cultural and educational rights of the minorities. These rights hold the status of Fundamental Rights. Article 29 clause (1) provides for a general right to any section residing in any part of India to conserve their language, script and culture. Its clause (2) prohibits all state and state-aided educational institutions from denying admission on grounds of religion, race, caste and language. The Article 30 clause (1) gives a specific right to minorities to establish and administer educational institutions of their choice and its clause (2) prohibits the state from discriminating against any minority educational institution while granting aid. Other than the rights of the minorities, there are special directives for the State. The Article 350A is a special directive on the basis of which the state shall endeavour to provide access to education to linguistic minorities in their mother tongue at the primary stage of education.

Currently, the National Commission for Minority Educational Institutions (NCMEI) is the highest statutory body which presides over all matters and disputes relating to the minority status of religious minorities educational institutions in India. NCMEI defines 'minority' as 'a community notified as such by the Central Government', viz., belonging to these six communities: Muslims, Christians, Sikhs, Jains, Parsis and Buddhists.¹ Their composition in the population are provided as absolute numbers and percentages in Table 1. The National Commissioner for Linguistic Minorities (NCLM) is the apex authority that safeguards the rights of linguistic minorities. As its definition for a 'minority,' it has noted that 'a minority language need not be recognised as such. Any language not spoken by the majority of residents in a State is by default a minority language and its speakers are entitled to the rights provided to linguistic minorities.'² While the NCMEI has been empowered with statutory powers to provide Minority Status Certificate (MSC) to religious minority schools with statutory powers, the NCLM does not have statutory powers and can only make recommendations to the government based on its findings on the status of protection of linguistic minority rights.³

The NCMEI on its website has provided clear definitions for a minority institution referring broadly to three main criteria which are mentioned hereby:

1. The institution needs to have been established and managed by the minority community.
2. The institution must be established for the welfare of the minority community.
3. A significant proportion of the school's student body should be comprised of students from that minority community.⁴

¹ National Commission for Minority Educational Institutions Act, 2004 (Hereafter 'NCMEI Act') Section 3.

² Arghya Sengupta and others, 'Right to Education and Minority Rights: Towards a Fine Constitutional Balance,' *Vidhi Centre for Legal Policy*, <<https://vidhilegalpolicy.in/wp-content/uploads/2020/06/RTEandMinorityRights.pdf>>, accessed on 30 September 2020

³ Ibid.

⁴ Ibid.

1.4.1. ESTABLISHMENT AND MANAGEMENT OF MINORITY SCHOOLS

Article 30(1) of the Constitution gives 'all minorities, whether by religion or language, the right to establish and administer educational institutions of their choice'. Therefore, one of the criteria for an institution to be a minority educational institution is that it needs to be established and administered by a minority community. In *S Azeez Basha v Union of India* (AIR 1968 SC 662), a Constitutional Bench of the Supreme Court held that the expression 'establish and administer' used in Article 30(1) of the Constitution was to be read conjunctively -- that the institution should be established by a minority community and that its administration was also vested in that community. Similarly, in *T.K.V.T.S.S. Medical Educational & Charitable Trust v State of Tamil Nadu* (AIR 2002 Madras 42) (hereafter, '*T.K.V.T.S.S. Trust*'), the Court pointed out that the onus lay on the minority community to produce satisfactory evidence that the institution in question was indeed established by the minority community claiming to administer it.


In case of religious minorities, the NCMEI guidelines provide Minority Status Certificate (MSC) to a Society or Trust who have established and are currently managing the minority institution, on the condition that the majority of its members belong to the minority community.⁵ However, certain states have indicated different minimum percentages, for e.g., it is 100% in West Bengal and Andhra Pradesh, while it is two-thirds in Haryana, Maharashtra and Rajasthan.

1.4.2. PURPOSE OF ESTABLISHING MINORITY SCHOOLS

Minority institutions need to be established for the 'benefit' of the minority community. In *Andhra Pradesh Christians Medical Educational Society vs Government of Andhra Pradesh* (1986 2 SCC 667), the Supreme Court held that the government, the university and ultimately the Court may claim that the institution in question is a minority institution and 'to investigate and satisfy itself whether the claim is well-founded or ill-founded'.

In case of religious minorities, the NCMEI website states that: "The Memorandum of Association (MOA) of the Society or Trust Deed should clearly indicate that the object of the society/trust is "to establish and administer educational institutions primarily for the benefits of the Muslim/ Sikh/ Christian/ Bodh/ Parsis/ Jain (as the case may be) community and also the society at large. While making application to the Commission, it may be ensured that the MOA/Trust Deed clearly indicate above objects." It must be noted, however, that at present the NCMEI guidelines do not define how the competent authority/ NCMEI verify that the institution is running for the benefit of the minority community. There can possibly be a minority school that largely caters for non-minority students, instead of the minority community for which it was originally established. Such an institution would still be eligible for minority status and stand exempted from regulation. Moreover, it is clarified that minority status need not be renewed unless there is a fundamental change of circumstances in accordance with the ruling in *T.K.V.T.S.S. Trust*. There are states

⁵ Frequently Asked Questions, National Commission for Minority Educational Institutes (NCMEI), <<http://ncmei.gov.in/FAQ.aspx?pid=138#146>>, accessed on 30 October 2020.



like West Bengal and Andhra Pradesh do mention of renewal of minority status after every 3 years. However, NCMEI guidelines do not specify if a Competent Authority/NCMEI can review the institutions to track change in circumstance of the school—like change in composition of the governing body, or a change in the goals and objectives of the governing body or a substantial change in the student body.

1.4.3. PROPORTION OF CHILDREN IN MINORITY EDUCATIONAL INSTITUTIONS

According to the NCMEI guidelines, 'the State Government can prescribe percentage of 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. There cannot be a common rule or regulation or order in respect of types of educational institutions from primary to college level and for the entire State fixing the uniform ceiling in the matter of admission of students in minority educational institutions'.

1.4.4 AUTHORITY PROVIDING MINORITY STATUS CERTIFICATE (MSC)

The National Commission for Minority Educational Institutions (NCMEI), established under National Commission for Minority Educational Institutions Act, 2004 (NCMEI Act) Section 3, is the highest statutory body that presides over all matters relating to the minority status of educational institutions in India. The NCMEI functions as a quasi-judicial body which can adjudicate on all disputes relating to recognition, affiliation and minority status of educational institutions established by minorities. It is the appellate authority for certain grievances specified in the NCMEI Act. The two which are relevant for minority schools pertain to (i) grant of NOCs to establish an institution, and (ii) grant of minority status. The schools may file an application with the NCMEI for the grant of minority status, with an affidavit and other details pertaining to the school and the trust or other entity which established it.⁶ The NCMEI is also empowered to cancel the minority status granted to an institution by any other authority. Moreover, the NCMEI is empowered to investigate matters of violation of educational rights and call for information on such matters from the Central or State Government.

The National Commissioner for Linguistic Minorities (NCLM) is the apex authority which safeguards the rights of linguistic minorities. It was constituted in accordance with Article 350B of the Constitution. The NCLM can neither grant Minority Status Certificates (MSCs) to schools nor can it regulate the grant of such certificates by State-level authorities. It can only review whether States have appointed a competent authority to grant linguistic minority status, and the number of institutions which have been certified as linguistic minority educational institutions.

State Governments are required to notify a competent authority to grant NOCs for

⁶ NCMEI: Application for Minority Status, <<http://ncmei.gov.in/WriteReadData/LINKS/filing%20application%20for%20MSC87fdc06d-e011-475a-b087-c1d72b82c91b.pdf>>, accessed on 30 October 2020

| S.No. | State/UT | Competent Authority under Sec 10 (NCMEI Act) | Competent Authority under Sec 12B (NCMEI Act) |
|-------|------------------------|--|--|
| 1 | AN Islands | Committee of Officers constituted vide Administration's Order No. 3593 dt. 16.11.2015 | <i>Not Provided</i> |
| 2 | Chandigarh | Director School Education, Chandigarh | Director School Education, Chandigarh |
| 3 | Dadra and Nagar Haveli | <i>Not Provided</i> | <i>Not Provided</i> |
| 4 | Daman and Diu | Director (Education) | Asstt. Director (Education), Directorate of Education |
| 5 | Delhi | <i>Not Provided</i> | 1. Assistant Director of Education (ACT), Directorate of Education, Govt. of NCT of Delhi 2. Director of Education, Higher Education Department |
| 6 | J&K | <i>Not Provided</i> | <i>Not Provided</i> |
| 7 | Ladakh | <i>Not Provided</i> | <i>Not Provided</i> |
| 8 | Lakshadweep | Director of Education, Department of Education | <i>Not Provided</i> |
| 9 | Puducherry | Secretary to Govt. (Education), Chief Secretariat | Order pending from Ministry of Home Affairs to appoint CA in MSC cases |
| 10 | Andhra Pradesh | Secretary to Government, Govt. of Andhra Pradesh, Minorities Welfare Department | Principal Secretary to Govt. (Ex-officio), Minorities Welfare Department |
| 11 | Arunachal Pradesh | Secretary Education to Govt. of Arunachal Pradesh, Education Department | Deputy Secretary (Education), Govt. of Arunachal Pradesh |
| 12 | Assam | <i>Not Provided</i> | Joint Secretary, Education Department (Higher) |
| 13 | Bihar | <i>Not Provided</i> | Secretary, Human Resource Development Department, Govt. of Bihar |
| 14 | Chhattisgarh | Commissioner, ST & SC Development Department | <i>Not Provided</i> |
| 15 | Goa | Secretary (Home), Director of Education, Directorate of Education | Secretary (Home) |
| 16 | Gujarat | 1. Director, Primary Education 2. Deputy Director, Directors of Schools 3. Director of Higher Education, Office of the Commissionerate of Higher Education | Commissioner of Schools |
| 17 | Haryana | 1. Additional Chief Secretary Govt. of Haryana, Higher Education Department for General Colleges & Technical Education Department for Technical Institutions 3. Principal Secretary School Education Department for Schools/Primary Schools | Finance Commissioner & Principal Secretary, Education Department, Govt. of Haryana |
| 18 | Himachal Pradesh | Director, Directorate of Higher Education | Director, Directorate of Higher Education |
| 19 | Jharkhand | 1. Director, Secondary Education under School Education & Literacy Department 2. Director, Primary Education, Department of School Education & Literacy, Govt. of Jharkhand | Director, Secondary Education, Directorate of Secondary Education, School Education & Literacy Department |
| 20 | Karnataka | Additional Chief Secretary to Government, Education Department (Higher Education), Govt. of Karnataka | Principal Secretary to Govt. Education Department (Higher Education), Govt. of Karnataka |
| 21 | Kerala | Director, Directorate of Minority welfare, Govt. of Kerala | Secretary, General Education Department, Govt. of Kerala |
| 22 | Madhya Pradesh | Secretary, Backward Classes and Minority Welfare Department, Govt. of MP | Secretary, Backward Classes and Minority Welfare Department, Govt. of MP |
| 23 | Maharashtra | <i>Not Provided</i> | Joint Secretary, Minorities Development Department |
| 24 | Manipur | <i>Not Provided</i> | Additional Chief Secretary (Minority Affairs/ OBC & SC), Govt. of Manipur |
| 25 | Meghalaya | Secretary, Education Department, Govt. of Meghalaya | Secretary, Education Department, Govt. of Meghalaya |

TABLE 2: Competent Authority mandated by the National Commission for Minority Educational Institutions (NCMEI) for issuing the Minority Status Certificate in the States and Union Territories in India.

| S.No. | State/UT | Competent Authority under Sec 10 (NCMEI Act) | Competent Authority under Sec 12B (NCMEI Act) |
|-------|---------------|--|---|
| 26 | Mizoram | Commissioner & Secretary to the Govt. of Mizoram | Commissioner & Secretary to the Govt. of Mizoram, School Education Department |
| 27 | Nagaland | Addl. Director (HOD), School Education, Directorate of School Education | Addl. Director (HOD), School Education, Directorate of School Education |
| 28 | Odisha | 1. Director, Elementary Education 2. Director, Secondary Education | Principal Secretary, School & Mass Education Department, Govt. of Odisha |
| 29 | Punjab | 1. Additional Chief Secretary Higher Education and Languages, Department of Higher Education 2. Director of Public Instruction (S.E), Department of Secondary Education Branch | Secretary, Higher Education Department |
| 30 | Rajasthan | Principal Secretary, Govt. of Rajasthan, Department of Minority Affairs & Waqf | Principal Secretary, Govt. of Rajasthan, Department of Minority Affairs & Waqf |
| 31 | Sikkim | Additional Chief Secretary, Govt. of Sikkim, Secretary-in-charge of Human Resource Development Department | Additional Chief Secretary, Govt. of Sikkim, Secretary-in-charge of Human Resource Development Department |
| 32 | Tamil Nadu | 1. Principal Secretary, School Education Department, Govt of Tamil Nadu 2. Principal Secretary, Higher Education Department, Govt. of Tamil Nadu | 1. Principal Secretary, School Education Department, Govt of Tamil Nadu 2. Principal Secretary, Higher Education Department, Govt. of Tamil Nadu |
| 33 | Telangana | Secretary to Government, Minorities Welfare Department | Secretary to Govt., Minorities Welfare Department |
| 34 | Tripura | Secretary to the Govt. of Tripura, Minorities Welfare Department | Secretary to the Govt. of Tripura, Minorities Welfare Department |
| 35 | Uttar Pradesh | 1. Principal Secretary, Higher Education, Department of Education, Govt. of UP 2. Additional Chief Secretary, Department of Higher Education, Govt. of UP 3. Principal Secretary, Secondary Education, Department of Education, Government of UP | Deputy Director, Minorities Welfare Department |
| 36 | Uttarakhand | 1. Incharge Secretary, Higher Education, Govt. of Uttarakhand 2. Director, Uttarakhand Madarsa Education Board | 1. Director, Uttarakhand Madarsa Education Board 2. Principal Secretary, Higher Education, Govt. of Uttarakhand |
| 37 | West Bengal | 1. Commissioner, Govt. of West Bengal, Minority Affairs & Madrasah Education Department 2. Special Secretary, Govt. of West Bengal, Department of Higher Education | 1. Commissioner, Govt. of West Bengal, Minority Affairs & Madrasah Education Department 2. Special Secretary, Govt. of West Bengal, Department of Higher Education |

TABLE 2: Competent Authority mandated by the National Commission for Minority Educational Institutions (NCMEI) for issuing the Minority Status Certificate in the States and Union Territories in India.

the establishment of minority educational institutions and to grant minority status to educational institutions according to the NCMEI Act.⁷ At the State level, different public officials have been notified as the competent authorities for granting minority status, to both religious and linguistic minorities. For example, in Chandigarh it is the Director of Public Instruction, in Rajasthan, the Secretary of the Minorities Development Department, and in Gujarat, the Commissioner of the School Education Department. However, both NCMEI and NCLM have reported the fact that many States do not have appropriate mechanisms for granting MSCs. This remains an impediment, particularly for linguistic minority schools which cannot even apply to the NCMEI.

⁷ NCMEI: Competent Authority Details, <<http://ncmei.gov.in/WriteReadData/LINKS/competent%20authority%20e70152f-9081-4158-88cc-ed3e0f28fcfb.pdf>>, accessed on 30 October 2020

1.5. About Phase II: Consultation with students in Religious Institutes and other stakeholders

The right to education is within the fundamental right to life as per Article 21 of the Indian Constitution. In India, institutions providing education to children in the age group of 6-14 years from Muslim community are Maktabas and Madrasas. These institutions play a significant role in preserving their culture and promoting community cohesion. However, since the emphasis in these institutions is on religious education and memorization of texts, the children from Muslim community studying in these institutions do not get adequate exposure to the basic elementary education, hence are not prepared to play their role in India's economic growth and overall development.

This is evident when we look at the statistics regarding education and workforce participation for Muslims: The community accounts for 13.43% population of the country, forming the second largest denomination after Hindus. 35.7% of Muslims live in urban areas of India and 36.92% Muslims survive below poverty line. Muslim population has the lowest literacy rate among the minority communities.⁸

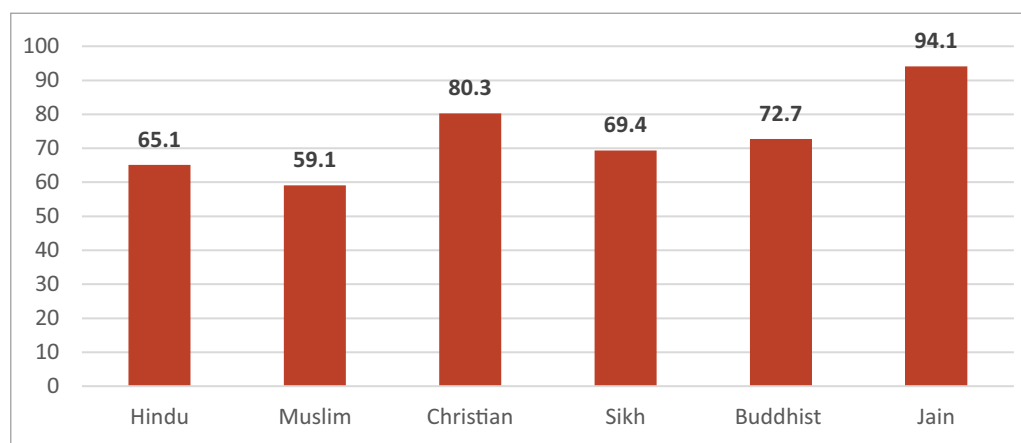


FIGURE 1: Literacy Rate as per religious communities (Census 2011).

As per Sachar Committee Report, school enrolment rates were among the lowest for Muslims. The report also confirmed that by most development indicators, the Muslim community is behind other religious groups of India.⁹ Dropout rates are also highest among Muslims and this seems to go up significantly after middle school. Higher secondary attainment levels are also among the lowest for Muslims. As per the All-India Survey in Higher Education, 4.67% students belong to Muslim community and 1.97% are from other minority community.¹⁰ Muslim community

⁸ Jains have highest percentage of literates: Census 2011, The Times of India, 31 August 2016 <http://timesofindia.indiatimes.com/articleshow/53942863.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst>, accessed on 28 February 2021.

⁹ Sachar Committee Report, Ministry of Minority Affairs (2006). <http://www.minorityaffairs.gov.in/sites/default/files/sachar_comm.pdf>, accessed on 28 February 2021

¹⁰ All India Survey on Higher Education (2015-16), Department of Higher Education, Ministry of Human Resource Development, <<http://aishe.nic.in/aishe/viewDocument.action?documentId=227>>, accessed on 28 February 2021



Condition of Muslims as reflected by the Sachar Committee Report (11th Five Year Plan)

- 25% Muslim children in the 6–14 years age group have either never attended school or have dropped out.
- Only one out of every 25 undergraduate and 50 postgraduate students in premier colleges is a Muslim.
- NCAER figures show that only about 4% of all Muslim students are enrolled in madrasas.*

*Please note, this figure relates only to students between 7 to 9 years age studying in Recognised Madrasas, which are not attached to mosques.

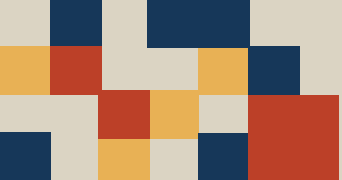
has more male students than females whereas other minority communities have more females than males. At all India level, teachers belonging to General category make up more than half, that is, 65% of the total number of teachers; teachers from OBC follow at 25.4%; while SC and ST with 7.5% and 2.1% respectively. Merely 3.4% teachers are from Muslim minority group, and 3.3% are from other minorities groups.

Thus, a special focus on right to education of children from Muslim minority is necessary. Over the last seventy years, the Government's policy regarding Muslim education had been a part of minority community, which included Christians, Jains, Buddhists, and other communities. But today, education of children from Muslim minority needs to be looked at keeping in mind the nuances governing it. Madrasas are not entitled to benefits under the Right to Education (RTE) Act, 2009, even though there is a provision for education for all children as per Article 21A of Constitution. Therefore, they cannot avail free uniforms, Mid-Day Meal (MDM) school bags and books and other entitlements. The provisions of Constitution and various Judgements are meant for upliftment of all communities. Moreover, by denying these entitlements to children, the institutions may be denying these children a sense of social belongingness and pushing the children towards alienation and isolation from the mainstream resulting in radicalization. There is an urgent need to devise a pathway to ensure that the benefits reach the children of minority communities.

1.5.1. THE RIGHT OF CHILDREN STUDYING IN MADRASAS AND OTHER MINORITY SCHOOLS

Like in other minority schools, the Right of Children to Free and Compulsory Education Act, 2009 has been made inapplicable to madrasas following the Supreme Court Judgement in 2012 in the *Society for Unaided Private Schools of Rajasthan vs Union of India* and in 2014 in the *Pramati Educational and Cultural Trust and Ors v. Union of India and Ors*. The rationale behind the exemption, as mentioned in the previous sections, was to provide equal opportunity to the minorities to conserve their language, script, and culture as per Article 29 and Article 30.

As such beneficial legislations such as RTE are usually implemented to ensure maximum reach. Given the doctrine of harmonious construction of fundamental



rights, several provisions of RTE do not interfere with the administrative rights of the minority schools, such as prevention of physical & mental cruelty towards students, abolition of detention of students till Class 8, quality checks on pedagogical and teacher standards, entitlements to students from disadvantaged background such as free uniform, books and other scholarships, ensuring physical, psychological, mental and sexual safety of the child. While the RTE Act does not discriminate between children, the complete immunity of minority schools from its operations, establishes that a child studying in minority schools is deprived of and to that extent discriminated against.¹¹ This discrimination snowballs into depriving the child of their fundamental rights of Equality before law (Article 14); prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15(1)); and also interrupts States' responsibility under Article 13 (2) to not make any law which takes away or abridges the rights conferred under the fundamental rights and any law made in contravention of this clause shall, to the extent of the contravention, be void. Hence, the Act, instead of an enabling tool, becomes a depriving tool for the children studying in unmapped Madrasa¹² and other minority and religious institutions.

It is important here to differentiate between the children studying in madrasas and in other minority schools. Minority schools such as those discussed in Part I of this report are different from madrasas in two key aspects:

1) Other minority schools have a range of schools, both budget private schools and elite private schools, having a larger enrollment of an affluent section of the minority community (*Refer 3.1.12. Enrollment of Disadvantaged Students Minority Schools and 3.1.13. Community-wise Enrollment of Disadvantaged Minority Students in Minority Schools*) while madrasas are primarily catering to the relatively poor section of society, since they are considered a viable option as they provide free education, clothes, food and boarding.¹³

2) Other minority schools admit students from different communities as well. In fact, majority of the enrollment in minority schools belongs to other communities (*Refer 3.1.10. Enrollment in Minority Schools and 3.1.11. Community-wise Enrollment in Minority Schools*). In contrast, it is extremely rare to find non-Muslim students studying in madrasas today.¹⁴

¹¹ Time to undo the RTE bias against private non-minority institutions, Indian Express, April 3 2021, <<https://indianexpress.com/article/opinion/columns/rte-fundamental-rights-private-non-minority-institutions-7256439/>>, accessed on 09 April 2021.

¹² Refer to definition of 'Unmapped Madrasas' on Page 83.

¹³ Engineer, Asghar Ali, 'Muslims and Education', Economic and Political Weekly, 25-31 August, 2001.

¹⁴ Fahimuddin, Modernisation of Muslim Education in India, New Delhi: Adhyayan Publishers, 2004.



2

APPROACH AND METHODOLOGY



2.1 Phase I Methodology

2.1.1. SECONDARY RESEARCH

Analysis of Documents Pertaining to Minority Schools

The project began with an extensive study of central guidelines pertaining to minority educational institutes as envisaged in the Indian Constitution. Constituent Assembly debated regarding minority rights as detailed in the Directive Principles of State Policies and the Fundamental Rights were examined. Further, guidelines pertaining to minority educational institutes as given under the National Commission for Minority Educational Institutions (NCMEI) Act 2004, regarding establishment and administration of and application for minority educational institutions were also studied. In the same vein, the National Commission for Minorities Act, 1992 which notified six religious communities, viz; Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis) and Jains was also studied to understand the background of minority communities' rights.

State guidelines pertaining to management of minority educational institutes as available online for the state of Tamil Nadu, Maharashtra, Kerala, Andhra Pradesh, West Bengal, Haryana and other states, as available online, were reviewed. The Right to Education Act, 2009, and its Model Rules as prescribed by State Government were also scrutinised to understand the gaps as well as the additional components, vis-à-vis the guidelines.

Furthermore, important judgements given by the Supreme Court with regard to education rights of the minority communities since the Independence were studied. Such important case summaries included *In Re Kerala Education (1957)*, *D. A. V. College vs. State Of Punjab (1971)*, *T.M.A. Pai Foundation vs. State of Karnataka (2002)*, *P. A. Inamdar vs. State of Maharashtra (2005)*, *Society for Unaided Private Schools of Rajasthan vs. Union of India (2012)*, *Pramati Educational and Cultural Trust and Others vs Union of India (2014)* and more. Recent news articles in dailies such as DNA India, The Times of India, The Print, Business Standard, Hindustan Times, etc. were also perused in order to understand the current issues plaguing the landscape with regard to minority educational institutions. Lastly, scholarly pieces with regards to minority rights and educational rights written by legal think-tanks were reviewed to understand the Constitutional aspects of the scenario historically.

Creation of Draft Framework

Information yielded from the examination of guidelines, case summaries and articles were used to create a conceptual framework. This conceptual framework captured all of the moving parts in this complex machinery set up by the State for the benefit of religious and linguistic minority children and their education. The framework contained two overarching components:

1) Constitutional Aspects: Details pertaining to articles as stated in the Constitution, related acts and laws, relevant case judgements and state guidelines were covered here, to arrive at a comprehensive picture of the objective and scope of the guidelines governing minority educational institutions at both central and state level.

2) Implementation Aspects: Questions pertaining to administrative framework such as application for Minority Status Certificate, process of renewal, documents required and rules regarding recruitment of teachers and qualification, reservation of seats, fees, medium of instruction, admission process, affiliation, recognition, etc. in each state.

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS (NCPCR)

| Impact of Article 15 (5) w.r.t Article 21A of the Constitution of India on education of children of respective minority community (date of publishing on website: 05.11.2019) | | | | | | | | | | | | | | |
|--|--------------------|--------------------------|--------------------------------|----|------------|----|--|--|---|-------------------------------|-----------------|--|--|--|
| STATE | | | | | | | | | | | | | | |
| DISTRICT | | | | | | | | | | | | | | |
| NODAL OFFICER | | | | | | | | | | | | | | |
| 1 | 2 | 3 | 4 | | 5 | | 5a | 5b | 6 | 7 | 8 | 9 | 9a | 9b |
| Sr. No. | Name of the School | UDISE Code of the School | Recognized by State Government | | Affiliated | | If yes, Affiliated to State Board or CBSE or ICSE (Please specify) | Affiliated to any other Board (please specify) | Minority Status Certificate Issuing Authority | Order number and issuing Date | Total Enrolment | Total no. of children of the respective minority community as the status of the school | Total no. of children of the respective minority community from disadvantaged group/weaker section | Total no. of children of the respective minority community from disadvantaged group/weaker section receiving any benefit such as fee waiver or any other special benefit |
| | | | Yes | No | Yes | No | | | | | | | | |
| 1 | S1 | | | | | | | | | | | | | |
| 2 | S2 | | | | | | | | | | | | | |
| 3 | S3 | | | | | | | | | | | | | |
| 4 | S4 | | | | | | | | | | | | | |
| 5 | SS & so on | | | | | | | | | | | | | |

FIGURE 2: The format according to which data was collected by NCPCR from different states and shared with QCI.

2.1.2 PRIMARY RESEARCH


Data Collation and Entry

National Commission for Protection of Child Rights (NCPCR) sent letters to state officials (State Project Directors, RMSA/SSA) across India (28 states and 8 union territories) requesting information regarding status of minority schools in June 2020.

The information pertaining to minority schools was collected in format as mentioned in Figure 1. States provided information about the number of minority schools in each district along with certain pertinent information about these schools such as: 1) UDISE Code, 2) Recognition Status by State Government, 3) Affiliation Status to Board and Board Name, 4) Minority Status Certificate (MSC)

| S. No. | State | Type | No. of Schools | S. No. | State | Type | No. of Schools |
|--------------|----------------------|-----------------|----------------|--------|----------------|-------|----------------|
| 1 | AN Islands | Union Territory | 33 | 15 | Madhya Pradesh | State | 421 |
| 2 | Chandigarh | Union Territory | 22 | 16 | Maharashtra | State | 7123 |
| 3 | Dadra & Nagar Haveli | Union Territory | 2 | 17 | Manipur | State | 272 |
| 4 | Daman & Diu | Union Territory | 5 | 18 | Meghalaya | State | 3524 |
| 5 | Delhi | Union Territory | 168 | 19 | Nagaland | State | 115 |
| 6 | Puducherry | Union Territory | 49 | 20 | Odisha | State | 117 |
| 7 | Andhra Pradesh | State | 144 | 21 | Punjab | State | 81 |
| 8 | Arunachal Pradesh | State | 24 | 22 | Rajasthan | State | 736 |
| 9 | Bihar | State | 68 | 23 | Sikkim | State | 29 |
| 10 | Chhattisgarh | State | 120 | 24 | Tamil Nadu | State | 4537 |
| 11 | Gujarat | State | 913 | 25 | Telangana | State | 195 |
| 12 | Haryana | State | 83 | 26 | Uttar Pradesh | State | 690 |
| 13 | Jharkhand | State | 1312 | 27 | Uttarakhand | State | 67 |
| 14 | Kerala | State | 2509 | 28 | West Bengal | State | 128 |
| TOTAL | | | | | | | 23487 |

TABLE 3: Number of minority schools which were analysed as part of this study in each state.



Issuing Authority and its order number and date, 5) Total enrollment of the school, 6) Enrollment of minority students, 7) Enrollment of minority students from disadvantaged groups/weaker section, and 8) Number of minority students from disadvantaged groups/weaker section receiving benefits. States provided data in Excel files, PDF files and images to NCPCR. In all, data from 24 states and 6 UTs was received by NCPCR and sent to QCI.

QCI collated data from these various states to arrive at the final count of schools. Post collation, QCI onboarded professionals to undertake entry of data. These professionals were oriented and trained on the project objective and scope. A combined sheet was created by the resources to undertake data entry, with the same columns as mentioned in the data format sent by NCPCR to the States/ Uts.

Data Streamlining

Once all the data was entered to a common excel, QCI began the process of streamlining it. Same answers were grouped into one category – for e.g., National Commission for Minority Educational Institutions, Govt. of India, NCMEI, Minority Commission, etc. were all grouped under NCMEI. Further in case of aberrant answers where such grouping was not possible, QCI prepared a comprehensive list of the cases and conducted meeting with NCPCR to resolve them.

Post streamlining, QCI undertook the process of categorising schools into minority communities, i.e., Muslim, Christian, Sikh, Jain, Parsis, Buddhist or Others (established by communities such as Jews, Baha'i, etc.) for schools which were religious minorities. Additional categorisation for Linguistic Minorities was also carried out. This exercise was based on judgement call on the basis of school name, website and MSC issuing authority. Thus, this data was not verified by schools or authorities. Schools categorised under 'Not Informed' could not be judged adequately with regard to their minority community.

Later, schools that expressly aimed at dispensing religious education to children such as madaras and maktabas, were excluded from final analysis, as these institutions were exempted from RTE u/s 1 (5) of the Act. However, a separate section on these institutions have been included in the report. Schools established for empowerment of minorities by the State, such as those established by the Telangana Minorities Residential Educational Institutions Society (TMREIS), Government of Telangana, were also excluded. Thus, schools dispensing foundational education established under Article 30 were included for the final analysis. The count of these schools, in each state, is given in Table 3. *(Assam has been excluded from the analysis in the absence of reliable data from the state. It could not be conclusively proven that the data of 45,686 schools sent by the Assam state authorities were data of minority schools or data of all schools along with their minority population.)*

Data Analysis

Post streamlining of data, the data was analysed to understand the key trends pertaining to the minority schools in India. Parameters for analysis were selected based on the NCPCR data format and relevant to the overall project objective.

2.2. Phase II Methodology


A multipronged approach was adopted to examine the educational rights of children of minority communities with regard to their exclusion from the right to education provided under the Constitution of India, in particular reference to minority children studying in madrasas.

- *First*, consultations with important stakeholders were organized across different states to get an insight into the needs and concerns of those who are directly associated with the education of children of minority communities in 2016-20. Sixteen consultations have been organized in the states and cities as mentioned in Table 4.

| S. No. | City | Date | State |
|--------|-----------|-------------------|----------------|
| 1 | Bhopal | 22 March 2016 | Madhya Pradesh |
| 2 | Ranchi | 28 February 2017 | Jharkhand |
| 3 | Nagpur | 09 March 2017 | Maharashtra |
| 4 | Kadapa | 22 March 2017 | Andhra Pradesh |
| 5 | New Delhi | 29 March 2017 | Delhi |
| 6 | Mumbai | 11 September 2017 | Maharashtra |
| 7 | Jaunpur | 27 December 2017 | Uttar Pradesh |
| 8 | Nuh | 15 February 2018 | Haryana |
| 9 | Meerut | 28 March 2018 | Uttar Pradesh |
| 10 | Pune | 27 February 2019 | Maharashtra |
| 11 | Lucknow | 06 March 2019 | Uttar Pradesh |
| 12 | Ajmer | 13 March 2019 | Rajasthan |
| 13 | Patna | 23 March 2019 | Bihar |
| 14 | Howrah | 01 February 2020 | West Bengal |
| 15 | Bhagalpur | 01 March 2020 | Bihar |
| 16 | Jhunjhunu | 05 March 2020 | Rajasthan |

TABLE 4: Details of the Consultation Workshops from 2016 to 2020 conducted by NCPCR.

