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13.05 hrs

Title: Discussion on the National Commission for Minority Educational Institutions (Amendment) Bill, 2009 (Bill passed).

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THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI D. PURANDESWARI): Sir, at the outset, I would like to thank my colleagues for having participated in the deliberations on the National Commission for Minority Educational Institutions (Amendment) Bill, 2009.

13.05 ¼ hrs (Shri Varkala Radhakrishnan *in the Chair*)

Sir, the education scene in our country today is at a tipping stage where opportunities are abundant but at the same time challenges are also unprecedented. The 21st century is acknowledged as a knowledge century which means knowledge of brain power must be reflected in any country's competitiveness, its advancements and also in the human capabilities. It is here that education plays a very pivotal role in the economic growth and development of any country. Therefore, it is very important that we are able to provide for the children of our country quality education so that they could become very instrumental, pivotal and could play a very important role in the economic growth and development of our country.

Even as we speak of the importance of education, there are challenges in the educational sector pertaining to quality, equity, relevance and also access to higher education. Access and equity would go hand-in-hand because today our gross enrolment ratio in higher education sector is around 11 per cent and it is very essential that for a country to be economically sustainable, our gross enrolment ratio in higher education should be 20 per cent. But realizing full well that we cannot achieve 20 per cent gross enrolment ratio overnight, a conscientious decision has been taken that we should be able to achieve a gross enrolment ratio of around 15 per cent by the end of 12th Five Year Plan, that is by the end of 2012. I think it is a very reachable target but even as we talk of accessibility, we also need to talk of equity wherein we ensure that children living in the remotest areas of our country belonging to marginalized sections of our society can also avail quality higher education. Many programmes and initiatives have been initiated to ensure that children belonging to these sections of society living in the remotest areas of our country can also access higher education. Just to enumerate one or two, to identify the educational backward blocks and ensure that institutes come up there, these blocks would be blocks where the gross enrolment ratio is much lower than the national gross enrolment ratio so as to ensure that children living in these areas can access higher education.

Similarly, recently launched flagship programme of MHRD is the education through ICT wherein through distance education mode, quality education can be provided to children living in the distant areas of our country. Similarly, several initiatives have been taken up and we must ensure that children belonging to these marginalized sections of society and the minorities could also be able to avail higher education.

Sir, against this background, one of the commitments under the National Common Minimum Programme (NCMP) is the protection of the fundamental rights of minorities under article 31 of the Constitution. In keeping with this promise under the NCMP, a National Commission for Minority Education Institutions or the NCMEI has been established through an Act of Parliament. The objective of the Commission is to provide, *inter alia*, the right for minorities to establish and administer institutions and also to seek affiliations to universities of their choice and also to address issues that might rise when these institutions go to seek no objection certificates for disputes relating to the minority status. [\[R29\]](#)

[\[R30\]](#)

Therefore, for the first time article 30(i) of the Constitution which gives the Minorities the right to establish and administer educational institutions of their choice would be effectively implemented through NCMEI Act.

Sir, apprehensions were raised by hon. Members as to why we were coming to Parliament with amendments time on and again. This is an evolving law.

MR. CHAIRMAN : There was an amendment in the past.

SHRIMATI D. PURANDESWARI: Sir, I am explaining as to why we are coming to the House for amendments. This is an evolving law. In the process of implementation there are certain practical problems that have arisen in the implementation of certain Sections of the law and therefore, wherever it was felt necessary we have reverted to the House to seek consent of the House for ushering in amendments.

Sir, even as my colleagues participated in the debate, the major concern that was raised by Shri Rawat was the dropping of the

phrase "in consultation with the States" as it was felt that this could impair the federal spirit and dilute the right of the States to scrutinize the antecedents of the organizations which could, in all probability, cause harm to the security of our country. An appeal provided under Section 12(b) says that if it is to be decided with the consent of the State, then the procedures will be offending the privilege of natural justice. It virtually takes away the substantive right of appeal created in favour of the aggrieved party as a result of which the appeal will not depend on the merits of the case, but will depend on the consent of the respondent and this, in all fairness, would result in gross injustice to the aggrieved. It is well settled that any statutory appeal cannot be settled or decided without the consent of the opposite party wherever an appeal is filed with the Commission, the State or the concerned competent authority would be ushered in and both the sides would be heard and this would well be with the principle of natural justice. That is why the phrase "in consultation with the States" was dropped. I am sure the hon. Members of the House would appreciate this point.

SHRI BRAJA KISHORE TRIPATHY (PURI): This is the reason you are giving, but have you come across any example as to which States have objected to this?...*(Interruptions)*

SHRIMATI D. PURANDESWARI: Sir, I may be allowed to answer this...*(Interruptions)*

MR. CHAIRMAN: Let her reply.

SHRIMATI D. PURANDESWARI: Sir, the Ministry of Human Resource Development has received many suggestions and recommendations pertaining to this Section of the Act and these concerns were raised by various stakeholders across the Board. All the suggestions and recommendations which were received by the Ministry of Human Resource Development were referred to the Commission and the Commission after scrutinizing all the suggestions and taking into consideration the concerns of the stakeholders across the board has recommended to the Ministry of Human Resource Development that such an amendment should be brought in. I am sure this will answer the concern of the hon. Member.

Sir, some of the hon. Members also felt that probably quality of education would be affected if the NOC is not given by the States. However, the proposed amendment will ensure that the issue of NOC wherever required is made subject to the law in force and not left to the executive discretion of the State. We have AICTE and the UGC and such other various bodies which actually look into the quality aspect. Therefore, the hon. Members can rest assured that quality would not be affected.

Sir, my colleague Shri Owaisi had an issue. He voiced concern that there is very slow disposal of cases which are pending before the Commission. That is exactly why we are seeking indulgence of the House for ushering in this amendment so that the strength of the Commission could be increased from two to three other than the Chairman. [\[R31\]](#)

He also had issued concern on the definition of minorities. Minority has been defined by the Supreme Court on the basis of the number of people of a particular community at the State level. However this issue pertains to the Ministry of Minority Affairs, and I am sure that the Minister for Minority Affairs will be competent enough to define it.

With these words, I have, to the best of my competence, been able to address the concerns and issues raised by our hon. Members and I seek the indulgence of the House.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the National Commission for Minority Educational Institutions Act, 2004, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: The House will now take up clause by clause consideration of the Bill.

The question is:

"That clauses 2 to 5 stand part of the Bill."

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

SHRIMATI D. PURANDESWARI: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is :

"That the Bill be passed."

The motion was adopted.
