

TRIPURA



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PART--I-- Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
MINORITIES WELFARE DEPARTMENT.

F.NO.3(11)/MW/GL/2014/6277

Dated, Agartala the 24th November, 2016.

NOTIFICATION

1. Article 30 of the Constitution of India provides that (1) all minorities whether based on religion or language shall have the right to establish and administer educational institution of their choice and that (2) the State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language. So far, the State of Tripura have had no mechanism to grant minority status to any educational institution. Further, both the Central and State Govt. of Tripura have notified Religious Minorities only as Minority Communities. Section 2(f) of the National Commission for Minority Educational Institutions (NCMEI) Act 2004 provides that Minority means a community notified as such by the central Government.

2. The matter was under active consideration of the State Government for quite some time. The National Commission for Minority Educational Institutions vide their D.O.No.07-10/2015-NCMEI dated 07.05.2015 requested the State Government to appoint a competent authority in order to grant Minority status to educational institutions under the provisions of the NCMEI Act. A Committee headed by the Director, Minorities Welfare Department, Govt. of Tripura was also formed to study the guidelines issued by different State Governments and to prepare guidelines for the State of Tripura. Cabinet Committee formed by the Council of Ministers to examine and recommend guidelines for recognition of Educational Institutions as Minority Educational Institutions in Tripura, have, also submitted their recommendation.

3. The Governor is, therefore, pleased to make guidelines given in the Annexure for the purpose of identifying Minority Institutions and granting minority status.

4. The intending educational institutions may apply in prescribed format to the Secretary In Charge of the Minorities Welfare Department, Govt of Tripura.

5. These guideline will take immediate effect.

By order of the Governor,

Enclo : As Stated.

Samarjit Bhowmik
Secretary,
to the Govt. of Tripura.

GUIDELINES FOR RECOGNITION OF EDUCATIONAL INSTITUTION AS MINORITY
EDUCATIONAL INSTITUTION IN TRIPURA.

Article 30 of the Constitution of India provides the right to all Minorities, whether based on religion to establish and administer educational institution of their choice. For identification of such minority educational institution already established and are being administered as such the State Government shall verify the status of such institutions in the light of norms prescribed hereunder and issue necessary certificate so that such institutions can be associated with various state-aid schemes for education intervention in minority development.

1. Criteria to be satisfied by a minority educational institution to be identified as such:

The word 'Minority' shall be taken as defined under the Section 2 (C) National Commission for Minorities (NCM) Act 1992. read with Govt. of India Notification, dated 27.01.2014 and Government of Tripura Notification No.996-1120/F 10-5 / SCW / GL / RM / 03, Dated, Agartala the 18th April 2007.

1. The educational institution must have been established and administered by the minorities to serve the interests of the concerned minority.
2. An educational institution which a minority community has established but has subsequently relinquished responsibility of management to other minority or non-minority, cannot acquire such status. In other words the ownership of the institution must belong to the minority and it must always be administered by that minority.
3. The organization sponsoring the educational institution should get registered as a Society / Trust / Committee / Association. Provided that not less than two third of the trustees / members of the managing committee of the society of the applicant institutions should belong to the Minority Community.
4. The aims and objects of the educational organisation incorporated in its memorandum / by-laws should clearly specify that it is meant primarily to serve the educational interests of the minority community to which they claim to belong, in letter and spirit.
5. The memorandum of registration must contain the provision for such educational institution which is established and administered by the Society/ Trust / Committee / Association.
6. The Educational Institution which satisfies the criteria prescribed under this guideline is entitled to be certified as Minority Educational Institution and not the Society / Trust / Committee / Association which is managing the institution.
7. Out of the total seats available in the Minority Institution as many seats as possible shall be filled in by all the available eligible minority students strictly as per rules framed by the appropriate authority governing admissions with transparency in admissions. The rest may be filled up from the general merit list.
8. Notwithstanding anything contained in the forgoing criteria the State Govt, may suo motto declare any educational institution as Minority Educational Institution which in the opinion of the Govt., satisfied the spirit of Article 30(1) of the Constitution of India and was recognized and aided* by the Govt. before coming into effect of the procedure herein prescribed.

II. Authority to grant Minority Status certificate to Minority Educational Institutions :

The Principal Secretary / Secretary / Special Secretary to the Government of Tripura holding the charge of Minorities Welfare Department, or an officer duly authorized by him shall be the Competent Authority to grant Minority Status Certificate to all Religious/linguistic Minority Educational Institution, provided that :-

- 1) The educational institution falls within the ambit of the norms prescribed under para-I
- 2) School Leaving Certificate or any other equivalent record/Transfer Certificates from the schools/ Madrassas in which they have studied shall be the basis for determining the religious status of a student for admission in Minority Institutions. Head of such schools/Madrassas shall mention the religious status of the student in the school leaving certificate on the basis of admission register.