- The ten states house more than 50% of the total children in the age of 5-18 years from Muslim minority community as per Census 2011. Representatives from more than 500 madrasas and 1000 children attending madrasas attended the consultations. The participants also included community and religious leaders, maulvis, parents of children studying in madrasas, and social workers working for the upliftment of minority community.
- Consultation Meeting with Members of National Monitoring Committee for Minorities Education (NMCME) and other experts in education regarding education of children from minority community was organized on 26 February 2018 with an aim to ensure fundamental right to education of all children. (NMCME was reconstituted by MHRD *vide* resolution dated 03 August 2017 whose important function is to advise the Government on all matters pertaining to the education of minorities and review the functioning of various schemes launched by the Ministry for the purpose of promoting minority education.)
- In its representation and recommendations in the NITI Aayog's Inter-Ministerial Meeting for Inter-Ministerial Convergence on Education held on



20 March 2017; Commission highlighted the issue of educational rights of children of minority communities. It stated that mapping of children going to Madrasas, Gumpas (Buddhist Monasteries providing education), vedic pathshalas and any other faith based non-formal institutions and unrecognized schools should be carried out. Also, Ministry of Minority Affairs should consult with Ministry of Education (MoE), erstwhile Ministry of Human Resource Development), to provide benefits of Article 21A of Constitution of India for the children going to recognized and unrecognized Madrasas and linguistic minority schools across the country.

- Also, the matter was discussed in consultation meeting held on 04 January 2018 with members of National Advisory Council (NAC) and experts in field of education.
- Further, during the orientation and consultation meeting with SCPCRs, a session on Understanding the Role of Commissions in Monitoring of RTE Act, 2009 was conducted. During the session, the issue of education of children from minority community was discussed and a resolution was passed which was submitted to MoE.
- Additionally, the matter was highlighted before the 65th CABE meeting held on 15 and 16 January 2018, and the Commission demanded constitution of a sub-committee to find a way to bridge the gap in compliance of Article 21A and Article 30 of Constitution of India to ensure fundamental right to education of children.

3

FINDINGS



3.1. Phase I Findings

To facilitate like-to-like comparisons, states and UTs have been grouped on the basis of the percentage of religious minority population. Thus, states and UTs with population of minorities below 30% of the total population are categorised as “Less than 30%”, percentage of minorities population between 30% to 50% are grouped under “30% - 50%”, and states and UTs with percentage of minority population above 50% of total population are categorised as “More than 50%.”

Table 5 provides a profile of the States and UTs along with their total population, religious minority population, percentage of religious minority population and its consequent categorisation. In Table 3, it is evident that in the “Below 30%” category, there are 20 states and UTs. In the “30% - 50%” category, there are 4 states and UTs, while in the

“More than 50%” category, there are 5 states and UTs.

The following chapter provides the insights after analysis of the main parameters pertaining to minority schools collected as part of the study. These are as follows:

- Percentage of Minority Schools
- Recognition Status
- Affiliation Status
- Minority Status Certificate (MSC) Issuing Authority
- Enrollment of minority & non-minority students
- Enrollment of disadvantaged students
- Number of disadvantaged students receiving benefits

For each of these parameters, the graphs have been provided state-wise as well as community group-wise.

| NO. | STATES/UTs | POPULATION | MINORITIES | % OF MINORITIES | CATEGORY |
|-----|----------------------|--------------|-------------|-----------------|---------------|
| 1 | Dadra & Nagar Haveli | 3,43,709 | 20,365 | 5.93% | Less than 30% |
| 2 | Odisha | 4,19,74,219 | 25,96,958 | 6.19% | Less than 30% |
| 3 | Chhattisgarh | 2,55,45,198 | 17,02,147 | 6.66% | Less than 30% |
| 4 | Andhra Pradesh | 4,95,77,103 | 41,07,001 | 8.28% | Less than 30% |
| 5 | Madhya Pradesh | 7,26,26,809 | 65,22,063 | 8.98% | Less than 30% |
| 6 | Daman & Diu | 2,43,247 | 22,852 | 9.39% | Less than 30% |
| 7 | Gujarat | 6,04,39,692 | 68,47,802 | 11.33% | Less than 30% |
| 8 | Rajasthan | 6,85,48,437 | 78,23,621 | 11.41% | Less than 30% |
| 9 | Tamil Nadu | 7,21,47,030 | 87,70,276 | 12.16% | Less than 30% |
| 10 | Haryana | 2,53,51,462 | 31,38,122 | 12.38% | Less than 30% |
| 11 | Puducherry | 12,47,953 | 1,56,422 | 12.53% | Less than 30% |
| 12 | Telangana | 3,51,93,978 | 52,45,527 | 14.90% | Less than 30% |
| 13 | Uttarakhand | 1,00,86,292 | 17,06,048 | 16.91% | Less than 30% |
| 14 | Bihar | 10,40,99,452 | 1,77,68,639 | 17.07% | Less than 30% |
| 15 | Delhi | 1,67,87,941 | 30,62,235 | 18.24% | Less than 30% |
| 16 | Chandigarh | 10,55,450 | 2,01,862 | 19.13% | Less than 30% |
| 17 | Maharashtra | 11,23,74,333 | 2,23,84,986 | 19.92% | Less than 30% |
| 18 | Uttar Pradesh | 19,98,12,341 | 3,99,17,065 | 19.98% | Less than 30% |
| 19 | West Bengal | 9,12,76,115 | 2,66,62,302 | 29.21% | Less than 30% |
| 20 | AN Islands | 3,80,581 | 1,15,616 | 30.38% | 30% - 50% |
| 21 | Jharkhand | 3,29,88,134 | 1,05,43,740 | 31.96% | 30% - 50% |
| 22 | Sikkim | 6,10,577 | 2,56,087 | 41.94% | 30% - 50% |
| 23 | Kerala | 3,34,06,061 | 1,50,35,414 | 45.01% | 30% - 50% |
| 24 | Punjab | 2,77,43,338 | 1,69,77,636 | 61.20% | More than 50% |
| 25 | Manipur | 25,70,390 | 16,62,949 | 64.70% | More than 50% |
| 26 | Arunachal Pradesh | 13,83,727 | 9,75,203 | 70.48% | More than 50% |
| 27 | Meghalaya | 29,66,889 | 26,15,233 | 88.15% | More than 50% |
| 28 | Nagaland | 19,78,502 | 18,03,132 | 91.14% | More than 50% |

TABLE 5: Categorisation of States as per Minority Population. All data has been sourced from Census of India, 2011. Data for Telangana has been sourced from Telangana Statistical Yearbook.

3.1.1 Community-wise Minority Population and Minority Schools

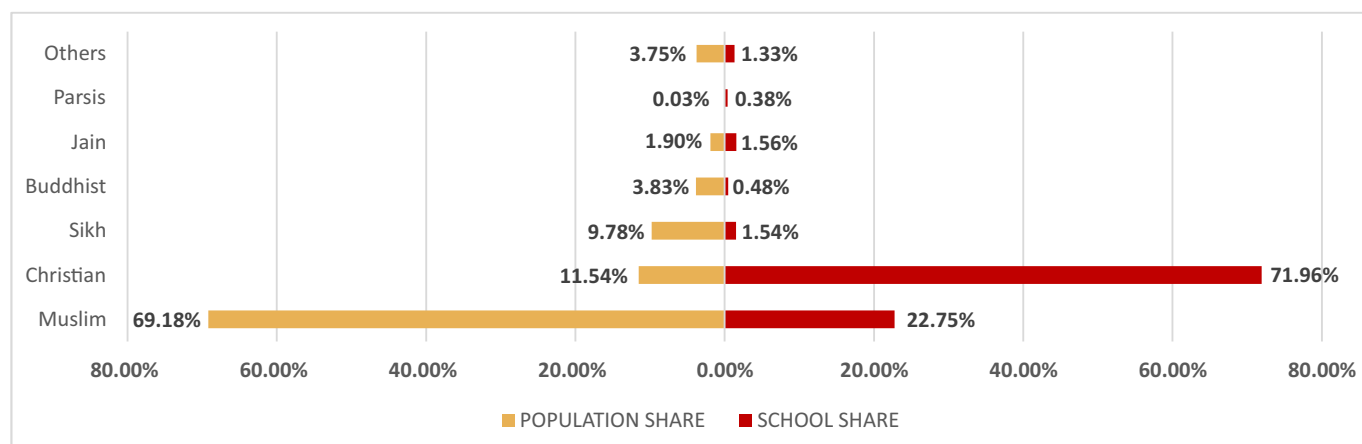


FIGURE 3: Community-wise percentage share in minority population and percentage share in minority schools.

| COMMUNITY | MINORITY POPULATION | POPULATION SHARE | MINORITY SCHOOLS | SCHOOL SHARE |
|-----------|---------------------|------------------|------------------|--------------|
| Muslim | 144756718 | 69.18% | 4085 | 22.75% |
| Christian | 24140019 | 11.54% | 12920 | 71.96% |
| Sikh | 20467160 | 9.78% | 276 | 1.54% |
| Buddhist | 8006510 | 3.83% | 86 | 0.48% |
| Jain | 3979733 | 1.90% | 280 | 1.56% |
| Parsis | 56738 | 0.03% | 69 | 0.38% |
| Others | 7839178 | 3.75% | 239 | 1.33% |

TABLE 6: Community-wise percentage share in minority population and percentage share in minority schools.

A comparison of minority population and minority schools with respect to each community group is shown in Table 6.

- The **Muslim community** contributes a share percentage of 69.18% to the religious minority population, and contributes a share of 22.75% to the religious minority schools.
- The **Christian community**, which makes up 11.54% of the total religious population, has a share of 71.96% of the total religious minority schools in India.
- The **Sikh community** contributes a share percentage of 9.78% to the total religious minority population, and contributes a share of 1.54% to the religious minority schools.
- The **Buddhist community**, which makes up 3.38% of the total religious population, has a share of 0.48% of the total religious minority schools in India.
- The **Jain community** contributes a share percentage of 1.90% to the religious minority population, and contributes a share of 1.56% to the religious minority schools.
- The **Parsi community**, which makes up 0.03% of the total religious population, has a share of 0.38% of the total religious minority schools in India.
- **Others religious communities** (including tribal religions, Baha'i, Jews), contribute a share percentage of 3.75% to the religious minority population, and contributes a share of 1.33% to the religious minority schools.

Population as per religious groups is from Census 2011 Data, <<https://censusindia.gov.in/2011census/C-15.html>>, accessed on 01 October 2020. The number of people in different religious groups is from Census 211, while the number of religious minority schools is from the data as provided by NCPDR from the state authorities, after removal of duplicate entries and linguistic minority schools.

3.1.2. Recognition Status of Minority Schools

CATEGORY OF STATES: LESS THAN 30%

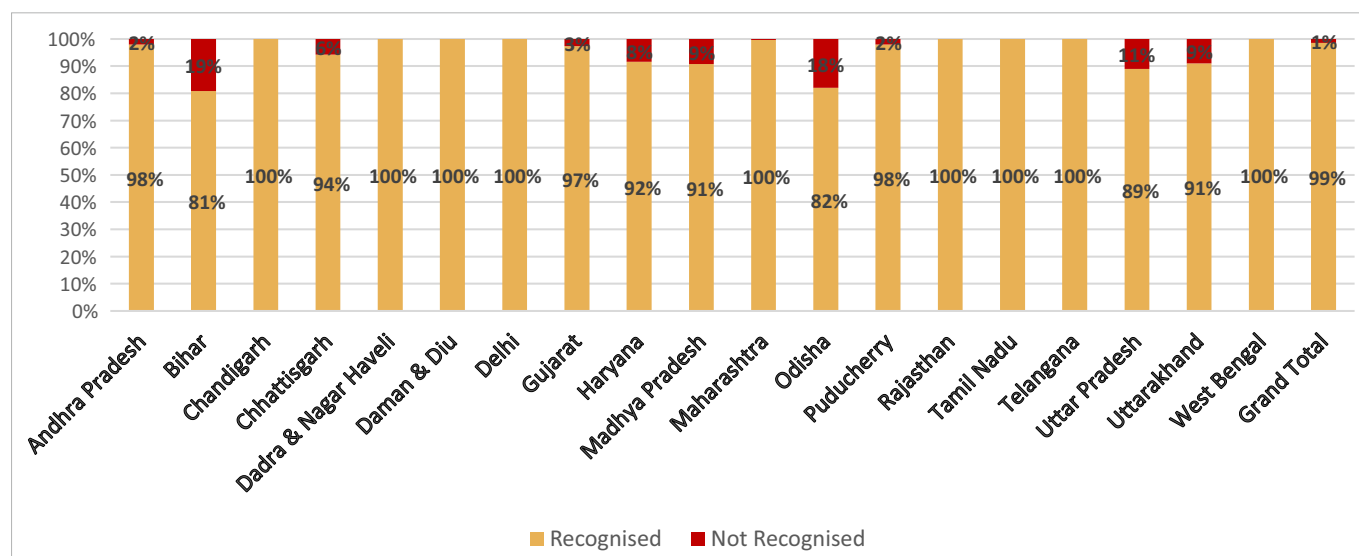


FIGURE 4: Recognition Status of Minority Schools as per States/UTs (Less than 30%).

| STATES/UTs | RECOGNISED | RECOGNISED (in %) | NOT RECOGNISED | NOT RECOGNISED (in %) | TOTAL |
|----------------------|------------|-------------------|----------------|-----------------------|-------|
| Andhra Pradesh | 141 | 97.92% | 3 | 2.08% | 144 |
| Bihar | 55 | 80.88% | 13 | 19.12% | 68 |
| Chandigarh | 22 | 100.00% | 0 | 0.00% | 22 |
| Chhattisgarh | 113 | 94.17% | 7 | 5.83% | 120 |
| Dadra & Nagar Haveli | 2 | 100.00% | 0 | 0.00% | 2 |
| Daman & Diu | 5 | 100.00% | 0 | 0.00% | 5 |
| Delhi | 168 | 100.00% | 0 | 0.00% | 168 |
| Gujarat | 889 | 97.37% | 24 | 2.63% | 913 |
| Haryana | 76 | 91.57% | 7 | 8.43% | 83 |
| Madhya Pradesh | 382 | 90.74% | 39 | 9.26% | 421 |
| Maharashtra | 7091 | 99.55% | 32 | 0.45% | 7123 |
| Odisha | 96 | 82.05% | 21 | 17.95% | 117 |
| Puducherry | 48 | 97.96% | 1 | 2.04% | 49 |
| Rajasthan | 736 | 100.00% | 0 | 0.00% | 736 |
| Tamil Nadu | 4537 | 100.00% | 0 | 0.00% | 4537 |
| Telangana | 195 | 100.00% | 0 | 0.00% | 195 |
| Uttar Pradesh | 614 | 88.99% | 76 | 11.01% | 690 |
| Uttarakhand | 61 | 91.04% | 6 | 8.96% | 67 |
| West Bengal | 128 | 100.00% | 0 | 0.00% | 128 |
| Grand Total | 15359 | 98.53% | 229 | 1.47% | 15588 |

TABLE 7: Recognition Status of Minority Schools as per States/UTs (Less than 30%).

Please note, apart from schools stating "Yes", other schools with extraneous variables such as -, 0, or no variable in the 'Recognition' column were also grouped in "Recognised" category. Similarly, all the schools in the states that did not provide data pertaining to school recognition were categorised under "Recognised".

As per the RTE Act, no school should function without recognition. Thus all schools, irrespective of their minority status, require recognition by State Government. A recognition by the State Government implies that the school follows the state statutory regulatory compliance. The Model Rules under the RTE Act define these as including basic minimum criteria to run a school such as established as a not-for-profit institute run by a trust/registered society, having a sound and stable administration, adhering to norms pertaining to safe premises, hygienic environment, non-commercial use of building, providing certain infrastructural facilities such as barrier-free access, number of books in the library, teacher learning material, sanitary facilities, sports & play equipment, etc. and recruiting qualified head-teachers and teachers. Different states may require addition to the basic minimum criteria for school recognition as laid down in their State Education Rules.

Category of States: Less than 30%

- As evidenced in Table 7, across the states, 98.53% minority schools are recognised by their respective state government.
- All schools (100%) are recognised in **Chandigarh, Dadra and Nagar Haveli, Daman and Diu, Delhi, Maharashtra, Rajasthan, Tamil Nadu, Telangana and West Bengal.**
- **Bihar** (80.88%) has the lowest percentage of recognised schools by the State Government, closely followed by **Odisha** (82.05%).

CATEGORY OF STATES: 30% - 50%

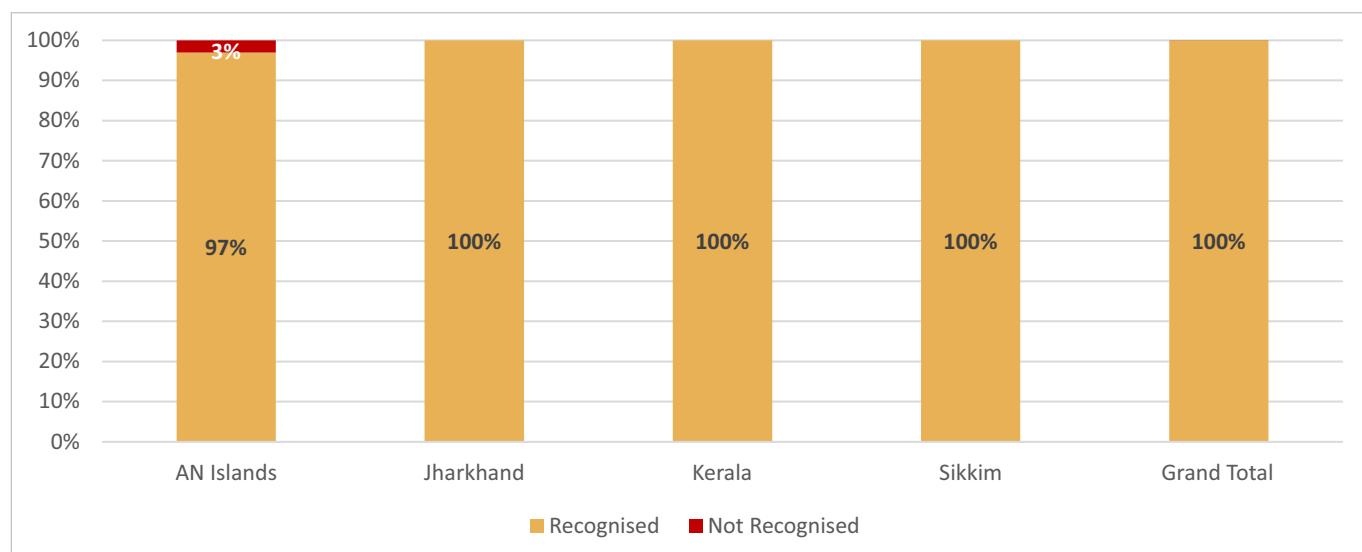


FIGURE 5: Recognition Status of Minority Schools as per States/UTs (30% to 50%)

| STATES/UTs | RECOGNISED | RECOGNISED (in %) | NOT RECOGNISED | NOT RECOGNISED (in %) | TOTAL |
|-------------|------------|-------------------|----------------|-----------------------|-------|
| AN Islands | 32 | 96.97% | 1 | 3.03% | 33 |
| Jharkhand | 959 | 73.09% | 353 | 26.91% | 1312 |
| Kerala | 2506 | 99.88% | 3 | 0.12% | 2509 |
| Sikkim | 29 | 100.00% | 0 | 0.00% | 29 |
| Grand Total | 3526 | 90.81% | 357 | 9.19% | 3883 |

TABLE 8: Recognition Status of Minority Schools as per States/UTs (30% to 50%)

Category of States: 30% - 50%

- Across the states, 90.81% minority schools are recognised by their respective State Government.
- **Sikkim** (100%) has the highest percentage of schools recognised by the State Government, closely followed by **Kerala** (99.88%).
- **Jharkhand** (73.09%) has the lowest percentage of schools recognised by the State Government.

CATEGORY OF STATES: More than 50%

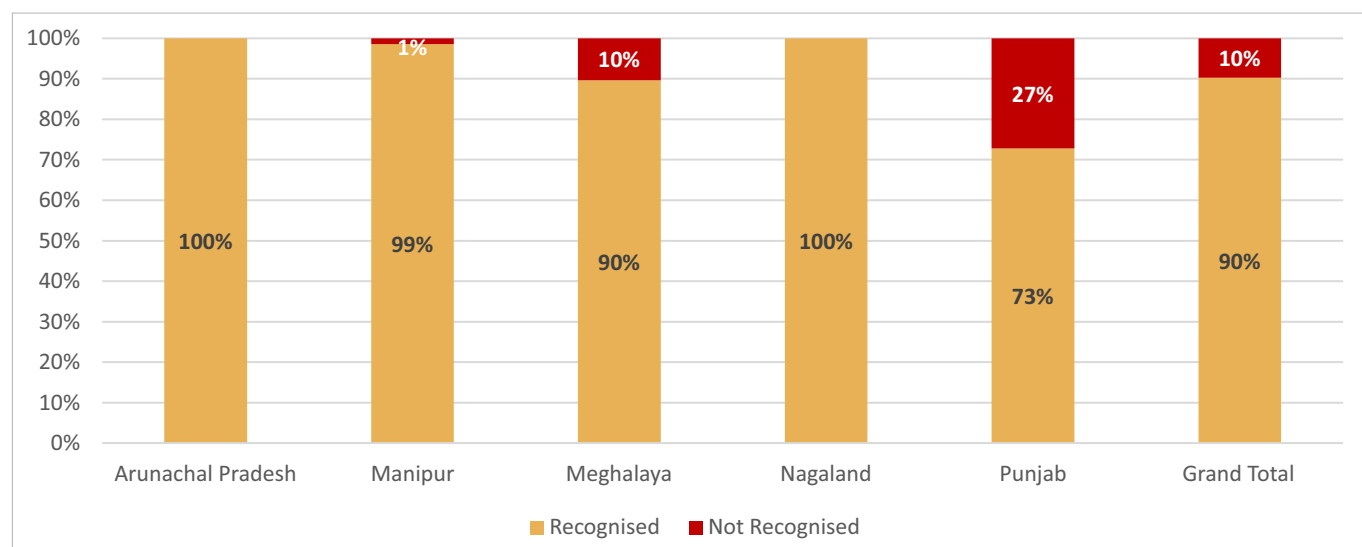


FIGURE 6: Recognition Status of Minority Schools as per States/UTs (More than 50%)

| STATES/UTs | RECOGNISED | RECOGNISED (in %) | NOT RECOGNISED | NOT RECOGNISED (in %) | TOTAL |
|-------------------|------------|-------------------|----------------|-----------------------|-------|
| Arunachal Pradesh | 24 | 100.00% | 0 | 0.00% | 24 |
| Manipur | 268 | 98.53% | 4 | 1.47% | 272 |
| Meghalaya | 3160 | 89.67% | 364 | 10.33% | 3524 |
| Nagaland | 115 | 100.00% | 0 | 0.00% | 115 |
| Punjab | 59 | 72.84% | 22 | 27.16% | 81 |
| Grand Total | 3626 | 90.29% | 390 | 9.71% | 4016 |

TABLE 9: Recognition Status of Minority Schools as per States/UTs (More than 50%)

Category of States: More than 50%

- As evidenced in Table 9, across the states, 90.29% minority schools are recognised by their respective State Government.
- **Sikkim** (100%) and **Arunachal Pradesh** (100%) have the highest percentage of schools recognised by their State Government, followed by **Manipur** (98.53%).
- **Punjab** (72.84%) has the lowest percentage of schools recognised by the State Government.

3.1.3. Community-wise Recognition Status of Minority Schools

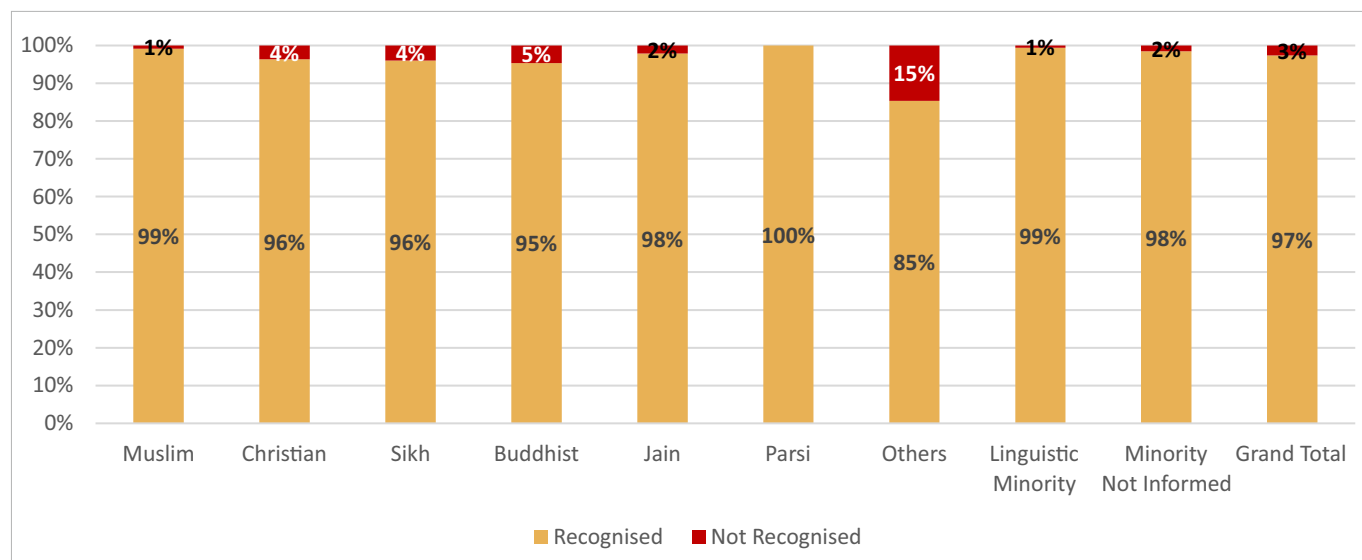


FIGURE 7: Community-wise Recognition Status of Minority Schools in States/UTs.

| COMMUNITY TYPE | RECOGNISED | RECOGNISED (in %) | NOT RECOGNISED | NOT RECOGNISED (in %) | TOTAL |
|-----------------------|------------|-------------------|----------------|-----------------------|-------|
| Muslim | 4050 | 99.14% | 35 | 0.86% | 4085 |
| Christian | 12449 | 96.35% | 471 | 3.65% | 12920 |
| Sikh | 265 | 96.01% | 11 | 3.99% | 276 |
| Buddhist | 82 | 95.35% | 4 | 4.65% | 86 |
| Jain | 274 | 97.86% | 6 | 2.14% | 280 |
| Parsi | 69 | 100.00% | 0 | 0.00% | 69 |
| Others | 204 | 85.36% | 35 | 14.64% | 239 |
| Linguistic Minority | 2915 | 99.42% | 17 | 0.58% | 2932 |
| Minority Not Informed | 2559 | 98.42% | 41 | 1.58% | 2600 |
| Grand Total | 22867 | 97.36% | 620 | 2.64% | 23487 |

TABLE 10: Community-wise Recognition Status of Minority Schools in States/UTs.

A comparison of the recognition status of minority schools as per each minority community group is shown in Table 10.

- Across the communities, 97.36% minority schools are recognised by their respective State Governments.
- **Linguistic Minority schools** (99.42%) have the highest percentage of schools recognised by their respective State Governments, followed closely by **Muslim community schools** (99.14%).
- Schools belonging to **Others religious communities** (85.36%) have the lowest percentage of schools recognised by their respective State Governments, followed by **Buddhist community schools** (95.35%).
- The **Christian community** has 96.35% schools recognised by the respective State Governments.
- The **Sikh community** has 96.01% schools recognised by the respective State Governments.
- The **Jain community** has 97.86% schools recognised by the respective State Governments.
- The **Parsi community** has 96.35% schools recognised by the respective State Governments.

3.1.4. Affiliation Status of Minority Schools

CATEGORY OF STATES: Less than 30%

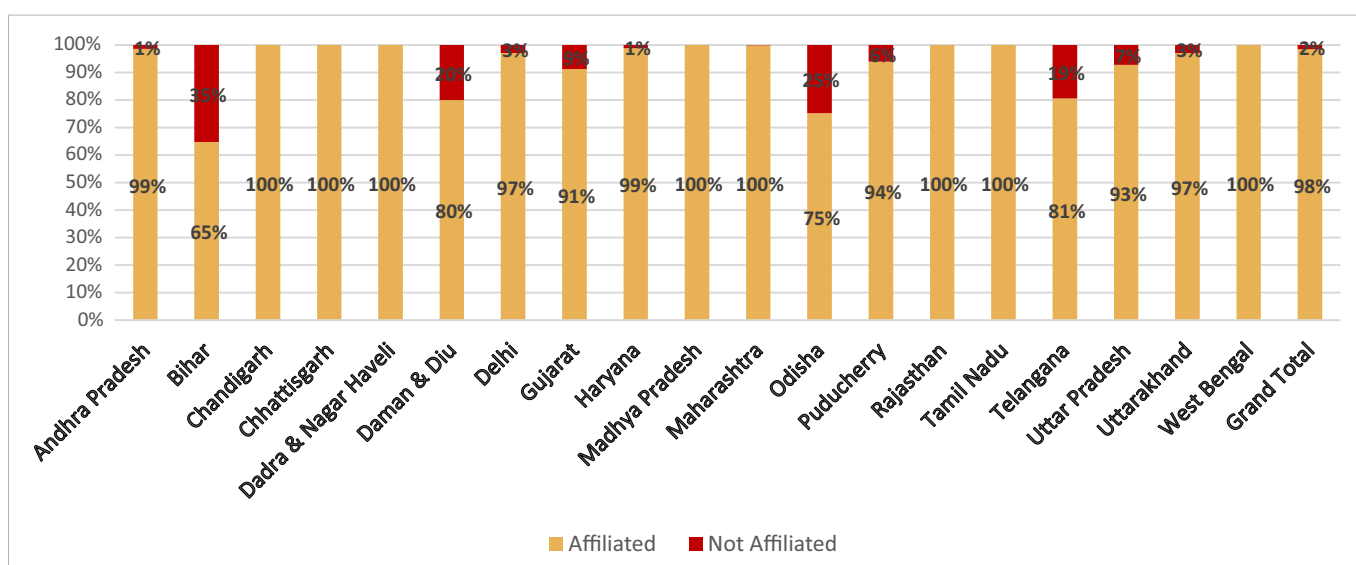


FIGURE 8: Affiliation Status of Minority Schools as per States/UTs (Less than 30%)

| STATES/UTs | AFFILIATED | AFFILIATED (in %) | NOT AFFILIATED | NOT AFFILIATED (in %) | TOTAL |
|----------------------|------------|-------------------|----------------|-----------------------|-------|
| Andhra Pradesh | 142 | 98.61% | 2 | 1.39% | 144 |
| Bihar | 44 | 64.71% | 24 | 35.29% | 68 |
| Chandigarh | 22 | 100.00% | 0 | 0.00% | 22 |
| Chhattisgarh | 120 | 100.00% | 0 | 0.00% | 120 |
| Dadra & Nagar Haveli | 2 | 100.00% | 0 | 0.00% | 2 |
| Daman & Diu | 4 | 80.00% | 1 | 20.00% | 5 |
| Delhi | 163 | 97.02% | 5 | 2.98% | 168 |
| Gujarat | 833 | 91.24% | 80 | 8.76% | 913 |
| Haryana | 82 | 98.80% | 1 | 1.20% | 83 |
| Madhya Pradesh | 421 | 100.00% | 0 | 0.00% | 421 |
| Maharashtra | 7108 | 99.79% | 15 | 0.21% | 7123 |
| Odisha | 88 | 75.21% | 29 | 24.79% | 117 |
| Puducherry | 46 | 93.88% | 3 | 6.12% | 49 |
| Rajasthan | 736 | 100.00% | 0 | 0.00% | 736 |
| Tamil Nadu | 4537 | 100.00% | 0 | 0.00% | 4537 |
| Telangana | 157 | 80.51% | 38 | 19.49% | 195 |
| Uttar Pradesh | 640 | 92.75% | 50 | 7.25% | 690 |
| Uttarakhand | 65 | 97.01% | 2 | 2.99% | 67 |
| West Bengal | 128 | 100.00% | 0 | 0.00% | 128 |
| Grand Total | 15338 | 98.40% | 250 | 1.60% | 15588 |

TABLE 11: Affiliation Status of Minority Schools as per States/UTs (Less than 30%).

Please note, apart from schools stating "Yes", other schools with extraneous variables such as -, 0, or no variable in the 'Affiliation' column were also grouped in "Affiliated" category. Similarly, all the schools in the states that did not provide data pertaining to school affiliation were categorised under "Affiliated."

