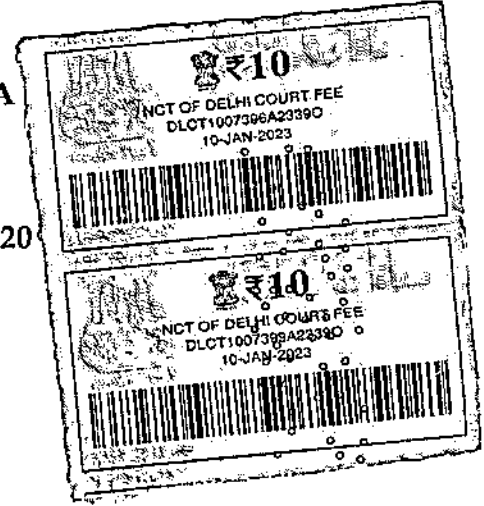


IN THE SUPREME COURT OF INDIA

Civil Original Jurisdiction

WRIT PETITION (CIVIL) No. 836 of 2020



IN THE MATTER OF:

ASHWINI KUMAR UPADHYAY

...PETITIONER

AND

UNION OF INDIA AND ORS.

...RESPONDENTS

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Filed On: 11th January, 2023
New Delhi

(Amrish Kumar)
Advocate for the Union of India

IN THE SUPREME COURT OF INDIA

Civil Original Jurisdiction

WRIT PETITION (CIVIL) No. 836 of 2020

IN THE MATTER OF:

ASHWINI KUMAR UPADHYAY

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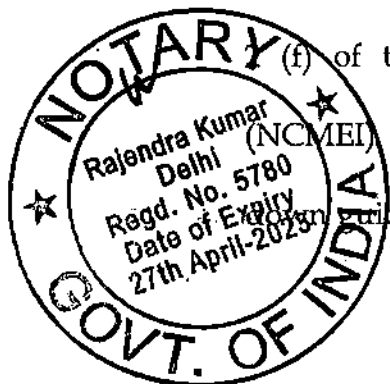
...RESPONDENTS

Status Report ON BEHALF OF MINISTRY OF MINORITY AFFAIRS
(RESPONDENT NO.3)

I, Md. Nadeem S/o Late Md. Ibrahim, having office at Ministry of Minority Affairs,
New Delhi - 110003 do hereby solemnly affirm as under:

1. I am the Under Secretary, Ministry of Minority Affairs (Respondent No.3
herein) and as such I am well conversant with the facts of the case and
competent to swear this affidavit.

2. In the WP (C) No. 836/2020 filed by Shri Ashwini Kumar Upadhyay, Section

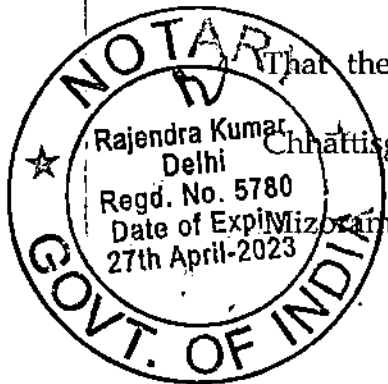


(f) of the National Commission for Minority Educational Institutions
(NCMEI) Act 2004 has been challenged and it has also been prayed to lay
guidelines for identification of minority at State level. Further, another

Md. Nadeem

WP (C) No. 446/2022 filed by Shri Devkinandan Thakur Ji has also been filed before the Hon'ble Supreme Court wherein Section 2 (c) of the National Commission for Minorities (NCM) Act 1992 has been challenged and it has been prayed to define 'minority' and lay down guideline for identification of minorities at the district level. The Hon'ble Supreme Court has tagged both the Writ Petitions (Civil), as per the order dated 08.08.2022 in the case titled Devkinandan Thakur ji vs. UoI [WP(C) No. 446/2022]. The Hon'ble Supreme Court in its order dated 10.05.2022 agreed that the question involved in this writ petition has far-reaching ramifications for the Country and therefore final decision about the issue raised through these petitions can be taken after having a wide consultation with the State Governments and other stakeholders.