III. Duration of Minority Status and Renewal :-

- 1) Minority Status Certificate shall be given for a period of 3 (three) years and shall be renewed prior to its expiry period by making application about three months in advance. The competent authority will make necessary review of the affairs of the institution and renew or revoke the certificate. In case of revocation the institution shall be given an opportunity of being heard.
- 2) In order to give details of Minority students admitted into the Minority Educational Institutions which are recognized or aided shall furnish the list of admitted candidates every year within 15 days from the cut off date as fixed by the Government/University/Board/Council concerned to the School Education Department under intimation to Minorities Welfare Department for verification and/or onward transmission to the University or Council/Board concerned.
- 3) The Minority Educational Institutions which are recognized on aided shall furnish the details of the number and percentage of students belonging to the concerned minority community who are receiving scholarships, grants and free ships specifying the quantum and time period of the assistance.

IV. Application for grant of recognition as Minority Education Institution :

- 1) The organisation desirous of obtaining recognition of a particular institution as Minority Educational Institution shall make an application in the prescribed form in Annexure - I to the Competent Authority along with necessary documentary evidence in support of society's Registration, Bye-Laws and also religious status of the Governing body members of the society.
- 2) Educational Institution for which recognition as minority educational institutions is sought must have prior approval/registration of the Education Department, Govt. of Tripura as an Educational Institution.
- 3) The application shall be examined and disposed of by the Competent Authority within 60 days of the receipt of application complete in all respect.
- 4) Mere applying for recognition, will not entitle the educational institution to be regarded as a minority educational institution unless the institution has been issued a certificate to that effect by the Competent Authority.

V. Entailment of general effects after recognition as Minority Educational Institution:

1. Reservation policy for Scheduled Caste and Scheduled Tribes and Other Backward Classes shall not apply in recruitment of teachers and Staff in Minority Educational Institutions. Further there shall be no Gender discrimination in recruitment of teachers and staff in the Minority Educational Institutions.
2. There shall be no bar for the State Government to provide the financial assistance to such Institution for the purpose of educational enlightenment and upliftment of the Minorities.
3. Stipend / Scholarship and other such benefits may be allowed to students of such Institution as per Government norms.
4. There shall be no discrimination for such Minority Educational Institution for providing other aids by the Government in consonance with the spirit of Article 30(2) of the Constitution of India.
5. The Minority Educational Institution having obtained recognition from the State Government shall have all rights as granted under section 10 and 10A of the National Commission for Minority Educational Institutions (Amendment) Act 2006.

VI. Condition under which the recognition as Minority Educational Institution can be withdrawn.

The competent Authority mentioned under Para-II is also the competent Authority to withdraw the recognition granted to an institution as a minority educational institution. The competent Authority may withdraw the recognition under the following circumstances.

- 1) If the constitution, aims and objects of the educational organisation which has enabled it to obtain minority status to its educational institution has subsequently been modified / revised/ amended in such a way that it no more reflects the spirit of minority institution.
- 2) If the educational organization fails to follow the norms and conditions pertaining to the fee structure, admission procedure, and pattern and various other conditions laid down by the competent authority from time to time to maintain academic standard and excellence of education, so far as they are not repugnant to the provisions of the constitution of India.
- 3) On verification of the records etc. if it is found that the educational institution has failed to admit students belonging to the concerned minority community in the institution, as per rules and prescribed proportion as in Para -I (7), during consecutive three years except in exceptional circumstances beyond control of the institution and to the satisfaction of the competent authority.

VII. Procedure for withdrawal of recognition as Minority Educational Institution :

Under any one or more of the circumstances referred to under Para-VI if the Competent Authority is of the opinion that any educational institution which has been accorded recognition as minority educational institution, no longer deserves the status of minority educational institution, it may withdraw the recognition so accorded by following the procedure, prescribed below :-

- 1) The Competent Authority or the officer authorized by him shall issue a show cause notice giving 14 days time to explain why the recognition as minority educational institution accorded to the institution shall not be withdrawn.
- 2) If the educational organisation fails to comply with the notice or the explanation submitted is not to the satisfaction of the authority the Competent Authority may proceed to withdraw the recognition of the educational institution as minority educational institution.
- 3) If the educational organization which has been served with the show cause notice as stated in Sub -Para (1) above rectifies the deficiencies pointed out in the notice, the Competent Authority may continue the recognition, subject to fulfilment of such other conditions which the authority may prescribe as deemed fit.
- 4) If the competent authority is not satisfied with the explanation submitted by the educational agency the latter shall be given an opportunity of being heard before deciding for revocation of minority status under Sub - Para (2) above.
- 5) Educational Institution whose recognition as minority educational institution has been withdrawn shall not be entitled for restoration of the recognition in the subsequent period.