An unaided school primarily seeks affiliation to a Board because it implies that the school follows certain norms set by the Board in the way it conducts examination and the type of curriculum it teaches. Affiliation is provided by a Board, if the schools adhere to norms pertaining to documentation of admission of students, service records of teachers, hiring procedures for teachers, provision for laboratories and overall conforming to the by-laws of the Board. Furthermore, school affiliation is particularly sought post Class 8 to provide external validation to matriculation examinations. Examples of popular affiliating Boards include respective State Boards, Central Board for Secondary Education (CBSE), Indian Certificate of Secondary Education (ICSE), International Baccalaureate (IB) and International General Certificate of Secondary Education (IGCSE).

Please note since data regarding grades were not collected from schools, it is difficult to estimate if the schools found not affiliated are indeed unaffiliated or in the absence of Class 8 and beyond were in no need for affiliation.

Category of States: Less than 30%

- As evidenced in Table 11, across the states, 98.40% minority schools are affiliated to a Board.
- All schools (100%) are affiliated to a Board in **Chandigarh, Chhattisgarh, Dadra & Nagar Haveli, Madhya Pradesh, Rajasthan, Tamil Nadu and West Bengal.**
- **Bihar (64.71%), Odisha (75.21%) and Daman and Diu (80.00%)** have among the lowest percentage of schools affiliated to a Board.

CATEGORY OF STATES: 30% - 50%

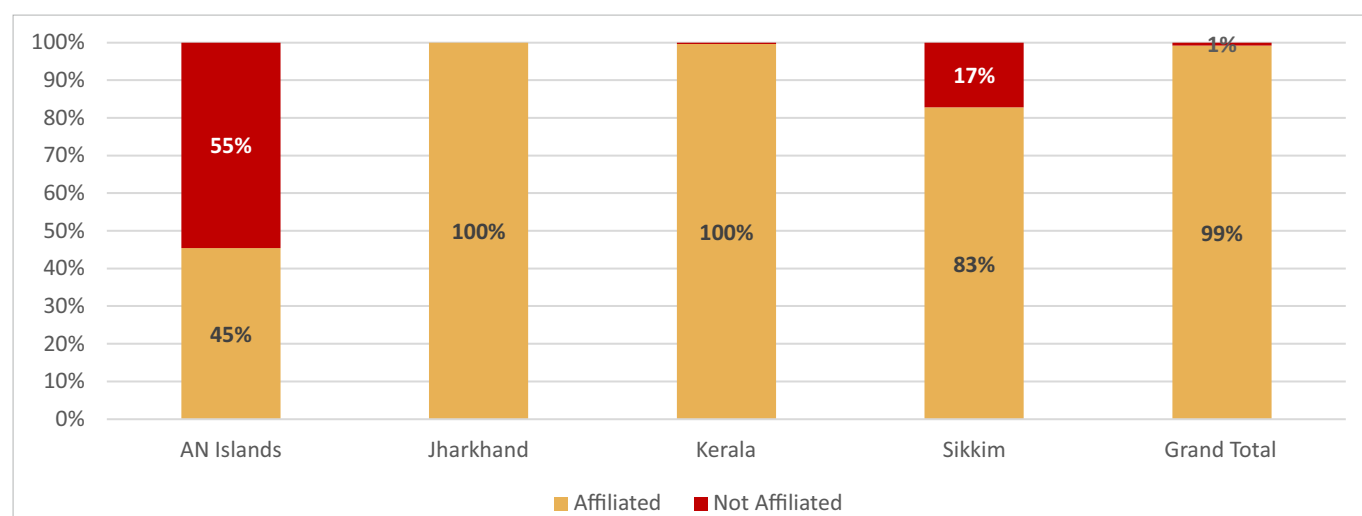


FIGURE 9: Affiliation Status of Minority Schools as per States/UTs (30% - 50%).

| STATES/UTs | AFFILIATED | AFFILIATED (in %) | NOT AFFILIATED | NOT AFFILIATED (in %) | TOTAL |
|-------------|------------|-------------------|----------------|-----------------------|-------|
| AN Islands | 15 | 45.45% | 18 | 54.55% | 33 |
| Jharkhand | 1312 | 100.00% | 0 | 0.00% | 1312 |
| Kerala | 2500 | 99.64% | 9 | 0.36% | 2509 |
| Sikkim | 24 | 82.76% | 5 | 17.24% | 29 |
| Grand Total | 3851 | 99.18% | 32 | 0.82% | 3883 |

TABLE 12: Affiliation Status of Minority Schools as per States/UTs (30% - 50%).

Category of States: 30% - 50%

- As evidenced in Table 12, across the states, 99.18% minority schools are affiliated to a Board.
- All schools (100%) are affiliated to a Board in **Jharkhand and Kerala.**
- **Andaman & Nicobar Islands (45.45%)** has the lowest percentage of schools affiliated to a Board.

CATEGORY OF STATES: More than 50%

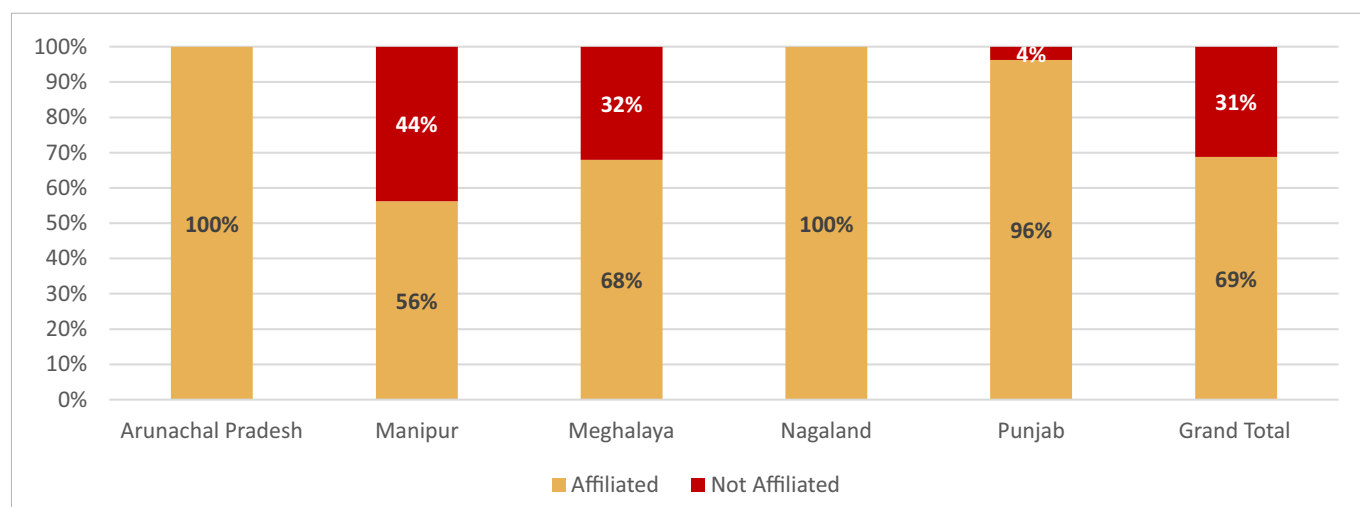


FIGURE 10: Affiliation Status of Minority Schools as per States/UTs (More than 50%).

| STATES/UTs | AFFILIATED | AFFILIATED (in %) | NOT AFFILIATED | NOT AFFILIATED (in %) | TOTAL |
|-------------------|------------|-------------------|----------------|-----------------------|-------|
| Arunachal Pradesh | 24 | 100.00% | 0 | 0.00% | 24 |
| Manipur | 153 | 56.25% | 119 | 43.75% | 272 |
| Meghalaya | 2394 | 67.93% | 1130 | 32.07% | 3524 |
| Nagaland | 115 | 100.00% | 0 | 0.00% | 115 |
| Punjab | 78 | 96.30% | 3 | 3.70% | 81 |
| Grand Total | 2764 | 68.82% | 1252 | 31.18% | 4016 |

TABLE 13: Affiliation Status of Minority Schools as per States/UTs (More than 50%).

Category of States: More than 50%

- As evidenced in Table 13, across the states, 68.82% minority schools are affiliated to a Board.
- All schools (100%) are affiliated to a Board in **Arunachal Pradesh** and **Nagaland**.
- **Manipur** (56.25%) has the lowest percentage of schools affiliated to a Board, followed by **Meghalaya** (67.93%).

3.1.5. Community-wise Affiliating Status of Minority Schools

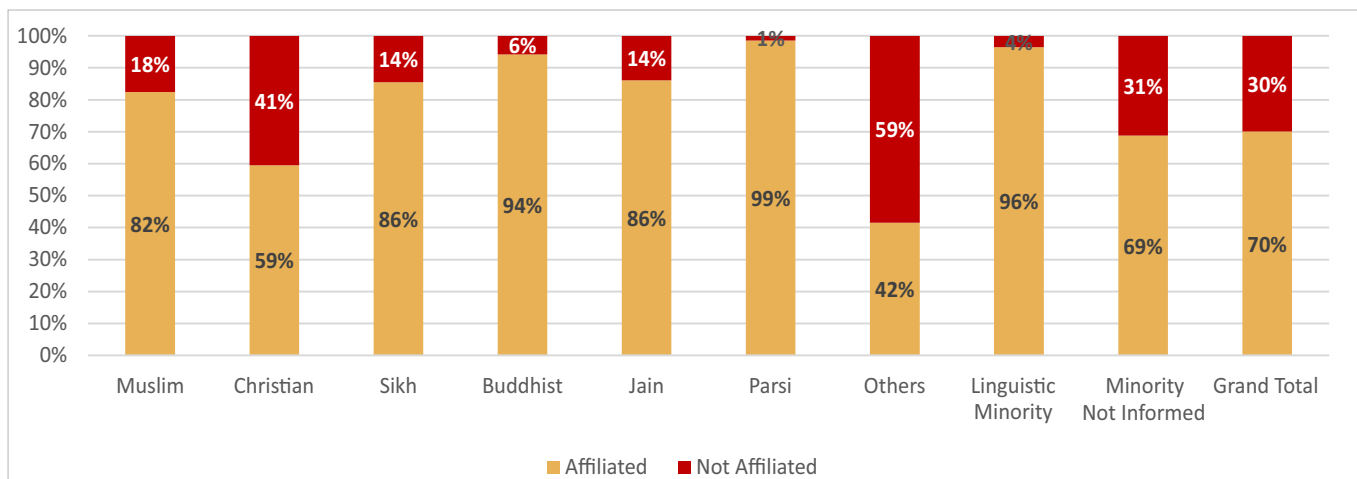


FIGURE 11: Community-wise Affiliation Status of Minority Schools in States/UTs.

| COMMUNITY TYPE | AFFILIATED | AFFILIATED (in %) | NOT AFFILIATED | NOT AFFILIATED (in %) | TOTAL |
|-----------------------|------------|-------------------|----------------|-----------------------|-------|
| Muslim | 4005 | 98.04% | 80 | 1.96% | 4085 |
| Christian | 11739 | 90.86% | 1181 | 9.14% | 12920 |
| Sikh | 265 | 96.01% | 11 | 3.99% | 276 |
| Buddhist | 86 | 100.00% | 0 | 0.00% | 86 |
| Jain | 266 | 95.00% | 14 | 5.00% | 280 |
| Parsi | 69 | 100.00% | 0 | 0.00% | 69 |
| Others | 147 | 61.51% | 92 | 58.50% | 239 |
| Linguistic Minority | 2905 | 99.08% | 27 | 0.92% | 2932 |
| Minority Not Informed | 2471 | 95.04% | 129 | 4.96% | 2600 |
| Grand Total | 21953 | 93.47% | 1534 | 6.53% | 23487 |

TABLE 14: Community-wise Affiliation Status of Minority Schools in States/UTs.

A comparison of the affiliation status of minority schools as per each minority community group is shown in Table 14.

- Across the communities, 93.47% minority schools are affiliated to a Board.
- **Buddhist community** schools and **Parsi community** schools (100%) have the highest percentage of schools affiliated to a Board, followed closely by **Linguistic Minority** schools (99.08%).
- Schools belonging to **Others religious communities** (61.51%) have the lowest percentage of schools affiliated to a Board.
- The **Muslim community** has 98.04% schools affiliated to a Board.
- The **Christian community** has 90.86% schools affiliated to a Board.
- The **Sikh community** has 96.01% schools affiliated to a Board.
- The **Jain community** has 95.00% schools affiliated to a Board.

3.1.6. Minority Status Certificate (MSC) Issuing Authority

CATEGORY OF STATES: Less than 30%

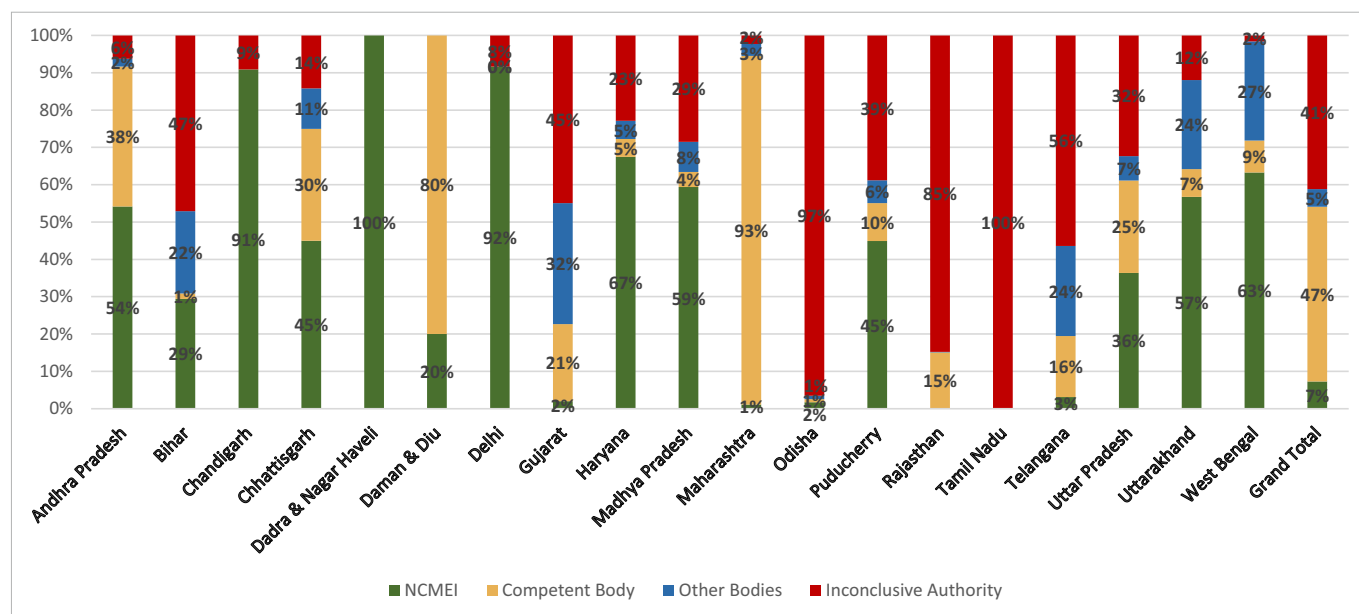


FIGURE 12: Minority Status Certificate (MSC) Issuing Authority of Minority Schools (Less than 30%).

| STATES/UTs | NCMEI | COMPETENT BODY | OTHER BODIES | INCONCLUSIVE |
|----------------------|---------|----------------|--------------|--------------|
| Andhra Pradesh | 54.17% | 37.50% | 2.08% | 6.25% |
| Bihar | 29.41% | 1.47% | 22.06% | 47.06% |
| Chandigarh | 90.91% | 0.00% | 0.00% | 9.09% |
| Chhattisgarh | 45.00% | 30.00% | 10.83% | 14.17% |
| Dadra & Nagar Haveli | 100.00% | 0.00% | 0.00% | 0.00% |
| Daman & Diu | 20.00% | 80.00% | 0.00% | 0.00% |
| Delhi | 91.67% | 0.00% | 0.00% | 8.33% |
| Gujarat | 1.97% | 20.70% | 32.42% | 44.91% |
| Haryana | 67.47% | 4.82% | 4.82% | 22.89% |
| Madhya Pradesh | 59.38% | 4.04% | 8.08% | 28.50% |
| Maharashtra | 1.11% | 93.40% | 3.19% | 2.30% |
| Odisha | 1.71% | 0.85% | 0.85% | 96.58% |
| Puducherry | 44.90% | 10.20% | 6.12% | 38.78% |
| Rajasthan | 0.14% | 14.95% | 0.14% | 84.78% |
| Tamil Nadu | 0.00% | 0.07% | 0.00% | 99.93% |
| Telangana | 3.08% | 16.41% | 24.10% | 56.41% |
| Uttar Pradesh | 36.38% | 24.78% | 6.52% | 32.32% |
| Uttarakhand | 56.72% | 7.46% | 23.88% | 11.94% |
| West Bengal | 63.28% | 8.59% | 26.56% | 1.56% |
| Grand Total | 7.27% | 46.81% | 4.74% | 41.19% |

TABLE 15: Minority Status Certificate (MSC) Issuing Authority of Minority Schools (Less than 30%).

Schools with blank or unclear order number, or aberrant minority status certificate authority were categorised under Inconclusive Authority. Competent Body refers to the state-level body mandated by NCMEI to issue MSC, while Other Bodies refer to any other private or government body issuing MSC as per the data provided by the state to NCPDR.

An application for grant of Minority Status Certificate (MSC) may be made to: 1) The State Government as per the provisions contained in the National Commission for Minorities Act, 1992, where a Competent Authority is established by the Central Government or any State Government, as the case may be or, 2) The National Commission for Minority Educational Institutions (NCMEI), prior to which the school has to apply before the State Competent Authority for grant of No Objection Certificate under section 10 of the NCMEI Act 2004.

As per the data received from states, schools were provided with Minority Status Certificate by other bodies such as private bodies of religious/ linguistic groups (Kerala, Gujarat, Maharashtra, Punjab, etc.) or other non-mandated departments/ agencies of the government (Madhya Pradesh, Bihar, Jharkhand, Telangana, West Bengal, etc.) All schools provided MSC by these authorities were grouped under 'Other Bodies.' Furthermore, schools with unclear, aberrant or no minority status certificate authority (Tamil Nadu, etc.) were categorised under 'Inconclusive Authority.'

Category of States: Less than 30%

- Across the states, the most common MSC issuing authority is the state-level Competent Body (46.81%).
- The national-level NCMEI is the most common MSC issuing authority in **Dadra & Nagar Haveli** (100%) and **Delhi** (91.67%), and least common in **Tamil Nadu** (0.00%) and **Maharashtra** (1.11%).
- The state-level Competent Body is the most common MSC issuing authority in **Maharashtra** (93.40%) and least common in the UTs - **Chandigarh**, **Dadra & Nagar Haveli** and **Delhi** (all 0%).

CATEGORY OF STATES: 30% - 50%

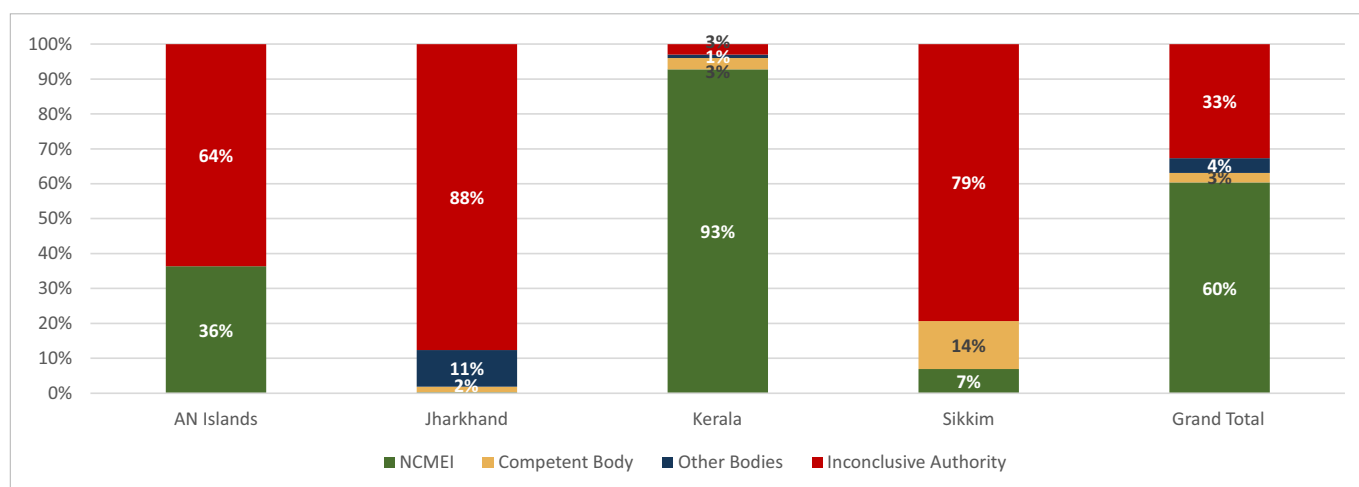


FIGURE 13: Minority Status Certificate (MSC) Issuing Authority of Minority Schools (30% to 50%).

| STATES/UTs | NCMEI | COMPETENT BODY | OTHER BODIES | INCONCLUSIVE | TOTAL |
|-------------|--------|----------------|--------------|--------------|---------|
| AN Islands | 36.36% | 0.00% | 0.00% | 63.64% | 100.00% |
| Jharkhand | 0.30% | 1.52% | 10.52% | 87.65% | 100.00% |
| Kerala | 92.79% | 3.23% | 1.00% | 2.99% | 100.00% |
| Sikkim | 6.90% | 13.79% | 0.00% | 79.31% | 100.00% |
| Grand Total | 60.42% | 2.70% | 4.20% | 32.68% | 100.00% |

TABLE 16: Minority Status Certificate (MSC) Issuing Authority of Minority Schools (30% to 50%).

Category of States: 30% - 50%

- Across the states, the most common MSC issuing authority is the national-level NCMEI (60.42%).
- The national-level NCMEI is the most common MSC issuing authority in **Kerala** (92.79%) and least common in **Jharkhand** (0.30%).
- The state-level Competent Body is the most popular MSC issuing authority in **Sikkim** (13.79%) and least common in **Andaman & Nicobar Islands** (0.00%).

CATEGORY OF STATES: More than 50%

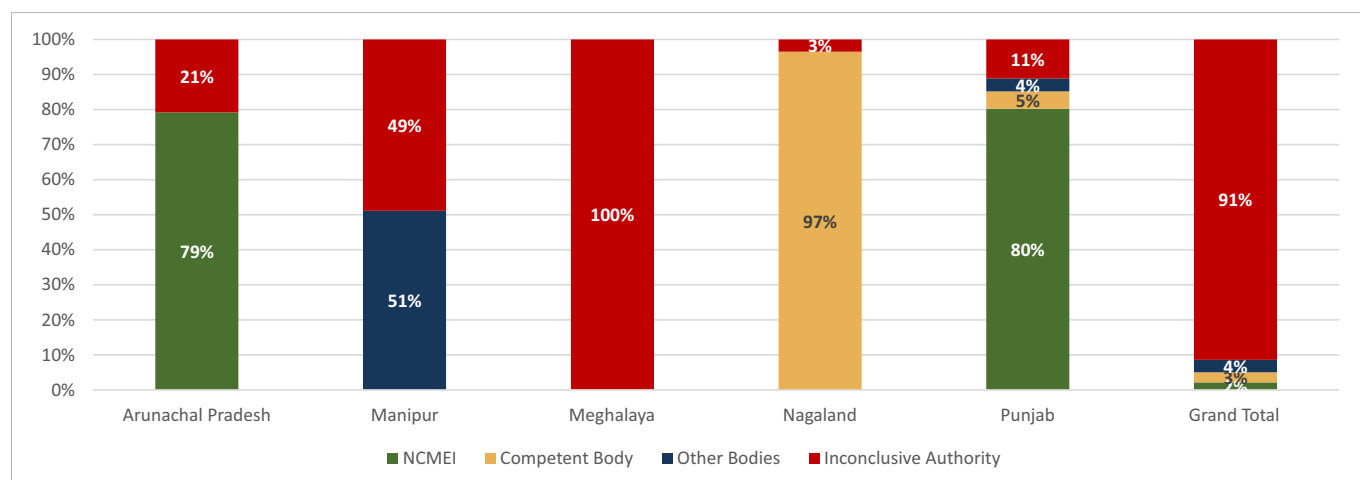


FIGURE 14: Minority Status Certificate (MSC) Issuing Authority of Minority Schools (More than 50%).

| STATES/UTs | NCMEI | COMPETENT BODY | OTHER BODIES | INCONCLUSIVE | TOTAL |
|-------------------|--------|----------------|--------------|--------------|---------|
| Arunachal Pradesh | 79.17% | 0.00% | 0.00% | 20.83% | 100.00% |
| Manipur | 0.00% | 0.00% | 51.10% | 48.90% | 100.00% |
| Meghalaya | 0.06% | 0.06% | 0.00% | 99.89% | 100.00% |
| Nagaland | 0.00% | 96.52% | 0.00% | 3.48% | 100.00% |
| Punjab | 80.25% | 4.94% | 3.70% | 11.11% | 100.00% |
| Grand Total | 2.14% | 2.91% | 3.54% | 91.41% | 100.00% |

TABLE 17: Minority Status Certificate (MSC) Issuing Authority of Minority Schools (More than 50%).

Category of States: More than 50%

- Across the states, the most common MSC issuing authority are non-mandated Other Bodies (3.54%).
- The national-level NCMEI is the most common MSC issuing authority in **Punjab** (80.25%) and **Arunachal Pradesh** (79.17%), and least common in **Manipur** and **Nagaland** (both 0.00%).
- The state-level Competent Body is the most common MSC issuing authority in **Nagaland** (96.52%) and least common in **Arunachal Pradesh** and **Manipur** (both 0.00%).

3.1.7. Community-wise Minority Status Certificate (MSC) Issuing Authority

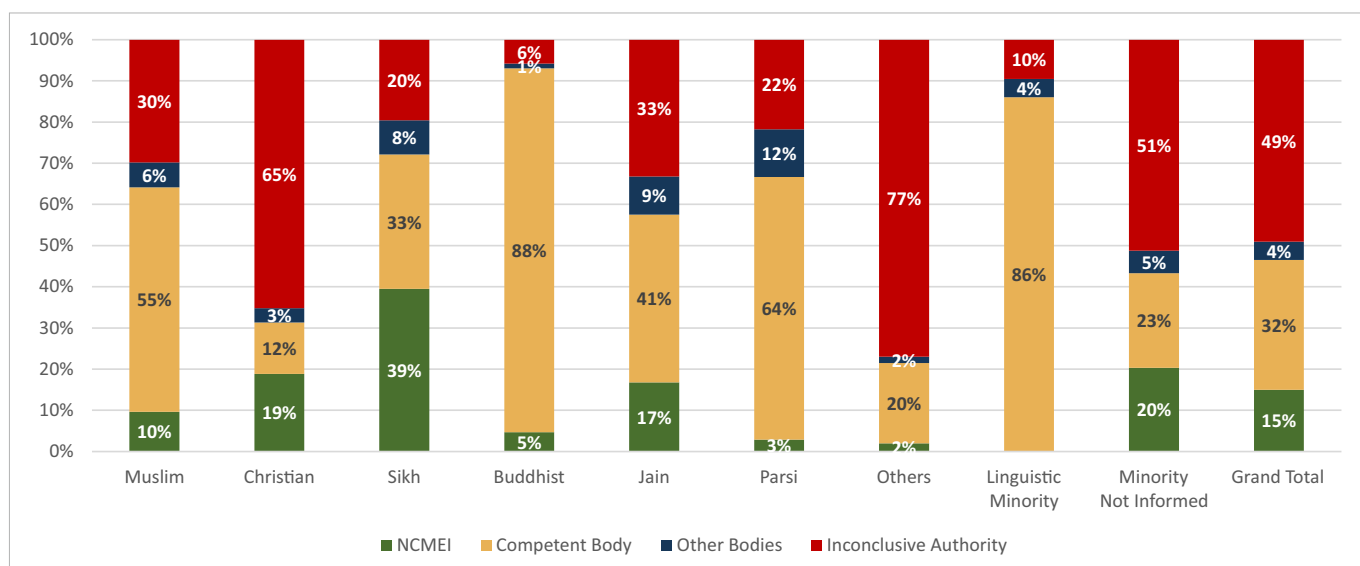


FIGURE 15: Community-wise Minority Status Certificate (MSC) Issuing Authority of Minority Schools.

| COMMUNITY TYPE | NCMEI | COMPETENT BODY | OTHER BODIES | INCONCLUSIVE | TOTAL |
|-----------------------|--------|----------------|--------------|--------------|---------|
| Muslim | 9.65% | 54.52% | 6.05% | 29.78% | 100.00% |
| Christian | 18.86% | 12.49% | 3.47% | 65.19% | 100.00% |
| Sikh | 39.49% | 32.61% | 8.33% | 19.57% | 100.00% |
| Buddhist | 4.65% | 88.37% | 1.16% | 5.81% | 100.00% |
| Jain | 16.79% | 40.71% | 9.29% | 33.21% | 100.00% |
| Parsi | 2.90% | 63.77% | 11.59% | 21.74% | 100.00% |
| Others | 2.00% | 19.50% | 1.50% | 77.00% | 100.00% |
| Linguistic Minority | 0.00% | 86.06% | 4.42% | 9.52% | 100.00% |
| Minority Not Informed | 20.35% | 22.97% | 5.44% | 51.24% | 100.00% |
| Grand Total | 14.96% | 31.56% | 4.40% | 49.07% | 100.00% |

TABLE 18: Community-wise Minority Status Certificate (MSC) Issuing Authority of Minority Schools.

A comparison of the Minority Status Certificate (MSC) issuing authority with respect to each community group is shown in Table 18.

- Across the communities, the most common MSC issuing authority is the state-level Competent Body (31.56%), followed by NCMEI (14.96%) and non-mandated Other Bodies (4.40%).
- The national-level NCMEI is the most common MSC issuing authority in **Sikh community** schools (39.49%) and least common in **Linguistic Minority** schools (0.30%). (Please note NCMEI is mandated to provide MSC only to the six religious minority communities as specified in the NCM Act 1995.)
- The state-level Competent Body is the most common MSC issuing authority in **Buddhist community** schools (88.37%) and **Linguistic Minority** schools (86.06%) and least common in **Christian community** schools (12.49%).
- The non-mandated Other Bodies are the most common MSC issuing authority in **Parsi community** schools (11.59%) and least common in **Buddhist Minority** schools (1.16%).



3.1.8. Year of Issuance of Minority Status Certificate (MSC)

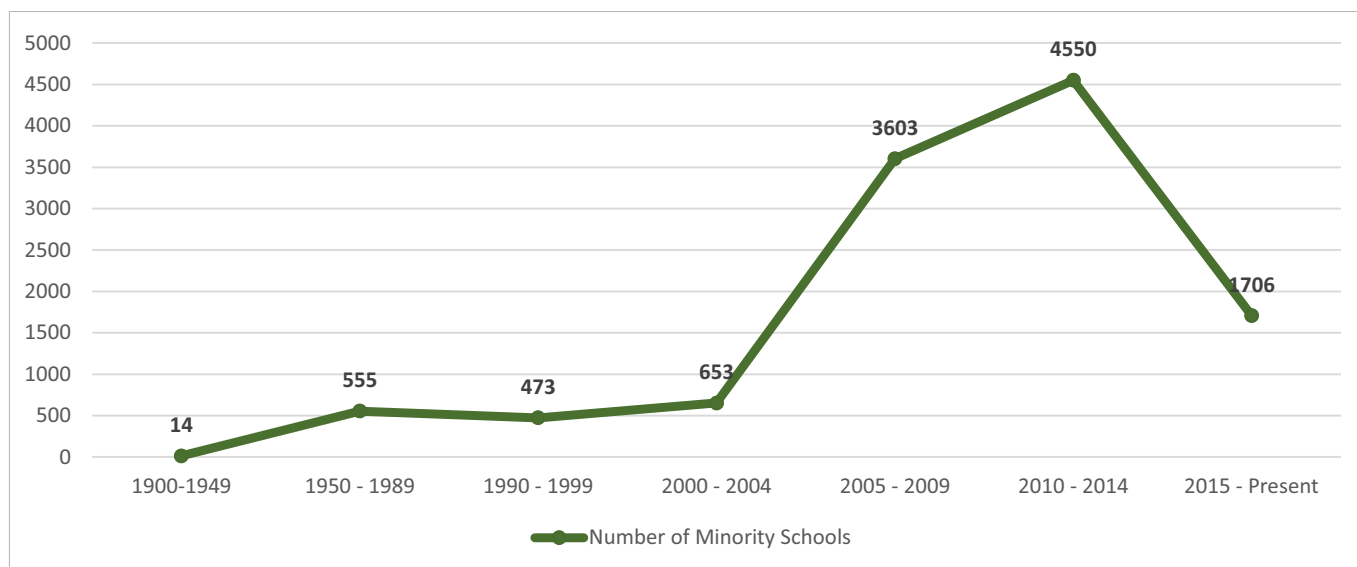


FIGURE 16: Year of Issuance of Minority Status Certificate (MSC) to minority schools.

| ISSUING YEAR OF MINORITY STATUS CERTIFICATE (MSC) | NUMBER OF MINORITY SCHOOLS |
|---|----------------------------|
| 1900-1949 | 14 |
| 1950 - 1989 | 555 |
| 1990 - 1999 | 473 |
| 2000 - 2004 | 653 |
| 2005 - 2009 | 3603 |
| 2010 - 2014 | 4550 |
| 2015 - Present | 1706 |

TABLE 19: Year of Issuance of Minority Status Certificate (MSC) to minority schools.

