

**Minority Status of the Jain Community in India**  
***Benefits of Recognition as Minority for Institutions and Individuals***  
***Procedure for Getting Minority Status for Educational Institutes***

The National Commission for Minorities Act, 1992, defines minority as “Minority”, for the purposes of this Act, means a community notified as such by the Central Government”.

Article 29(1) provides for protection of interests of minorities and states that : “Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same”. Article 30(1) provides for the right of minorities to establish and administer educational institutions and states: “All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice”. Article 30(2) states: “The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language”. Thus in India, minorities are classified on the basis of religion or on the basis of the language spoken.

The Jain Community has no uniform and statutory national minority status. Currently, the Jain community cannot avail of the rights, privileges and benefits announced for minority communities by the Central Government as it is not in its notified list. However, a few states do accord the Minority status to the Jain community.

The Jain community, in seeking the minority status at the National level, is not asking for any reservations such as those available to the Other Backward communities and Scheduled castes and Scheduled Tribes under the Constitution. It is only because the constitutional minority status enables the minority community to give preferential educational and employment opportunities to the students of their community.

**A. Benefits of Minority Status:**

***For the Individual***

**1. Finance:**

The **National Minorities Development Finance Corporation (NMDFC)**<sup>15</sup> was set up by the Government of India to provide a “special focus to economic development of minorities ”. The people belonging to five communities i.e. Muslims, Christians, Sikhs, Buddhists & Parsis have been notified as minorities under the National Commission for Minorities Act, 1992. The prime mandate of NMDFC has been to provide concessional finance to the minorities living below double the poverty line for self-employment.

Jains are notified as minority by the States(as mentioned in the table above) and hence are eligible for financial schemes announced by the respective States they belong to.

## **2. Scholarships for Students:**

The beneficiaries of the Pre and Post-Matriculation Scholarships announced under the New Prime Minister's 15-Point Plan are the 5 minority communities notified by the National Commission for Minorities.

Education is a State subject and therefore each state has its own scholarship schemes. You are requested to look up the website of the relevant State Commissions for Minorities. As an example, Jains in Maharashtra may lookup the following websites:

1. [Scholarship for Minority Students for Pursuing Higher and Professional Studies :DTE | MDD](#)
2. [http://www.dte.org.in/scholarship/msmd/mcm\\_state\\_form.pdf](http://www.dte.org.in/scholarship/msmd/mcm_state_form.pdf)

## **3. Admission:**

Students from the Jain community stand a good chance of getting admission to a course of their choice if the course is offered by a college run by a Jain minority trust. This is because 50% of the seats in a minority institution are reserved for students of from the same minority community.

## **4. Reimbursement of fees:**

The State commissions for Minorities, from time to time, announce training programmes aimed at creating employable skills. All Jain students are advised to lookup the websites of their respective state commission for minorities for announcements. The fees for some of these programmes are reimbursed.

As an example, students from Maharashtra can find information for Employment Oriented Training Programme for minority Candidates in the State at the following link: [DTE | MDD](#)

For information on Minorities Development Department in Maharashtra.

<http://mdd.maharashtra.gov.in/pdf/WordProRTlinformation.pdf>

## Benefits to Institutes

There are, broadly, three benefits available to a minority institution that are not available to other institutions:

1. Minority educational institutions do not have to maintain reservation in employment or admissions for SCs, STs and OBCs as required to be done by other educational institutions.
2. In terms of control over employees, minority educational institutions have much greater powers than other institutions. For instance, in the selection of teachers and principals the minority educational institution can have a selection committee which does not include the university representative. Similarly, while in ordinary schools the headmasters normally have to be appointed on the basis of seniority, minority managements can select a headmaster of their choice.
3. In matters of admission of students, minority educational institutions can have reservation of up to 50 per cent for students of their community.

A minority institution can be self-financed as well as government aided. There are other organizations too, which provide financial assistance to minority institution.

Please refer to: The National Commission for Minority Educational Institutions Ordinance, 2004.

### Procedure for Establishing a Minority Educational Institution

To establish an educational institution by minorities first a society needs to be formed under Societies Registration Act, 1860 comprising minimum of 3 members, designating within themselves posts of Chairman, Director, Treasurer etc. They contribute their own funds or funds through 'chanda' process to establish an educational institution after which comes process of recognition. In case of schools, the school applies to the Directorate of Education of the standard format prescribed by the state. The format of the application form in Maharashtra is available at : [http://ncmei.gov.in/writereaddata/filelinks/e36d1c80\\_Certificate.pdf](http://ncmei.gov.in/writereaddata/filelinks/e36d1c80_Certificate.pdf)

In Maharashtra the criteria and procedure is as outlined below.

