



PARLIAMENT OF INDIA RAJYA SABHA

218

DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON HUMAN RESOURCE DEVELOPMENT

TWO HUNDRED- EIGHTEENTH REPORT

ON

THE NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS (AMENDMENT) BILL, 2009

(PRESENTED TO THE RAJYA SABHA ON 25TH NOVEMBER, 2009)
(LAID ON THE TABLE OF LOK SABHA ON 25TH NOVEMBER, 2009)

RAJYA SABHA SECRETARIAT
NEW DELHI

NOVEMBER, 2009/ KARTIKA, 1931 (SAKA)

PARLIAMENT OF INDIA

RAJYA SABHA

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**RAJYA SABHA SECRETARIAT
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**COMPOSITION OF THE COMMITTEE
(2009-10)**

1. Shri Oscar Fernandes — *Chairman*

**MEMBERS
RAJYA SABHA**

2. Dr. E.M. Sudarsana Natchiappan
3. Shrimati Mohsina Kidwai
4. Shri Vijaykumar Rupani
5. Shri M. Rama Jois
6. Shri Penumalli Madhu
7. Shri Brij Bhushan Tiwari
8. Shri T.T.V. Dhinakaran
9. Shri N.K. Singh
10. Dr. Janardhan Waghmare

LOK SABHA

11. Shri Suresh Angadi
12. Shri Kirti Azad
13. Shri P.K. Biju
14. Shri Jitendrasingh Bundela
15. Shrimati J. Helen Davidson
16. Shri P.C. Gaddigoudar
17. Shri Rahul Gandhi
18. Shri Deepender Singh Hooda
19. Shri Prataprao Ganpatrao Jadhav
20. Shri Suresh Kalmadi
21. Shri P. Kumar
22. Shri Prasanta Kumar Majumdar
23. Capt. Jai Narain Prasad Nishad
24. Shri Sis Ram Ola
25. Dr. Vinay Kumar Pandey
26. Shri Tapas Paul
27. Shri Brijbhushan Sharan Singh
28. Shri Ashok Tanwar
29. Shri Joseph Toppo
30. Shri P. Viswanathan
31. Shri Madhu Goud Yaskhi

SECRETARIAT

Shri N.C. Joshi, Secretary
Smt. Vandana Garg, Additional Secretary
Shri J. Sundriyal, Director
Shri Arun Sharma, Joint Director
Shri Sanjay Singh, Assistant Director
Ms. Himanshi Arya, Committee Officer

INTRODUCTION

I, the Chairman of the Department-related Parliamentary Standing Committee on Human Resource Development, having been authorised by the Committee present this Two Hundred- Eighteenth Report of the Committee on ‘The National Commission for Minority Educational Institutions (Amendment) Bill, 2009*.

2. In pursuance of Rule 270 relating to the Department-related Parliamentary Standing Committees, the Chairman, Rajya Sabha in consultation with the Speaker, Lok Sabha referred** ‘The National Commission for Minority Educational Institutions (Amendment) Bill, 2009 as introduced in the Lok Sabha on the 7th August, 2009 and pending therein, to the Committee on the 14th September, 2009 for examination and report within three months.

3. The Committee considered the Bill in four sittings held on the 24th September, 8th October, 20th October and 30th October, 2009. The Committee heard the views of the representatives of the Department of Higher Education (Ministry of Human Resource Development) and Chairman, National Commission for Minority Educational Institutions. The Committee in its sitting held on the 30th October, 2009 took up ‘clause-by-clause consideration’ of the Bill

4. The Committee considered and adopted the draft Report on the 12th November, 2009.

5. The Committee has relied on the following in finalizing the Report:

- (i) Background Note on the Bill;
- (ii) Clause –by-Clause Note on the Bill;
- (iii) Oral evidence on the Bill; and
- (iv) Replies on the questionnaire received from the Department;

6. On behalf of the Committee, I would like to thank the officials of the Department of Higher Education for providing necessary inputs and clarifications on the provisions of the bill.

7. For facility of reference, observations and recommendations of the Committee have been provided in bold letters in the body of the Report.

NEW DELHI;
November 12, 2009
Kartika 21, 1931 (Saka)

OSCAR FERNANDES
Chairman,
Department-related Parliamentary
Standing Committee on
Human Resource Development

* Published in the Gazette of India, Extraordinary Part II Section 2, dated the 7th August, 2009.