3. That, accordingly the Central Government (Ministry of Minority Affairs) has held consultative meetings with all the State Governments/Union Territories (UTs) and also with the other stakeholders viz. Ministry of Home Affairs, Ministry of Law & Justice, Ministry of Education, National Commission for Minorities (NCM), and National Commission for Minority Educational Institutions (NCMEI). All the Ministries/Departments have sent their views/comments. A copy of replies received from the above-mentioned ministries /departments is annexed herewith as Annexure R/1.

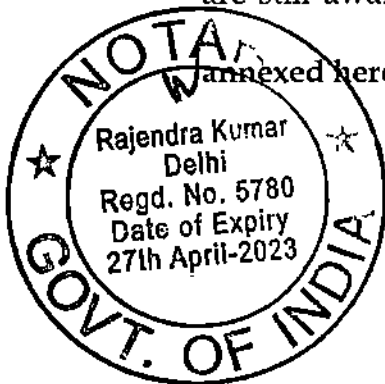


That the 24 State Governments namely Andhra Pradesh, Assam, Bihar, Chhattisgarh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Mizoram, Meghalaya, Manipur, Odisha, Sikkim, Uttarakhand,

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India

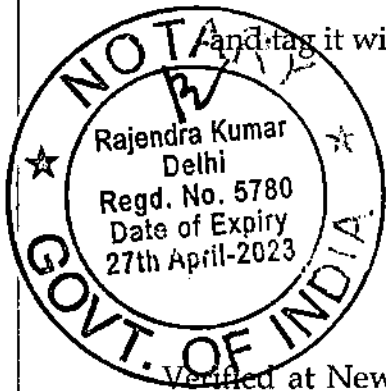
Nagaland, Himachal Pradesh, Haryana, Gujarat, Goa, West Bengal, Tripura, Uttar Pradesh, Tamil Nadu, and 6 Union Territories namely Ladakh, Dadra & Nagar Haveli and Daman & Diu, Chandigarh, NCT of Delhi, Andaman & Nicobar islands and Puducherry have furnished their comments/views. A copy of their comments is annexed herewith as Annexure- R/2.

5. That, inspite of consultative VC meetings dated 25.07.2022, 10.09.2022 and 05.12.2022 held under the chairmanship of Secretary (MA) with the officers of the said States/UTs and several reminders issued. However, inputs / comments from the remaining 6 State Governments / UTs namely Arunachal Pradesh, Jammu & Kashmir, Jharkhand, Lakshadweep, Rajasthan and Telengana are still awaited. Last reminder in the matter was sent on 21.12.2022 to the 6 States/UTs. A copy of minutes of meetings and subsequent reminders sent to States/UTs are annexed as Annexure - R/3.
6. That, the Hon'ble Supreme Court vide its order dated 22.11.2022 has also directed Central Government to consider the impact of the judgment dated 05.4.2007 of Hon'ble Allahabad High Court in Civil Misc. Writ Petition No.34892/2004 considering that whether the issue has been assailed further. In this regard, M/o Law & Justice has been requested to furnish their comments/views in the matter vide OM dated 14.12.2022. Their comments are still awaited. A copy of OM dated 14.12.2022 to M/o Law & Justice is annexed herewith as Annexure- R/4.



मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

- 7. That, two Writ Petitions namely WP(c) No.858/2021 and WP (c) No.894/2021 have been tagged by this Hon'ble Court vide order dated 22.11.2022. Upon perusal of facts, it is observed that subject matter of one of the WP(c) No. 858/2021 is different from WP(c) No. 836/2020. Copy of order dated 22.11.2022 is annexed as Annexure-R/5.
- 8. That it is stated that in WP(c) No. 858/2021 the petitioner has prayed to put restrain on the Government of India from placing reliance/acting upon and implementing the Sachar Committee report, submitted on 17.11.2006 for running/initiating any scheme/s in favour of Muslim Community or for any other purpose.
- 9. That it is humbly submitted that a petition with same subject matter is pending for adjudication before the Hon'ble Supreme Court in Transfer Petition (c) No. 903/2014 titled Patriots Forum Vs. UoI. Therefore, it is prayed to de-tag the petition WP(c) No. 858/2021 from WP (civil) No. 836 of 2020



and tag it with Transfer Petition (c) No. 903/2014.