In 2006, the 93rd Constitution Amendment Act inserted Clause (5) in Article 15 enabling the State to create special provisions for advancement of backward classes of citizens in all aided or unaided educational institutes. Minority educational institutes were exempted from the operation of this Amendment, since Article 30(1) provides the right to all minorities to establish educational institutions and administer it as per their choice.

In Table 19, we see a surge in the number of schools securing Minority Status Certificate (MSC) after passage of the Amendment, with more than 85% schools of the total schools securing the certificate in the years 2005-2009 and later. This can be attributed to the ease in administering minority schools, without the legal mandate to reserve seats for backward classes.

Further, another increase in number of schools securing MSC is observed in 2010-2014. This surge may be explained in part due to the *Society* judgement in 2012 that made Sections 12(1)(c) and 18(3) of the RTE Act, 2009 inapplicable to unaided minority schools. In 2014, the *Pramati* judgement made the whole of RTE Act inapplicable to minority schools.

Please note, the Issuing Date of the Minority Status Certificate was collected along the Order Number of the of the schools as per the format circulated by NCPCR. Date was separated from the order number to conduct the analysis. Schools with blank or unclear date with order number were categorised under Inconclusive Date and excluded from the analysis.

3.1.9. Community-wise Year of Issuance of Minority Status Certificate (MSC)

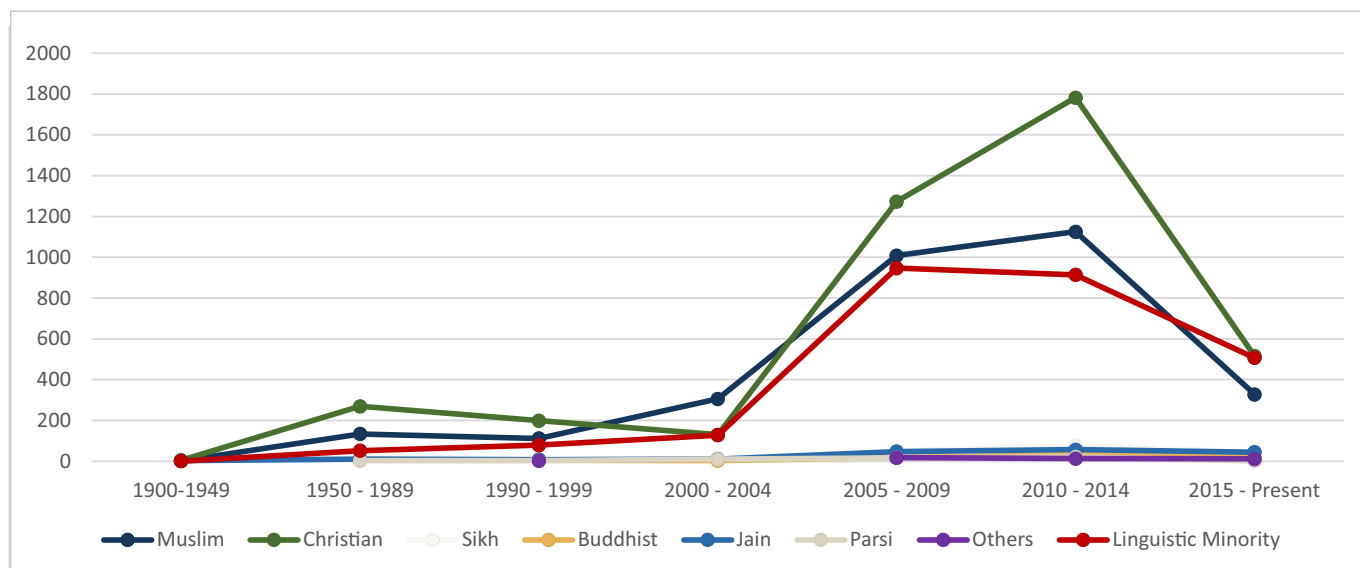


FIGURE 17: Community-wise Year of Issuance of Minority Status Certificate (MSC) to minority schools.

| COMMUNITY TYPE | 1900-1949 | 1950 - 1989 | 1990 - 1999 | 2000 - 2004 | 2005 - 2009 | 2010 - 2014 | 2015 - Present |
|-----------------------|-----------|-------------|-------------|-------------|-------------|-------------|----------------|
| Muslim | 2 | 134 | 112 | 306 | 1008 | 1125 | 328 |
| Christian | 5 | 269 | 199 | 130 | 1273 | 1782 | 516 |
| Sikh | 0 | 24 | 9 | 12 | 50 | 78 | 44 |
| Buddhist | 0 | | 5 | 3 | 18 | 33 | 22 |
| Jain | 3 | 11 | 8 | 11 | 48 | 57 | 45 |
| Parsi | 0 | 3 | 3 | 10 | 17 | 21 | 2 |
| Others | 0 | | 2 | | 18 | 13 | 12 |
| Linguistic Minority | 1 | 52 | 79 | 128 | 947 | 914 | 507 |
| Minority Not Informed | 3 | 62 | 56 | 53 | 224 | 527 | 230 |

TABLE 20: Community-wise Year of Issuance of Minority Status Certificate (MSC) to minority schools.

The community-wise distribution of schools according to the year of issuance of Minority Status Certificate (MSC) coincides with the findings of the overall distribution of schools as per the year of issuance of MSC. Thus, a jump is observed in the graph for number of schools securing MSC in 2005-2009. As explained previously, this increase may be in explained due to the passage of the 93rd Amendment in 2006. However, interestingly this increase is largely concentrated among the minority schools belonging to the Muslim and Christian community. While schools belonging to the Sikh, Buddhist, Jain, Parsi and Others religious communities also observe a rise in their numbers, their increase is markedly lesser in comparison.

In 1860, the Societies Registrations Act was enacted under the British Raj in India, providing the platform for formal organisation of groups undertaking a range of activities including activities for promotion of culture, language and religion. The Act gave a fillip to religious and linguistic groups to establish institutes to propagate and practice their affiliations. Furthermore, minority schools established before 1947 can be traced to the Divide and Rule policy adopted by the Britishers under which they tried to divide people on the basis of economic, religious, social and political differences. It was introduced by the 17th Viceroy when he gave provision of separate electorates to create a rift between Hindus and Muslims thus promoting communal disharmony, as part of the Indian Councils Act 1909 (commonly called the Morley Minto Reforms).

3.1.10. Enrollment in Minority Schools

CATEGORY OF STATES: Less than 30%

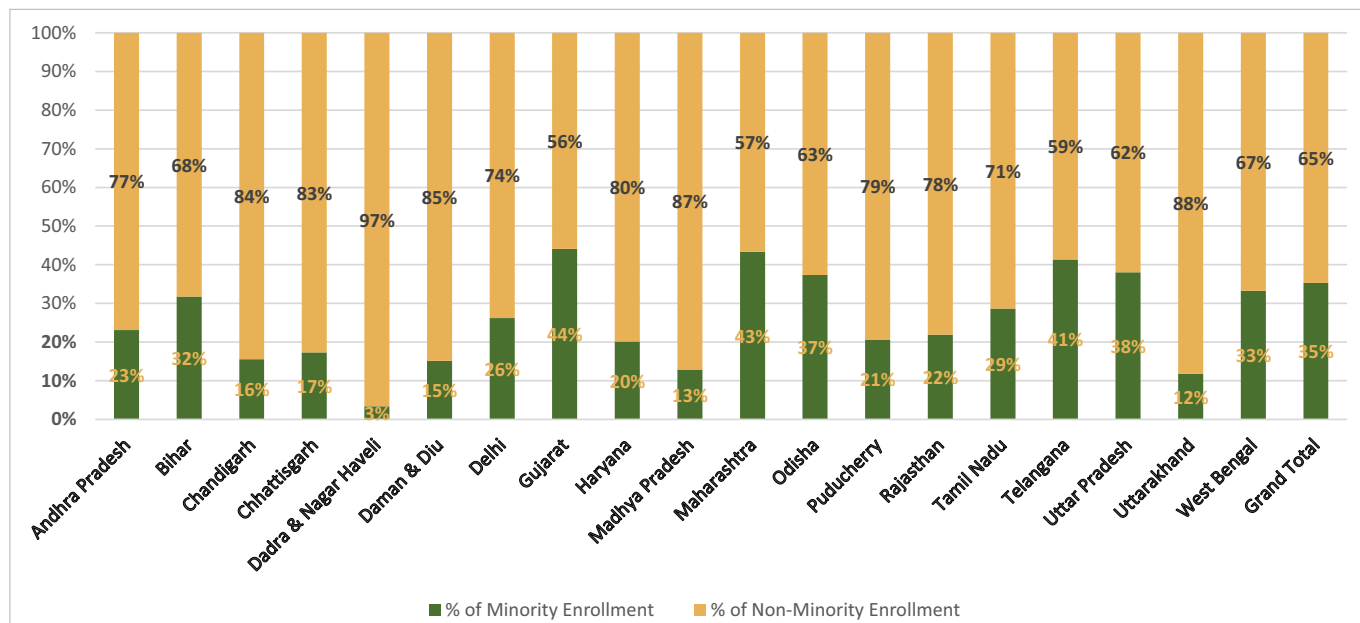
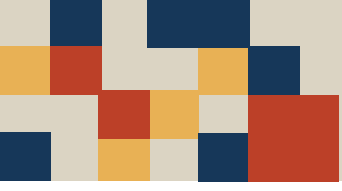


FIGURE 18: Percentage of enrollment of non-minority and minority students in minority schools (Less than 30%).

| STATES/UTs | ENROLLMENT | NO. OF MINORITY | NO. OF NON-MINORITY | % OF MINORITY | % OF NON-MINORITY |
|----------------------|------------|-----------------|---------------------|---------------|-------------------|
| Andhra Pradesh | 60052 | 13861 | 46191 | 23.08% | 76.92% |
| Bihar | 49991 | 15891 | 34100 | 31.79% | 68.21% |
| Chandigarh | 40372 | 6281 | 34091 | 15.56% | 84.44% |
| Chhattisgarh | 117297 | 20343 | 96954 | 17.34% | 82.66% |
| Dadra & Nagar Haveli | 1984 | 67 | 1917 | 3.38% | 96.62% |
| Daman & Diu | 2944 | 447 | 2497 | 15.18% | 84.82% |
| Delhi | 225851 | 59208 | 166643 | 26.22% | 73.78% |
| Gujarat | 373191 | 164523 | 208668 | 44.09% | 55.91% |
| Haryana | 89783 | 18069 | 71714 | 20.13% | 79.87% |
| Madhya Pradesh | 407894 | 52619 | 355275 | 12.90% | 87.10% |
| Maharashtra | 3727924 | 1616800 | 2111124 | 43.37% | 56.63% |
| Odisha | 29839 | 11134 | 18705 | 37.31% | 62.69% |
| Puducherry | 47931 | 9907 | 38024 | 20.67% | 79.33% |
| Rajasthan | 302684 | 66439 | 236245 | 21.95% | 78.05% |
| Tamil Nadu | 1882455 | 539753 | 1342702 | 28.67% | 71.33% |
| Telangana | 30469 | 12613 | 17856 | 41.40% | 58.60% |
| Uttar Pradesh | 614882 | 234161 | 380721 | 38.08% | 61.92% |
| Uttarakhand | 69063 | 8181 | 60882 | 11.85% | 88.15% |
| West Bengal | 95012 | 31600 | 63412 | 33.26% | 66.74% |
| Grand Total | 8169618 | 2881897 | 5287721 | 35.28% | 64.72% |

TABLE 21: Percentage of enrollment of non-minority and minority students in minority schools (Less than 30%).

The number of students in schools is based on the enrolment numbers of the minority school sent by state authorities to NCPCR. In case schools have not provided the required data, "0" has been considered as the default entry.



As per NCMEI website, after obtaining a Minority Status Certificate, the minority educational institutions have the right to admit the students of its community. However, the State Government can prescribe percentage of the minority community to be admitted in a minority school subject to the condition that the manner and number of such admissions is not violative of the minority character of the school.

Please note, here ‘minority population’ implies the respective minority population of the minority schools. For e.g., if the school has been established by the Sikh community, minority population would refer to students from the Sikh community only, while if the school has been established by a Linguistic Minority community, minority population would refer to students from the particular linguistic minority community.

Category of States: Less than 30%

- As evidenced in Table 21, across the states, only 64.72% of the student population belongs to the non-minority community, while 35.28% belongs to minority community.
- **Dadra & Nagar Haveli** (96.62%), **Uttarakhand** (88.15%) and **Madhya Pradesh** (87.10%) have the highest percentages of non-minority population among their minority schools.
- On the other hand, **Gujarat** (55.91%), **Maharashtra** (56.63%) and **Telangana** (58.60%) have the lowest percentages of non-minority population among their minority schools.

CATEGORY OF STATES: 30% - 50%

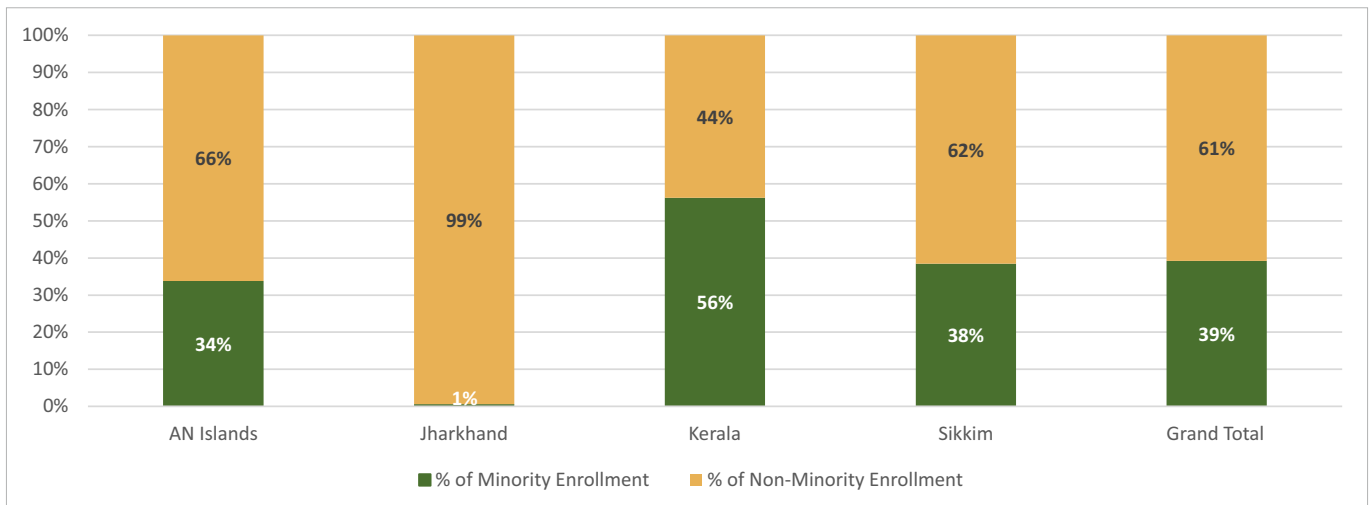


FIGURE 19: Percentage of enrollment of non-minority and minority students in minority schools (30% - 50%).

| STATES/UTs | TOTAL ENROLLMENT | NO. OF MINORITY | NO. OF NON-MINORITY | % OF MINORITY | % OF NON-MINORITY |
|-------------|------------------|-----------------|---------------------|---------------|-------------------|
| AN Islands | 14711 | 4971 | 9740 | 33.79% | 66.21% |
| Jharkhand | 457798 | 2683 | 455115 | 0.59% | 99.41% |
| Kerala | 1042871 | 586679 | 456192 | 56.26% | 43.74% |
| Sikkim | 9190 | 3538 | 5652 | 38.50% | 61.50% |
| Grand Total | 1524570 | 597871 | 926699 | 39.22% | 60.78% |

TABLE 22: Percentage of enrollment of non-minority and minority students in minority schools (30% - 50%).

Category of States: 30- 50%

- Across the states, 60.78% of the student population belongs to the non-minority community, while 39.22% belongs to minority community.
- **Jharkhand** (99.41%), **Andaman & Nicobar** (66.21%) and **Sikkim** (61.50%) has the highest percentages of non-minority population among its minority schools.
- **Kerala** (43.74%) has the lowest percentage of non-minority population among its minority schools.

CATEGORY OF STATES: More than 50%

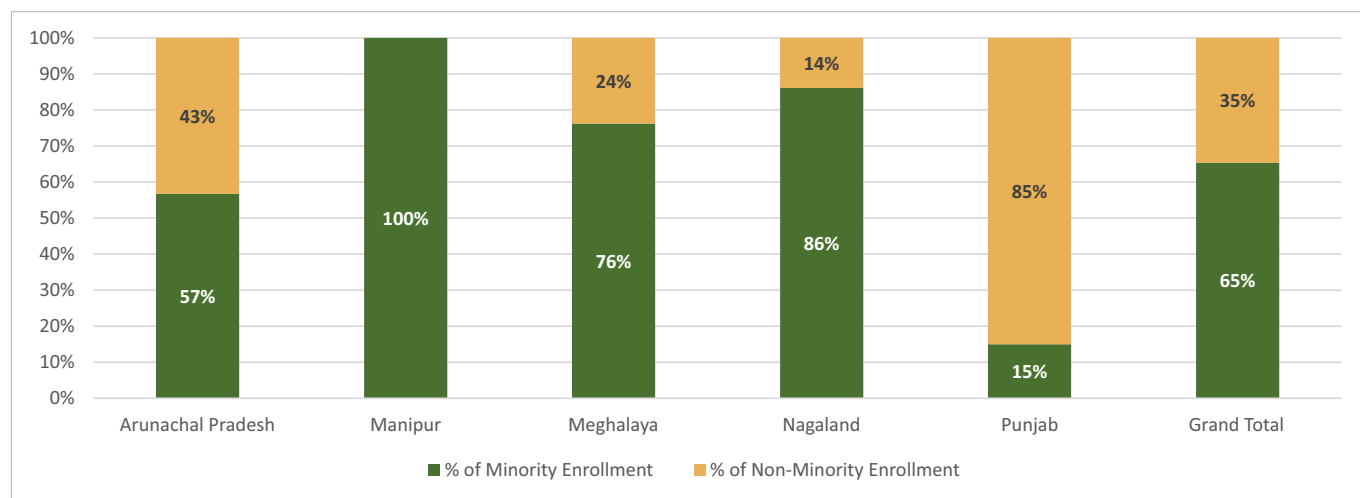


FIGURE 20: Percentage of enrollment of non-minority and minority students in minority schools (More than 50%).

| STATES/UTs | ENROLLMENT | NO. OF MINORITY | NO. OF NON-MINORITY | % OF MINORITY | % OF NON-MINORITY |
|-------------------|------------|-----------------|---------------------|---------------|-------------------|
| Arunachal Pradesh | 11479 | 6520 | 4959 | 56.80% | 43.20% |
| Manipur | 14877 | 14877 | 0 | 100.00% | 0.00% |
| Meghalaya | 333086 | 253962 | 79124 | 76.25% | 23.75% |
| Nagaland | 83488 | 71888 | 11600 | 86.11% | 13.89% |
| Punjab | 114026 | 17059 | 96967 | 14.96% | 85.04% |
| Grand Total | 556956 | 364306 | 192650 | 65.41% | 34.59% |

TABLE 23: Percentage of enrollment of non-minority and minority students in minority schools (More than 50%).

Category of States: More than 50%

- Across the states, 34.59% of the student population belongs to the non-minority community, while 65.41% belongs to minority community.
- **Punjab** (85.04%) and has the highest percentage of non-minority population among its minority schools.
- **Manipur** (0.00%), **Nagaland** (13.89%) and **Meghalaya** (23.75%) have the lowest percentages of non-minority population among their minority schools.

| State | Categorisation | Minority Enrollment in Minority Schools | Non-Minority Enrollment in Minority Schools | Minority Population in Age Group 5 to 14 | %age of Minority Population enrolled |
|----------------------|----------------|---|---|--|--------------------------------------|
| Andhra Pradesh* | Below 30% | 13,861 | 46,191 | 18,69,241 | 0.74% |
| Bihar | Below 30% | 15,891 | 34,100 | 52,74,667 | 0.30% |
| Gujarat | Below 30% | 1,64,523 | 2,08,668 | 14,03,390 | 11.72% |
| Madhya Pradesh | Below 30% | 52,619 | 3,55,275 | 14,45,841 | 3.64% |
| Maharashtra | Below 30% | 16,16,800 | 21,11,124 | 43,31,898 | 37.32% |
| Rajasthan | Below 30% | 66,439 | 2,36,245 | 19,17,418 | 3.47% |
| Tamil Nadu | Below 30% | 5,39,753 | 13,42,702 | 14,69,585 | 36.73% |
| Uttar Pradesh | Below 30% | 2,34,161 | 3,80,721 | 1,10,26,013 | 2.12% |
| West Bengal | Below 30% | 31,600 | 63,412 | 62,60,118 | 0.50% |
| Chandigarh | Below 30% | 6,281 | 34,091 | 30,877 | 20.34% |
| Chhattisgarh | Below 30% | 20,343 | 96,954 | 3,55,289 | 5.73% |
| Dadra & Nagar Haveli | Below 30% | 67 | 1,917 | 4,085 | 1.64% |
| Daman & Diu | Below 30% | 447 | 2,497 | 3,812 | 11.73% |
| Delhi | Below 30% | 59,208 | 1,66,643 | 6,41,483 | 9.23% |
| Haryana | Below 30% | 18,069 | 71,714 | 7,58,128 | 2.38% |
| Odisha | Below 30% | 11,134 | 18,705 | 6,02,118 | 1.85% |
| Puducherry | Below 30% | 9,907 | 38,024 | 25,419 | 38.97% |
| Uttarakhand | Below 30% | 8,181 | 60,882 | 4,34,308 | 1.88% |
| Jharkhand | 30% - 50% | 2,683 | 4,55,115 | 27,81,293 | 0.10% |
| Kerala | 30% - 50% | 5,86,679 | 4,56,192 | 27,19,946 | 21.57% |
| AN Islands | 30% - 50% | 4,971 | 9,740 | 18,928 | 26.26% |
| Sikkim | 30% - 50% | 3,538 | 5,652 | 52,489 | 6.74% |
| Punjab | More than 50% | 17,059 | 96,967 | 29,77,947 | 0.57% |
| Arunachal Pradesh | More than 50% | 6,520 | 4,959 | 2,58,777 | 2.52% |
| Manipur | More than 50% | 14,877 | 0 | 3,78,610 | 3.93% |
| Meghalaya | More than 50% | 2,53,962 | 79,124 | 7,01,342 | 36.21% |
| Nagaland | More than 50% | 71,888 | 11,600 | 4,48,329 | 16.03% |
| TOTAL | | 38,31,461 | 63,89,214 | 4,81,91,351 | 7.95% |

TABLE 24: Enrollment of minority students as a percentage of the total minority population in the age group of 5 to 14 years.

*Andhra Pradesh here comprises populations of both Telangana and Andhra Pradesh since minority population as per different age groups was not available for the state of Telangana in Census 2011.

For added context, Table 24 provides the enrollment of minority students in each state as a percentage of the total minority population of the state in the school-going age group of 5 to 14 years. For example, in Chandigarh, the population of minority children in the school-going age group (that is 5 to 14 years) is 30,877; while the enrollment of minority students in minority schools is 6,281. Thus, it can be assumed that the minority schools are catering to only 20% of the minority children population while the rest of the children of this age group are either students at non-minority schools or out-of-school children. Further, schools are also admitting 34,091 students from non-minority communities to minority schools.

It is evident that throughout the States and UTs under consideration, minority schools are catering to less than 8% of the total minority population. States like Bihar, Jharkhand, Punjab and West Bengal are catering to less than 1% of the minority population in their states. However, exceptions are present in states like Maharashtra, Tamil Nadu and Meghalaya who are catering to more than 30% of the minority population. Therefore, it can be noted that in the absence of clear guidelines with regard to the minimum levels of enrollment of minority students, the real benefit of the minority schools is not reaching the intended community, despite the large presence of minority students in school-going age groups.

Please note, population is from Census 2011 Data, <<https://censusindia.gov.in/2011census/C-15.html>>, accessed on 01 October 2020, after adding the number of people in the age group of 5-9 years and 10-14 years in the various minority communities. While the number of students in schools is based on the enrolment numbers of the minority school sent by state authorities to NCPDR.

3.1.11. Community-wise Enrollment in Minority Schools

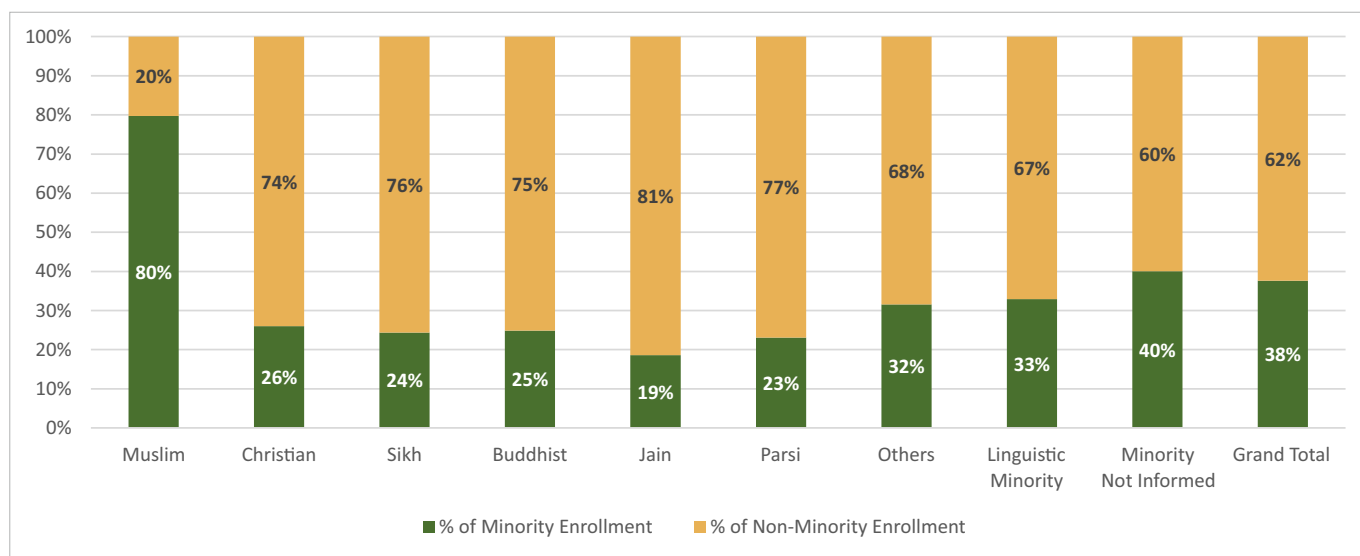


FIGURE 21: Community-wise Percentage of enrollment of non-minority and minority students in minority school.

| COMMUNITY TYPE | TOTAL ENROLLMENT | NO. OF MINORITY | NO. OF NON-MINORITY | % OF MINORITY | % OF NON-MINORITY |
|-----------------------|------------------|-----------------|---------------------|---------------|-------------------|
| Muslim | 1801067 | 1435717 | 365350 | 79.71% | 20.29% |
| Christian | 5486884 | 1425859 | 4061025 | 25.99% | 74.01% |
| Sikh | 221652 | 54298 | 167354 | 24.50% | 75.50% |
| Buddhist | 31954 | 7951 | 24003 | 24.88% | 75.12% |
| Jain | 212062 | 39430 | 172632 | 18.59% | 81.41% |
| Parsi | 46123 | 10647 | 35476 | 23.08% | 76.92% |
| Others | 68441 | 15860 | 52581 | 23.17% | 76.83% |
| Linguistic Minority | 1496741 | 493967 | 1002774 | 33.00% | 67.00% |
| Minority Not Informed | 886220 | 360345 | 525875 | 40.66% | 59.34% |
| Grand Total | 10251144 | 3844074 | 6407070 | 37.50% | 62.50% |

TABLE 25: Community-wise Percentage of enrollment of non-minority and minority students in minority school.

A comparison of minority and non-minority student population in minority schools with respect to each community group is shown in Table 25.

- Across the communities, 62.50% of the student population belongs to the non-minority community, while 37.50% belongs to minority community.
- **Jain community** schools (81.41%) have the highest percentages of non-minority population among their minority schools.
- On the other hand, **Muslim community** schools (20.29%) have the lowest percentages of non-minority population among their minority schools.
- The **Christian community** schools have 74.01% of the student population belonging to the non-Christian community.
- The **Sikh community** schools have 75.50% of the students belonging to the non-Sikh community.
- The **Buddhist community** schools has 75.12% of the student population belonging to non-Buddhist community.
- The **Parsi community** schools have 76.92% of the students belonging to the non-Parsi community.
- Schools belonging to **Other religious communities** have 67% of students from communities other than the respective minority community.

3.1.12. Enrollment in Minority Schools in different states

In an attempt to understand and draw insights into the prevalence of minority schools and their student body in each state and as per each community group, the tables show comparison as follows:

- Percentage of minority population of each community group out of total minority population in the state/ UT

(Please note only those community groups are shown who have established minority schools in the State/ UT as per the data sent to NCPCR. Further, since linguistic minority is not collected

in the Census 2011, NA is mentioned in the category)

- Total minority schools established by each community group in the State/ UT
- Percentage of minority schools established by each community group in the State/ UT
- Total enrollment in the respective minority schools of each community group.
- Percentage of minority and non-minority students in the minority schools.

CATEGORY OF STATES: Less than 30%

1. ANDHRA PRADESH

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 86.42% | 14 | 9.72% | 1488 | 100.00% | 0.00% |
| Christian | 12.08% | 110 | 76.38% | 11198 | 20.11% | 79.89% |
| Linguistic Minority | NA | 4 | 2.77% | 109 | 18.99% | 81.01% |
| Minority Not Informed | NA | 16 | 11.11% | 1066 | 46.23% | 53.77% |
| Grand Total | NA | 144 | 100.00% | 13861 | 23.08% | 76.92% |

TABLE 26: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Andhra Pradesh.

- The Muslim community comprises 86.42% of the minority population in Andhra Pradesh but comprises merely 9.72% of the minority schools; while, the Christian community comprises 12.08% of the minority population, but comprises 76.28% of the minority schools in the state.
- 76.92% of the total students in the minority schools belong to non-minority community in the state.

2. BIHAR

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 98.81% | 35 | 51.47% | 24622 | 53.55% | 46.45% |
| Christian | 0.73% | 26 | 38.23% | 22716 | 9.90% | 90.10% |
| Linguistic Minority | NA | 2 | 2.94% | 764 | 10.60% | 89.40% |
| Minority Not Informed | NA | 5 | 7.35% | 1889 | 19.90% | 80.10% |
| Grand Total | NA | 68 | 100.00% | 49991 | 31.79% | 68.21% |

TABLE 27: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Bihar.

- The Muslim community comprises 98.81% of the minority population in Bihar, and comprises 51.47% of the minority schools in the state; while, the Christian community comprises a mere 0.73% of the minority population but comprises 38.23% of the minority schools.
- 90.10% of all students in minority schools established by Christian community belong to the non-minority community.

Please note, 1) minority population as per religious group is sourced from Census 2011 Data, <<https://censusindia.gov.in/2011census/C-15.html>>, accessed on 01 October 2020. 2) The number of minority schools and enrollment in minority schools is based on the enrolment numbers of the minority school sent by state authorities to NCPCR. 3) Since there is no official counting of the minority population as per linguistic groups, the category has been marked as "NA".

3. CHANDIGARH

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Christian | 4.32% | 13 | 59.09% | 28637 | 10.34% | 89.66% |
| Sikh | 68.53% | 8 | 36.36% | 9937 | 27.15% | 72.85% |
| Minority Not Informed | NA | 1 | 4.54% | 1798 | 34.65% | 65.35% |
| Grand Total | NA | 22 | 100.00% | 40372 | 15.56% | 84.44% |

TABLE 28: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Chandigarh.

- The Sikh community comprises 68.53% of the minority population in Chandigarh, and comprises only 36.36% of the minority schools in the UT; while, the Muslim community (not shown in Table 28) comprises 25.49% of the minority population, but has no minority schools in the UT.
- 89.66% of students in minority schools established by Christian community belong to non-minorities.

4. CHHATTISGARH

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 30.26% | 5 | 4.16% | 3909 | 32.82% | 67.18% |
| Christian | 28.82% | 87 | 72.50% | 89070 | 16.00% | 84.00% |
| Sikh | 4.11% | 2 | 1.67% | 2335 | 11.43% | 88.57% |
| Jain | 3.61% | 2 | 1.67% | 602 | 83.89% | 16.11% |
| Linguistic Minority | NA | 10 | 8.33% | 10484 | 14.71% | 85.29% |
| Minority Not Informed | NA | 14 | 11.67% | 10897 | 22.91% | 77.09% |
| Grand Total | NA | 120 | 100.00% | 117297 | 17.34% | 82.66% |

TABLE 29: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Chhattisgarh.