** Rajya Sabha Parliamentary Bulletin Part II, No. 46383 dated 14th September, 2009.

REPORT

1. The National Commission for Minority Educational Institutions (NCMEI) was established through the promulgation of an Ordinance dated 11th November, 2004. The Ordinance was replaced by the National Commission for Minority Educational Institutions Act, 2004 (2 of 2005) which was notified on 6th January, 2005. The Act provided for constitution of the Commission and its key objective is to ensure that the true amplitude of the educational rights enshrined in Article 30(1) of the Constitution is made available to the members of the notified religious minority communities.

2. The National Commission for Minority Educational Institutions (Amendment) Bill, 2009 was passed by the Lok Sabha but lapsed due to dissolution of the 14th Lok Sabha. This Bill has now been introduced in the Lok Sabha and referred to the Department-related Parliamentary Standing Committee on Human Resource Development on the 14th September, 2009 for examination and report within three months. To have a proper assessment of the different provisions of the Bill, the Committee heard the representatives of the Department of Higher Education on the 24th September and 8th October, 2009 and the Chairman, National Commission for Minority Educational Institutions on the 20th October, 2009.

3. During his deposition before the Committee, the Secretary informed the Committee that the Commission which has been in existence for four years has discharged its manifold functions as an advisory board, as an instrument of enquiry and investigation, as a judicial forum and as a trustee of the interests of minorities quite effectively. However, the Commission has also been encountering certain practical difficulties in implementing some of the provisions of the NCMEI Act, 2004. The Department has also, from time to time, received several suggestions relating to the aforesaid Act from various cross-sections of minorities which were referred to the Commission. The Committee was given to understand that based on the views and suggestions given by the various stakeholders, the Commission has recommended present amendments to the Act.

4. After extensive deliberations with the representatives of the Department as well as the Chairman of the Commission and also analysing the feedback on a number of queries arising out of the proposed amendments, the Committee took up clause-by-clause consideration of the Bill. It made the following recommendations:

5. Clause 1

5.1 The Committee notes that the present Bill does not contain the commencement clause. On a specific query in this regard, it was clarified that the commencement of a legislation was either through a clause prescribing the date of commencement in the Bill itself or through a provision in the Bill for bringing it into force from the date of notification in the Gazette and where there was no commencement clause, the law came into force from the date of receiving assent from the President in terms of Section 5 of the General Clauses Act, 1897.

5.2 The Committee fails to comprehend the justification for non-inclusion of the commencement clause in the Bill. The Committee is well aware of the options as indicated by the Department in this regard. The Committee finds no harm in inclusion of the commencement clause in the corpus of the Bill. The Committee recommends accordingly.

6. Clause 2

6.1 Clause 2 of the Bill seeks to substitute the following definition of the term 'Minority Educational Institution' given in Section 2 (g) of the Act:

2(g) "Minority Educational Institution" means a college or institution (other than a University) established or maintained by a person or group of persons from amongst the minorities.

The proposed amendment seeks to, firstly, delete the words 'other than a University' from the definition of 'Minority Educational Institution' and secondly substitute the words "established or maintained" with the words "established and administered".

6.2 The Committee held extensive interaction with both the representatives of the Department as well as the Commission on the background for bringing in the proposed modifications in the definition of the term 'Minority Educational Institution' and their likely impact.

6.3 With regard to the substitution of words 'established or maintained' by the words 'established and administered' the Committee was informed that the same was in accordance with the provisions of Article 30(1) relating to right of minorities to establish and administer educational institutions. Committee's attention was drawn to the Azeez Basha vs.the Union of India case, where the Supreme Court has held that the words 'established' and 'administered' in Article 30(1) must be read conjunctively so that minorities will have the right to administer educational institutions of their choice provided they have established such an institution.

6.4 It was also clarified by the Department that in terms of the existing definition, an educational institution could be established by a minority but taken over for all practical purposes and managed by a person other than a minority thereby leading to enjoyment of minority rights by the non-minority persons. On a specific query about the status of educational institutions, being either established or maintained by minorities and already recognized by the Commission, the Committee was informed that no such educational institution existed.

6.5 The Committee is in agreement with the substitution of the words 'established or maintained' with the words 'established and administered' in the definition of the term 'Minority Educational Institution'.

6.6 The Committee observed that the second proposed amendment, i.e., deletion of the words 'other than a University' had very wide ramifications as it would mean inclusion of 'University' within the meaning of 'Minority Educational Institution'. The Committee, therefore, deliberated at length on this issue and examined all the conceivable implications of the proposed amendment.

