

**NOTIFICATION ISSUED BY GOVERNMENT ESTABLISHING THE
COMMISSION**

TO BE PUBLISHED IN PART I OF THE GAZETTE OF INDIA

Government of India
Ministry of Human Resource Development
(Department of Secondary & Higher Education)

New Delhi, the 16th November, 2004

Notification

NO. F. 11-2/2004-MC (P):- Whereas the Government India has been seized of the demand of the Minorities to look into the complaints regarding deprivation or violation of the Constitutional rights of the minorities, to establish and administer educational institutions of their choice and to permit a minority educational institution to seek direct affiliation to a scheduled Central University.

2. Now, therefore, the Government of India are pleased to constitute the National Commission for Minority Educational Institutions, with immediate effect, as envisaged under Sec. 3 of the Ordinance No. 6 of 2004 promulgated on the 11th Nov., 2004.

3. The terms of reference of the Commission shall be as follows:

- i) To advise the Central Government or any State Government, on any question relating to the education of minorities, that may be referred to it;
- ii) To look into specific complaints regarding deprivation or violation of the rights of minorities to establish and administer educational institutions of their choice, and any dispute regarding affiliation to a Scheduled University and to report its findings to the Central Government for implementation; and
- iii) to do such acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Commission.

4. The Commission would act as the forum of dispute resolution in the form of a Statutory Commission, regarding matters of affiliation between a minority educational institution and a Scheduled university and its decision shall be final and binding on the parties. The Commission would be granted the powers of a

Civil Court under the Code of Civil Procedure, 1908 for the purpose of discharging its functions.

5. The Commission would consist of three members comprising a Chairperson and two Members. All the Members should, as far as possible, be chosen from among the minority communities. The Chairperson should have been a Judge of a High Court. The Members should be persons of eminence, ability and integrity. The term of the Members, including the Chairperson, would be five years.

6. (i) A Member may, by writing under his hand addressed to the Central Government, resign from the office of Chairperson or, as the case may be, of Member at any time.

(ii) The Central Government shall remove a person from the office of Member if that person –

- (a) becomes an undischarged insolvent;
- (b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or
- (f) in the opinion of the Central Government, has so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the public interest:

Provided that no person shall be removed under this clause until that person has been given an opportunity of being heard in the matter.

7. The Chairman will have the status of a Minister of State and the Members of the Commission will have the status of a Secretary to the Government of India. The Chairman, Members and staff of the Commission shall be public servants within the meaning of Section 21 of the Indian Penal Code. The Chairman and Members of the Commission shall be paid a consolidated emolument of Rs.45,000/- per month. They shall be entitled to HRA, TA, Medical, telephone facilities, etc. as admissible to a Secretary to the Government of India.

8. The salaries and allowances payable to the Chairperson and members and the administrative expenses, including salaries, allowances and pensions payable to the Secretary, officers and other employees referred to in section 6 of the Ordinance, shall be paid out of the grants of such sums of money, as the Central Government may think fit and provide, for being utilized for such purposes.

9. The Commission shall obtain such information, as it may deem necessary or relevant to the subject matter, from any authority, organization or individual.

10. The Commission may adopt its own procedure of working and may visit any part of India, as and when considered necessary.

11. The Headquarters of the Commission shall be in New Delhi.

Ordered also that the notification be published in the Gazette of India for general information.

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