- The Muslim community comprises 30.26% of the minority population in Chhattisgarh, but comprises merely 4.16% of the minority schools; while, the Christian community comprises 28.82% of the minority population, but comprises a massive 72.50% of the minority schools in the state.
- 90.10% of all students in minority schools established by Christian community belong to non-minorities.

5. DADRA AND NAGAR HAVELI

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|----------------|-------------|--------------|--------------|------------|--------------|------------------|
| Christian | 25.11% | 2 | 100.00% | 1984 | 3.38% | 96.62% |
| Grand Total | NA | 2 | 100.00% | 1984 | 3.38% | 96.62% |

TABLE 30: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Dadra and Nagar Haveli.

- The Christian community comprises 25.11% of the minority population in Dadra & Nagar Haveli, but comprises all of the minority schools in the UT; while, the Muslim community (not shown in Table 30) comprises 63.45% of the minority population, but has no minority schools in the UT.
- Only 3.38% of students in minority schools established by Christian community belong to the community.

6. DAMAN AND DIU

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|----------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 84.36% | 1 | 20.00% | 254 | 100.00% | 0.00% |
| Christian | 12.34% | 4 | 80.00% | 2690 | 7.17% | 92.83% |
| Grand Total | NA | 5 | 100.00% | 2944 | 15.18% | 84.82% |

TABLE 31: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Daman and Diu.

- The Muslim community comprises 84.36% of the minority population in Daman & Diu but comprises only 20.00% of the minority schools in the UT; while, the Christian community comprises 12.34% of the minority population, but contributes 80.00% to the minority schools.
- All students in minority schools established by Muslim community belong to the same community.

7. DELHI

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 70.49% | 14 | 8.33% | 15397 | 82.74% | 17.26% |
| Christian | 4.77% | 63 | 37.50% | 120218 | 16.79% | 83.21% |
| Sikh | 18.63% | 54 | 32.14% | 58035 | 35.17% | 64.83% |
| Jain | 5.43% | 21 | 12.50% | 16221 | 5.50% | 94.50% |
| Minority Not Informed | NA | 16 | 9.52% | 15980 | 31.16% | 68.84% |
| Grand Total | NA | 168 | 100.00% | 225851 | 26.22% | 73.78% |

TABLE 32: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Delhi.

- The Muslim community comprises 70.49% of the minority population in Delhi but comprises only 8.33% of the minority schools.
- 94.50% of the students in minority schools established by Jain community belong to the non-minority community.

8. GUJARAT

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 85.38% | 265 | 29.02% | 93728 | 83.10% | 16.90% |
| Christian | 4.62% | 287 | 31.43% | 144415 | 24.67% | 75.33% |
| Sikh | 0.85% | 2 | 0.22% | 579 | 13.64% | 86.36% |
| Jain | 8.46% | 39 | 4.27% | 14051 | 23.22% | 76.78% |
| Parsi | 0.14% | 22 | 2.41% | 12026 | 27.24% | 72.76% |
| Others | 0.10% | 4 | 0.44% | 2488 | 29.14% | 70.86% |
| Linguistic Minority | NA | 150 | 16.43% | 53651 | 38.79% | 61.21% |
| Minority Not Informed | NA | 144 | 15.77% | 52253 | 43.74% | 56.26% |
| Grand Total | NA | 913 | 100.00% | 373191 | 44.09% | 55.91% |

TABLE 33: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Gujarat.

- The Muslim community comprises 85.38% of the minority population in Gujarat but comprises only 29.02% of the minority schools in the state; while, the Christian community comprises a mere 4.62% of the minority population, but comprises 31.43% of the minority schools.
- Schools established by the Muslim community have the highest percentage of enrollment of students of the same community, while schools established by the Sikh community have the lowest percentage.

9. HARYANA

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 56.76% | 21 | 25.30% | 7616 | 87.01% | 12.99% |
| Christian | 1.60% | 31 | 37.35% | 54917 | 6.95% | 93.05% |
| Sikh | 39.63% | 22 | 26.51% | 18380 | 37.56% | 62.44% |
| Jain | 1.68% | 2 | 2.41% | 2323 | 3.31% | 96.69% |
| Linguistic Minority | NA | 2 | 2.41% | 381 | 14.70% | 85.30% |
| Minority Not Informed | NA | 5 | 6.03% | 6166 | 9.54% | 90.46% |
| Grand Total | NA | 83 | 100.00% | 89783 | 20.13% | 79.87% |

TABLE 34: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Haryana.

- The Christian community comprises a mere 1.60% of the minority population in Haryana but comprises 37.35% of the minority schools in the state.
- Schools established by the Jain community have the highest percentage of students belonging to non-minority community (96.69%), followed closely by schools established by Christian community (93.05%).

10. MADHYA PRADESH

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 73.21% | 37 | 8.79% | 17459 | 57.41% | 42.59% |
| Christian | 3.27% | 280 | 66.51% | 308089 | 10.72% | 89.28% |
| Sikh | 2.32% | 12 | 2.85% | 11969 | 8.72% | 91.28% |
| Buddhist | 3.31% | 2 | 0.47% | 1014 | 0.10% | 99.90% |
| Jain | 8.69% | 22 | 5.23% | 18501 | 13.63% | 86.37% |
| Linguistic Minority | NA | 20 | 4.75% | 18543 | 11.40% | 88.60% |
| Minority Not Informed | NA | 48 | 11.40% | 32319 | 12.07% | 87.93% |
| Grand Total | NA | 421 | 100.00% | 407894 | 12.90% | 87.10% |

TABLE 35: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Madhya Pradesh.

- The Christian community comprises only 3.27% of the minority population in Madhya Pradesh but comprises 66.51% of the minority schools in the state.
- 99.90% of the students in schools established by Buddhist community belong to the non-minority community.

11. MAHARASHTRA

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 57.95% | 2404 | 33.75% | 972832 | 86.23% | 13.77% |
| Christian | 4.82% | 1397 | 19.61% | 1012879 | 20.50% | 79.50% |
| Buddhist | 29.18% | 78 | 1.09% | 28261 | 25.81% | 74.19% |
| Jain | 6.26% | 69 | 0.97% | 55143 | 25.51% | 74.49% |
| Parsi | 0.20% | 45 | 0.63% | 32663 | 19.58% | 80.42% |
| Others | 0.60% | 37 | 0.52% | 22496 | 28.54% | 71.46% |
| Linguistic Minority | NA | 2546 | 35.74% | 1337145 | 34.21% | 65.79% |
| Minority Not Informed | NA | 483 | 6.78% | 230861 | 31.60% | 68.40% |
| Grand Total | NA | 7123 | 100.00% | 3692280 | 43.63% | 56.37% |

TABLE 36: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Maharashtra.

- The Buddhist and Jain community comprise 29.18% and 6.26% of the minority population in Maharashtra, respectively, but comprise only 1.09% and 0.97% of the minority schools in the state, respectively.
- 86.23% of the students in schools established by Muslim community belong to the same community; while only 19.58% of the students in schools established by the Parsi community belong to the same community.

12. ODISHA

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 35.11% | 24 | 20.51% | 1615 | 72.38% | 27.62% |
| Christian | 44.73% | 73 | 62.39% | 23929 | 33.62% | 66.38% |
| Sikh | 0.85% | 1 | 0.85% | 561 | 22.28% | 77.72% |
| Minority Not Informed | NA | 19 | 16.24% | 3734 | 48.04% | 51.96% |
| Grand Total | NA | 117 | 100.00% | 29839 | 37.31% | 62.69% |

TABLE 37: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Odisha.

- Only 77.72% of the students in schools established by Sikh community belong to the same community in Odisha.

13. PUDUCHERRY

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 48.30% | 5 | 10.20% | 1896 | 86.81% | 13.19% |
| Christian | 50.22% | 37 | 75.51% | 40737 | 17.55% | 82.45% |
| Minority Not Informed | NA | 7 | 14.29% | 5298 | 21.01% | 78.99% |
| Grand Total | NA | 49 | 100.00% | 47931 | 20.67% | 79.33% |

TABLE 38: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Puducherry.

- The Muslim community comprises 48.30% of the minority population in Puducherry but comprises only 10.20% of the minority schools in the UT.
- Schools established by the Muslim community have the highest percentage of enrollment of students of the same community, while schools established by the Christian community have the lowest percentage.

14. RAJASTHAN

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 79.44% | 179 | 24.32% | 46323 | 88.04% | 11.96% |
| Christian | 1.23% | 150 | 20.38% | 136212 | 7.73% | 92.27% |
| Sikh | 11.16% | 9 | 1.22% | 7536 | 9.87% | 90.13% |
| Jain | 7.95% | 35 | 4.76% | 21565 | 9.73% | 90.27% |
| Others | 0.06% | 1 | 0.14% | 470 | 0.64% | 99.36% |
| Linguistic Minority | NA | 3 | 0.41% | 343 | 47.23% | 52.77% |
| Minority Not Informed | NA | 359 | 48.78% | 90235 | 13.44% | 86.56% |
| Grand Total | NA | 736 | 100.00% | 302684 | 21.95% | 78.05% |

TABLE 39: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Rajasthan.

- The Muslim community comprises 79.44% of the minority population in Rajasthan and comprises 24.32% of the minority schools in the state; while, the Christian community comprises a mere 1.23% of the minority population of the state but comprises 20.38% of the minority schools.
- Schools established by the Others and Christian community have the lowest percentage of enrollment of students of the same community.

15. TAMIL NADU

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 48.23% | 373 | 8.22% | 171569 | 66.84% | 33.16% |
| Christian | 50.38% | 3935 | 86.73% | 1608066 | 25.31% | 74.69% |
| Sikh | 0.17% | 1 | 0.02% | 144 | 6.25% | 93.75% |
| Buddhist | 0.13% | 1 | 0.02% | 573 | 21.12% | 78.88% |
| Jain | 1.02% | 34 | 0.75% | 38393 | 15.18% | 84.82% |
| Others | 0.08% | 30 | 0.66% | 10909 | 23.43% | 76.57% |
| Linguistic Minority | NA | 137 | 3.02% | 48638 | 18.19% | 81.81% |
| Minority Not Informed | NA | 26 | 0.57% | 4163 | 15.54% | 84.46% |
| Grand Total | NA | 4537 | 100.00% | 1882455 | 28.67% | 71.33% |

TABLE 40: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Tamil Nadu.

- The Muslim community comprises 48.23% of the minority population in Tamil Nadu but comprises only 8.22% of the minority schools in the state.

16. TELANGANA

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 86.42% | 10 | 5.13% | 603 | 100.00% | 0.00% |
| Christian | 12.08% | 29 | 14.87% | 16703 | 19.39% | 80.61% |
| Minority Not Informed | NA | 156 | 80.00% | 13163 | 66.64% | 33.36% |
| Grand Total | NA | 195 | 100.00% | 30469 | 41.40% | 58.60% |

TABLE 41: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Telangana.

*The community-wise minority population for Telangana is the same as that of Andhra Pradesh since minority population as per different religious groups was not available for the state of Telangana in Census 2011.

- The Muslim community comprises 86.42% of the minority population in Telangana but comprises only 5.13% of the minority schools in the state.
- Schools established by the Muslim community have the highest percentage of enrollment of students of the same community (100.00%), while schools established by the Christian community have the lowest percentage (19.39%).

17. UTTAR PRADESH

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 96.41% | 215 | 31.16% | 178251 | 68.07% | 31.93% |
| Christian | 0.89% | 197 | 28.55% | 241701 | 16.10% | 83.90% |
| Sikh | 1.61% | 33 | 4.78% | 31925 | 19.27% | 80.73% |
| Jain | 0.53% | 31 | 4.49% | 32672 | 25.68% | 74.32% |
| Others | 0.03% | 3 | 0.43% | 2457 | 38.05% | 61.95% |
| Linguistic Minority | NA | 1 | 1.45% | 630 | 0.00% | 100.00% |
| Minority Not Informed | NA | 210 | 30.43% | 127246 | 45.91% | 54.09% |
| Grand Total | NA | 690 | 100.00% | 614882 | 38.08% | 61.92% |

TABLE 42: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Uttar Pradesh.

- The Muslim community comprises 96.41% of the minority population in Uttar Pradesh and comprises 31.16% of the minority schools in the state; while, the Christian community comprises only 0.89% of the minority population of the state but comprises 28.55% of the minority schools.
- All students studying in schools established by the Linguistic minority community belong to the non-minority community.

18. UTTARAKHAND

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 82.46% | 1 | 1.49% | 935 | 99.04% | 0.96% |
| Christian | 2.21% | 35 | 52.24% | 36234 | 6.86% | 93.14% |
| Sikh | 13.85% | 17 | 25.37% | 24236 | 17.51% | 82.49% |
| Jain | 0.54% | 2 | 2.99% | 511 | 0.59% | 99.41% |
| Minority Not Informed | NA | 12 | 17.91% | 7147 | 7.29% | 92.71% |
| Grand Total | NA | 67 | 100.00% | 69063 | 11.85% | 88.15% |

TABLE 43: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Uttarakhand.

- The Muslim community comprises 82.46% of the minority population in Uttarakhand but comprises a mere 1.49% of the minority schools in the state; while, the Christian community comprises only 2.21% of the minority population of the state but comprises 52.24% of the minority schools.
- Schools established by the Muslim community have the highest percentage of students of the same community (99.04%), while schools established by the Jain community have the lowest percentage (0.59%).

19. WEST BENGAL

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 92.47% | 2 | 1.56% | 911 | 98.57% | 1.43% |
| Christian | 2.47% | 114 | 89.06% | 88944 | 32.60% | 67.40% |
| Others | 3.53% | 1 | 0.78% | 427 | 8.20% | 91.80% |
| Linguistic Minority | NA | 3 | 2.34% | 994 | 32.60% | 67.40% |
| Minority Not Informed | NA | 8 | 6.25% | 3736 | 35.97% | 64.03% |
| Grand Total | NA | 128 | 100.00% | 95012 | 33.26% | 66.74% |

TABLE 44: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in West Bengal.

- The Muslim community comprises 92.47% of the minority population in West Bengal but comprises only 1.56% of the minority schools; while, the Christian community comprises a mere 2.47% of the minority population in the state, but comprises 89.06% of the minority schools.
- Schools established by the Muslim community have the highest percentage of enrollment of students of the same community (98.57%).

CATEGORY OF STATES: 30% - 50%

20. ANDAMAN & NICOBAR ISLANDS

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 28.04% | 11 | 33.33% | 3391 | 40.84% | 59.16% |
| Christian | 70.05% | 16 | 48.48% | 8786 | 37.10% | 62.90% |
| Sikh | 1.11% | 1 | 3.03% | 702 | 19.66% | 80.34% |
| Jain | 0.03% | 1 | 3.03% | 411 | 1.22% | 98.78% |
| Minority Not Informed | NA | 4 | 12.12% | 1421 | 12.88% | 87.12% |
| Grand Total | NA | 33 | 100.00% | 14711 | 33.79% | 66.21% |

TABLE 45: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in AN Islands.

- Only 1.22% of the students in schools established by Jain community belong to the same community in Andaman & Nicobar Islands.

21. JHARKHAND

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 45.47% | 114 | 8.69% | 31122 | 2.72% | 97.28% |
| Christian | 13.45% | 975 | 74.31% | 341307 | 0.34% | 99.66% |
| Sikh | 0.68% | 20 | 1.52% | 8269 | 0.64% | 99.36% |
| Buddhist | 0.08% | 4 | 0.30% | 1042 | 0.00% | 100.00% |
| Jain | 0.14% | 9 | 0.69% | 3424 | 0.00% | 100.00% |
| Others | 40.17% | 44 | 3.35% | 20105 | 0.15% | 99.85% |
| Linguistic Minority | NA | 44 | 3.35% | 21090 | 2.76% | 97.24% |
| Minority Not Informed | NA | 102 | 7.77% | 31439 | 0.00% | 100.00% |
| Grand Total | NA | 1312 | 100.00% | 457798 | 0.59% | 99.41% |

TABLE 46: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Jharkhand.

- The Muslim and Others community comprise 45.47% and 40.17% of the minority population, respectively, in Jharkhand but comprise only 8.69% and 3.25% of the minority schools, respectively, in the state.
- The Christian community comprises 13.45% of the minority population in the state, but comprises 74.31% of the minority schools.
- Schools established by the Buddhist community and Jain community have no students belonging to the same community.

22. KERALA

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 59.02% | 346 | 13.79% | 226801 | 83.23% | 16.77% |
| Christian | 40.85% | 1701 | 67.80% | 602702 | 44.08% | 55.92% |
| Sikh | 0.03% | 18 | 0.72% | 7776 | 44.69% | 55.31% |
| Jain | 0.03% | 11 | 0.44% | 6880 | 25.31% | 74.69% |
| Parsi | 0.00% | 2 | 0.08% | 1434 | 67.92% | 32.08% |
| Minority Not Informed | NA | 431 | 17.17% | 197278 | 63.88% | 36.12% |
| Grand Total | NA | 2509 | 100.00% | 1042871 | 56.26% | 43.74% |

TABLE 47: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Kerala.

- 83.23% of the students studying in schools established by the Muslim community belong to the same community.

23. SIKKIM

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Christian | 26.63% | 11 | 37.93% | 3705 | 21.84% | 78.16% |
| Buddhist | 65.30% | 1 | 3.45% | 1064 | 50.19% | 49.81% |
| Others | 6.37% | 1 | 3.45% | 496 | 22.78% | 77.22% |
| Linguistic Minority | NA | 9 | 31.03% | 3393 | 53.96% | 46.04% |
| Minority Not Informed | NA | 7 | 24.14% | 532 | 47.18% | 52.82% |
| Grand Total | NA | 29 | 100.00% | 9190 | 38.50% | 61.50% |

TABLE 48: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Sikkim.

- The Buddhist community comprises 65.30% of the minority population in Sikkim but comprises a mere 3.45% of the minority schools.

CATEGORY OF STATES: More than 50%

24. ARUNACHAL PRADESH

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Christian | 42.94% | 22 | 91.67% | 10679 | 58.16% | 41.84% |
| Minority Not Informed | NA | 2 | 8.33% | 800 | 38.63% | 61.38% |
| Grand Total | NA | 24 | 100.00% | 11479 | 56.80% | 43.20% |

TABLE 49: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Arunachal Pradesh.

- The Buddhist community (not shown in Table 49) comprises 16.70% of the minority population in Arunachal Pradesh but has no minority schools in the state.

25. MANIPUR

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 14.42% | 1 | 0.37% | 55 | 100.00% | 0.00% |
| Christian | 70.90% | 143 | 52.57% | 7640 | 100.00% | 0.00% |
| Others | 14.06% | 1 | 0.37% | 113 | 100.00% | 0.00% |
| Minority Not Informed | NA | 127 | 46.69% | 7069 | 100.00% | 0.00% |
| Grand Total | NA | 272 | 100.00% | 14877 | 100.00% | 0.00% |

TABLE 50: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Manipur.

- The Muslim community and Others community comprises 14.42% and 14.06% of the minority population in Manipur but comprises only 0.37% each of the minority schools in the state.
- All students studying in the minority schools in Manipur belong to the respective minority community.

26. MEGHALAYA

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Muslim | 4.99% | 8 | 0.28% | 290 | 73.79% | 26.21% |
| Christian | 84.62% | 3015 | 85.56% | 293363 | 76.32% | 23.68% |
| Sikh | 0.12% | 3 | 0.09% | 230 | 29.57% | 70.43% |
| Others | 9.88% | 117 | 3.32% | 8480 | 58.13% | 41.88% |
| Linguistic Minority | NA | 1 | 0.03% | 111 | 100.00% | 0.00% |
| Minority Not Informed | NA | 380 | 10.78% | 30612 | 80.83% | 19.17% |
| Grand Total | NA | 3524 | 100.00% | 333086 | 76.25% | 23.75% |

TABLE 51: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Meghalaya.

- Schools established by the linguistic minority have the highest percentage of enrollment of students belonging to the respective community (100.00%).

27. NAGALAND

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Christian | 96.48% | 97 | 84.35% | 74693 | 86.65% | 13.35% |
| Jain | 0.15% | 1 | 0.87% | 959 | 3.02% | 96.98% |
| Minority Not Informed | NA | 17 | 14.78% | 7836 | 91.04% | 8.96% |
| Grand Total | NA | 115 | 100.00% | 83488 | 86.11% | 13.89% |

TABLE 52: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Nagaland.

- Schools established by the Jain minority have the lowest percentage of enrollment of students belonging to the respective community (3.02%).

28. PUNJAB

| COMMUNITY TYPE | % OF POPUL. | MIN. SCHOOLS | % OF SCHOOLS | ENROLLMENT | % MINORITIES | % NON-MINORITIES |
|-----------------------|-------------|--------------|--------------|------------|--------------|------------------|
| Christian | 2.05% | 70 | 86.42% | 110184 | 13.49% | 86.51% |
| Sikh | 94.27% | 9 | 11.11% | 3394 | 63.08% | 36.92% |
| Jain | 0.27% | 1 | 1.23% | 406 | 2.71% | 97.29% |
| Minority Not Informed | NA | 1 | 1.23% | 42 | 97.62% | 2.38% |
| Grand Total | NA | 81 | 100.00% | 114026 | 14.96% | 85.04% |

TABLE 53: Community-wise percentage of minority population, minority schools, and enrollment of non-minority and minority students in Punjab.

- The Christian community comprises 2.05% of the minority population in Punjab but comprises a massive 86.42% of the minority schools; while, the Sikh community comprises 94.27% of the minority population in the state, but comprises only 11.11% of the minority schools.
- Schools established by the Jain community have the lowest percentage of enrollment of students of the same community (2.71%).

3.1.13. Enrollment of Disadvantaged Students in Minority Schools

CATEGORY OF STATES: Less than 30%

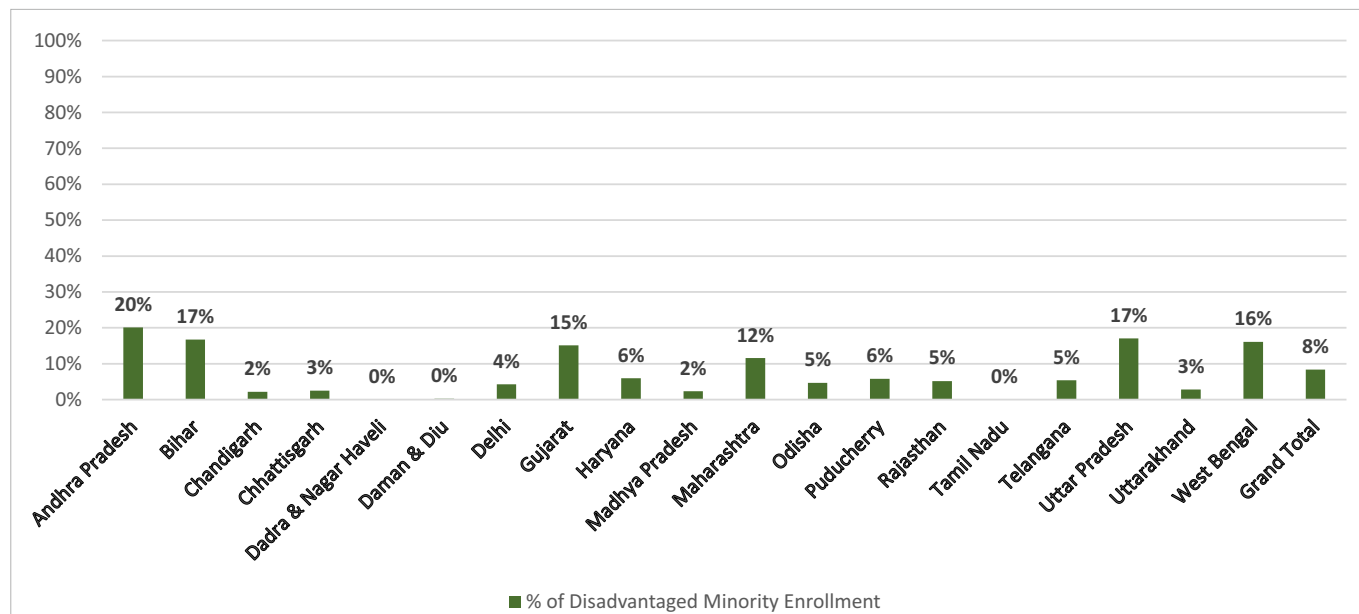


FIGURE 22: Percentage of disadvantaged minority students in minority schools (Less than 30%).

| STATES/UTs | TOTAL ENROLLMENT OF STUDENTS | ENROLLMENT OF DISADVANTAGED MINORITY STUDENTS | % OF DISADVANTAGED MINORITY STUDENTS |
|----------------------|------------------------------|---|--------------------------------------|
| Andhra Pradesh | 60052 | 12072 | 20.10% |
| Bihar | 49991 | 8379 | 16.76% |
| Chandigarh | 40372 | 891 | 2.21% |
| Chhattisgarh | 117297 | 2966 | 2.53% |
| Dadra & Nagar Haveli | 1984 | 0 | 0.00% |
| Daman & Diu | 2944 | 7 | 0.24% |
| Delhi | 225851 | 9692 | 4.29% |
| Gujarat | 373191 | 56414 | 15.12% |
| Haryana | 89783 | 5362 | 5.97% |
| Madhya Pradesh | 407894 | 9446 | 2.32% |
| Maharashtra | 3727924 | 430602 | 11.55% |
| Odisha | 29839 | 1398 | 4.69% |
| Puducherry | 47931 | 2763 | 5.76% |
| Rajasthan | 302684 | 15614 | 5.16% |
| Tamil Nadu | 1882455 | 1927 | 0.10% |
| Telangana | 30469 | 1640 | 5.38% |
| Uttar Pradesh | 614882 | 104626 | 17.02% |
| Uttarakhand | 69063 | 1919 | 2.78% |
| West Bengal | 95012 | 15289 | 16.09% |
| Grand Total | 8169618 | 681007 | 8.34% |

TABLE 54: Percentage of disadvantaged minority students in minority schools (Less than 30%).

The number of students in schools is based on the enrolment numbers of the minority school sent by state authorities to NCPCR. In case schools have not provided the required data, "0" has been considered as the default entry.

It has been held by the Supreme Court in Case of *P.A. Inamdar Vs. State of Maharashtra*, that the policy of reservation in admission cannot be made applicable in a minority school. Further, a minority school covered under Article 30(1) is exempted from the purview of the RTE Act, 2009. Thus, minority schools do not have any compulsion to make special provisions for the empowerment of the disadvantaged group of their community.

Here 'disadvantaged students' belong to the respective minority community but have not been given clear economic or social criteria, leaving it to the minority school to report the enrollment as per their policies.

Category of States: Less than 30%

- As evidenced in Table 54, in schools across the states only 8.64% of the total student population belong to disadvantaged section of the society.
- **Andhra Pradesh** (20.10%), **Uttar Pradesh** (17.02%) and **Bihar** (16.76%) of the schools have the highest percentages of students belonging to disadvantaged section of society.
- **Dadra & Nagar Haveli** (0.00%), **Tamil Nadu** (0.10%) and **Daman & Diu** (0.24%) have the lowest percentages of students belonging to disadvantaged section of society.

CATEGORY OF STATES: 30% - 50%

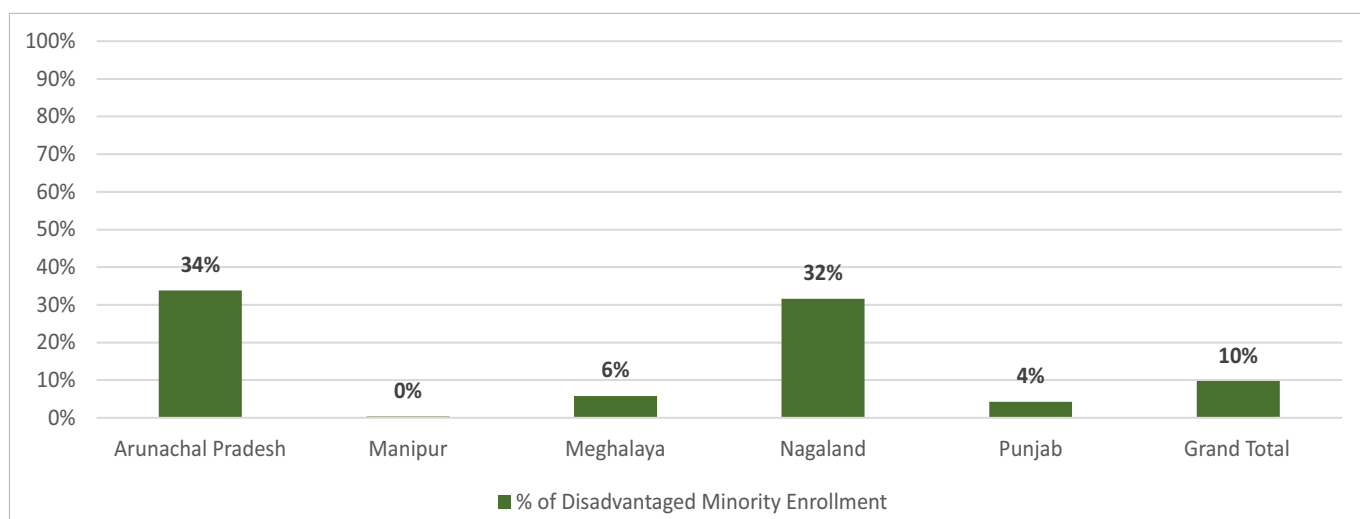


FIGURE 23: Percentage of disadvantaged minority students in minority schools (30% to 50%).

| STATES/UTS | TOTAL ENROLLMENT OF STUDENTS | ENROLLMENT OF DISADVANTAGED MINORITY | % OF DISADVANTAGED MINORITY STUDENTS |
|-------------|------------------------------|--------------------------------------|--------------------------------------|
| AN Islands | 14711 | 378 | 2.57% |
| Jharkhand | 457798 | 769 | 0.17% |
| Kerala | 1042871 | 160385 | 15.38% |
| Sikkim | 9190 | 502 | 5.46% |
| Grand Total | 1524570 | 162034 | 10.63% |

TABLE 55: Percentage of disadvantaged minority students in minority schools (30% to 50%).

Category of States: 30% - 50%

- As evidenced in Table 55, in schools across the states only 10.63% of the total student population belong to disadvantaged section of society.
- **Kerala** (15.38%) has the highest percentages of students belonging to disadvantaged section of society.
- **Jharkhand** (0.17%), **Andaman & Nicobar Islands** (2.57%) and **Sikkim** (5.46%) have the lowest percentages of students belonging to disadvantaged section of society.

CATEGORY OF STATES: More than 50%

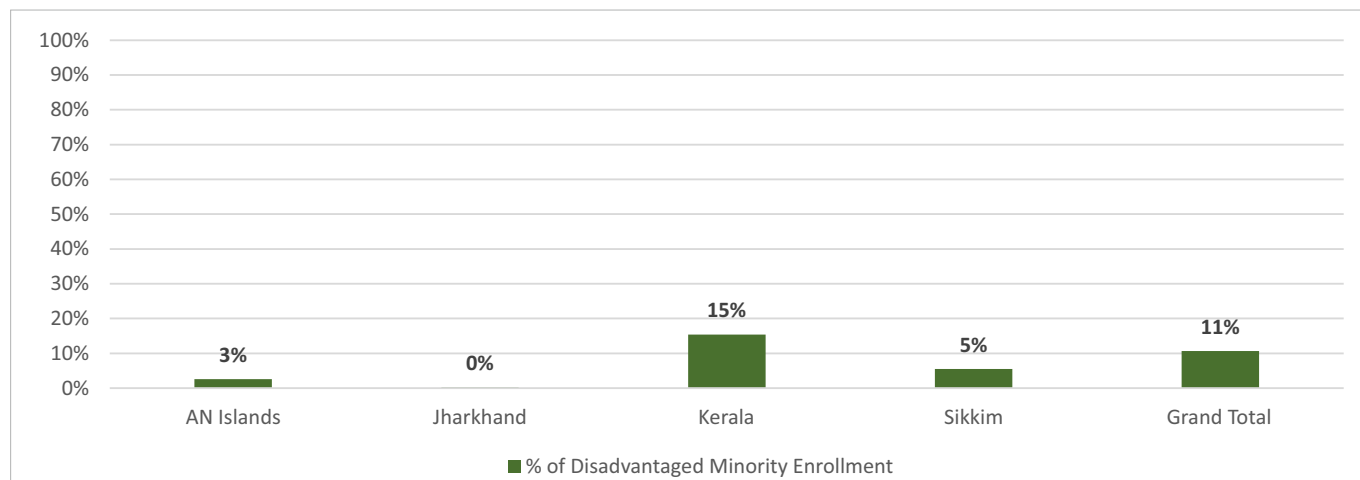


FIGURE 24: Percentage of disadvantaged minority students in minority schools (More than 50%).

| STATES/UTs | TOTAL ENROLLMENT OF STUDENTS | ENROLLMENT OF DISADVANTAGED MINORITY | % OF DISADVANTAGED MINORITY STUDENTS |
|-------------------|------------------------------|--------------------------------------|--------------------------------------|
| Arunachal Pradesh | 11479 | 3885 | 33.84% |
| Manipur | 14877 | 55 | 0.37% |
| Meghalaya | 333086 | 19432 | 5.83% |
| Nagaland | 83488 | 26387 | 31.61% |
| Punjab | 114026 | 4846 | 4.25% |
| Grand Total | 556956 | 54605 | 9.80% |

TABLE 56: Percentage of disadvantaged minority students in minority schools (More than 50%).