6.7 The Committee was informed that the existing exclusion of 'University' from the definition of 'Minority Educational Institution' was counter to the law laid down by the Supreme Court in several matters. When asked to elaborate, attention of the Committee was drawn to two Supreme Court judgements by the Department. The first case related to the Azeez Basha vs.Union of India (AIR 1968 662), where the Supreme Court has held that the words 'educational institution' implied in Article 30(1) are of wide import and would include a university also. Secondly, in the matter of TMA Pai Foundation case, the Supreme Court has held that the expression 'education' in Article 30 includes

education at all levels, from the primary school level up to the postgraduate level and it also includes professional education and that the expression 'educational institutions' means institutions that impart education.

6.8 In the light of these two judgements, the Department was of the view that protection available to a Minority Educational Institution other than a University under the NCMEI Act at present, should be made available to universities as well. Elaborating on the issue, mention was made about the amendments made by the Parliament in the Aligarh Muslim University Act and resultant development in the light of the Supreme Court Judgement in the Azeez Basha case. The definition of AMU was changed so as to give it the status of minority institution. This was challenged before a Single Judge in Allahabad High Court which held that this amendment by Parliament was in contravention of Constitution Bench's observation in Azeez Basha case that a University established by Parliament cannot be said to have been established by any particular section. Subsequently, this was appealed before a Division Bench which upheld the Single Judge's order. The Committee was also informed that so far as the Supreme Court decision in the matter of Azeez Basha case on the question of establishment of universities by law was concerned, the same was under challenge by the AMU before the Supreme Court.

6.9 It was also pointed out to the Committee that the UGC Act, 1956 provides that universities can either be established or incorporated. Thus, AMU was simply incorporated by the Parliament as it existed far before the Constitution and found mention in entry 63 of the Central List. Committee was also informed that there were institutions which were 'deemed to be universities' such as Jamia Hamdard, Allahabad Agriculture Institute etc. which were established and maintained by minority institutions. It was, accordingly, impressed upon the Committee that since these institutions which were deemed to be universities, also had a right of protection under Article 30 (1), the proposed amendment of the definition of 'Minority Educational Institution' was not in violation of any law declared by the Supreme Court. Example of private minority universities like the Integral University in UP was also given. A mention about Entry 32 of the State List was also made whereunder States had power to incorporate universities which may be promoted by minorities. Final conclusion drawn by the Department was that the purpose of inclusion of 'University' under the definition of 'Minority Educational Institution' was to have a protective mechanism so as to ensure that a minority university established/incorporated/declared as such was not being discriminated against.

6.10 On apprehensions expressed by the Committee on the proposed amendment going against the well-established statutory provisions, it was categorically mentioned by the Department that no university could be established except by law. Therefore, any person desiring to establish a university with a minority status would have to follow the procedure established by law in terms of the present proposal to amend section 10 of the NCMEI Act. It was only where there was no legal requirement for an NOC or to follow any procedure, that a Minority Educational Institution could be established without such procedure.

6.11 The Committee is well aware of the fact that the National Commission for Minority Educational Institution has the mandate of addressing all issues pertaining to the denial, deprivation or violation of the constitutional rights of the minorities to establish and administer educational institutions of their choice, including all issues related to grant of NOC, minority status certificates and affiliation to universities

wherever applicable. At the same time, the fall out of coverage of 'University' under 'Minority Educational Institution' also needs serious introspection.

6.12 The Committee does not have any doubt so far as the reference of Azeez Basha case made by the Department is concerned. The Committee would, however, like to emphasize that the Supreme Court has also supplemented its statement in the Azeez Basha case by highlighting that there was no law in India which prohibited any private individual body to establish a university prior to the Constitution coming into force in 1950. However, with the enforcement of UGC Act in 1956, setting up of universities in the country was to be governed by the relevant provisions of this Act. The Committee is, therefore, of the view that Supreme Court observations in Azeez Basha case with regard to the expression 'Minority Educational Institution' including 'University' also needs to be looked into in totality. Nobody can also dispute the fact that the judgement of the Supreme Court in the instant case on the question of establishment of university by law still holds good, although the same is under challenge by the Aligarh Muslim University. The Committee would also like to point out that in the case of TMA Pai, the Supreme Court has not specifically indicated the inclusion of the term 'University' within the meaning of 'Minority Educational Institution'. It is also true that postgraduate level of education can be imparted in colleges which are affiliated to Universities.