VIII. General Instructions :

1. The Minority Educational Institutions shall follow the criteria for establishment, admission, fee structure, appointment of teaching and non-teaching staff and salaries etc. as prescribed by the Government/concerned University / Affiliating Authority / All India Council for Technical Education / National Council for Teaching Education / Medical Council of India / the Board to which it is unless some specific exemptions have been granted by Law/Govt./ affiliating body.
2. No educational institution shall be entitled for the privilege which are allowed for recognized minority educational institution unless it is recognized as minority educational institutions by the Competent Authority.
3. The State, through the Departmental machinery, is empowered to enforce the rules and regulations of the Department so far as they are not repugnant to the provisions of the Constitution of India aiming at the furtherance of educational standards and excellence of education and to check maladministration in the minority educational institutions.
4. Government or any other authority on their behalf are competent to bring to the notice of the affiliating authority, after necessary inquiry, if an institution is found to be indulging in any mismanagement and to see that the academic standards and excellence of education are maintained.
5. Every educational institution shall follow the instructions issued by the Competent Authority from time to time which are meant to strengthen and streamline the educational standards and discipline and the welfare of the concerned minority.
6. All the rules prescribed for the establishment, registration, recognition, administration and control of other private educational institutions shall also be applicable to the corresponding categories of minority educational institution so far as they are not repugnant to the relevant provisions of the Constitution of India.

7. Government/Head of the Department/University/State Councils/Affiliating Board concerned are empowered to issue instructions or prescribe rules and regulations as deemed necessary for various categories of educational institutions separately and shall be applicable to all the educational institutions including those administered by the Minority Communities, unless otherwise repugnant to the provisions of the Constitution.
8. The Institutions, which fail to obtain the renewal of recognition within the prescribed period i.e. by the time of expiry of the existing period, shall be treated as non-minority institutions.
9. The Competent Authority shall take suo moto action for suspension or cancellation of Minority Status Certificate issued by him either on permanent or temporary basis, in case the educational institution fails to comply with above instructions.
10. For any issue / issues which remained uncovered by the foregoing guidelines, and for any exceptional circumstances, on granting or revocation of minority status of an educational institution the matter shall be decided by the Minorities Welfare Department, Govt. of Tripura.

Samarjit Bhowmik

Secretary,

Minorities Welfare Department,
Government of Tripura.

**MINORITIES WELFARE DEPARTMENT
GOVERNMENT OF TRIPURA
APPLICATION FOR MINORITY STATUS CERTIFICATE**

1. (a) Name and address of the Institution :
- b) Name & Address of the President / Secretary of the Trust / Society :
- c) The year of establishment of the Trust / Society :
- d) Name of the Trust / Society / Charitable Organisation / Others who has established the institution.
- e) Purpose for which the institution was established - relevant extract of the memorandum:
- f) Students of which community was the institution started for.
2. Whether the applicant Institution's claim is based on religious or linguistic Minority
3. Whether the applicant Institution has been established or administered by : (i) Religious Minority
4. Details pertaining to the Society / Trust which is administering the institution.
 - (a) Name and Address of the Society /Trust
 - (b) Whether it is registered (attach a copy of the certificate of registration)
 - (c) Name & Address of the Founding Members / Mutwallis / Trusees'and * their religion:

SLNo.	Name	Office Status	Occupation	Address	Religion
1					
2					
3					
4					

- d) Whether the MoA of the Society / Trust has been amended at any time and if yes, attach the amendments:
5. Details pertaining to the Institution :
 - (i) The year in which the institution has been established :
 - (ii) Percentage of the students from the minority community admitted in the Institution :

(iii) Total No. of Students belonging to Minority
Community for which the Institution was initially
founded : (Example - a Christian school will specify
the number of Christian students)

(iv) Number of needy students belonging to Minority
communities (percent) receiving

a) Scholarship / stipend

b) Annual Book Grant

c) Annual Uniform Grant

(v) Name & Address of the present Trustee / Mutwalis :
/Members of the Governing Body and their religion.

(vi) Whether the Institution is recognized/ affiliated to
any lawful Education Authority like University/
Council/ Board etc.

If yes, provide details :

- (i) Whether the recognition / affiliation of institution has been withdrawn by the Competent authority at any time. If yes/on what grounds ?
- (ii) Whether the name of the institution or its ownership has changed since its Inception and if so the details there of.

DECLARATION

I,

Hereby aver that the particulars furnished above are true to the best of my knowledge and that if any detail is found on verification / inspection to be otherwise, the institution shall forfeit the minority certificate awarded to it. The decision of the Competent Authority in this regard shall be final.

Signature of the Secretary / President