Category of States: More than 50%

- As evidenced in Table 56, in schools across the states only 9.80% of the total student population belong to the disadvantaged section.
- **Arunachal Pradesh** (33.84%) and **Nagaland** (31.61%) have the highest percentages of students belonging to disadvantaged section of society.
- **Manipur** (0.37%), **Punjab** (4.25%) and **Meghalaya** (5.83%) have the lowest percentages of students belonging to disadvantaged section of society.

3.1.14. Community-wise Enrollment of Disadvantaged Minority Students in Minority Schools

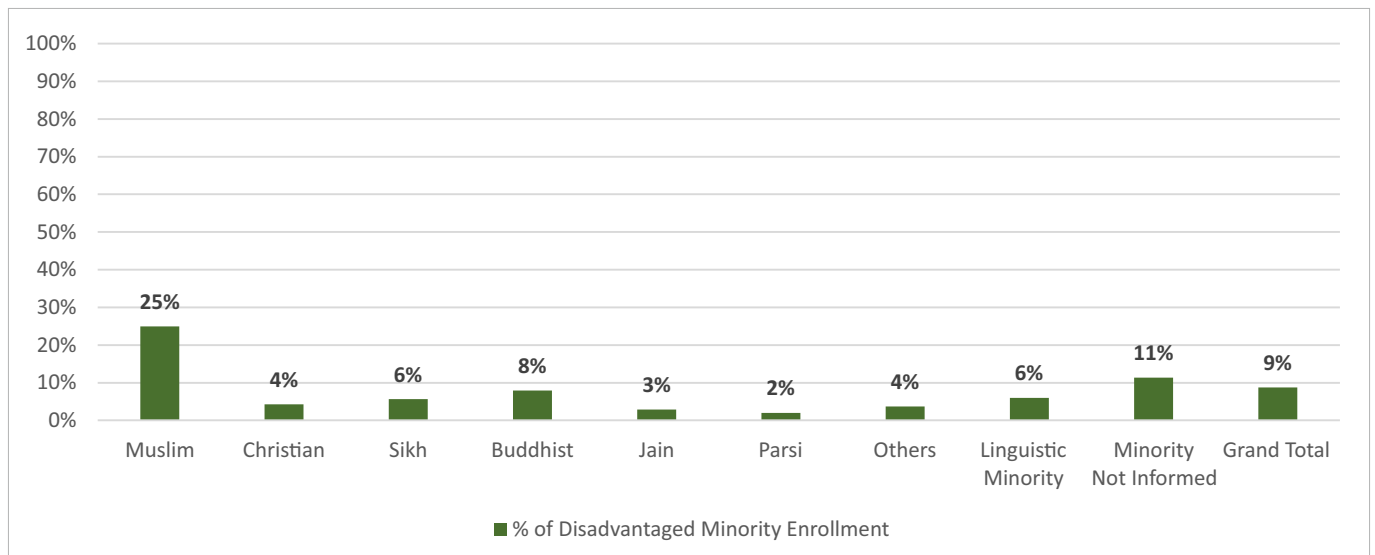


FIGURE 25: Community-wise Percentage of disadvantaged minority students in minority schools.

| MINORITY COMMUNITY | ENROLLMENT OF STUDENTS | ENROLLMENT OF DISADVANTAGED MINORITY STUDENTS | % OF DISADVANTAGED MINORITY STUDENTS |
|-----------------------|------------------------|---|--------------------------------------|
| Muslim | 1801067 | 449418 | 24.95% |
| Christian | 5486884 | 233968 | 4.26% |
| Sikh | 221652 | 12448 | 5.62% |
| Buddhist | 31954 | 2536 | 7.94% |
| Jain | 212062 | 6185 | 2.92% |
| Parsi | 46123 | 922 | 2.00% |
| Others | 68441 | 2535 | 3.70% |
| Linguistic Minority | 1496741 | 89214 | 5.96% |
| Minority Not Informed | 886220 | 100420 | 11.33% |
| Grand Total | 10251144 | 897646 | 8.76% |

TABLE 57: Community-wise Percentage of disadvantaged minority students in minority schools.

A comparison of enrollment of students from disadvantaged section as a percentage of total enrollment in the minority schools with respect to each community group is shown in Table 57.

- Across the communities, only 8.76% of the total student population belong to the disadvantaged section.
- **Muslim community** schools (24.95%) have the highest percentages of students belonging to disadvantaged section of society.
- **Parsi community** schools (2.00%), **Jain community** schools (2.92%) and **Other religious communities'** schools (3.70%) have the lowest percentages of students belonging to disadvantaged section of society.
- The **Christian community** has 4.26% of the total student population belong to the disadvantaged section.
- The **Linguistic Minority community** has 5.96% of the total student population belong to the disadvantaged section.

3.1.15. Number of Disadvantaged Students receiving Benefits in Minority Schools

CATEGORY OF STATES: Less than 30%

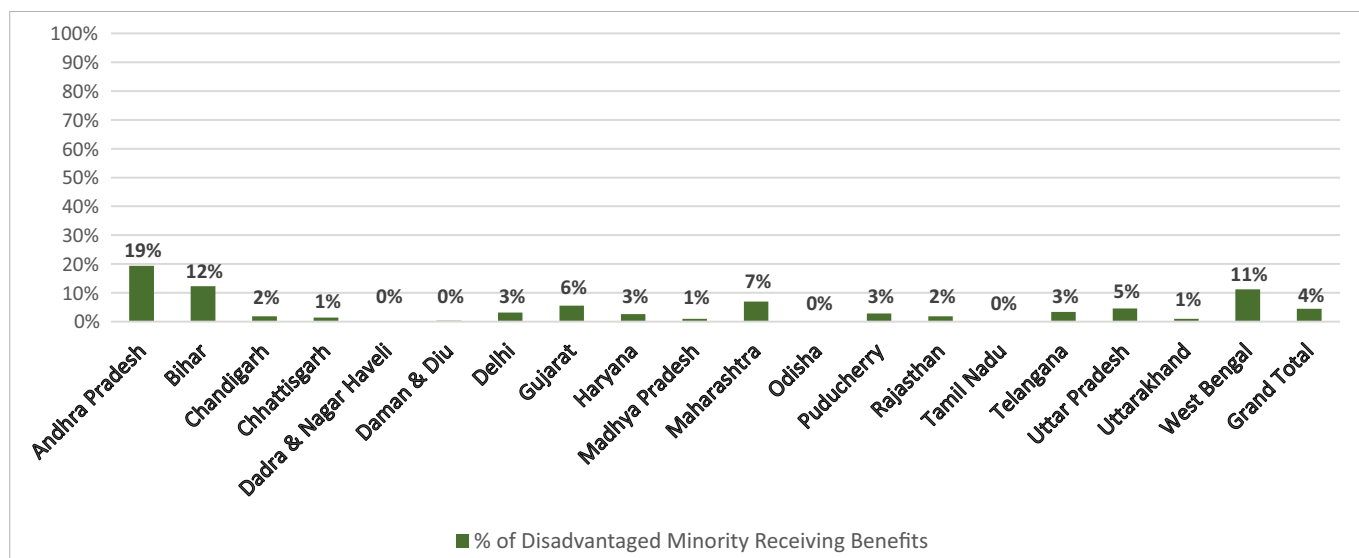


FIGURE 26: Percentage of disadvantaged students receiving benefits in minority schools (Less than 30%).

| STATES/UTs | TOTAL ENROLLMENT OF STUDENTS | NUMBER OF DISADVANTAGED MINORITY STUDENTS RECEIVING BENEFITS | % OF DISADVANTAGED MINORITY STUDENTS RECEIVING BENEFITS |
|----------------------|------------------------------|--|---|
| Andhra Pradesh | 60052 | 11633 | 19.37% |
| Bihar | 49991 | 6136 | 12.27% |
| Chandigarh | 40372 | 740 | 1.83% |
| Chhattisgarh | 117297 | 1649 | 1.41% |
| Dadra & Nagar Haveli | 1984 | 0 | 0.00% |
| Daman & Diu | 2944 | 7 | 0.24% |
| Delhi | 225851 | 6979 | 3.09% |
| Gujarat | 373191 | 20546 | 5.51% |
| Haryana | 89783 | 2328 | 2.59% |
| Madhya Pradesh | 407894 | 4054 | 0.99% |
| Maharashtra | 3727924 | 257054 | 6.90% |
| Odisha | 29839 | 0 | 0.00% |
| Puducherry | 47931 | 1362 | 2.84% |
| Rajasthan | 302684 | 5454 | 1.80% |
| Tamil Nadu | 1882455 | 0 | 0.00% |
| Telangana | 30469 | 1008 | 3.31% |
| Uttar Pradesh | 614882 | 27804 | 4.52% |
| Uttarakhand | 69063 | 618 | 0.89% |
| West Bengal | 95012 | 10641 | 11.20% |
| Grand Total | 8169618 | 358013 | 4.38% |

TABLE 58: Percentage of disadvantaged students receiving benefits in minority schools (Less than 30%).

The number of students in schools is based on the enrolment numbers of the minority school sent by state authorities to NCPCR. In case schools have not provided the required data, "0" has been considered as the default entry.

In the absence of clear guidelines to schools regarding admission, retention and enrollment provisions of students from disadvantaged background, schools have set their own arbitrary provisions. These benefits range from minority scholarships, fee waivers, freeships on books and/or uniforms. However, since this data has not been externally validated, it is difficult to assess the nature of the benefits.

Category of States: Less than 30%

- As evidenced in Table 58, in schools across the states only 4.38% of the total student population receive benefits such as scholarship, freeships and others from schools.
- **Andhra Pradesh** (19.37%), **Bihar** (12.27%) and **West Bengal** (11.20%) have the highest percentages of students receiving such benefits.
- **Dadra & Nagar Haveli** (0.00%) and **Tamil Nadu** (0.00%) have the lowest percentages of students receiving such benefits.

CATEGORY OF STATES: 30% - 50%

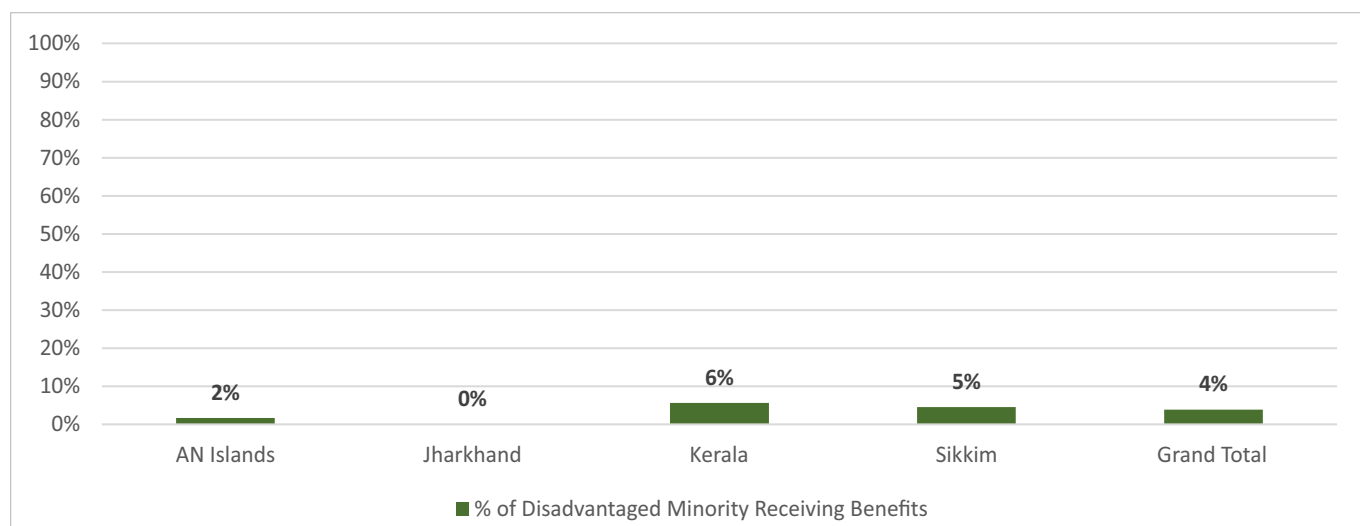


FIGURE 27: Percentage of disadvantaged students receiving benefits in minority schools (30% to 50%).

| STATES/UTs | TOTAL ENROLLMENT OF STUDENTS | NUMBER OF DISADVANTAGED MINORITY STUDENTS RECEIVING BENEFITS | % OF DISADVANTAGED MINORITY STUDENTS RECEIVING BENEFITS |
|-------------|------------------------------|--|---|
| AN Islands | 14711 | 244 | 1.66% |
| Jharkhand | 457798 | 418 | 0.09% |
| Kerala | 1042871 | 58213 | 5.58% |
| Sikkim | 9190 | 418 | 4.55% |
| Grand Total | 1524570 | 59293 | 3.89% |

TABLE 59: Percentage of disadvantaged students receiving benefits in minority schools (30% to 50%).

Category of States: 30% - 50%

- As evidenced in Table 59, in schools across the states only 3.89% of the total student population receive benefits such as scholarship, freeships and others from schools.
- **Kerala** (5.58%) and **Sikkim** (4.55%) have the highest percentages of students receiving such benefits.
- **Jharkhand** (0.09%) and **Andaman & Nicobar Islands** (1.66%) have the lowest percentages of students receiving such benefits.

CATEGORY OF STATES: More than 50%

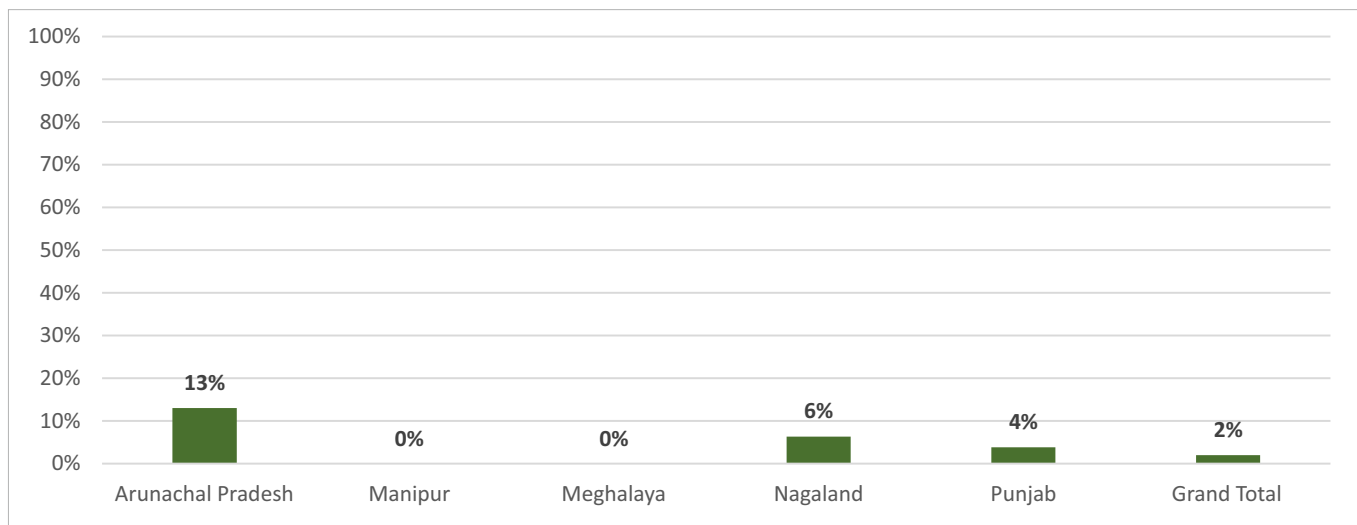


FIGURE 28: Percentage of disadvantaged students receiving benefits in minority schools (More than 50%).

| STATES/UTs | TOTAL ENROLLMENT OF STUDENTS | NUMBER OF DISADVANTAGED MINORITY STUDENTS RECEIVING BENEFITS | % OF DISADVANTAGED MINORITY STUDENTS RECEIVING BENEFITS |
|-------------------|------------------------------|--|---|
| Arunachal Pradesh | 11479 | 1494 | 13.02% |
| Manipur | 14877 | 0 | 0.00% |
| Meghalaya | 333086 | 2 | 0.00% |
| Nagaland | 83488 | 5309 | 6.36% |
| Punjab | 114026 | 4343 | 3.81% |
| Grand Total | 556956 | 11148 | 2.00% |

TABLE 60: Percentage of disadvantaged students receiving benefits in minority schools (More than 50%).

Category of States: More than 50%

- As evidenced in Table 60, in schools across the states only 2.00% of the total student population receive benefits such as scholarship, freeships and others from schools.
- **Arunachal Pradesh** (13.02%) and **Nagaland** (6.36%) have the highest percentages of students receiving such benefits.
- **Manipur** (0.00%) and **Meghalaya** (0.00%) have the lowest percentages of students receiving such benefits.

3.1.16. Community-wise Number of disadvantaged students receiving benefits in Minority Schools

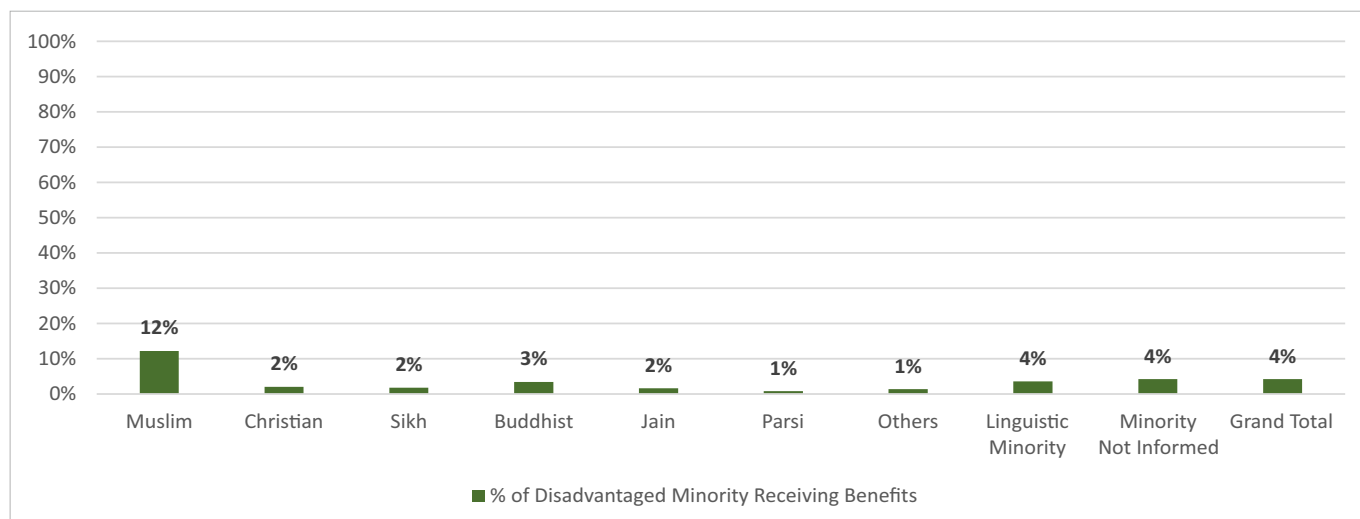


FIGURE 29: Community-wise Percentage of disadvantaged students receiving benefits in minority schools.

| MINORITY GROUPS | TOTAL ENROLLMENT OF STUDENTS | NUMBER OF DISADVANTAGED MINORITY STUDENTS RECEIVING BENEFITS | % OF DISADVANTAGED MINORITY STUDENTS RECEIVING BENEFITS |
|-----------------------|------------------------------|--|---|
| Muslim | 1801067 | 219308 | 12.18% |
| Christian | 5486884 | 108821 | 1.98% |
| Sikh | 221652 | 3951 | 1.78% |
| Buddhist | 31954 | 1079 | 3.38% |
| Jain | 212062 | 3449 | 1.63% |
| Parsi | 46123 | 360 | 0.78% |
| Others | 68441 | 910 | 1.33% |
| Linguistic Minority | 1496741 | 53243 | 3.56% |
| Minority Not Informed | 886220 | 37333 | 4.21% |
| Grand Total | 10251144 | 428454 | 4.18% |

TABLE 61: Community-wise Percentage of disadvantaged students receiving benefits in minority schools.

A comparison of number of students from disadvantaged sections receiving benefits from schools as a percentage of total enrollment in the minority schools with respect to each community group is shown in Table 61.

- Across the communities, only 4.18% of the total student population receive benefits such as scholarship, freeships and others from schools.
- **Muslim community** schools (12.18%) and **Linguistic Minority community** (3.56%) have the highest percentages of students receiving such benefits.
- **Parsi community** schools (0.78%), **Other religious communities'** schools (1.33%), **Jain community** schools (1.63%), **Sikh community** schools (1.78%) and **Christian community** schools (1.98%) have the lowest percentages of students receiving such benefits.

3.2. Phase II Findings

The Commission undertook a series of consultation workshops with representatives of minority communities, concerned government officials, heads of the institutions, officials from Sarva Shiksha Abhiyaan (SSA), and parents and children studying in madrasas to understand their concerns and sentiments.

This was preceded by a detailed study of secondary data pertaining to minority schools, especially madrasas. The highlights of the study are mentioned as follows:

3.2.1. PROVISIONS UNDER RTE ACT 2009, NOT REACHING STUDENTS IN MINORITY SCHOOLS (INCLUDING MADRASAS)

1. Right of children to free and compulsory education till completion of elementary education in a neighbourhood school. 'Compulsory education' means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance, and completion of elementary education to every child in the 6 to 14 years age group. 'Free' means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. The area and limits of neighbourhood school for children in Classes I to V shall be within a walking distance of one km of the neighbourhood; and for children in Classes VI to VIII shall be within a walking distance of three km of the neighbourhood.

2. The schools should have barrier-free access.

3. Admission of child in an age-appropriate class and special training facility for out-of-school children for mainstreaming in age-appropriate class.

4. Reservation of minimum 25% of seats to children belonging to socially disadvantaged group and economically weaker sections in a private unaided school (to be reimbursed by the state as part of the public-private partnership plan).

5. Defined duties and responsibilities of appropriate Governments, local authority, and parents in providing free and compulsory education and sharing of financial and other responsibilities between the Central and State Governments.

6. Norms and standards relating inter alia to Pupil Teacher Ratios (PTRs), buildings and infrastructure including library, playground; school-working days, teacher-working hours.

7. Appointment of appropriately trained teachers, i.e., teachers with the requisite entry and academic qualifications.

8. Prohibition of deployment of teachers for non-educational work.

9. Prohibits (a) physical punishment and mental harassment; (b) screening procedures for admission of children; (c) capitation fee; (d) private tuition by teachers and (e) running of schools without recognition.

10. Inclusion and no discrimination against children belonging to weaker section and the child belonging to disadvantaged group.

11. Development of curriculum in consonance with the values enshrined in the Constitution by the notified academic authority, and which would ensure the all-round development of the child, building on the child's knowledge, potentiality and talent and making the child free of fear, trauma, and anxiety through a system of child friendly and child-centered learning.

12. Access to grievance redressal mechanism laid down under RTE Act, 2009 and CPCRA Act, 2005.

3.2.2. EDUCATION OF CHILDREN IN MADRASAS - AN OVERVIEW

"Read, in the name of your Lord," thus, states the ancient revelation revealed to the Prophet Mohammad in 610 CE. This sentence as well as numerous other parts of the Qu'ran stress the superiority of the scholar over the worshipper and the martyr, and are said to indicate the great emphasis Islam gives to the acquisition of knowledge.¹⁵ In the Qur'an there are two terms that explain and rationalize the purpose of education. The first term is '*tarbiyah*', which comes from the root word '*raba*', and it means to 'increase and grow'

¹⁵ Yoginder Sikand, "Reforming the Indian Madrasahs: Contemporary Muslim Voices" in Tahir Mahmud (Editor) Politics of Minority Educational Institutions: Law and Reality in Sub Continent (2002) New Delhi: ImprintOne

Social Matters >> Education & Upbringing

Question ID: 155942
Country: India

Title: Regarding school book syllabus

Question: I want to open an English medium school with Islamic ideology. Now it is almost impossible to get school books which contain no images of human, animals, birds, etc. Can we teach our students such books?

Answer ID: 155942

Bismillah hir-Rahman nir-Rahim I
(Fatwa: 213/164/SN=2/1439)

You should get syllabus books designed free from living pictures according to Islamic principles as per your capacity and teach those books to the children. As for the books about which you have no authority rather it is mandatory to teach the books specified by the concerned board then it is allowed to teach them due to compulsion.

Allah (Subhana Wa Ta'ala) knows Best
Darul Ifta,
Darul Uloom Deoband, India

Social Matters >> Education & Upbringing

Question ID: 65405
Country: India

Title: Girls higher Madrasa education

Question: My daughter is 14 years old and attending 9th standards madrasa. After Ramadan she will be in 10th standard. But all the teachers are male. What is your opinion continuing her madrasa? Is it haram? She is going to be in 10th standard in school. We are continuing her school and her wish is to become a doctor.

Answer ID: 65405

Bismillah hir-Rahman nir-Rahim I
(Fatwa: 831/846/L=08/1437)

When your daughter has turned 14 years of age then admitting her in such a school where male teachers are teaching is not correct. If you want to give her more education then choose a school with female teachers. I have heard that there are such schools in Gujarat and Aligarh etc where girls are taught in purdah. It is not a bad thing to seek knowledge but it is not correct to get it in coeducation atmosphere.

Allah (Subhana Wa Ta'ala) knows Best
Darul Ifta,
Darul Uloom Deoband, India

Social Matters >> Education & Upbringing

Question ID: 5887
Country: Saudi Arabia

Title: My daughter is 9 years old and she is currently studying hifz quran in a madrasa run by Indian / Pakistanis in Riyadh, Saudi Arabia. Recently my daughter did some mistake like talking in the class or something similar. Then the teacher hit her on face and her spectacle fell down and broke. Hope you can imagine what will impact of such a hit. What is the permission given by Islam on beating the children and where all we can beat and to what extent.

Question: Assalamualaikum ; My daughter is 9 years old and she is currently studying hifz quran in a madrasa run by Indian / Pakistanis in Riyadh, Saudi Arabia. Recently my daughter did some mistake like talking in the class or something similar. Then the teacher hit her on face and her spectacle fell down and broke. Hope you can imagine what will impact of such a hit. What is the permission given by Islam on beating the children and where all we can beat and to what extent.

Answer ID: 5887

Bismillah hir-Rahman nir-Rahim I
(Fatwa: 659/606-L/1429)

A teacher may beat young students but only three bearable slaps avoiding the head and face, more than this is not allowed, otherwise these students will be entitled to take revenge on the Day of Judgement. So, it was wrong if the teacher hit so hard that her spectacles fell. One should teach students with politeness and affection.

Allah (Subhana Wa Ta'ala) knows Best
Darul Ifta,
Darul Uloom Deoband, India

Social Matters >> Education & Upbringing

Question ID: 50233
Country: India

Title: about my college uniform (pant and shirt with tie)

Question: I want to say about my college uniform this is the rule of my college that we wear pant and shirt with tie so I want to say that this is right or not according to Islam?

Answer ID: 50233

Bismillah hir-Rahman nir-Rahim I
(Fatwa: 235/183/D=01/1435) Tie is not only the dress of other nations rather it their religious sign. According to some Ulama it is the sign of Cross belief which is entirely baseless as per the Islamic teaching. Thus wearing tie is not free from being makrooh.

Allah (Subhana Wa Ta'ala) knows Best
Darul Ifta,
Darul Uloom Deoband, India

Social Matters >> Education & Upbringing

Question ID: 48955
Country: India

Title: Education of children in un-Islamic atmosphere


Question: I got four daughters. There is no Islamic school nearby. In kendriya vidyalaya they allow scarves for Muslim girls from 9th class onwards. But an un-Islamic 'house dress' once in a week is a headache for me. System of co-education, curriculum of studies, extra-curricular activities are all matters of great concern. Shall I withdraw my daughter from school on her being 'baaligh'? Is it permissible to continue somehow with all these un-Islamic practices?

Answer ID: 48955

Bismillah hir-Rahman nir-Rahim I
(Fatwa: 1674/1342/B=12/1434) Get them away from coeducation system to any Islamic school where only girls are taught by lady teachers. You will have to bear some pain for educating them.

Allah (Subhana Wa Ta'ala) knows Best
Darul Ifta,
Darul Uloom Deoband, India

Questions put forward by parents to the Islamic scholars at Darul Uloom Deoband, India. Source: Darul Ifta, Darul Uloom Deoband India, <<https://darulifta-deoband.com/en>>, last accessed on 19 April 2021.



Access to a safe, conducive, just, inclusive and pleasant atmosphere to pursue his/ her education and achieve their inherent potential is the fundamental right of each child, from 6 years to 14 years, in India under the Right to Education Act (RTE), 2009. The Act creates a legal framework to ensure these conditions are met within the education system of our country, by mandating certain processes and practices to ensure the well-being of the child as well as empowering certain institutions to take cognisance of issues for the betterment of children.

The screenshots from the Darul Uloom Deoband website highlight the concerns of the parents with regard to definite practices pertaining to syllabus and teaching-learning materials in schools (Screenshot 1), sex ratio of the teachers in schools (Screenshot 2) and inclusive education (Screenshot 4). Such questions are among the many questions put forward by apprehensive parents about their concerns with regard to religious education and their queries are expressly dispensed with by the scholars at the Darul Uloom.

The reply to the query raised by a parent regarding an incident where the child was hit on face by the teacher (Screenshot 3) clearly shows the disregard for the rights of the child. Though the incident is pertaining to another country, but as Madrasas under Darul Uloom Deoband are also functional in India, the concern is not unfounded that this philosophy of allowing corporal punishment in educational institutions is also being followed in India where corporal punishment in schools is prohibited under the RTE Act, 2009.

While examining the answers provided by the scholars, we see an increasing reliance on religious scriptures to dictate learning atmosphere of the child. In the absence of the RTE Act, the students studying in these schools are provided an atmosphere that is deprived of the facilities and entitlements that are provided to students studying in regular schools. Students in such schools must make do with books without photographs thus making them deprived of their right to quality pedagogy, female students must do *purdah* and/or be taught by same sex teachers thus depriving of their right to diverse teaching and all students must be deprived of co-educational classes. Thus, the RTE Act for these children, instead of an enabling tool, becomes a depriving tool, discriminating against them in accessing their fundamental rights.

(Ngah, 1996, p. 34). In the Qur'an God says: 'And lower unto them the wing of submission through mercy and say: my Lord! Have mercy on them both as they did nurture me when I was little' (Al-Qur'an, 17. 24). Therefore the first term indicates that education is there to nurture and care for the child. The second term for education used in the Qur'an is '*ta'lim*', which comes from the root '*alama*', which means '*to know*' (Ngah, 1996, p. 35).¹⁶

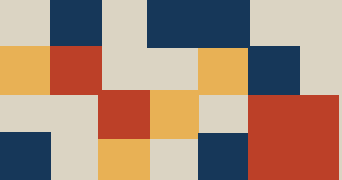
In India, the history of Islamic education dates back to the beginning of the circa 1009 CE, that is, during the era of Mahmud Ghaznavi and period of their

real influence begins from the beginning of 1203 CE that is from the regime of Shahabuddin Ghori. In north India, one of the more prominent early madrasas¹⁷ belongs to the late 12th century, when Muhammed Ghori conquered Ajmer and set up a madrasa in the town. As his rule spread, Muslim leaders established madrasas in their own domains, providing them with land grants for meeting their expenses and scholarships for their students.

Traditional madrasas during the precolonial times were mostly Muslim endowments (*awqaf*, singular *waqf*) or were funded by the medieval state. There

¹⁶ Amjad Hussain (2004): Islamic education: why is there a need for it?, Journal of Beliefs & Values: Studies in Religion & Education, 25:3, 317-323

¹⁷ Yoginder Sikand, "Reforming the Indian Madrassas: Contemporary Muslim Voices" in Tahir Mahmud (Editor) Politics of Minority Educational Institutions: Law and Reality in Sub Continent(2002) New Delhi: ImprintOne



used to be two kinds of *awqaf*: the private/family endowment that favoured a particular person or family and their descendents, and public endowments that favour the community as a whole. Both these forms of endowments were created to earn religious merit.¹⁸

Records of *Rudad*, an annual statement of the madrasa's activity that contains the income & expenditure and lists all the names of donors of the madrasa in the financial year, dating back to 1946-67, mention processions (*julus*; singular *jalsa*) as one of the most important sources of income. Religious processions were taken out in the community where they would receive donations from the residents, moving from muhalla to muhalla. However, in the period from 1978-90, the most important source of income became *zakat*, the religious charity mandated by Islam as a duty on all Muslims. Furthermore, compared to 1967, both income and expenditure of madrasas rose substantially from 1967 to 1977. Although the collection of *zakat* money has increased over the years, the cost of feeding children in madrasas has rather declined and has decreased to almost 50 percent.¹⁹ Reducing the expenditure on food as percentage of total yearly expenditure for children not only violates the purpose for which *zakat* is mainly collected, but may also adversely impact the health and nutritional needs of children.