6.13 Committee's attention was drawn to Section 10 relating to 'Right to establish a Minority Educational Institution' of the NCMEI Act. As per this provision, any person desiring to establish a Minority Educational Institution may apply to the Competent Authority (State or Central Government) for the grant of NOC for the said purpose. In the event of non-receipt of NOC within 90 days or non-receipt of communication about rejection of the application, the applicant would be entitled to commence and proceed with the establishment of a minority educational institution. **The Committee notes that with the inclusion of 'University' within the meaning of 'Minority Educational Institution', the above provision will also be applicable on Universities to be set up.**

6.14 Nobody will dispute the fact that a minority can establish a co-operative society, a trust, a company and can establish any educational institution. However, it is also true that for establishing a university, law is required. Provisions of the UGC Act, 1956 in this regard, cannot be ignored. In the event of delay in the passing of law or refusing to pass a law for establishing a university by a minority, Section 10 of the NCMEI Act, 2004 would give the right for going ahead. The Committee would like to emphasise that power to establish a university by law is the right of the State and not of an individual or group of persons.

6.15 The Committee is not convinced by the contention of the Department that right to establish a minority educational institution as enshrined in Section 10 can be made applicable to university also. The Committee also strongly feels that the stand of the Department that in the event of there being no legal requirement for an NOC or to follow any procedure, a Minority Educational Institution can be established without such procedure is liable to lead to legal complexities in future, if made applicable to universities also. The Committee, accordingly, recommends that this issue may be examined in detail.

6.16 Committee's attention was drawn to the following definition of 'College' as given in the Act:

2(b) "College" means a college or teaching institution (other than a university) established or maintained by a person or group of persons from amongst a minority community.

The Committee feels that as the definition of the term 'Minority Educational Institution' covers college also, separate definition of 'College' is not required. The Committee, accordingly, recommends that the same may be deleted.

7. Clause 3

7.1 As per the existing provision of Section 3 (2) of NCMEI Act, the Commission shall consist of a Chairperson and two Members to be nominated by the Central Government. The proposed amendment seeks to add another member in the composition of the Commission thereby substituting the words "two members" by the words "three members".

7.2 The Committee was given to understand that considering the rising number of registration of cases before the Commission and the wide scope of work assigned to it, an additional Member was required for the Commission. On a specific query in this regard, the Commission also endorsed the viewpoint of the Department. The Committee was also informed that against 373 cases in different categories registered in 2005, 2074 cases were registered in 2006, followed by 1097 in 2007.

7.3 While deliberating on the proposed amendment, the Committee took note of the fact that all the five religious minorities were not being represented in the Commission either under its existing composition or the proposed addition of one member. **The Committee, therefore, feels that membership of the Commission may be expanded to ensure that rights of all the religious minorities are adequately protected.**

7.4 **The Committee is of the view that mere addition of members may not be of much help in expeditious disposal of cases. On a specific query in this regard, the Commission informed the Committee that it would consider constituting benches once the number of member(s) was increased. A viable solution in the opinion of the Committee is to have additional benches so as to facilitate speedy disposal of cases. The Committee, however, understands that a specific provision authorizing the constitution of additional bench will be required for the purpose. Under the Administrative Tribunal Act, for every bench, there has to be one judicial and one administrative member. The Committee, accordingly, recommends that feasibility of this proposal may be examined by the Department and required action taken accordingly.**

7.5 **The Committee notes that attention has been drawn to Article 30 of the Constitution which safeguards the interests of both religious and linguistic minorities.** However, in the NCMEI Act, the linguistic minorities are not included and thereby not represented. On being asked reasons for this apparent deviation, the Department clarified that under Section 2 (f) of the NCMEI Act, the term 'minority' implied a community notified as such by the Central Government and at present, only religious minorities have been notified by the Central Government. As and when the relevant notification for inclusion of linguistic minorities based on a policy decision taken by the Government was issued, the Act would be amended. **The Committee would like to point out that the right of linguistic minorities is inbuilt in the Constitution. At present, the petitions received from the linguistic minorities are being sent to the Commissioner of Linguistic Minorities at Allahabad for action as**

deemed proper by NCMEI. The Committee, feels that Government may explore the inclusion of linguistic minorities within the ambit of NCMEI Act and take appropriate action accordingly.

8. Clause 4

8.1 Section 10 (1) of the NCMEI Act provides that any person who desires to establish a Minority Educational Institution may apply to the competent authority for the grant of No Objection Certificate for the said purpose. The proposed amendment seeks to make this provision subject to the provisions contained in any other law for the time being in force.

