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## Minority Institutions and RTE: NCPCR Survey

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### Why in News

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Recently, the **National Commission for the Protection of the Rights of the Child (NCPCR)** conducted a **Nationwide Assessment of Minority Schools**. The report was titled “Impact of Exemption under Article 15 (5) with regards to Article 21A of the Constitution of India on Education of Minority Communities”.

- The aim was to assess **how the 93<sup>rd</sup> Amendment to Indian Constitution, which exempts minority institutions from otherwise mandatory provisions of the Right to Education, affected children belonging to minority communities.**
- The report **highlights the disproportionate number of minority institutions or dominance of non-minority category in Minority institutions.**

### National Commission for Protection of Child Rights

- NCPCR is a **statutory body** set up in March 2007 under the **Commissions for Protection of Child Rights (CPCR) Act, 2005**.
- It is under the administrative control of the **Ministry of Women & Child Development**.
- The Commission's mandate is 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 and also the UN Convention on the Rights of the Child.
- It inquires into complaints relating to a child's right to free and compulsory education under the **Right to Education Act, 2009**.
- It monitors the implementation of **Protection of Children from Sexual Offences (POCSO) Act, 2012**.

### Key Points

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## Highlights of the Report:

- **Minority Schools Catering to the Non-Minorities:** Overall, **62.5% of the students in these schools belonged to non-minority communities.**  
Only **8.76%** of the students in minority schools belong to **socially and economically disadvantaged backgrounds.**
- **Disproportionate Numbers:** 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 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 disproportion **takes away the core objective of establishing minority educational institutions.**
- **Non-Uniformity in Madarasas:** It found that the **largest number of out-of-school children – at 1.1 crore – belonged to the Muslim community.**
  - According to the report, there are three kinds of madrasas in the country:
    - **Recognised Madrasas:** These are registered and impart both religious as well as secular education;
    - **Unrecognised Madrasas:** These have been found deficient for registration by state governments as secular education is not imparted.
    - **Unmapped Madrasas:** These have never applied for registration.
  - According to the NCPDR, the **Sachar Committee report 2005**, which says 4% of Muslim children (15.3 lakh) attend madrasas, has only taken into account the registered madrasas.
  - Further, the syllabi of madrasas, that have evolved over centuries, **are not uniform, and that “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.
    - It also says that madrasas do not have any teachers training programmes.

## Article 15(5), 30, 21A Linkage

- **Minority Institutions:** Minority institutions have the fundamental right under Article 30 of the Constitution to establish and administer their educational institutions according to their choice.
  - However, they cannot ignore the regulations recommended by the state.
  - Further, the Supreme Court in the **TMA Pai Foundation case, 2002** said that Article 30(1) was neither absolute nor above the law.
  - **Muslims, Sikhs, Christians, Buddhists, Jain and Zoroastrians (Parsis) have been notified as minority communities** under Section 2 (c) of the National Commission for Minorities Act, 1992.

- **Article 15 (5) (93<sup>rd</sup> Amendment to Indian Constitution):** It empowers the **state to make special provisions for the socially and educationally backward classes** or the Scheduled Castes or the Scheduled Tribes in **educational institutions** including private educational institutions (whether aided or unaided by the state), **except the minority educational institutions.**
- **Right to Education (RTE):** In order to implement Right to Education under **Article 21A**. The Act mandates 25% reservation for disadvantaged sections of the society where disadvantaged groups include:
  - SCs and STs
  - Socially Backward Class
  - Differently abled
- **Using Article 30 to Bypassing RTE:** Minority schools are outside the purview of the RTE Act. Further, in 2014, the Supreme Court in ***Pramati judgment*** made the whole RTE Act inapplicable to minority schools.
 

The NCPDR survey highlighted that **as many schools** and institutions have **registered as minority institutions, simply because they don't have to implement RTE.**

#### **Suggestions:**

- The government should bring all such schools, including madrasas, under the purview of the Right to Education and **Sarva Shiksha Abhiyan campaign.**
- The NCPDR also **backed reservation for students** from minority communities in such schools after its survey found a large proportion of non-minority students studying there.
 

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.
- There is a need to **review the exemption made under RTE with respect to minority institutions.**
  - **Article 30** of Indian constitution ensures the right of minorities to open their own institutions for cultural, linguistic and religious protection.
  - However, it should not contravene with **Article 21(A)** which protects a child's fundamental right to education.

**Source: IE**