BEFORE ME
 RAJENDRA KUMAR
 NOTARY, DELHI-R-5780
 GOVERNMENT OF INDIA
 SUPREME COURT OF INDIA
 COMPOUND, NEW DELHI
 Register Pg./Sl. No. 259
 Mobile No.: 9899446209
 VERIFICATION 10 JAN 2023

[Signature]
 DEPONENT

मो. नदीम / MD. NADEEM
 अवर सचिव / Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

Verified at New Delhi on this 10th day of January 2023 that the contents of the above mentioned Affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therein.

CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT BY THE EXECUTANT WHO IS SEEMED PERFECT TO UNDERSTAND & AFFIRMED DEPOSED BEFORE ME AT [Location] ON [Date] IDENTIFIED
 IDENTIFY THE EXECUTIVE / DEPONENTS WHO HAS SIGNED IN MY PRESENCE
 IDENTIFY THE EXECUTANT / DEPONENT WHO WAS SIGNED IN THE PRESENCE OF
 R.K. Sharma
 10 JAN 2023

B. RAJE: *[Signature]*
 NOTARY, DELHI
 GOVERNMENT OF INDIA
 SUPREME COURT OF INDIA
 COMPOUND, NEW DELHI
 Register Pg./Sl. No. 259
 Mobile No.: 9899446209
 10 JAN 2023

[Signature]
 DEPONENT

मो. नदीम / MD. NADEEM
 अवर सचिव / Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

Comments / View of the Ministries / Departments and their organizations

S. No.	Stakeholder/Ministry	Remarks	Page no.
1.	Ministry of Home Affairs	The subject matter of the petition is relating to the NCMEI Act, 2004 and NCM Act, 1992 which are dealt with by Ministry of Education and Ministry of Minority Affairs respectively. Further, the issue of authority of the Parliament or the State Legislature to exclusively legislate on matters pertaining to minority communities is to be examined in consultation with Ministry of Law & Justice. This Ministry has no specific inputs / comments to offer in the matter.	07
2.	Ministry of Education	There is no specific definition of what a minority group particularly is or can comprise of. Accordingly, as a matter of principle, this Commission does not grant Minority status Certificate to those educational institutions established & administered by minority or minorities which are in majority in a particular state/UT. As per the judgment of Hon'ble Supreme Court in TMA Pai Foundation, the identification of minorities at district level is not legal because linguistic or religious minority is determinable only by reference to demography of the state because it differs from place to place.	08-09
3.	Department of Legal Affairs, Ministry of Law & Justice	Ministry of Legal Affairs has reiterated the stand in the Minutes of the meeting held on 18.08.2022 that the comments of concerned State Government should be obtained by the Ministry in the matter. Further, they have stated that nothing more is to be added at this stage.	10
4.	National Commission for Minorities (NCM)	NCM has given para wise comments on W.P No. 446/2022. No further comments have been given by the Commission on W.P. No. 836/2020 other than those given on 01.10.2020.	11-16

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Md. Naheed
मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