8.2 The Department has pointed out that the existing provision may also be interpreted to imply that irrespective of whether there was a law governing requirement of No Objection Certificate or not, in all cases, a Minority Educational Institution would require such a certificate before it could be established. The Committee was also given to understand that NOC was not mandatory for establishing some types of institutions. For example, NOC was not required by AICTE for establishing a technical educational institution. In contrast, an 'essentiality certificate' was required by MCI from the respective State Governments before a medical college could be established. With the proposed amendment regarding 'Right of establishment of a Minority Educational Institution' being made subject to law made by the appropriate Government, it would not be left to the executive discretion in each state. The amendment seeks to remove this ambiguity as large number of cases relating to NOC were coming to the Commission.

8.3 The Committee is in agreement with the proposed amendment in Section 10(1) of the Act.

9. Clause 5

9.1 Section 12B of the NCMEI Act relates to power of Commission to decide on the minority status of an educational instituton. It provides the right to appeal against the order of rejection of the application for grant of minority status certificate to a minority educational institution. Sub-Section (4) lays down the procedure for disposal of the appeal filed before the Commission. The proposed amendment seeks to do away with the provision requiring consultation with the State Government in deciding on the minority status of an educational institution.

9.2 The Committee was informed by the Department that the existing provision of consultation with State Government was unworkable as it was against the principles of natural justice that in any matter of appeal against actions of the State Government and its functionaries, the State Government be consulted during adjudication. Such a provision virtually took away the substantive right of appeal created in favour of an aggrieved party. It was also clarified that in cases before the Commission in which State government were parties thereto, the Commission ensured that due process of law and principles of natural justice were followed by giving reasonable opportunity to State Governments to represent their views. In all judicial and quasi-judicial proceedings, State Governments being necessary parties in such matters were necessarily heard. In such cases, the provision of consultation with State Governments thus became redundant. The Committee was also given to understand that in cases where Central Government was also implicated as a necessary party by the appellants, there was no

similar provision of consulting the Central Government which remained only a respondent. Similar views were expressed by the Commission also.

9.3 In view of the justification given by the Department for proposing this amendment, the Committee is of the view that there is no likelihood of powers of State Governments being eroded and concept of federalism will remain duly protected. The Committee, accordingly, adopts the clause without any amendment.

9.4 The enacting formula and the title are adopted with consequential changes.

9.5 The Committee recommends that the Bill may be passed after incorporating the amendments/additions suggested by it.

9.6 The Committee would like the Ministry to submit a note with reasons on the recommendations/suggestions made by the Committee, which could not be incorporated in the Bill.

RECOMMENDATION/OBSERVATION AT A GLANCE

5. Clause 1

The Committee notes that the present Bill does not contain the commencement clause. The Committee fails to comprehend the justification for non-inclusion of the commencement clause in the Bill. The Committee is well aware of the options as indicated by the Department in this regard. The Committee finds no harm in inclusion of the commencement clause in the corpus of the Bill. The Committee recommends accordingly.

(Para 5.2)

6. Clause 2

Clause 2 of the Bill seeks to substitute the following definition of the term 'Minority Educational Institution' given in Section 2 (g) of the Act:

2(g) "Minority Educational Institution" means a college or institution (other than a University) established or maintained by a person or group of persons from amongst the minorities. (Para 6.1)

The Committee is in agreement with the substitution of the words 'established or maintained' with the words 'established and administered' in the definition of the term 'Minority Educational Institution'. (Para 6.5)

The Committee does not have any doubt so far as the reference of Azeez Basha case made by the Department is concerned. The Committee would, however, like to emphasize that the Supreme Court has also supplemented its statement in the Azeez Basha case by highlighting that there was no law in India which prohibited any private individual body to establish a university prior to the Constitution coming into force in 1950. However, with the enforcement of UGC Act in 1956, setting up of universities in the country was to be governed by the relevant provisions of this Act. The Committee is, therefore, of the view that Supreme Court observations in Azeez Basha case with regard to the expression 'Minority Educational Institution' including 'University' also needs to be looked into in totality. Nobody can also dispute the fact that the judgement of the Supreme Court in the instant case on the question of establishment of university by law still holds good, although the same is under challenge by the Aligarh Muslim University. The Committee would also like to point out that in the case of TMA Pai, the Supreme Court has not specifically indicated the inclusion of the term 'University' within the meaning of 'Minority Educational Institution'. It is also true that postgraduate level of education can be imparted in colleges which are affiliated to Universities. (Para 6.12)

