

WRITTEN ANSWERS TO STARRED QUESTIONS

Reservation for SC, ST and OBC students in minority educational institutions

†*161. SHRI SHREEGOPAL VYAS: Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

- (a) the details of number of universities and colleges which have been accorded minority status, so far;
- (b) the details of reasons for giving minority status to these universities and colleges;
- (c) whether reservation for students belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes has been abolished in these universities and colleges after giving them minority status;
- (d) if so, the reasons therefor; and
- (e) whether abolishing reservation for above said categories in such universities and colleges is not against the basic principles of the Constitution?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI KAPIL SIBAL): (a) While information regarding recognition by states of the minority status of universities and colleges is not maintained centrally, among the Central Universities, Aligarh Muslim University (AMU) Act, 1920, defines the University as "the educational institution of their choice established by the Muslims of India, which originated as the Muhammadan Anglo-Oriental College, Aligarh and which was subsequently incorporated as the Aligarh Muslim University". The matter regarding minority status of AMU is presently sub-judice before the Supreme Court of India. The National Commission for Minority Educational Institutions (NCMEI) is also empowered under section 11(f) of NCMEI Act, 2004, (2 of 2005), to decide all questions relating to minority status of an educational institution and declare its status as such. As on 31.10.2011, the Commission has granted minority status certificates to 5041 educational institutions. Such certificates were granted by the Commission to 21 institutions in the year 2005, 422 institutions in 2006, 737 institutions in 2007, 507 institutions in 2008, 848 institutions in 2009, 1122 institutions in 2010, and 1384 institutions in 2011 upto 31.10.2011. The

†Original notice of the question was received in Hindi.

Commission under the power vested in it by the National Commission for Minority Educational Institutions Act, 2004, (2 of 2005), has granted minority status to Jamia Millia Islamia University, Delhi and Yenepoya University (a deemed to be University), Mangalore. The matter regarding minority status of Jamia Millia Islamia is also presently *sub-judice*.

(b) The question as to whether an educational institution enjoys minority status under Article 30 (1) of the Constitution is determined by the provisions of the Act/Statutes/Memorandum of Association establishing that institution. The minority status to an educational institution is conferred by the central/state government, under whose jurisdiction the institution falls. As per Section 11(f) and 12B of NCMEI Act, 2004 (2 of 2005), the Commission can decide questions relating to the minority status of an institution and entertain and issue orders on the appeals filed before it relating to minority status of an institution.

(c) to (e) Article 30(1) of the Constitution guarantees the right of religious or linguistic minorities, to establish and administer educational institutions of their choice. Article 15(5) of the Constitution exempts the minority educational institutions covered under Article 30(1), from the provision of reservation in admission to educational institutions for any socially and educationally backward classes of citizens or for Scheduled Castes or Scheduled Tribes. Section 4(c) of the Central Educational Institutions (Reservation in Admission) Act, 2006, in consonance with the provisions of the Constitution, exempts the minority educational institutions from the purview of the said Act.

Steps to check touts

*162. SHRIMATI KUSUM RAI: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government is aware that touts have once again become very active during the festive season of Deepavali, Chhath and Durga Puja and the common man does not have access to train tickets;

(b) if so, the reasons therefor and the details of number of touts arrested and charge-sheeted, separately, during the last three months, since September to November, 2011, division-wise;

(c) the details of the number of touts arrested from Varanasi and Delhi; and

(d) the details of concrete steps Government would take to ensure availability of train tickets to 'Aam Aadmi' and to check touts?