

Recognition of Minority status to Minority Educational Institutions
 In the state of Rajasthan – Procedure, Terms and Conditions of Recognition.
 Government of Rajasthan
 Minorities Affairs Department,
 Secretariat, Jaipur date : 18-04-2013

Read:

- 1)The National Commission for Minority Educational Institutions Act 2004,
- 2) Government order No. F,4 (1) MAW/2013/5141, Minority Affairs Department dated 15th April 2013

Government Resolution: -

The simplification of the procedure for according the recognition of Religious/Linguistic Minority status to Educational Institutions run by Minorities in Rajasthan, has been under consideration of the state government for some time. Accordingly in consultation with all stakeholders and taking into account the various directions passed by the Hon Supreme Court in this behalf, the Government of Rajasthan hereby regulates the procedure and conditions for according recognition of Religious/Linguistic Minority status to the educational institutions run by Minorities in the state of Rajasthan as under:

I Competent Authority to accord Recognition of Minority status :

The Principal Secretary Minorities Affairs Department, has been declared by the State Government by the order No. F,4 (1) MAW/2013/5141 dated 15th April 2013, as the Competent Authority in Rajasthan, to accord recognition of Religious/ Linguistic Minority status to Educational Institutions.

II Eligibility Criteria for Recognition :

i) Those institutions which have been granted recognition as a Minority Educational Institution, by the National Commission for Minority Educational Institutions, New Delhi, or by the order of any Court, need not apply again for recognition under these provisions. However the conditions indicated in Para V below shall also be applicable to all such institutions.

ii) The Applicant Minority Institution should be registered as a trust under the Public Trust Act 1950 or as a Society under the Societies Registration Act 1860 or The Rajasthan Societies Act 1958 amended by Act Number 17 of 1995 or Rajasthan Cooperative Act number 13 of 1965 and rules of 1966 or any other relevant law. The institution should indicate in its by laws or rules that it has been formed to protect the interest of the minority for which status is sought.

iii) All those notified as Religious Minorities by the Government of India and the Government of Rajasthan shall be eligible to apply for being accorded recognition to their educational institutions as Religious Minority Educational Institutions.

iv) All those whose mother tongue is an Indian language other than Hindi, shall be

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eligible to apply for the recognition of the educational institutions run by them, as Linguistic Minority Educational Institutions.

v) At least two- third of the trustees/ members of the managing committee of the Society, of the applicant institution should belong to the applicant Minority Community.

III Procedure for Application for according Recognition

i) The Institution desirous of obtaining Recognition as a Religious or Linguistic Minority Educational Institution, shall apply to the Competent Authority in the prescribed form appended herewith as Annexure A, indicating specifically whether they are desirous of obtaining recognition as Religious or as Linguistic Minority Educational Institution , along with photo copies of relevant documents indicated in para IV below.

ii) Each application shall be accompanied by a non-refundable processing fee of Rs 5000, (Rs Five Thousand) or such amount as may be prescribed from time to time, to be paid by a Demand Draft in the name of Deputy Secretary & Director, Minority Affairs, Jaipur who will act as presenting officer for the application before the competent authority.

iii) The Applicant Institution should file a notarized affidavit in the prescribed form appended herewith as Annexure B, on Non Judicial stamp paper of Rs 100.

iv) All incomplete applications, not filed in the prescribed form, without the prescribed fees, or without supporting documents shall be rejected during preliminary scrutiny and the applicant shall be informed of this.

v) Each application shall then be considered in terms of these provisions and a decision communicated to the Applicant within a reasonable period of time of the filing of the application.

vi) The Competent Authority shall hear the Applicant Institution, through its authorized representatives, with prior notice of at least ten days, before deciding the application. The Applicant shall be required to furnish at the time of the hearing of the application, the original documents, photo copies of which were furnished while filing the application, as indicated in para IV below.

vii) After hearing the Applicant, if Recognition as a Minority Educational Institute is accorded by the Competent Authority, a certificate in Form A as indicated in Annexure C appended herewith, shall be issued to the Applicant.

IV Copies of Documents to be attached with application:

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- i) Copy of Trust Deed or Society Registration
- ii) Copy of Schedule I indicating the names of the original Trustees/members of Managing committee
- iii) Copy of Change Report if any, regarding change in the names of Trustees/members of Managing Committee
- iv) Proof of Religious affiliation or linguistic background of the Trustees/Members of managing Committee such as baptism certificate, school leaving certificate.etc
- v) Proof that the applicant trust/society is running an Educational Institution.
- vi) Proof of financial resources & full financial discloser including land & building title & details duly attested by a charted accountant firm including copies of income tax return for last three years of Society / Trust.
- vii) Copies of CA attested balance sheet of the Trust or Society for last three years.
- viii) FCRA (under the foreign contribution Regulation Act 1976) registration permission for overseas funding with full discloser
- ix) Annual report of the Society or Trust of last three years with details of activities of the parent body and / or other institutions run or managed by the Society in the state or the country.
- x) Official website of the organization duly updated and RTI compliant .
- xi) Declaration by authrised representative for compliance under various laws & rules governing Educational institutions such as the Right to Education Act & other regulations.
- xii) No objection certificate or authrization or clearance from concerned Educational authority under whose jurisdiction the institution is being established such as medical education, technical education, college education etc. including accreditation bodies such as AICTE, Universities, UGC etc.