The syllabus employed at the Indian madrasas also went through a process of gradual transformation, particularly during the reign of the Mughal Emperor Akbar, when philosophy and logic and other “rational disciplines” (*ma'qulat*) grew in importance. During Aurangzeb's time, in 17th century, a team was created to prepare a digest of Islamic Law. Mulla Nizamuddin was granted a mansion in Lucknow where a madrasa was estab-

lished, to develop a syllabus and uniform curriculum of education across all madrasas. It was called *Dars-e-Nizami*. It primarily aimed to comprise the study of religious sciences from step one to the highest levels of intellectual spheres.²⁰ The *Dars-e-Nizami* syllabus comprised studies in *Tafsir* (Qur'anic exegesis), *Hifz* (Qur'anic memorisation), *Sarf* and *Nahw* (Arabic syntax and grammar), Persian, Urdu, *Taarikh* (Islamic history), *Fiqh* (Islamic jurisprudence) and *Shari'ah* (Islamic law).²¹ Being left ignorant of the world around them, many students develop an ‘inferiority complex’, being ‘alienated from the rest of society’ and unable to ‘adjust with the environment’. No madrasa has a teachers’ training programme.²²

Furthermore although many madrasas follow *Dars-e-Nizami* curriculum, it is widely known that there is a lack of uniformity, in terms of the things being taught. For example, the one sect give larger importance to Arabic Literature while the other sect focus on jurisprudence and logic. This lack of uniformity is also evident in the many courses that madrasas provide with different parts of the country using different durations for the same course. Thus, different *masliks* (schools of thought) compete for prominence and this intra community divide makes it difficult to find uniformity in curriculum.²³

As estimated in the following Box, there are approximately 1.1. crore Muslim children who are Out-of-School but the number of madrasas identified is approximately 6000 only. Hence, it is important that mapping exercise is done in order to get an exact number of madrasas functional in the country.

It is pertinent to note that these Out-of-School students are not counted in any official statistics which makes policy-making for their benefit

¹⁸ Arshad Alam, *Inside a Madrasa: Knowledge, Power and Islamic Identity in India*, Delhi: Routledge, 2011.

¹⁹ Ibid.

²⁰ Yoginder Sikand, "Reforming the Indian Madrassas: Contemporary Muslim Voices" in Tahir Mahmud (Editor) *Politics of Minority Educational Institutions: Law and Reality in Sub Continent* (2002) New Delhi: ImprintOne.

²¹ Jamia Al-Akram, *Dars-e-Nizami Course*, <<https://alkaram.org/faculty/dars-nizami-course/>>, accessed on 21 February 2021

²² Yoginder Sikand, *Muslim Education in Contemporary India: A Classified and Annotated Bibliography*, New Delhi: Hope India Publications, 2008.

²³ Arshad Alam, "Madrasa Myths," *Outlook*, 12 October 2006, <<https://www.outlookindia.com/website/story/madrasa-myths/232788>>, accessed on 28 February 2021

TYPE OF MADRASAS

Madrastas can be categorized into the following types:

- 1. Recognized Madrasas:** Madrasas imparting formal fundamental education along with religious education, recognized by State Madrasa Board and having a UDISE code. In 2015-16, there were 10,064 recognized madrasas in India. However, only these madrasas are taken into consideration in the Sachar Committee Report (2006) that, thus assumes that a mere 4% children attend madrasas. Further, only these recognized madrasas are eligible to avail funding under MoE's Scheme for Providing Quality Education in Madrasas (SPQEM).
- 2. Unrecognized Madrasas:** Madrasas found ineligible for recognition by the State Government are grouped under this category. They may be ineligible for a variety of reasons including, but not limited to, not imparting formal education, having non-compliant infrastructure, appointing unsuitable teachers, etc.
- 3. Unmapped Madrasas:** Madrasas that have never applied for recognition are grouped under this category. The UDISE does not take into consideration these madrasas that are established traditionally, which have not applied for recognition to the State Government. These unmapped madrasas may or may not be attached to any religious or government organization and maybe following their own set of norms or guidelines. It is extremely difficult to ascertain their specific number and the number of children going to these institutions since they have never been mapped formally. However, this is the most common type of Madrasas in India, having largest number of children enrolled.

ENROLLMENT IN MADRASAS

| | |
|--|-----------------------------|
| Total number of OoSC in India in the age 6-14 years | 8.4 crore |
| Total number of children in India in the age 6-14 years | 25 crore |
| Percentage of OoSC | 33 percent |
| Total number of Muslim children in India in age 6-14 years | 3.8 crore |
| Total number of Muslim Children Out of School Children | 33 per cent of 3.8 = 1.1 cr |

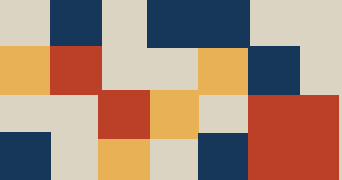
TABLE 62: Number of OoSC in Muslim Community as per analysis of data in Census 2011.

| | |
|--|--------------------------|
| Total enrollment in 2015-16 | 19.79 crore |
| Percentage enrollment of Muslim Children | 13.80 crore |
| Enrolment of Muslim children | 2.7 crore |
| Total number of Muslim children in India in age 6-14 years | 3.8 crore |
| Number of Muslim children that are Out of School | 3.8 cr - 2.7 cr = 1.1 cr |

TABLE 63: Number of OoSC from Muslim Community as per analysis of data in UDISE 2015-16.

| | |
|--|------------------------------|
| 4% Muslim children attend Madrasa | 15.3 lakh |
| Remaining Muslim children in other institutions or Out-of-School | 3.84 cr - 15.3 lakh = 3.7 cr |
| Enrolment as per DISE | 2.7 crore |
| Not enrolled | 3.8 cr - 2.7 cr = 1.1 crore |

TABLE 64: Number of OoSC from Muslim Community as per analysis of data in Sachar Committee Report (2006). The Report states that 4% Muslim children attend madrasas requires clarification as this figure relates only to students between 7 to 9 years age attending madrasas which are not attached to mosques.



extremely cumbersome. In the absence of reliable and accurate data, it is impossible to understand the kind of facilities being provided to these children in these education institutes. There is no way to ensure that the entitlements guaranteed to these children as part of their Fundamental Rights, in terms of education or care and protection, is reaching them. Thus, student studying in unrecognised and unmapped madrasas are often categorised as vulnerable existing outside the fold of the our education system, deprived of the benefit of their education rights.

3.2.3. EFFORTS TOWARDS MODERNISATION OF MADRASA EDUCATION

The National Monitoring Committee for Minorities' Education (NMCME) has been reconstituted in December 2011. The first meeting of the reconstituted Committee was held on 05 March 2012 at New Delhi. At this meeting, a decision was taken to constitute a Standing Committee of NMCME and five sub-Committees of NMCME as under:

- Implementation of Schemes Aimed at Minorities
- Mapping of Educational Requirements of Minorities - Region & District-wise
- Vocational Education & Skill Development of Minorities
- Girls' Education
- Promotion of Urdu Language and enhance compatibility amongst minorities through knowledge of English.

The Union Government and the State Governments initiated a number of schemes, like Modernization of Madrasa Schemes (MOMS) and Scheme for Providing Quality Education in Madrasas (SPQEM) to introduce modern subjects in Madrasa education to bring Madrasa graduates at par with the graduates of public institutions.

There have been some limited experimental efforts of using Maktabas/ Madrasas for spreading modern formal education in the past (such as alternative

schooling through Maktabas in Assam). SPEMM is the latest programme initiative of the Government of India to empower children who are attending madrasas for religious education. The centrally sponsored scheme is being implemented by the Department of School Education and Literacy, Ministry of Education and is an umbrella scheme, comprising two schemes for the empowerment of students studying in madrasa, namely, SPQEM, and Infrastructure Development of Minority Institutes (IDMI). As per the Ministry of Education report,²³ Rs. 120 crores have been allocated every year from financial year 2016-17 to financial year 2019-20 to SPEMM, with a per student expenditure ranging from Rs. 228 to Rs. 594. The allocation is substantially smaller in comparison to the per student allocation made to Sarva Shiksha Abhiyan (SSA).

3.2.4. PROFILES OF CONSULTATION WORKSHOPS

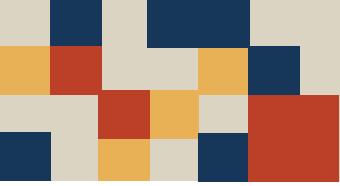
The major highlights of the Consultation Workshops are provided in the following tables. The tables detail the main discussions points as well as the date, place, and key participants in the workshops. This is followed by highlights of the students from the workshops.

²³ Ministry of Education, "Minutes of the meeting of the PAB for SPQEM and IDMI for the year 2019-20 held on 16.09.2019 - reg." <https://dsel.education.gov.in/sites/default/files/min_spqem.pdf>, last accessed 04 April 2021



| City | Bhopal, Madhya Pradesh 3.2.4.1 |
|--------------------------------|---|
| Date | 22 nd March 2016 |
| List of Participants | <ol style="list-style-type: none"> 1. Mr. Deepak Joshi (Minister of Technical Education and Skills Development and School Education, Government of Madhya Pradesh) 2. Mr. Alok Sanjar (Member of Parliament, Bhopal) 3. Mr. Priyank Kanoongo (Member, National Commission for Protection of Child Rights) 4. Prof. Syed Imamuddin (President, Madhya Pradesh Madrasa Board) 5. Mr. Haleem Khan (Ex - President, Madhya Pradesh Madrasa Board) |
| Important Points of Discussion | <p>Mr. Haleem Khan</p> <ul style="list-style-type: none"> • People from minority community are reluctant to attend general education institutes. This causes greatest loss to the students of the minority community. The students in the madrasas mostly belong to families below poverty line, and instead of making special provisions for their education, they are the very individual whose rights to education are being curtailed. Thus, students studying in the madrasas should be provided with the same rights that students studying in regular schools are provided. <p>Prof. Imamuddin</p> <ul style="list-style-type: none"> • Madrasas should join the Skill India programme of the Government of India. In collaboration with IGNOU, new programmes should be launched at madrasas. Our attempt should be to create a space where students of not just minority community, but all communities study at madrasas. <p>Mr. Deepak Joshi</p> <ul style="list-style-type: none"> • Religious education is extremely important – it helps connect a person with their heritage and roots. Unless we connect with our religion, we will not be able to become a good person. What use of success if a person becomes a doctor but is not able to become a good person? Today every child knows why Ravan is burnt, but who knows why martyrs are commemorated on Muharram? Education is deeply connected to language, heritage and culture. <p>Students</p> <ul style="list-style-type: none"> • Madrasas operate as per their whims and fancies. • Madrasas should get facilities like the ones that government schools get. Smart classes, laboratories, and clean potable water should be put in school. We also need uniform, cycles and laptops. • Since madrasas are not under RTE Act, we feel discriminated by the state. We should get the same rights and benefits as those students studying in regular schools. <p>Madrasas Teachers (Maulvis)</p> <ul style="list-style-type: none"> • Teachers have not been paid a stipend for the past 18 months. There are issues regarding uniform of students. |

| City | Ranchi, Jharkhand 3.2.4.2 |
|----------------------|--|
| Date | 28 th February 2017 |
| List of Participants | <ol style="list-style-type: none"> 1. Mr. Priyank Kanoongo (Member, National Commission for Protection of Child Rights) 2. Ms. Arti Kujur (Chairperson, Jharkhand State Commission for Protection of Child Rights) |



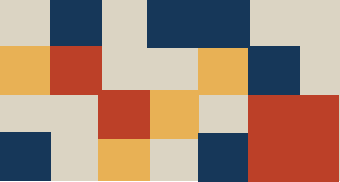
| | |
|---------------------------------------|---|
| | <ol style="list-style-type: none"> 3. Dr. Manoj Kumar, Shree Bhupen Sahoo, Smt. Vineeta Kumari (Members, Jharkhand State Commission for Protection of Child Rights) 4. Dr. A. Khan (Ex-Vice Chancellor, Ranchi University) 5. Mr. Md. Ibrar Ahmad (Representative, Anjuman Islamia, Ranchi) 6. Mr. Vinay Patnaik (Education Specialist, UNICEF-Jharkhand) |
| <p>Important Points of Discussion</p> | <p>Ms. Arti Kujur</p> <ul style="list-style-type: none"> • Time has come to discuss how to mainstream children studying in madrasas into the fold of formal education so that their learning does not remain limited to the boundary of madrasas only. <p>Mr. Priyank Kanoongo</p> <ul style="list-style-type: none"> • Provisions like mid-day meal, uniform etc. under RTE Act, are meant for individual children and not for any institution. Since the 2012 Amendment had kept the minority institutions outside the purview of this Act, it is now assumed that even minority children will be devoid of any benefit of this Act. • We need to assess if due to gender discrimination girls mainly are being sent to Madrasas while the boys are being sent to private educational institutions. • Education in the Madrasas should be out of choice and not out of compulsion. There is today a dichotomy, that Muslims themselves are not interested in sending their kids to madrasas but to institutions runs by Christian minorities. <p>Teachers and Parents</p> <ul style="list-style-type: none"> • <i>Din-i-Taleem</i> and <i>Buniyadi Taleem</i> need to be equally treated and introduced in the Madrasa • Language cannot be limited to any particular religion, so if Urdu too could be a part of the curriculum in mainstream education or there is a teacher appointed for it, it would attract children from the minority community. • There should be a mechanism to generate awareness about other government schemes among parents of minority community. <p>Students</p> <ul style="list-style-type: none"> • There is dearth of computers in the schools, so we are unable to learn computers. • Facility for proper classroom infrastructure is necessary. • There should be facility for safe drinking water and toilets in madrasas. |

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|-----------------------------|---|
| City | New Delhi, Delhi 3.2.4.3 |
| Date | 29 th March 2017 |
| List of Participants | <ol style="list-style-type: none"> 1. Ms. Stuti Kacker (Chairperson, National Commission for Protection of Child Rights) 2. Mr. Priyank Kanoongo (Member, NCPCR) 3. Mr. Yashwant Jain (Member, NCPCR) 4. Ms. Rubina Khadib Siddiqui (Member, Andaman & Nicobar Islands, UT Commission for Protection of Child Rights) 5. Mr. Md. Shahid Sarif (Resource Person, Nagpur) 6. Ms. Nuzhat Fatima (RTE Activist, Mumbai) |



| | |
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| Important Points of Discussion | <p>Students</p> <ul style="list-style-type: none"> • Madrasa does not have teachers of Hindi and English and requested for the same. Nusrat Jahan, who studies in 7th standard wants to join the police force in future, presented a goal. • The education in Madrasa should include Maths, Science and English. Even students who study in both formal school and Madrasa, want a comprehensive educational system in Madrasa along with Qur’anic studies. <p>Mr. Priyank Kanoongo</p> <ul style="list-style-type: none"> • The right to education and specific sections of it, which excluded religious educational systems from its umbrella. He then asked participants if they agree that Madrassa education should continue along with the formal education system. • Along with <i>hifz</i> studies must be combined with elementary education. <p>Madrasas Teachers (Maulvis)</p> <ul style="list-style-type: none"> • All the Certificates provided by the Madrassa like Hafiz, Qazi, Mufti and Aalim should be accepted in all the institutions of India. It should be recognized by MHRD or any other body. • There should be recognised madrasa in Delhi. • Children studying in madrasas must be provided all the benefits which non-madrasa students are getting. • MIDDAY MEALS should also be provided to Madrasa students. |
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| City | Kadapa, Andhra Pradesh | 3.2.4.4 |
|--------------------------------|---|---------|
| Date | 22 nd March 2017 | |
| Key Participants | <ol style="list-style-type: none"> 1. Mr. Priyank Kanoongo (Member, National Commission for Protection of Child Rights) 2. Mr. Murlidhar Reddy (Member, Andhra Pradesh State Commission for Protection of Child Rights) 3. Ms. Rubina Siddiqui (Member, UT Commission for Protection of Child Rights, Andaman & Nicobar Islands) 4. Mr. Venkat Subbarao (SSA PO, Kadapa district) 5. Mr. K.V. Satyanarayan (Collector, Kadapa district) 6. Mr. Khadar Bashar (District Minority Officer) 7. Mr. Chandramaulishvar Reddy (Commissioner, Kadapa Municipal Council) | |
| Important Points of Discussion | <p>Mr. Khadar Bhasha</p> <ul style="list-style-type: none"> • We have 39 Madrasas in our District all running from donations received informally as part of charity. It is important that these centres of education are provided with facilities for the students studying in them. <p>Ms. Rubina Siddiqui</p> <ul style="list-style-type: none"> • I am from the minority community itself, and I understand our concerns and issues. Education is extremely important in the Islamic community, in fact, the first <i>ayat</i> to be revealed "Sūrat Iqrā" of the Qur’an means “to read” and <i>taaleem</i> (education). • If we look at today’s madrasas, the condition is extremely poor, especially in rural | |



madrasas. There is an urgent need for accretion. Children in Madrasas are currently being deprived of their right to education. But we need our rights. The National Commission for Protection of Child Rights has been established for us. We must use it to preserve and advance our rights.

Mufti Sayed Gaus Ahmad

- Madrasas should teach not just religious education, but foundation education. We have connected madrasas with government schemes. Students are receiving scholarship from the government now.

Mr. Sheikh Aminpir

- Whatever suspicions we have in our hearts should be done away with it. There should be no fears regarding the fact that there will be interference by the government if they come under RTE Act. There are many problems that madrasas are facing today, and it is in fact the responsibility of the government to resolve them, which can only be done if they come under RTE Act.

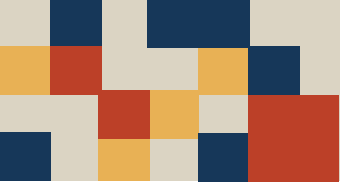
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| City | Nagpur, Maharashtra | 3.2.4.5. |
| Date | 9 th March 2017 | |
| Key Participants | <ol style="list-style-type: none"> 1. Mr. Priyank Kanoongo (Member of National Commission for Protection of Child Rights) 2. Mr. Yashwant Jain (Member, NCPCR) 3. Mr. Anil Padhi (Deputy Director of Education, Nagpur Division) 4. Mr. Vibhanshu Joshi (JJ Act Expert, Bhopal) 5. Mr. Md. Shahid Sharif (Resource Person, Nagpur) 6. Ms. Nuzhat Fatima (RTE Activist, Mumbai) 7. Mr. Akram Ansari (President, Bal Vikas Samiti and Trustee of a Madrasa) 8. Mr. Shabbir Shaikh (Social Worker, Nagpur) 9. Maulana Zafar Quadri (Administrator, Madrasa Jamia Mustafa Piya, Teka Naka) | |
| Important Points of Discussion | <p>Mr. Priyank Kanoongo</p> <ul style="list-style-type: none"> • What is the reason that nowadays a madrasa cannot produce a lawyer or a doctor? Although in the past, the Madrasa Education System was considered as an education centres for the rich as well as for downtrodden. • Shri Raja Ram Mohan Rai, the great socialist who had raised the issues of banning child marriage and suggested and favoured widow remarriage in India, had completed his school education in a madrasa. The First President of India, Shri Rajendra Prasad had completed his schooling in a Madrasa. <p>Mr. Vibhanshu Joshi</p> <ul style="list-style-type: none"> • We do not know how many madrasas are running in and around Nagpur and how many students are studying in them. To preserve child rights, it should be compulsory to enrol every student under Act, especially orphans. Thus, it is extremely important information of each and every child studying in madrasas is mapped. <p>Mr. Shahid Sharif</p> <ul style="list-style-type: none"> • Why are Madrasa-going children not provided with the facilities of midday meal, uniform and other facilities received under RTE Act? If Madrasas are ready to get | |



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| | <p>covered under the scheme, they may get several facilities with respect to payments and reimbursements of the expenses, including computers, smart classes, library, sports, etc. The RTE Act took 65 years to come in force, but there is still poor awareness of the provisions of the Act.</p> <p>Ms. Nuzhat Fatima</p> <ul style="list-style-type: none"> • A full-time teacher should be appointed for compulsory English subject in Madrasa. • A full-time teacher should also be appointed for Computer Skills, Internet and General Knowledge in Madrasas. |
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| City | Meerut, Uttar Pradesh 3.2.4.6. |
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| Date | 28 th March 2018 |
| Key Participants | <ol style="list-style-type: none"> 1. Mr. Priyank Kanoongo (Member, National Commission for Protection of Child Rights) 2. Mr. M. Tarikh (District Minority Welfare Officer, Meerut, Uttar Pradesh) 3. Mr. Kuwar Bashit Ali (Member, Upper Primary Urdu Academy, Meerut) 4. Qazi Sahab Jainulsazidin (President, Madrasa Education Board, Uttar Pradesh) |
| Important Points of Discussion | <p>Mr. Kuwar Bashit Ali Discussion on various schemes for educational development and quality education of Muslim minority children:</p> <ol style="list-style-type: none"> i) Swachh Vidyalaya ii) Pre-Matric Scholarship iii) Post-Matric Scholarship iv) Financial aid for foreign education of Muslim minority children v) Maulana Azad National Scholarship vi) Khwaza Gareeb Nawaz Skill Development Training <p>Mr. Priyank Kanoongo As per RTE 2009, it is the duty of Central and State to provide free and compulsory education to children from 6-14 years in the neighbourhood school/Madrasas. There is a need and requirement of clean schools, provision of midday meal in school, trained teachers for providing quality education. Provision of fundamental education in madrasas as a result children from Muslim minority will contribute to the economic and social development of the country.</p> <p>Qazi Sahab Jainulsazidin Emphasised on the introduction of General Education and reform in curriculum of Muslim minority education for education and physical development of children. Effective and Proper Implementation of various schemes for Minority Children.</p> |

| City | Howrah, West Bengal 3.2.4.7. |
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| Date | 1 st February 2020 |
| Key Participants | <ol style="list-style-type: none"> 1. Mr. Javed Malik (Member, National Minority Education Inspection Committee, National Urdu Development Council) |



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|--------------------------------|--|
| | <ol style="list-style-type: none"> 2. Mr. Rajnikant (National Coordinator – Programme(s), NCPCR) 3. Mr. Iqbal Ansari (President, Minority Rights Forum) <p>Hafiz, Maulana, Children from Minority, Parents, Social Workers</p> |
| Important Points of Discussion | <p>Maulana Mohiuddin Misbahi</p> <ul style="list-style-type: none"> • Modernisation of Islamic education • Emphasised on the introduction of General Education and reform in curriculum of Muslim minority education for education and physical development of children. • Din-i-Taleem and Buniyadi Taleem need to be equally treated and introduced in the Madrasa for holistic development of children of Muslim minority. <p>Maulana Kamrudin Misbahi</p> <ul style="list-style-type: none"> • Emphasis on awareness of various schemes of Central Government in Muslim minority communities for effective implementation of schemes and providing benefits to actual beneficiaries. <p>Mr. Abdul Kayam Ansari</p> <ul style="list-style-type: none"> • <i>Din-i-Taleem</i> and <i>Buniyadi Taleem</i> need to be equally treated and introduced in the Madrasa for holistic development of children of Muslim minority. <p>Mr. Rajnikant</p> <ul style="list-style-type: none"> • Benefits under provision of RTE 2009 should be provided to children from Muslim minority and discussion on Implementation of POCSO Act in Madrasas <p>Important points approved by the members of workshops:</p> <ul style="list-style-type: none"> • Expanding the coverage of RTE Act to Madrasas • Benefits under provision of RTE 2009 should be provided to children from Muslim minority. • Provision of sports facilities in Madrasas • Need and requirement of Clean schools, provision of Mid Meal, uniforms in school and trained teachers for providing quality education • Uniform curriculum for Madaras across India - <i>Din-i-Taleem</i> and <i>Buniyadi Taleem</i> need to be equally treated |

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|------------------|--|-----------------|
| City | Pune, Maharashtra | 3.2.4.8. |
| Date | 6 th March 2019 | |
| Key Participants | <ol style="list-style-type: none"> 1. Mr. Rajanikant (National Coordinator -- Programme(s), National Commission for Protection of Child Rights) 2. Ms. Seema Vyas (Secretary, Maharashtra State Commission for Protection of Child Rights) 3. Ms. Asma Shaikh (Member, Maharashtra SCPCR) 4. Maulana Addu Rashid (Principal, Madarsa Imdadul Uloom Yusufiya, Daund, Pune) 5. Mufti Muhammad Shahid Qasmi (Principal, Darul Uloom Rashidiya, Pune) 6. Maulana Umair Bagwan (President, Ulema Welfare Foundation, Pune) 7. Mr. Nasir Khan (President, Madarsa Maharashtra Development Society) 8. Mr. Zahid (Maharashtra Action Committee) 9. Mr. Abdul Kareem Attar (Social Worker) 10. Mr. Imran Mujawar (Member Hajj Committee) | |



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| Important Points of Discussion | <p>Maulana Addu Rashid</p> <ul style="list-style-type: none"> • There is a need for parallel and equal education opportunities for children of minority community including access to education in Information Technology and branches of modern education. • Lack of communication and awareness from both State and Central Government about the educational schemes. Modern education should be given in madrasa with certification. <p>Mufti Muhammad Shahid Qasmi</p> <ul style="list-style-type: none"> • Present schemes require extensive documentation, due to which the applicant is not eligible for the scheme. • The Right to Education Act should be made applicable to the students studying in the madrasas. It will ensure complete waiver of tuition fees and other fees. • Priority should be given to Madrasa, including monetary benefits and facilities. Government's terms and condition acceptable to them. <p>Maulana Umair Bagwan</p> <ul style="list-style-type: none"> • Due to the historical injustices met to minorities communities, they do not trust the government and its schemes. Thus, we demand of new schemes specifically for their own community. • We also demand for modern education through madrasas and for funds & special benefits including modern infrastructure and equipment in these institutes. • Madrasas should have affiliation with the Mukta Vidyapeeth (open university). <p>Mr. Rajnikant</p> <ul style="list-style-type: none"> • We have various schemes for the benefits of the minority communities. Since there is less information about the various schemes to the minority communities they are unable to avail the benefit. |
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| City | Ajmer, Rajasthan | 3.2.4.9. |
|--------------------------------|---|----------|
| Date | 13 th March 2019 | |
| Key Participants | <ol style="list-style-type: none"> 1. Mr. Rajnikant (National Coordinator – Programme(s), National Commission for Protection of Child Rights) 2. Mr. S.P. Singh (Member, Rajasthan State Commission for Protection of Child Rights) 3. Dr. Seema Joshi (Member, Rajasthan State Commission for Protection of Child Rights) 4. Ms. Uma Ratnu (Social Welfare Department, Jaipur, Rajasthan) 5. Mr. Jay Prakash (State Education Department) | |
| Important Points of Discussion | <ul style="list-style-type: none"> • Expand coverage of SSA to madrasas • Radical change in policies of scholarships • Proper Implementation of Schemes providing financial aid of Rs 450/child • Uniforms, books, Mid-day meal, playground, free water and electricity to Madaras, Inspection of buildings, quality education. • Special concessions to Madrasas for implementation of RTE, 2009. | |

| City | Lucknow, Uttar Pradesh | 3.2.4.10. |
|--------------------------------|---|-----------|
| Date | 6 th March 2019 | |
| Key Participants | <ol style="list-style-type: none"> 1. Mr. Rajnikant (National Coordinator – Programme(s), National Commission for Protection of Child Rights) 2. Mr. Javed Malik (Member, National Minority Inspection Committee) 3. Mr. Shafat Hussain (Uttar Pradesh State Commission for Protection of Child Rights) 4. Dr. Suchita Chaturvedi (Uttar Pradesh SCPCR) 5. Maulana Zirkamudddin (Member, MadrasaBoard, U.P Government) 6. Mr. Anish (Director, ICTI) 7. Mr. Parbeen Srivastava (Social Worker) 8. Mr. V.S. Rawat (Consultant, NCPCR) 9. Ms. Deepti Yadav (Consultant, NCPCR) | |
| Important Points of Discussion | <ul style="list-style-type: none"> • As per RTE 2009, it is the duty of Central and State to provide free and compulsory education to children from 6-14 years in the neighbourhood school/Madrasas. • Benefits under provision of RTE 2009 should be provided to children from Muslim minority. • Special concessions to Madrasas for implementation of RTE, 2009. • General Education and necessary facilities to be provided to children from Muslim minority community • Constitution of National Madrasa Board • Provision of NIOS centre for Madrasas • Linking Madrasas with SCVT • Establishment of SCPU centres in Madrasas • Inspection Committee for Urdu education • Provision of NCERT books in Madrasas | |

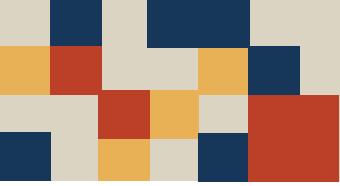
| City | Bhagalpur, Bihar | 3.2.4.11. |
|--------------------------------|--|-----------|
| Date | 1 st March 2020 | |
| Key Participants | <ol style="list-style-type: none"> 1. Mr. Priyank Kanoongo (Chairperson, National Commission for Protection of Child Rights) 2. Mr. Rajnikant (National Coordinator – Programme(s), NCPCR) 3. Mr. Javed Malik (National Council for Promotion of Urdu Language) 4. Maulana Irfan | |
| Important Points of Discussion | <p>Mr. Priyank Kanoongo</p> <ul style="list-style-type: none"> • General Education and basic education are equally important for holistic development of children from Muslim minority community. • Focus on modernisation of Islamic Education which in turn will increase the numbers of Engineers, Doctors, Lawyers etc. from Muslim minority • There are around 1.5 crore children studying in madrasas, but there are very few students receiving general education | |



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| | <ul style="list-style-type: none"> • Female children in the madrasas demand different facilities such as bicycle, books, uniforms, Mid-Day Meal, etc., which can be availed through SSA • Expanding the coverage of RTE Act to Madrasas |
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| City | Jaunpur, Uttar Pradesh 3.2.4.12. |
|--------------------------------|--|
| Date | 27 th December 2017 |
| Key Participants | <ol style="list-style-type: none"> 1. Mr. Priyank Kanoongo (Chairperson, National Commission for Protection of Child Rights) 2. Mr. Bakelal Sonkar (Member of Parliament) 3. Mr. Saleem Ahmed Siddiqui (Madrasa Arbia Ryaz -ul Ukm Machchlishahar) 4. Mr. Zahir Alam 5. Maulana Awar Ahmed Kashmiri |
| Important Points of Discussion | <p>Mr. Priyank Kanoongo</p> <ul style="list-style-type: none"> • 99% students from the Jain community go on to pursue higher education but from the community of Muslims there are only 2%. Why have we not discussed this ever? • There is discrimination even within the community. The students who go to madrasas are children of poorest Muslims families. Why is it so that rich Muslim children go to general schools and not madrasas? Why should we separate religious schools from the general schools? <p>Madrasa Principals</p> <ul style="list-style-type: none"> • Our community is as behind in education as much as Prophet Mohammad encouraged us towards it today. In madrasas, children of engineers, doctors and scientists do not study, they are in fact sent to Missionary schools, while only the most backward strata of the community is enrolled there. • It is altogether more important to focus on their empowerment through education because when a child studies, the entire society studies with them, and the whole country benefits. Thus, educating children is more important than producing children. <p>Teachers</p> <ul style="list-style-type: none"> • There are children who want to learn computers but do not have a teacher for that. • Moreover, there are no teachers for subjects such as science, social studies, etc. • There are around 25000 teachers who have not received their wages for the last 3-4 years. • Government books reach the madrasas 4-5 months later. |

| City | Jhunjhunu, Rajasthan 3.2.1.13. |
|------------------|---|
| Date | 12 th March 2020 |
| Key Participants | <ol style="list-style-type: none"> 1. Mr. Rajnikant (National Coordinator -- Programme(s), National Commission for Protection of Child Rights) 2. Dr. Shailendra Pandya (Member, Rajasthan State Commission for Protection of Child Rights) |



| | |
|--------------------------------|---|
| | <ol style="list-style-type: none">3. Dr.Vijender Singh (Member, Rajasthan SCPCR)4. Mr. S. P. Singh (Member, Rajasthan SCPCR)5. Ms. Nagma Bano (Chairperson, Jhunjhunu Nagar Parishad)6. Mr. Pitaram Singh Kala (Zonal Education Officer, Education Department)7. Mr. Viplav Nnyola (Women and Child Development Department)8. Mr. Aaruna Sharma (Shram Kalyan Vibhaag)9. Mr. Mohd. Anees (Minority Welfare Department)10. Ms. Priya Chowdhary (Zonal Child Protection Group)11. Mr. Manish Bahar (Education Department, Primary) |
| Important Points of Discussion | <p>Mr. Manish Bahar</p> <ul style="list-style-type: none">• In our district, Jain community does excellently on education indicators however the Muslim community is behind. It is therefore imperative to improve their education conditions.• In order to proceed with this task, it is important that students of this community are provided with foundational education and later on in their lives they should be provided with technical and medical education matching their aspirations.• We should construct hostels for minority communities where students can study. <p>Mr. Rajnikant</p> <ul style="list-style-type: none">• The RTE Act 2009 should be studied thoroughly and explained to the larger community Article 29, 30 and section 12(1)(c) should be understood and its benefit is to be taken.• The JJ Act 2015 and POCSO Act provisions were elaborated and explained. <p>Mr. Mohammad Anees</p> <ul style="list-style-type: none">• The Minority Welfare Department of Rajasthan has provided a number of schemes for the benefit of the minority communities including grant-in-aid scheme, scholarships, etc.• The madrasas not registered or recognised are not getting the benefits of these aforementioned schemes as well as the benefit of the land allotments made to them. |

3.2.5. Highlights from Child Representatives*



Like other children and schools, we also want to have playground in our Madrasa with sports equipment and games.