The Committee notes that with the inclusion of 'University' within the meaning of 'Minority Educational Institution', the above provision will also be applicable on Universities to be set up. (Para 6.13)

Nobody will dispute the fact that a minority can establish a co-operative society, a trust, a company and can establish any educational institution. However, it is also true that for establishing a university, law is required. Provisions of the UGC Act, 1956 in this regard, cannot be ignored. In the event of delay in the passing of law or refusing to pass a law for establishing a university by a minority, Section 10 of the NCMEI Act, 2004 would give the right for going ahead. The Committee would like to emphasise that power to establish a university by law is the right of the State and not of an individual or group of persons. (Para 6.14)

The Committee is not convinced by the contention of the Department that right to establish a minority educational institution as enshrined in Section 10 can be made applicable to university also. The Committee also strongly feels that the stand of the Department that in the event of there being no legal requirement for an NOC or to follow any procedure, a Minority Educational Institution can be established without such procedure is liable to lead to legal complexities in future, if made applicable to universities also. The Committee, accordingly, recommends that this issue may be examined in detail. (Para 6.15)

Committee's attention was drawn to the following definition of 'College' as given in the Act:

2(b) "College" means a college or teaching institution (other than a university) established or maintained by a person or group of persons from amongst a minority community.

The Committee feels that as the definition of the term 'Minority Educational Institution' covers college also, separate definition of 'College' is not required. The Committee, accordingly, recommends that the same may be deleted. (Para 6.16)

7. Clause 3

The Committee, therefore, feels that membership of the Commission may be expanded to ensure that rights of all the religious minorities are adequately protected. (Para 7.3)

The Committee is of the view that mere addition of members may not be of much help in expeditious disposal of cases. On a specific query in this regard, the Commission informed the Committee that it would consider constituting benches once the number of member(s) was increased. A viable solution in the opinion of the Committee is to have additional benches so as to facilitate speedy disposal of cases. The Committee, however, understands that a specific provision authorizing the constitution of additional bench will be required for the purpose. Under the Administrative Tribunal Act, for every bench, there has to be one judicial and one administrative member. The Committee, accordingly, recommends that feasibility of this proposal may be examined by the Department and required action taken accordingly. (Para 7.4)

The Committee notes that attention has been drawn to Article 30 of the Constitution which safeguards the interests of both religious and linguistic

minorities. The Committee would like to point out that the right of linguistic minorities is inbuilt in the Constitution. At present, the petitions received from the linguistic minorities are being sent to the Commissioner of Linguistic Minorities at Allahabad for action as deemed proper by NCMEI. The Committee, feels that Government may explore the inclusion of linguistic minorities within the ambit of NCMEI Act and take appropriate action accordingly. (Para 7.5)

8. Clause 4

The Committee is in agreement with the proposed amendment in Section 10(1) of the Act. (Para 8.3)

9. Clause 5

In view of the justification given by the Department for proposing this amendment, the Committee is of the view that there is no likelihood of powers of State Governments being eroded and concept of federalism will remain duly protected. The Committee, accordingly, adopts the clause without any amendment. (Para 9.3)

The enacting formula and the title are adopted with consequential changes. (Para 9.4)

The Committee recommends that the Bill may be passed after incorporating the amendments/additions suggested by it. (Para 9.5)

The Committee would like the Ministry to submit a note with reasons on the recommendations/suggestions made by the Committee, which could not be incorporated in the Bill. (Para 9.6)

MINUTES

II
SECOND MEETING

The Committee on Human Resource Development met at 4.00 P.M. on Thursday, the 24th September, 2009 in Room No. 63, First Floor, Parliament House, New Delhi.

MEMBERS PRESENT
RAJYA SABHA

1. Shri Oscar Fernandes — **Chairman**
2. Dr. E.M. Sudarsana Natchiappan
3. Shrimati Mohsina Kidwai
4. Shri Vijaykumar Rupani
5. Shri M. Rama Jois
6. Shri Penumalli Madhu
7. Shri Brij Bhushan Tiwari

LOK SABHA

8. Shri Kirti Azad
9. Shri P.K. Biju
10. Shri Jitendrasingh Bundela
11. Shrimati J. Helen Davidson
12. Shri P. Kumar
13. Shri Prasanta Kumar Majumdar
14. Capt. Jai Narain Prasad Nishad
15. Shri Sis Ram Ola
16. Dr. Vinay Kumar Pandey
17. Shri Tapas Paul
18. Shri Brijbhushan Sharan Singh
19. Shri Ashok Tanwar
20. Shri Joseph Toppo
21. Shri P. Viswanathan
22. Shri Madhu Goud Yaskhi