### Eligibility Criteria for Recognition

- i) Those institutions which have been granted recognition as a Minority Educational Institution, by the department of the state government by a specific order or letter prior to 11-6-2007, or under the GR of General Administration Department, Government Resolution No. ASS-2006/634/CR 63, dated 11 June 2007, or by the National Commission for Minority Educational Institutions, New Delhi, or by the order of any Court, need not

apply again for recognition under these provisions. However the conditions indicated in Para V below shall also be applicable to all such institutions.

ii) The Applicant Minority Institution should be registered as a trust under the Bombay Public Trust Act 1950 or as a Society under the Societies Registration Act 1860 or other relevant law. The institution should indicate in its by laws or rules that it has been formed to protect the interest of the minority for which status is sought.

iii) All those notified as Religious Minorities by the Government of India and the Government of Maharashtra shall be eligible to apply for being accorded recognition to their educational institutions as Religious Minority Educational Institutions.

iv) All those whose mother tongue is an Indian language other than Marathi, shall be eligible to apply for the recognition of the educational institutions run by them, as Linguistic Minority Educational Institutions.

v) At least two- third of the trustees/ members of the managing committee of the Society, of the applicant institution should belong to the applicant Minority Community.

#### **Procedure for Application for according Recognition**

i) The Institution desirous of obtaining Recognition as a Religious or Linguistic Minority Educational Institution, shall apply to the Competent Authority in the prescribed form indicating specifically whether they are desirous of obtaining recognition as Religious or as Linguistic Minority Educational Institution , along with photo copies of relevant documents indicated in para IV below.

ii) Non Judicial Court Fees stamp of Rs 500, or such amount as may be prescribed from time to time, shall be affixed on each application made.

iii) Each application shall be accompanied by a non-refundable processing fee of Rs 5000, (Rs Five Thousand) or such amount as may be prescribed from time to time, to be paid by a Demand Draft in the name of Under Secretary GAD (Desk 26), Mantralaya, Mumbai

iv) The Applicant Institution should file a notarized affidavit in the prescribed form appended herewith as Annexure B, on Non Judicial stamp paper of Rs 100.

v) All incomplete applications, not filed in the prescribed form, without the prescribed fees, or without supporting documents shall be rejected during preliminary scrutiny and the applicant shall be informed of this.

vi) Each application shall then be considered in terms of these provisions and a decision communicated to the Applicant within a period of 90 days of the filing of the application. Failure to decide within this time will confer deemed Minority status on the Applicant Institution.

vii) The Competent Authority shall hear the Applicant Institution, through its authorized representatives, with prior notice of at least ten days, before deciding the application. The Applicant shall be required to furnish at the time of the hearing of the application, the original documents, photo copies of which were furnished while filing the application, as indicated in para IV below.

viii) After hearing the Applicant, if Recognition as a Minority Educational Institute is accorded by the Competent Authority, a certificate in Form A shall be issued to the Applicant.

ix) If the application is rejected, a speaking order shall be issued by the Competent Authority while rejecting the application.

**Copies of Documents to be attached with application:**

i) Copy of Trust Deed or Society Registration

ii) Copy of Schedule I indicating the names of the original Trustees/members of Managing committee

iii) Copy of Change Report if any, regarding change in the names of Trustees/members of Managing Committee

iv) Proof of Religious affiliation or linguistic background of the trustees/Members of managing Committee such as baptism certificate, school leaving certificate.etc

v) Proof that the applicant trust/society is running an Educational Institution.

For information in detail please refer to website:

<http://mdd.maharashtra.gov.in/pdf/GR%20on%20issue%20of%20minority%20certificates%20final.pdf>

Application form available at:

[http://ncmei.gov.in/writereaddata/filelinks/e36d1c80\\_Certificate.pdf](http://ncmei.gov.in/writereaddata/filelinks/e36d1c80_Certificate.pdf)

For Rights of Minority Educational Institution

[:http://ncmei.gov.in/index.aspx?clt=23](http://ncmei.gov.in/index.aspx?clt=23)

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