

ISSUES RELATED TO FORMATION OF MINORITY STATUS TRUST IN PRESENT TIMES

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Definition

- Minority group membership is typically based on differences in observable characteristics or practices, such as: ethnicity (**ethnic minority**), race (**racial minority**), religion (**religious minority**). In general, 'minority' means a group comprising less than half of the population and differing from others, especially the predominant section, in the race, religion, traditions and culture, language, etc. In India we do not have ethnic minority.
- A minority Status Trust refers to a group formed by a minority referred above to carry out objects to assist the minority group in particular.

Religious Minorities (Religion Bias)

As regards this category at the national level in India, all those who profess a religion other than Hindu are considered minorities since over 80% population of the country professes Hindu religion. At the national level, Muslims are the largest minority. Other minorities are much smaller in size. Next to the Muslims are the Christians and Sikhs; while all other religious people in India are still smaller.

Eg: Xaviers College – Christian Minority, Guru Nanak Khalsa College – Sikh Minority, etc

LINGUISTIC MINORITIES

(Language Bias)

If the country is taken as a unit, all who speak a language other than Hindi can be treated as linguistic minorities but not so if the State is taken as the unit. Within a State, there may be minorities who speak a language or languages other than the language spoken by the majority in that State. Dialects of a language spoken in a State may proliferate the number of minorities. **Eg:** N.M. College – Gujarati Minority, Thadomal Shahani Engineering College – Sindhi Linguistic Minority

Difficulty in Obtaining section 12AA Registration

A Minority Status Trust will have problem in obtaining the 12AA registration as the objects of the Trust predominantly do not help the public at large they are for the benefits of the particular minority for which it is created.

In earlier times there were no stringent laws, however recently to obtain the registration certificate to claim exemption is more difficult in this case compared to a normal Trust

Minority Education Institutions

- There is a special act “The National Commission for Minority Educational Institutions Act “ which governs these institutions
- 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

Lengthy Procedure recently introduced for Obtaining Minority Status

- Educational trusts and societies seeking minority status are now required to register as non-governmental organisation with the NITI Aayog, whether they are seeking government aid or not.
- The registration with the NITI Aayog portal Darpan is likely to put all the financial transactions of the trust and its office-bearers under government scanner as details such as PAN and Aadhaar of all trustees and office-bearers will be required for the enrolment.

Procedure for obtaining Minority Status Certificate

- Minority status permits schools and colleges to have a say in the reservation quantum and limits interference from the government.
- All applicants have to submit unique ID of the trust/society as given by the NITI Aayog portal NGO Darpan
- As per the requirement, the unique ID should match corresponding details on the NGO's website
- Once Unique ID is provided then only Minority Status Certificate is Provided

Maharashtra Minority Status Portal

- Maharashtra Minorities Development Department launched an online facility to help people apply for minority status certificate on mddapp.maharashtra.gov.in
- The scrutiny of the documents would be done by the district collector and the applicant would be called for the purpose of verification.
- The applicant will be able to scrutinize his/her documents again, in case they are insufficient.
- It will take around one and a half month for the applicant to receive his/her certificate.

Exemption to Education Institute run by Individuals

- The National Commission for Minority Educational Institutions, however, said the rule of registering on the NITI Aayog Portal will not be applicable to institutions run by individuals. They therefore do not need to generate Unique IDs given on NITI Aayog Portal.
- They however have to file an affidavit stating the creation of a minority status Trust.

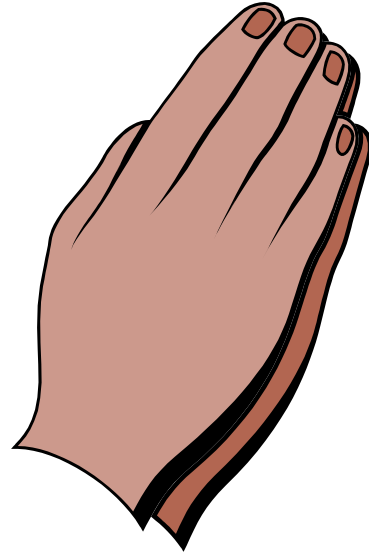
Problem regarding minority Institutes

The education wing of the RSS, Bharatiya Shikshan Mandal, (BSM) wants to approach the Supreme Court with a review petition to reconsider the definition of minority status of the educational institutions.

The BSM, which alleged that minority institutions have “misused” their privileges, wants the composition of students, not the management as the basis to determine the minority status.

Problems regarding creating Linguistic Minority Institution in recent times

The **Minister of State for HRD, Satyapal Singh** stated that The National Commission for Minorities Educational Institutions (NCMEI) gives the minority status to the educational institutions on the basis of six religious communities notified by the Ministry of HRD under the NCMEI Act, 2004-- Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis) and Jains **only and not to** Linguistic Minorities as they do not come under the ambit of NCMEI Act, 2004. Therefore there is no agency to issue minority certificate on linguistic basis



THANK YOU