WITNESSES

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

- | | | |
|--------------------------|---|--------------------------------|
| Shri R.P. Agrawal | - | Secretary |
| Shri Sunil Kumar | - | Joint Secretary (Deptt. of HE) |
| Sh. P.K. Tiwari | - | Director (Deptt. of SE&L) |
| Shri R. Renganath | - | Secretary (NCMEI) |
| Shri Vijay Goel | - | Dy. Director General (DDG) |
| Shri M. Hamidullah Bhatt | - | Director |

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri M.K. Khan, Director
Shri Arun Sharma, Joint Director
Shri Sanjay Singh, Assistant Director
Ms. Himanshi Arya, Committee Officer

2. At the outset, the Chairman of the Committee informed the members that the National Commission for Minority Educational Institutions (Amendment) Bill, 2009 has been referred to the Committee by the Hon'ble Chairman, Rajya Sabha on the 14th September, 2009 for examination and report within three months. He gave an idea to the members about the background for bringing the proposed Amendment Bill.

3. The Secretary of the Department of Higher Education then gave his presentation on the said Bill, with special reference to difficulties faced in the implementation of the NCMEI Act, 2004, reasons for the proposed amendments and its impact on the functioning of the Commission. After the presentation of the Secretary, the Chairman and members raised a number of queries on the Bill. Due to paucity of time, the Committee decided to hear the Secretary, Department of Higher Education again for seeking clarifications on the Bill.

4. *** *** ***

5. Verbatim record of the proceedings was kept.

6. The Committee then adjourned at 6.10 p.m. to meet again on Wednesday, the 7th October, 2009.

III
THIRD MEETING

The Committee on Human Resource Development met at 11.00 A.M. on Thursday, the 8th October, 2009 in Committee Room 'A', Parliament House Annexe, New Delhi.

MEMBERS PRESENT
RAJYA SABHA

1. Shri Oscar Fernandes — *Chairman*
2. Dr. E.M. Sudarsana Natchiappan
3. Shrimati Mohsina Kidwai
4. Shri M. Rama Jois
5. Shri Penumalli Madhu
6. Dr. Janardhan Waghmare

LOK SABHA

7. Shri Suresh Angadi
8. Shri Kirti Azad
9. Shri P.K. Biju
10. Shri Jitendrasingh Bundela
11. Shrimati J. Helen Davidson
12. Shri P. Kumar
13. Shri Prasanta Kumar Majumdar
14. Capt. Jai Narain Prasad Nishad
15. Shri Sis Ram Ola
16. Dr. Vinay Kumar Pandey
17. Shri Brijbhushan Sharan Singh
18. Shri Joseph Toppo
19. Shri P. Viswanathan

WITNESSES

DEPARTMENT OF HIGHER EDUCATION

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

<u>SR. NO.</u>	<u>NAME</u>		<u>DESIGNATION</u>
1.	Shri Ashok Thakur	-	Additional Secretary (HE)
2.	Shri Sunil Kumar	-	Joint Secretary (Deptt. of HE)
3.	Shri R. Renganath	-	Secretary (NCMEI)
4.	Shri M. Hamidullah Bhatt	-	Director (MC)

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri M.K. Khan, Director
Shri Arun Sharma, Joint Director
Shri Sanjay Singh, Assistant Director

2. *** *** ***

3. The Committee then heard the representatives of the Department of Higher Education on the National Commission for Minority Educational Institutions (Amendment) Bill, 2009. The Chairman and members of the Committee put forth several queries based on the replies furnished by the Department on the issues raised in the previous meeting of the Committee on the said Amendment Bill which were answered by the representatives of the Department. The Committee decided to hear the Chairman of the National Commission for Minority Educational Institutions on the said Bill in its next meeting to be held on the 20th October, 2009.

4. Verbatim record of the proceeding was kept.

5. The Committee then adjourned at 1.10 p.m. to meet again at 10.30 a.m. on Tuesday, the 20th October, 2009.

*** Relates to other matter.

IV
FOURTH MEETING

The Committee on Human Resource Development met at 10.30 A.M. on Tuesday, the 20th October, 2009 in Room No. 63, First Floor, Parliament House, New Delhi.

