

No. EDN-H(Ele)(4)4-10/2016-(Misc)
Directorate of Elementary Education
Himachal Pradesh.

Dated Shimla-171001, the February, 2023.

To

All the Deputy Directors of Elementary Education,
Himachal Pradesh.

Subject:- Regarding Non Muslim community children attending Govt. funded/Recognized Madrasas in the State of H.P.

Memo.:-

Please find enclosed herewith a photocopy of letter No. 4-1(5)/2012-SOM-WEL Vol.II-1115 dated 11.1.2023 received from Addl. Director, Directorate for the Empowerment of SCs, OBCs, Minorities & the Specially Abled, H.P. alongwith its enclosures on the subject cited above.

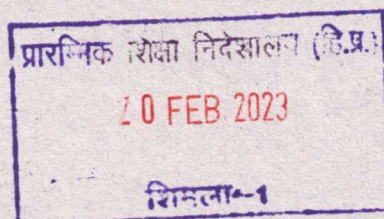
In this regard, you are hereby directed to look into the matter and furnish the requisite information with regard to the children belonging to Non Muslim community who are attending Govt. funded/ Recognized Madrasas in the State of H.P. with the detail of scholarships provided, if any by these Madrasas. The requisite information may be supplied with in week to this Directorate.

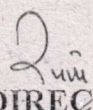
Encls. : 02 pages.

Endst. No. Even, Dated: Shimla-171001, the February, 2023.

Copy for information and necessary action to:-

1. The Addl. Director, Directorate for the Empowerment of SCs, OBCs., Minorities & the Specially Abled, H.P., for information please.
2. Supdt. IT Cell to upload on departmental website and email to all DDEEs of H.P.
3. Guard File.




DIRECTOR


DIRECTOR

No. 4-1(5)/2012-SOM-WEL Vol.II - 4445
Directorate for the Empowerment of SCs, OBCs
Minorities & the Specially Abled, H.P.-09.

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11 JAN 2023

KASUMPTI SHIMLA
January, 2023

To

✓ The Director, Elementary Education,
Himachal Pradesh, Shimla-1

Dated Shimla-9

the

Subject:-

Regarding Non-Muslim community children attending Govt.
funded/Recognized Madrasas in the State of HP.

Sir,

Kindly find enclosed herewith a copy of DO. No. 861/2022-
23/RTE/CP/DD809 dated 08-12-2022 received from the Chairperson, National
Commission for Protection of Child rights, GOI, New Delhi, on the subject cited above.

You are therefore, requested to kindly look into the matter and
furnish the requisite information with regard to the children belonging to Non Muslim
community who are attending Govt. funded/Recognized Madrasas in the State of HP with
the detail of scholarships provided, if any by these Madrasas. The requisite information
may be supplied with in a week to the Commission under intimation to this Directorate.

Encl: As above.

Yours faithfully,

11 JAN 2023

KASUMPTI SHIMLA-9

Addl. Director
Empowerment of SCs, OBCs,
Minorities & the Specially Abled,
Himachal Pradesh.

Endst.No. As above - 4446-111 Dated Shimla -9 the January, 2023.
Copy forwarded to:-

1. The Chairman, HP. Waqf Board, Elgin Villa, Lakkar Bazar, Shimla-171001 for further necessary action please.
2. The Deputy Director, (WCD)-cum Head of Office, HPCPCR, Shimla-171009 w.r.t. letter No. CPR-A(4)-27/2016-3 dated 03-01-2023 for information, please.

SP (G99B)

Addl. Director
Empowerment of SCs, OBCs,
Minorities & the Specially Abled,
Himachal Pradesh.