V Terms and Conditions of Recognition :

- i) The Recognition of status of Minority Educational Institution shall be applicable only in the state of Rajasthan and in respect of all the government departments dealing with Education.
- ii) The recognition of Minority status shall be accorded to the Institution and the Minority status will be applicable to the educational units which has been awarded the minority status.
- iii) The Applicant Institution shall abide by all the criteria indicated in para II above. Any change in the composition of the trustees/ society management committee, should be intimated to the Competent Authority within fifteen days of such a change being effected.
- iv) All Minority Educational Institutions other than those running Higher and Technical and Professional Educational Institutions, accorded recognition under these provisions shall :
 - a) in the case of unaided institutions and unaided or aided linguistic minority institutions having the medium of education in the recognised minority language - admit all eligible minority students who have applied for admission, within the time limit prescribed, based on merit by a fair and transparent admission process and no application of any eligible minority student shall be rejected by the institution. They may also admit non-minority students based on the local needs.

b) In the case of aided institutions (except aided minority language institutions having the medium of education in the recognized minority language) shall admit all eligible minority students who have applied for admission, within the time limit prescribed, based on merit by a fair and transparent admission process and no application of any eligible minority student shall be rejected by the institution. They shall also admit a reasonable number of non-minority students based on the local needs.

v) All Minority Educational Institutions accorded recognition under these Provisions, running Higher and Technical Educational and Professional courses shall admit to the extent of

- In the case of aided institutions 50 % of the sanctioned strength
- In the case of unaided institutions 51% of the sanctioned strength from eligible candidates from the Minority community for which Recognition has been accorded under these provisions :

- 1) by Aided Institutions – by means of the state organized Common Entrance Test (CET) or Common Admission Procedure in the case of Professional and Technical courses and by means of merit based selection in other courses, including BSTC courses and
- 2) In the case of Unaided Institutions either by their own CET or by means of the state organized Common Entrance Test (CET) or Common Admission Procedure for professional courses and by means of merit based selection in other courses including BSTC courses.

vi) In the case of failure to obtain 50% / 51% students of the Minority category as indicated in v) above, the institutions which have carried out their own CET may advertise for minority students of the category of which the institution has obtained recognition, who have passed the government CET and select such minority students in order of merit.

vii) The remaining seats shall be filled in

- by Aided Institutions by means of the state organized CET or Common Admission Procedure - or in the absence of these- by an open merit based procedure. While filling up these seats, with open category students who are non- minorities, the seats prescribed by the concerned Education Department of Government for weaker sections such as Scheduled Castes, Scheduled tribes, OBCs etc shall also be taken into account while admitting students, and
- in the case of Unaided Institutions either by their own CET or by merit based procedure or by means of the state organized CET or Common Admission Procedure of the state. They may also on their own if they so desire provide for seats for the admission of weaker sections such as Scheduled Castes, Scheduled Tribes, OBCs etc in addition to students from the general category Provided that if 50%/51% students from the Minority quota are not available, then a specific permission has to be taken by the institution from the Minorities Affairs Department, to fill up these seats from non minority candidates by an open merit based procedure.

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Provided also that the names of all selected students by the open merit based process shall be displayed on the notice board of the institution with the marks secured by the selected students.

VI Filing of Returns by Minority Education Institutions:

On the completion of the admission process, every Minority Educational Institution granted recognition under these provisions, shall file a return within fifteen days to the concerned Director of Education, of the details of the students granted admission and publish the details of students admitted with their marks obtained in the admission procedure, thereupon the concerned Director of Education shall file a return within a period of two months to the Competent Authority, of the details of admissions made in these institutions, with the break up of girls and boys, minority and non minority students.

VII Right to Inspection, Verification of Records, carry out an Enquiry and pass orders :

If any complaint is received by the Competent Authority as regards the veracity of the Minority status of an Institution which has been granted recognition under these provisions, or as regards injustice to any minority student in the admission process, or any such matter comes to the notice of the state government, the Competent Authority may enquire into the matter by giving a reasonable opportunity of being heard, to the Institution concerned, by conducting a hearing and examining the parties and verifying the records of the institution or cause the matter to be enquired into by the concerned Director of Education – Director of Medical Education, Director of Higher Education, Director of Technical Education or Director of Ayurveda. After issuing notices of enquiry to all the concerned parties, hearing the Minority Educational Institution, taking the evidence from the affected parties, and checking the records of the institution, the concerned Director of Education will submit a report in the matter to the Competent Authority who shall then pass necessary speaking orders in the matter.

VIII Grounds for Revoking of Recognition :

The Recognition of Religious or Linguistic Minority Educational status to an Institution once accorded, can be revoked on the following grounds:

- a) The Institution has obtained the recognition by submitting false information to the Competent Authority
- b) Violations of any of the clauses in paras IV and V above
- c) If a complaint is received by the Government as regards the veracity of the Minority status or the fraudulent admission process adopted by the institution to the detriment of the concerned Minority Community students and the complaint is found to be true on enquiry.

However it will be necessary for the Competent Authority to hear the Institution before passing any orders of Revocation of Recognition.

IX Appeals against orders of the Competent Authority:

An appeal shall lie with the National Commission for Minority Educational Institutions, New

Delhi, against any order passed by the Competent Authority rejecting the recognition of Minority status or revoking the recognition of Minority status to an Educational Institution in Rajasthan or any order passed in terms of this GO.

This Government order will come into effect from the educational year 2013-14. All Minority Educational Institutions which have been accorded recognition of Minority status by the GO dated 18-04-13, may exchange their earlier certificates for a certificate under these provisions in Form A as indicated in para III (viii) above, by making a simple plain paper application addressed to the Competent Authority and surrendering their earlier certificates.

X This GO Issues in concurrence with the School Education, Higher and Technical Education and Medical Education Departments of the Government of Rajasthan.

This Government Order is available on the web site of the Government of Rajasthan,

By order and in the name of the Governor of Rajasthan.

Director Cum Deputy Secretary
Minorities Affairs Department
Government of Rajasthan

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