MEMBERS PRESENT
RAJYA SABHA

1. Shri Oscar Fernandes — *Chairman*
2. Dr. E.M. Sudarsana Natchiappan
3. Shrimati Mohsina Kidwai
4. Shri Vijaykumar Rupani
5. Shri M. Rama Jois
6. Shri Penumalli Madhu
7. Shri Brij Bhushan Tiwari
8. Shri N.K. Singh
9. Dr. Janardhan Waghmare

LOK SABHA

10. Shri Suresh Angadi
11. Shri Kirti Azad
12. Shri P.K. Biju
13. Shrimati J. Helen Davidson
14. Shri P.C. Gaddigoudar
15. Shri Prataprao Ganpatrao Jadhav
16. Shri P. Kumar
17. Shri Prasanta Kumar Majumdar
18. Capt. Jai Narain Prasad Nishad
19. Shri Sis Ram Ola
20. Shri Ashok Tanwar
21. Shri P. Viswanathan
22. Shri Madhu Goud Yaskhi

WITNESSES

NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS

<u>SR. No.</u>	<u>NAME</u>		<u>DESIGNATION</u>
1.	Justice M.S.A. Siddiqui	-	Chairman (NCMEI)
2.	Shri R. Renganath	-	Secretary (NCMEI)

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri M.K. Khan, Director
Shri Arun Sharma, Joint Director
Shri Sanjay Singh, Assistant Director

2. At the outset, the Chairman of the Committee welcomed the Chairman, National Commission for Minority Educational Institutions. The Chairman of the Commission in his submission dwelt on the functions of the Commission and the need for bringing the Amendment Bill before the Parliament. Thereafter, the Chairman and members of the Committee raised certain queries which were answered by the Chairman of the Commission. The Committee was also given to understand that the Commission endorsed the stand of the Department of Higher Education on the amendments proposed in the Bill.

3. *** *** ***

4. Verbatim record of the proceedings was kept.

5. The Committee then decided to hold its next meeting on the 30th October, 2009 to take up clause-by-clause consideration of the Bill. ***

6. The Committee then adjourned at 1.30 p.m. to meet again at 11.00 a.m. on Friday, the 30th October, 2009.

*** Relates to other matter.

V
FIFTH MEETING

The Committee on Human Resource Development met at 11.00 A.M. on Friday, the 30th October, 2009 in Room No. 63, First Floor, Parliament House, New Delhi.

MEMBERS PRESENT
RAJYA SABHA

1. Shri Oscar Fernandes — *Chairman*
2. Dr. E.M. Sudarsana Natchiappan
3. Shrimati Mohsina Kidwai
4. Shri Penumalli Madhu
5. Shri M. Rama Jois
6. Dr. Janardhan Waghmare

LOK SABHA

7. Shri P.K. Biju
8. Shrimati J. Helen Davidson
9. Shri P.C. Gaddigoudar
10. Shri Deepender Singh Hooda
11. Shri Prataprao Ganpatrao Jadhav
12. Shri P. Kumar
13. Shri Prasanta Kumar Majumdar
14. Capt. Jai Narain Prasad Nishad
15. Dr. Vinay Kumar Pandey
16. Shri Tapas Paul
17. Shri Brijbhushan Sharan Singh
18. Shri Ashok Tanwar
19. Shri Madhu Goud Yaskhi

SECRETARIAT

Smt. Vandana Garg, Additional Secretary
Shri M.K. Khan, Director
Shri Arun Sharma, Joint Director
Shri Sanjay Singh, Assistant Director

2. At the outset, the Chairman apprised the Members of the agenda before the Committee. The Committee then took up the National Commission for Minority Educational Institutions (Amendment) Bill, 2009 for clause-by-clause consideration. The Committee took note of a statement prepared by the Secretariat indicating a comparative analysis of the provisions of the relevant Act of 2004, the amended Act of 2006 and the proposed provisions of the Bill alongwith the views of both the

4. Thereafter, the Committee considered draft 218th Report on the National Commission for Minority Educational Institutions (Amendment) Bill, 2009 and unanimously adopted the same.

5. *** *** ***

6. The Committee further decided that S/Shri Natchiappan and M. Rama Jois will present 218th Report on National Commission for Minority Educational Institutions (Amendment) Bill, 2009 in Rajya Sabha and Capt. Jai Narain Prasad Nishad and Shri Deepender Singh Hooda will simultaneously lay this Report in Lok Sabha.

7. The Committee then adjourned at 11.25 a.m.