प्रियंक कानूनगो

Priyank Kanoongo

अध्यक्ष

Chairperson

भारत सरकार
GOVERNMENT OF INDIA

राष्ट्रीय बाल अधिकार संरक्षण आयोग

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

नई दिल्ली-110 001

NEW DELHI-110 001



आजादी का
अमृत महोत्सव

D.O.No. ND 861/2022-23/RTE/CP/DD809

Dated: 08/12/2022



Director
D.D / CPS
9-12-2022

Dear Sir/ Madam,

The National Commission for Protection of Child Rights (hereinafter referred to as 'the Commission') is a statutory body constituted under Section 301 of the Commission for Protection of Child Rights (CPCR) Act, 2005 to protect the child rights and other related matters in the Country. The Commission is further mandated to monitor the proper and effective implementation of the Protection of Children from Sexual Offences (POCSO) Act, 2012; Juvenile Justice (Care and Protection of Children) Act, 2015 and Right to Free and Compulsory Education (RTE) Act, 2009. In one of the functions laid down under Section 13 of the CPCR Act, 2005 the Commission has been assigned with the function to examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation. The Commission also has the powers of Civil Court trying a suit under Section 14 of CPCR Act, 2005 and Code of Civil Procedure, 1908

2. I am inviting your reference to the Constitution (Eighty-sixth Amendment) Act, 2002 wherein Article 21-A was inserted in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. Consequent to the 86th Amendment in Constitution of India, for implementation of the "Right of Children to Free and Compulsory Education for children in the age group of 6 to 14 years, the RTE, Act was passed by the Parliament of India in August 2009. The National Commission for Protection of Child Rights (NCPCR) has been mandated to monitor the provisions and entitlements contained in the RTE Act, 2009.

3. It may please be noted that currently, across the country in various States/UTs, several children are attending institutions like Madrasas. It is learnt by the Commission that Madrasas are of three types viz. "Recognised Madrasas", "Unrecognised Madrasas" and "Unmapped Madrasas". Madrasas, as institutions, are primarily responsible for imparting religious education to children. However, it is also learnt that those Madrasa which are funded by the Government or recognised by the Government are imparting both religious and to some extent formal education to children.

4. On perusal of various complaints received by the Commission from different sources, it is noted that children belonging to Non-Muslim community are attending Government funded/ Recognised Madrasas. Further, it is also learnt by the Commission that some State/UT Government/sare providing them with scholarships too. This is a clear cut violation and contravention of Article 28(3) of the Constitution of India that prohibits educational institutions from obligating the children to take part in any religious instruction, without the consent of parent.

Contd....

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001

5th Floor, Chanderlok Building, 36, Janpath, New Delhi-110 001

दूरभाष / Ph.: 011-23478212, 23731583 फैक्स / Fax: 011-23731584

ई-मेल / E-mail: cp.ncpcr@nic.in वेब / Web: www.ncpcr.gov.in

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It is pertinent to mention that the Constitution of India makes it an obligation of the State to provide free and compulsory education to all children without any discrimination or prejudice and ensure that children go to neighborhood schools for availing formal education as per Section 6 of the RTE Act, 2009.

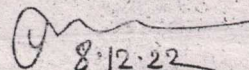
6. In view of the above facts, the Commission, in exercising its powers under Section 13 (1) of the CPCR Act, 2005 recommends the following, viz;

- i Conduct a detailed inquiry of all Government Funded/Recognized Madrasas who are admitting Non-Muslim children in your State/UT. The inquiry should include physical verification of children attending such Madrasas. Subsequent to the inquiry, admit all such children in schools for availing formal education.
- ii Undertake Mapping of any/all such children who are Non-Muslims but attending Unmapped Madrasa in your State/UT and admit any/all such children into Schools for availing formal education with immediate effect.

7. A copy of Action Taken Report (ATR), after completion of action in this regard, may kindly be shared with the Commission within 30 days for records and further appropriate necessary action.

With regards,

Yours sincerely,



(Priyank Kanoongo)

Chairperson-NCPCR

To,

All Chief Secretaries of States/UTs

(As per the list enclosed)

Copy to:

1. All Chairpersons of State/UT CPCRs
(As per the list enclosed)