- **Hassan**, Age 7
Nagpur Consultation Meeting



We need all those facilities and incentives provided to students in regular schools. We also need a library, a computer systems, laboratories, ground and adequate teachers to tell us how to use them. For our future we want vocational training in courses like embroidery, tailoring, etc. It would be beneficial to have tailoring machine as well.

- **Sahera Banu**, Age 12
Delhi Consultation Meeting



We do not have computer course in our Madrasa. Also, while other children wear uniform while going to school, we do not get uniform and shoes. I want that all children should be able to wear shoes while going to school.

- **Shaheel**, Age 12
Delhi Consultation Meeting



We also need '*rangeen kitabein*' (colourful books) to read.

- **Abdul**, Age 9
Bhagalpur Consultation Meeting



We need help from the government for our madrasas. We need uniforms. We also need a hostel. We also need textbooks based on curriculum goals. If we are provided with such textbooks and laboratories to aid learning, we will definitely use them. We also need desks at our madrasa.

- **Reshma**, Age 14
Kadapa Consultation Meeting



Now the children studying in schools get cycle from the Government, we also need cycle.

- Nazma, Age 11
Bhopal Consultation Meeting



I wanted to become an engineer. There were not enough books on science and technology. Our madrasa did not even have a computer. Please get a computer for our madrasa now. We also would sit down on the ground, please provide us with desks.

- Wasim, Age 17
Kadapa Consultation Meeting



There should be disabled-friendly toilets and barrier-free environment for children with disability.

- Aafiya, Age 13
Bhopal Consultation Meeting

** The original names of the children have been changed.*



4

RECOMMENDATIONS



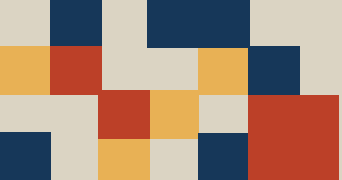
4.1. Discussion

The 86th amendment in December 2002 inserted Article 21A in the Constitution, making free and compulsory elementary education a fundamental right of 'all' children. The Article had a universal applicability for which a Law was enacted- the RTE Act of 2009. However, the 'universal' character of the Act was tempered with on more than once occasions, resulting in RTE Act being the only child specific Act that is partially applicable to the population of children for which it is meant and discriminates among the children based on the 'institutions' they attend for seeking education. Hence, on one hand this Act enables children to get their fundamental right and on the other hand it contravenes Article 13(2) that states that State shall not make any law which takes away or abridges the fundamental rights and any law made in contravention of this clause shall, to the extent of the contravention, be void.

In 2012, the Act was amended to exempt the institutions 'primarily imparting religious education', thus excluding the children studying in these institutions from the fundamental right. Subsequently, a significant provision of the RTE Act, section 12 (1) (c), that gave the Law its inclusive character, was challenged. While discussing the validity of exemption provided through clause (5) of Article 15 of the Constitution, the *Pramati* judgement, exempted all institutions with minority status and declared that the "2009 Act insofar it is made applicable to minority schools referred in clause (1) of Article 30 of the Constitution is ultra vires the Constitution". A general observation is that basically two type of institutions are exempted from RTE Act, 2009- (a) those established with a minority institution status and (b) institutions imparting religious education such as Madrasas, Gumpas etc. However, the point of divergence from RTE Act of these two types of institutions is different. The institutions with minority status are established as 'schools' with recognition from the State Governments but do not admit children from disadvantaged category (including from the same religion for which the special status was ought) and hence sought exemption in light of Article 15 (5) of the Constitution. On the other hand, the institutions imparting religious education such as Madrasas, Vedic Pathshalas, Gumpas do not provide basic education as per section 29 of the RTE Act. Both, section 12 (1) (c) and Section 29 of the RTE Act are important to maintain the principles of 'secularism' and 'equality of opportunity' as enshrined in the Preamble of Constitution of India.

Essentially, the competing Articles - Article 21A and Article 30 (1) talk about 'education' and 'right' with a different approach. While Article 21A is 'individual' right of each child in the age group of 6-14 years; Article 30 is the right of 'minority communities' to establish and administer educational institutions of their choice; and right of the 'institutions', thus established, against any kind of discrimination. Since its implementation, the discussions so far have mainly revolved around the concern that whether the applicability of RTE Act, 2009 on minority schools, aided or unaided, will abrogate the right of the minorities under Article 30(1); however, what's often ignored is the analyses of how far the rights of minorities to 'establish' and 'administer' institutions of their 'choice' and the exemption of these institutions from Article 15 (5) have affected the fundamental right of all children.

To begin with, a comparison of enrolment of students from disadvantaged section as a percentage of total enrolment in the minority schools shows that across the communities, only 8.76% of the total student population belongs to the



disadvantaged section. Since minority schools are outside the purview of the RTE, there is no compulsion to admit students from disadvantaged backgrounds, with State/UTs like Chandigarh, Delhi, Odisha, Chhattisgarh and Tamil Nadu accepting less than 5% of total students' strength. However, as per the RTE Act, 2009, all private unaided schools have to give children from disadvantaged sections at least 25 percent seats of the total class strength. By rejecting the idea of inclusion enacted through RTE, these schools are denying the rights of the most disadvantaged children, denying them equal opportunity, stripping these children off their entitlements, taking away the sense of belongingness to the society, negating the principle of social justice and disallowing numerous disadvantaged children who belong to their own religion, an opportunity to be included in the mainstream education.

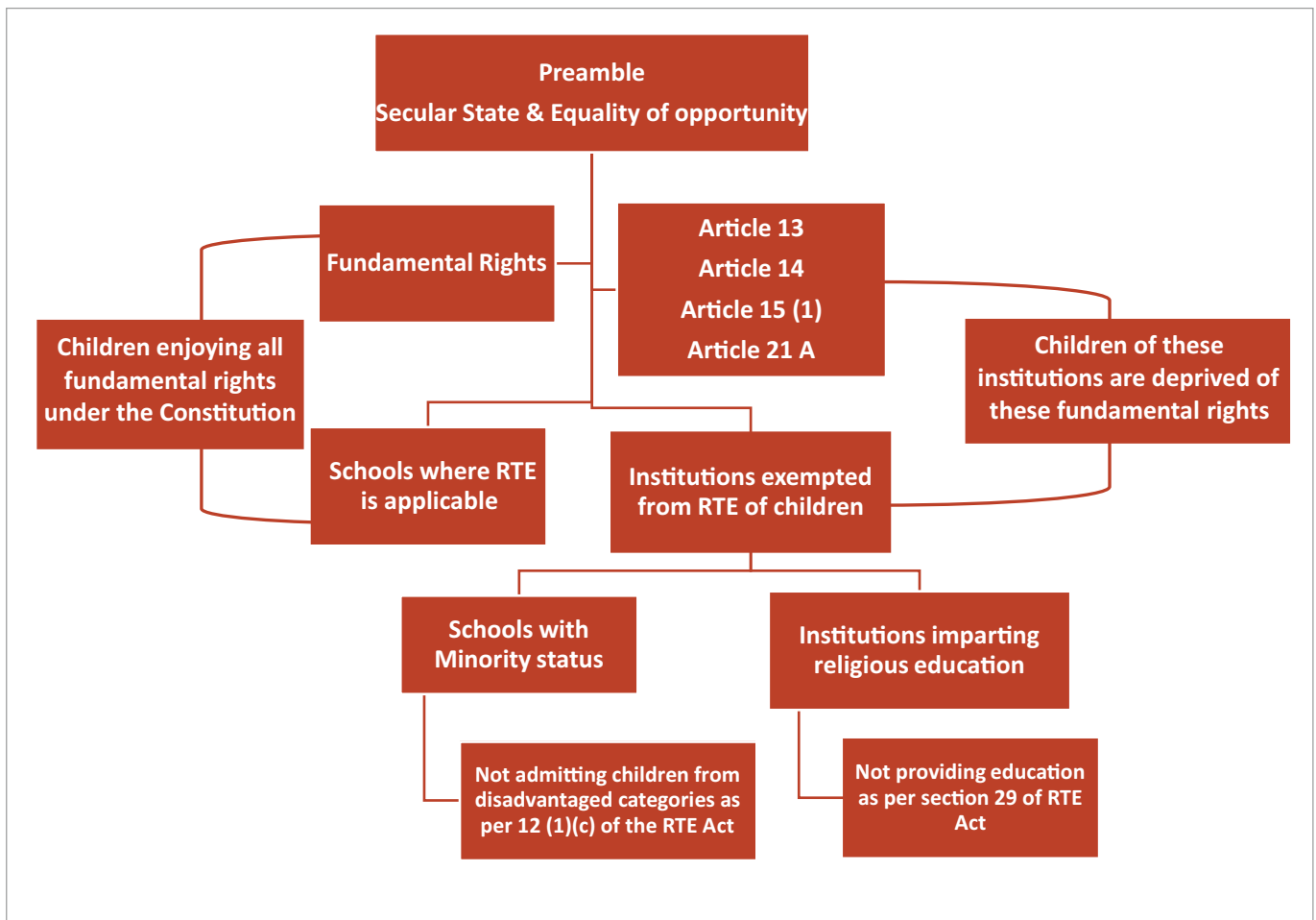
Furthermore, for ensuring free and compulsory quality education to children, the RTE Act, 2009 provides for norms and standards pertaining to the physical aspect of education i.e. basic minimum infrastructure, number of teachers, books, uniform, Mid-day Meal etc. However, children, not covered under the ambit of the Act because of the exemption of the 'institution', are deprived of these benefits and their right to access the learning environment created as a result of these provisions. The interactions with the children studying in minority institutions and religious institutions were an eyeopener in this regard as these 'benefits' and 'entitlements' that they are deprived of, hold a much deeper meaning for these children. For them, access to these basic facilities would instill a sense of belongingness to the society; a sense of pride and acknowledgment of them being equal and no less.

Besides these physical norms and other entitlements, the Act provisions for basic education similar for all children in the defined age group and education that is based on the principles given in section 29 (2) of the RTE Act, 2009. Also, the responsibility to ensure that the curriculum in schools is laid down by the academic authorities notified by Centre and State governments. However, as the minority institutions do not have defined guidelines on what will be taught to children, thus depriving the children of their right to the knowledge and quality education that is prescribed by the notified authorities under RTE Act. Extending the right of minority communities and institutions is taking away rights of children and denying them their fundamental right to equality under Article 14 of the Constitution that prohibits the State to deny to any person equality before the law or the equal protection of the laws within the territory of India.

As Article 29 of the Constitution empowers the citizens having a distinct language, script or culture of its own shall have the right to conserve the same, it must be seen as to whether these minority schools are undertaking activities for promoting their 'language' and 'culture'? If not, then what are the objectives of operating schools under minority categories? And; If yes, what kind of activities are included in the school curriculum to achieve this objective; and whether or not these schools, where 62.5% children from non-minority groups are enrolled, are violating Article 28 (3) of the Constitution that prohibits educational institutions from obligating the children to take part in any religious instruction, without the consent of parents?

To conclude, the right provided to minority institutions under Article 30 (1) of the

constitution of India cannot be taken as unconditional or absolute. This right is subject to the basic principles of equality and secularism of the Constitution and individual rights of the children. In *Bal Patil & Anr vs Union Of India & Ors*, (2005), Hon'ble Supreme Court stated that **'state' will have no religion. The states will treat all religions and religious groups equally and with equal respect without in any manner interfering with their individual rights of religion, faith and worship.** Prohibiting discrimination on grounds of religion, race, caste, sex or place of birth, the Constitution, under Article 15 also states that State shall not discriminate against any citizen on grounds only of religion and State can make special provision for women and children. Let alone special provisions, the exemption of institutions with minority status have led to discrimination among children those who are enrolled in institutions with minority status; those who are seeking education in unmapped religious institutions. Moreover, the right to freedom of religion given under Article 25 (1) is subject to the other provisions in Fundamental Rights including Article 21A, Right to Education which is constitutionally unconditional. The language of equality, secularism, non-discrimination, meant for inclusion, is rather used with different interpretations for exclusion of children.





4.2. RECOMMENDATIONS

1. Mapping of all Unrecognised Institutions during Survey to Identify Out of School Children

There are a large number of children attending Schools/ Institutions that are not recognized. Children also attend such institutions that are unrecognized as these are unmapped and number of such institutions is not known. Therefore, whether these institutions provide quality education and the information on the environment these institutions provide to children also remains unknown. Children attending all such institutions (unrecognised and/or unmapped schools) are to be treated as Out of School, even if they provide regular education.

Therefore, it is very important that any survey undertaken to map number of out-of-school children should also include mapping of all these unrecognised institutions which may include unrecognised schools, unrecognised *Madarasas*, Vedic *Pathshalas*, *Gumpas* and other form of non-formal education centres. This has also been recommended by the CABE Sub-Committee to Devise Pathways for Re-engaging Out of school children.

2. Role of NCERT and SCERTs

One of the objectives of National Council of Educational Research and Training (NCERT) is to act as a nodal agency for achieving the goals of Universalization of Elementary Education. It is important that NCERT along with SCERTs should play a proactive role in extending the right to education to all children. So far, the minority cell has not taken any constructive step for education of children of minority communities. It's time that the Council should hold consultative meetings with all stakeholders and create pathways for reaching out to these children and reach closer to the minorities. Also, the vision, mission and functions of Minority Cell in NCERT created in 2006 needs to be revised and the Cell should play a larger role in taking the fundamental right to elementary education to all children especially children of minority communities.

3. Need to take appropriate steps to extend the provisions of RTE to minority educational institutions or make law with similar effect to ensure RTE of children studying in minority educational institutions

The RTE Act, 2009 was enacted to provide education to children between the age of 6 to 14 years as a matter of fundamental right. The provisions of the Act framed in 2009 did not exclude any section or group and neither obliterates in minority nature of minority schools nor acts as a hindrance in benefiting the students from the minority community because originally the objective of the enactment was to extend right to education to every child in the aforesaid age group irrespective of their background and nature of school where children could get admission. The objective of the enactment is clear from the long title of the Act, which states that it is an Act to provide for free and compulsory education to all children of the age of six to fourteen years although an amendment in the year 2012 inserted clause (4) in Section 1, which provides that subject to the provisions of articles 29 and 30 of the Constitution, the provisions of this Act shall apply to conferment of rights on



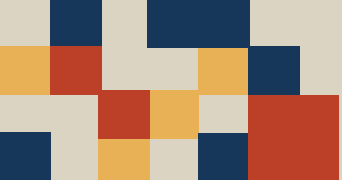
children to free and compulsory education.

Here it is pertinent to see that whenever two rights overlap to each other which one is required to be prioritized is to be decided after assessing complete fact and circumstances. Provisions of RTE are for ensuring the right of children, which is of the nature of basic human right and that is required to be prioritized over any other right except life and food. Therefore, the legislature should take policy decision for extending the RTE to children who are studying in minority educational institutions and to bring necessary amendment in RTE 2009 for extending the same to minority educational institution as provisions to ensure fundamental right of those children does not interfere in right to administration and right to administer cannot be extended to the extent of ignoring fundamental right of children. In the process Government may keep in mind that the Judgement of Hon'ble Supreme Court in the case of *Pramati Educational & Cultural Trust Vs Union of India* has held that the RTE 2009 is not applicable to minority educational institutions. It is pertinent to see that the Hon'ble Court has shown concern upon minority right provided under Constitution and therefore did not allow the application of RTE considering the same as interference. The judgement is of year 2014 and by now the impact of non-application of RTE upon such institutions are visible. Unfortunately, the impact of the non-application of RTE Act on school with minority status and institutions primarily imparting religious education is severely affecting rights of the children studying in those schools and institutions; and therefore it is necessary that the government should take effective steps to ensure rights of children studying in minority educational institutions.

In fact, the Right to Education Act endeavoured to give an opportunity to the children from disadvantaged sections to seek admission in private unaided schools by fixing the responsibility of providing admission to these children, which can be the problem of children in minority community also. However, in 2006, the 93rd Constitution Amendment Act inserted Clause (5) in Article 15 enabling the State to create special provisions for advancement of backward classes of citizens in all aided or unaided educational institutes. Minority educational institutes were exempted from the operation of this Amendment, since Article 30(1) provides the right to all minorities to establish educational institutions and administer it as per their choice. A surge in the number of schools securing Minority Status Certificate (MSC) after passage of the Amendment has been observed, with more than 85% schools of the total schools securing the certificate in the years 2005-2009 and later. This can be attributed to the ease in administering minority schools, without the legal mandate to reserve seats for backward classes. The same RTE Act, which came to protect education right of children, has become a tool for the deprivation of children studying in schools with minority status from their fundamental right. Therefore, it is recommended that the Government of India may consider making law to ensure protection of education rights of all children without differentiation.

4. Care and protection of children as per Juvenile Justice Act, 2015

If children who fall under the definition of 'children in need of care and protection' as given u/s 2(14) of the JJ Act, 2015 are residing in residential facilities/hostels of schools with minority status and institutions imparting religious education without following the procedures of JJ Act; this amounts to violation of the Act. The



State Government should initiate enquiry and ensure that such children be immediately produced before the Child Welfare Committee (CWC) as per section 31 of the JJ Act. Thereafter, as per the orders of the CWC, the children may be restored or rehabilitated.

5. Interpretation and implementation of rights of children


The rights of children provided under Constitution of India and subsequent enabling Laws are universally applicable for all children in the country and hence should be read and understood with the intent to serve 'best interest of the child'. Any interpretation that diverts from this principle leads to undermine the rights of children and interferes with their well-being. To keep the interpretation and implementation of rights of children to education, efficient executive, monitoring and accountability structures are essential. The most essential elements for creating such structure are – (a) awareness generation drives for all stakeholders especially those managing schools with minority status as well as institutions providing religious education; (b) an enabling environment by means of putting in place a more informed, regulated and stringent system for extending the rights to all children. A two pronged approach needs to be followed so that children studying in minority institutions- recognized/unrecognized, mapped/unmapped receive fundamental education.

6. Guidelines regarding nature and number of minority institutes in a State

A comparison of population of a religious community in a State to the number of minority status schools of that particular community indicates that the minority status schools are not in proportion to the religious minority population in a particular State. For instance, in West Bengal, 92.47% of the minority population is of Muslims and 2.47% are Christians. On the contrary, there are 114 Christian minority schools and only two (2) schools with Muslim minority status. Similarly, in Uttar Pradesh, though the Christian population is less than 1% there are 197 Christian minority schools in the State. This disproportionate number takes away the core objective of establishing minority educational institutions. Hence, there is a need to link the need of number of minority institutions in a State for a particular minority to the process of granting minority institution status for better utilization of resources.

7. Notification of guidelines regarding composition in minority institutes

As per the data analysed, schools were found to be admitting non-minority students to a large extent. In Madhya Pradesh, Chandigarh and Uttarakhand, the percentage of students from non-minority community goes up to more than 80%. As stated earlier, according to the NCMEI guidelines, 'the State Government can prescribe percentage of 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. However, in the absence of clear guidelines from States and despite the large presence of minority students in school-going age groups, minority schools are catering to less than 8% of the minority children



population. Hence, there is a need to lay down specific guidelines regarding the minimum percentage of students from the minority community to be admitted to the institution.

8. Re-examination and further amendment of guidelines for grant of minority status to schools

Currently, only the composition of the trust/ society running the educational institution and the institution's Trust Deed or the society's Memorandum of Association (MOA) or institutions' by-laws are assessed by the present criteria. Although, the MOA of the Society or Trust Deed should clearly indicate that the object of the society/ trust is "to establish and administer educational institutions primarily for the benefits of the Muslim/ Sikh/ Christian/ Buddhist/ Parsi/ Jain (as the case may be) community and also the society at large", there is no consistent method to check whether the institution/ school is indeed run for the respective community's welfare. The current guidelines should be re-examined and amended to ensure the robust and reliable summarization of "minority character" and "welfare of minorities". The qualitative parameters such as admission to minority students, recruitment of teachers, benefits provided to the students from minority community should be included to ensure the real objective of benefiting the children from minority community.

9. Creation of appropriate administrative system for the purpose of meaningful realization and effective implementation of linguistic minority rights

The National Commission for Minority Educational Institutes (NCMEI) does not accept any applications (either directly or by way of an appeal against the order of the state minority commission) for grant of minority status to a linguistic minority. Thus, even though Section 12 B of NCMEI Act allows educational institutions to file appeals against the rejection of application seeking minority status by State Government, it appears that NCMEI does not grant minority status certificates to linguistic minorities.

While, some states have notified competent authorities for grant of minority status to educational institutions, but failed to notify the competent authority in case of any violation and regulate the criteria and process for granting the linguistic minority status. This clearly indicates that there is an immediate need to provide equal protection to linguistic minorities as religious minorities.

The suggested way to counter the above cited challenge is amend the powers of National Commissioner of Linguistic Minorities (NCLM) to empower it to a quasi-judicial body, one that has been endowed with the powers of a Civil Court. The Commissioner will thus have adjudicatory functions and recommendatory powers. On the other hand, the powers of the NCMEI can also be expanded upon to provide equivalent protection to linguistic minorities. Currently, the Central government has notified only six religious minorities as covered under the NCMEI Act. Thus, this list can be expanded to include linguistic minorities as per each state as well.

10. Addition of Minority Status Renewal at periodic interval


The prescription that minority status need not be renewed needs reconsideration. Given that the NCMEI and State authorities do have the power to cancel minority status in the eventuality of a fundamental change in circumstances, it must be questioned how such changes would be determined in the absence of a periodic review. Some of the State guidelines mention a requirement for a minority institution to notify the competent authority as and when there is a change in the composition of its trust. But this seems to be a rather narrow and procedural review whereas a more substantive review may be required.

11. Last but not the least, introspection by managements of schools with minority status and religious institutions on their role and contribution

A comparison of enrolment of students from disadvantaged section as a percentage of total enrolment in the minority schools shows that across the communities, only 8.76% of the total student population belongs to the disadvantaged section. Since minority schools are outside the purview of the RTE, there is no compulsion to admit students from disadvantaged backgrounds, with State/UTs like Chandigarh, Delhi, Odisha, Chhattisgarh and Tamil Nadu accepting less than 5% of total students strength. Further, 4.18% of total students get benefits from schools. There is a wide range of disparity in the number of students from disadvantaged background receiving benefits, with schools in Andhra Pradesh providing benefits to 19.37% while schools in Uttar Pradesh providing to only 4.52% of them. As per section 12(1) (c) of the RTE Act, 2009, all private unaided schools have to give children from disadvantaged sections at least 25% seats of the total class strength. However, these schools enjoy immunity after the 2014 *Pramati Educational and Cultural Trust v Union of India* judgement the schools with minority status.

This has also led to a gap between disadvantaged groups belonging to Muslim community and those from Christian community has widened. The Christian community which makes up 11.54% of the total religious population, contributes to 71.96% share of the total minority schools of the country. On the other hand, the Muslim community despite contributing a share percentage of 69.18% to the religious minority population in the country, contributes only a paltry share of 22.75% to the minority schools. Another category of institutions that are not under the ambit of RTE Act, 2009 are institutions that 'primarily impart religious education' i.e. Madrasa, Vedic Pathshalas, Gumpas etc. These institutions do not provide basic education as per section 29 of the Act. It is estimated that approximately 1.2 crore children attend Madrasas (one of such institutions). Both, section 12 (1) (c) and Section 29 of the RTE Act are important to maintain the principles of 'secularism' and 'equality of opportunity' as enshrined in the Preamble of Constitution of India.

The prime objective of establishing these institutions is to give the minorities the right to conserve their culture and upliftment of their community through education. By rejecting the idea of inclusion enacted through RTE, the institutions may be pushing the children towards alienation and isolation from the mainstream resulting in radicalization and also, denying the rights of the most disadvantaged children, denying them equal opportunity, stripping these children off their entitlements, taking away the sense of belongingness to the society, negating the



principle of social justice and disallowing numerous disadvantaged children who belong to their own religion an opportunity to be included in the mainstream education.

The denial to extend right to education to children by these institutions with minority status not just deprives the children off their most important fundamental right to education but this exclusion/denial of these children snowballs into depriving the child of their fundamental right to Equality before law (Article 14); prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15(1)); and also interrupts States' responsibility under Article 13 (2) to not make any law which takes away or abridges the rights conferred under the fundamental rights and any law made in contravention of this clause shall, to the extent of the contravention, be void. Hence, the Act, instead of an enabling tool, becomes a depriving tool for the children studying in minority schools. In addition, by not providing religious education, the institutions are also not contributing in protecting the interest of minorities and conserving their language, script and culture [Article 29(1)] for which these institutes are primarily given the minority status.

It is time that we as a society including the school managements and minority communities introspect as to whom they are actually serving by closing doors for the vulnerable children who need upliftment and if this is the actual path that our religion, our God showed us?

Annexure



National Consultation of “ Chairpersons and Members of State Commissions for Protection of Child Rights (SCPCRs)” on 27th -28th May, 2017, Gangtok, Sikkim : Charter of recommendations

As per Commissions for Protection of Child Rights (CPCR) Act, 2005, National Commission for Protection of Child Rights and State Commissions for Protection of Child Rights are mandated to monitor implementation of laws related to rights of the child and review of policies and procedures of the governments and give recommendations for their effective implementation. Since, coordination and collaboration between National and State Commissions for Protection of Child Rights is a significant pre-requisite for effectively ensuring that rights of the child are upheld throughout the country, NCPCR is taking initiatives in creating a platform for all the Commissions to discuss their issues , share concerns and identify common agenda to focus upon. With this objective a two-days consultation was being organized at Chintan Bhavan, Gangtok, Sikkim. This Consultation was participated by the 19 SCPCRs.

Proposal for recommendations are given as under :

Amendment of Plantation and Labour Act, 1951 : The Plantation and Labour Act, 1951 is a specific Act for the people engaged in the tea plantation. The provisions of the Act provides that wellbeing of the children of plantation workers is the responsibility of the Tea Estate Owners. However, this Act contradicts the provisions and definitions of the RTE Act . Therefore, it is high time to amend the Act in view of the RTE Act, 2009. Further, there is a need to harmonize all other Child Rights Acts.

Review of the status of benefits being availed by the children of minorities with reference to Article 15(5) through 93rd Amendment Act of Constitution of India and under Article 21 A : The 93rd Amendment Act provides that “State shall make special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of Article 30.” However, there is a need to assess and review the Act to find out how this Act has actually helped the children of minority communities.

Further, these institutions are means for upliftment of minority communities and still there is a need to devise a pathway to ensure that the benefits of such institutions actually reach the children of minority communities.

Minority institutions are out of the ambit of the RTE Act, 2009 ; however, the children of the minority communities can not be deprived of the quality and meaningful fundamental education which is essential for children to achieve their full potential to enjoy the benefits under Article 21 – A of the Constitution.

Full implementation of the Juvenile Justice (Care & support of Children) Act, 2015 and POCSO Act, 2012 may be ensured in all the States/UTs.


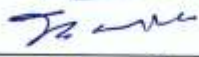
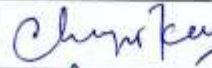
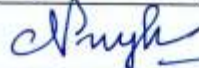
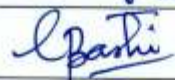
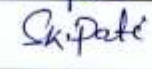
Redressal of grievances is one of the core functions of the Commissions, therefore, all the Commissions to ensure an effective grievance redressal mechanism.

| S.N | State SCPCR | Name | Designation | Signature |
|-----|-----------------------------------|-------------------------------|----------------------|-----------|
| 1 | NCPCR | PRIYANK KANUNGO | MEMBER | |
| 2 | SCPCR SIKKIM | DUJHYAUT PARIYAR | M.S. | |
| 3 | SCPCR SIKKIM | Deekila Paktia Chairperson | Chairperson SCPCR | |
| 4 | Maharashtra | Pravin Chuge | Chairman MSCPCR | |
| 5 | Madhya Pradesh | Dr. Raghendra Sharma | Chairman | |
| 6 | ASCPCR | Gopale Sarma | Member | |
| 7 | ASCPCR | Dr. Nani Gopal Grewal | Member | |
| 8 | ASCPCR | Dr. Sanita Chongkhat | Chairperson | |
| 9 | ASCPCR | Rupa Hazri | Member | |
| 10 | ASCPCR | Dr. Pitu Hazarika | Member | |
| 11 | ASCPCR | Indrani Tahildar | Member | |
| 12 | JSCPCR | Anhad Lal | Member | |
| 13 | JSCPCR | Vinita Devi | Member | |
| 14 | Chhattisgarh JSCPCR | Bhupam Sahu | Member | |

| S.N | State SCPCR | Name | Designation | Signature |
|-----|---------------|-----------------------|--------------------|-----------|
| 15 | JSCPCR | Ravindra K. Gupta | Member | |
| 16 | HSCPCR | Ramandap Kaur | member | |
| 17 | HSCPCR | Sunita Dey | member | |
| 18 | " | SUSTIL Verma | " | |
| 19 | RSCPCR | Aranya Chakrabarti | CP | |
| 20 | RSCPCR | Dr. Jallan Singh | Member | |
| 21 | RSCPCR | Uma Patra | " | |
| 21 | " | Ayjen Bagari | " | |
| 22 | " | Jai Sheel Garg | " | |
| 23 | " | Shiv Pal Singh | " | |
| 24 | H.S.C.P.C.R | Parvati Baidya | " | |
| 25 | — | B.K. Goyal | — | |
| 26 | Tripura | Indira Dhar | Chairperson | |
| 26 | do | Rita Deb Barma | Member | |
| 27 | do | Achintan Kalita | Member - Secretary | |
| 28 | -Do. | Pramodhan Das | Member - T.P.C.R | |
| 27 | Do | Dr. Dipki Bishwakarma | Member - T.P.C.R | |
| 30 | JSCPCR | Dr. Manoj Kumar | member | |
| 31 | HPSCPCR | Kiran Dhanta | Chairperson | |
| 32 | H.P.S.C.P.C.R | Pooja Sharma | Member | |
| 33 | HPSCPCR | ROSHAN LAL SHARMA | Member | |

| S.N | State SCPCR | Name | Designation | Signature |
|-----|------------------|-----------------------|-------------|-----------|
| 34 | Chhattisgarh | Nanatal Choudhary | Member Secy | |
| 35 | Maharashtra | Vijay Jadhav | Member | |
| 36 | Gujarat | Rajesh Patel | Member | |
| 37 | Himachal Pradesh | Pooja Shams | Member | |
| 38 | West Bengal | Concilia Ray | Member | |
| 39 | WBPCPR | Anita Basu | Member | |
| 40 | West Bengal | Sudshra Roy | Member | |
| 41 | Odisha | Harinar Naik | Member | |
| 42 | Odisha | Rajalaxmi Das | Member | |
| 43 | Odisha | Sandhya Devi | Member | |
| 44 | Odisha | Kasturi Mohapatra | Chairperson | |
| 45 | Jharkhand | Arti Kujur | Chairperson | |
| 46 | Gujarat | Jyoti Raha | Chairperson | |
| 47 | Punjab | Kuldeep Kaur | Member | |
| 48 | Punjab | Satinder Kaur Bisla | Member | |
| 49 | Punjab | Dr. Jasvinder Gh | Member | |
| 50 | Punjab | Suresh Kalia | CHAIRMAN | |
| 51 | MANIPUR | Sarat Kumar Sharma | Chairperson | |
| 52 | MANIPUR | Keisam Pradiptumar | Member | |
| 53 | MANIPUR | Ch. Nabachandra Singh | Member | |
| 54 | Manipur | Montu Shanthan | Member | |

| S.N | State SCPCR | Name | Designation | Signature |
|-----|-------------|---------------------|-------------|-----------|
| 55. | Karnataka | Dr. Venkata N. Tori | Member. | |
| 56. | HIMACHAL | Rajendar Mola | Member | |
| 57. | Mizoram | Lalsampuii | Member | |
| 58. | -u- | B. Lalhmingmasi | " | |
| 59. | - - | Laldikini | Member | |
| 60. | - - | P. Lalhmingmasi | Chairperson | |
| 61. | Sikkim | Sakun Gurung | member. | |
| 62. | " | Ambika pokhrel. | " | |
| 63. | Sikkim | Chandan Singh Bhut | " | |
| 64. | Peon Sikkim | Sikkim | " | |
| 65. | Sikkim | Phigen Pokhrel | " | |
| 66. | Manipur | Gabriela Gomes | Member | |
| 67. | KERALA | SHOBA KOSHY | CHAIRPERSON | |
| 68. | " | M. P. ANTONI | MEMBER | |
| 69. | " | G. B. Suresh | Member | |
| 70. | " | Sr. Biji Jose | Member | |
| 71. | " | Sheela Menon N | Member | |
| 72. | " | Syama Devi. | member | |
| 73. | " | C. I. Antony | Member | |
| 74. | | | MEMBER | |

| S.N | State SCPCR | Name | Designation | Signature |
|-----|-------------|--------------------|-------------|---|
| 74. | Chandigarh | Hajinder Kaur | Chairperson |  |
| 75. | Ernakulam | Dr. Inderjit Singh | Expert |  |
| 77. | Punjab | Dr. Charanjit Kaur | Expert |  |
| 78. | Odisha | Nibedita Nayak | Member |  |
| 79. | Odisha | Gitanjali Bastia | Member |  |
| 80. | Odisha | Sunanda Patil | Member |  |
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