5.	National Commission for Minority Educational Institutions (NCMEI), a quasi judicial body under Ministry of Education.	<p>The Commission is bound by the National Commission for Minority Educational Institutions Act, 2004. As per Section 2 (f) of the NCMEI, 2004 "minority" means a community notified as such by the Central Government. The Central Government has notified six religious minorities namely Muslim, Christian, Sikh, Buddhist, Parsi and Jain. The term "minority" is not defined in the Constitution of India. Hon'ble Supreme Court of India in a landmark case "The Kerala Education Bill" observed that minority means a community which is numerically less than 50%.</p> <p>It has been held by the Eleven Judges Bench of the Hon'ble Supreme Court in T M A Pai Foundation Vs State of Karnataka (2002) 8SCC481, that a minority, whether linguistic or religious, is determinable only by reference to demography of the State and not by taking into consideration the population of the county as a whole. The application of numerical test with reference to religion in states like Punjab, Jammu & Kashmir and Nagaland makes Sikhism, Islam and Christianity, the majority religions in those States respectively. (D A V Collage Vs State of Punjab AIR 1971 SC 1731).</p> <p>It is important to note that there is no specific definition of what a minority group particularly is or can comprise of. Accordingly as a matter of principle, this Commission does not grant Minority Status Certificate to those educational institutions established & administered by minority or minorities which are in majority in a particular State /UT.</p> <p>As per the judgment of Hon'ble supreme Court in TMA Pai Foundation the identification of minorities at district level is not legal because linguistic or religious minority is determinable only by reference to demography of the State because it differs from place to place.</p>	17 - 19
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Note: - A copy of replies received from Ministries / Departments and their organizations is attached herewith.

True Copy
 मो. नदीम / MD. NADEEM
 अवर सचिव / Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

7

F.No.14018/02/2020-NI.I (Pt-I)

Government of India
 Ministry of Home Affairs
 (IS-I Division : NI.I Section)

Room No. 23, 2nd Floor, MDCNS
 New Delhi-110 001
 Dated, 29th August, 2022.

OFFICE MEMORANDUM

Subject: Writ Petition (C) No. 836 of 2020 (Under Article 32 of the Constitution of India) titled 'Ashwini Kumar Upadhyay Vs Union of India & Ors.' in the Hon'ble Supreme Court of India.

The undersigned is directed to refer to Ministry of Minority Affairs' email dated 25.08.2022, forwarding therewith a copy of the minutes of the Meeting held under the Chairmanship of the Secretary, Ministry of Minority Affairs, on 18.08.2022, regarding above captioned matter and to say that the subject matter of the petition is relating to the National Commission for Minority Educational Institutions Act, 2004, and the National Commission for Minorities Act, 1992, which are dealt with by Ministry of Education and Ministry of Minority Affairs respectively. Further, the issue of authority of the Parliament or the State Legislature to exclusively legislate on matters pertaining to minority communities, is to be examined in consultation with Ministry of Law & Justice. This Ministry has no specific inputs/comments to offer in the matter. It is also stated that this Ministry, vide O.M. of even number dated 02.02.2021 (copy enclosed) had already conveyed the above stand of MHA, to the Ministry of Minority Affairs.

Encls: as above.



(P. Venkuttan Nair)

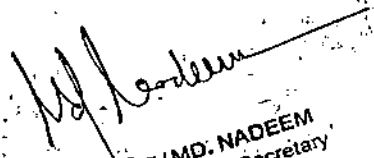
Deputy Secretary to the Govt. of India

Tel: 011-23075286.

To:

The Joint Secretary (NCM)
 (Kind attn: Ms. Nigar Fatima Husain)
 Ministry of Minority Affairs
 11th Floor, Pt. Deendayal Antyodaya Bhawan,
 Room No. 1125, CGO Complex, Lodhi Road,
 New Delhi-110003.

True Copy



मो. नदीम / MD. NADEEM
 अवर सचिव / Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

F.No.11-3/2020-MC
Government of India
Ministry of Education
Department of Higher Education
Minority Cell

Room No.6, 4th Floor, Jeevandeep Building,
Parliament Street, New Delhi

Dated the 26th December, 2022

OFFICE MEMORANDUM

Subject: Request to furnish considered views in the WP(C) No.836/2020 – regarding -

The undersigned is directed to refer to Ministry of Minority Affairs' O.M.No. 7-7/2020-IM, dated 02.12.2022 on the subject mentioned above and to forward herewith inputs of the National Commission for Minority Educational Institutions (NCMEI), in the matter as under:

- The NCMEI is bound by the National Commission for Minority Educational Institutions Act, 2004. As per Section 2(f) of the NCMEI Act, 2004 "minority" means a community notified as such by the Central Government. The Central Government has notified six religious minorities namely Muslim, Christian, Sikh, Buddhist, Parsi and Jain.
- The term "minority" is not defined in the Constitution of India. Hon'ble Supreme Court of India in a landmark case "*The Kerala Education Bill*" observed that minority means a community which is numerically less than 50%.
- It has been held by the Eleven Judges Bench of the Hon'ble Supreme Court in *T.M.A. Pai Foundation Vs. State of Karnataka* (2002) 8SCC 481, that a minority, whether linguistic or religious, is determinable only by reference to demography of the State and not by taking into consideration the population of the country as a whole. The application of numerical test with reference to religion in states like Punjab, Jammu & Kashmir and Nagaland makes Sikhism, Islam and Christianity, the majority religions in those states respectively. (*D.A.V. College vs. State of Punjab* AIR 1971 SC 1731).
- It is important to note that there is no specific definition of what a minority group particularly is or can comprise of. Accordingly, as a matter of principle, this Commission does not grant Minority Status Certificate to those educational institutions established & administered by minority or minorities which are in majority in a particular State/UT.
- As per the judgment of Hon'ble Supreme Court in *TMA Pai Foundation*, the identification of minorities at district level is not legal because linguistic or religious minority is determinable only by reference to demography of the State because it differs from place to place.

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Mo. NADEEM
अवर सचिव/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

2. M/o Minority Affairs is requested to take further action in the matter accordingly.

Tulsi Negi
26/12/2022

(Tulsi Negi)

Under Secretary to the Govt. of India

✓ To,
Sh. Sami Ahmed Khan
Deputy Secretary (NCM)
Ministry of Minority Affairs,
11th Floor, Pt. Deen Dayal Antodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110003.

True copy
M. Naadeem
मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New De

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Note # 1

11/11/2022 04:31 PM

SUNITA
COURT CLERKNote # 2

Subject: Furnishing views in Writ Petition (C) No.836/2020-reg

Ministry of Minority Affairs has sought views of this Department upon order dated 10.05.2022 of Hon'ble Supreme Court of India's in WP No.836/2020 in the matter of Ashwini Kumar Upadhyay vs UoI and Ors.

2. It appears that administrative Ministry has inadvertently referred the matter for our comments at this stage. Attention is invited to para 6 of the minutes of the meeting held on 18.08.2022 for stakeholder consultation under the chairpersonship of Secretary (MA) on the above subject wherein we have suggested that the comments of the concerned State Government should be obtained by administrative Ministry in the matter. For the sake of convenience, para 6 of the minutes of the meeting is reproduced as hereunder:

"The representative from D/o Legal Affairs was of the considered view that comments of concerned State Government should be obtained by the Ministry in the matter. He was informed that the Ministry is holding consultation with the State Governments also in this regard."

3. We hope that Administrative Ministry may take necessary action in the light of our observation mentioned in para 6 of the minutes. At this stage, we have nothing to add further.

May kindly see.

11/11/2022 04:49 PM

NIRAJ KUMAR
DLANote # 3

True Copy
MD. NADEEM
मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

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11/10/2020

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Court Case

Misc/Court Case/64/2020
Government of India
National Commission for Minorities (NCM)

3rd Floor, Block-3,
CGO Complex,
Lodhi Road,
New Delhi- 110003
Dated: 01.10.2020

To,

Shri Suresh Yadav,
Under Secretary,
Ministry of Minority Affairs,
11th Floor, Pt. Deen Dayal Antodaya Bhawan,
CGO Complex, New Delhi-110003

Subject: W.P. (C) No. 836 of 2020 filed by Mr. Ashwani Kumar Upadhyay and other
before Hon'ble Supreme Court of India-reg

Sir,

I am directed to refer to your letter no. 7-7/2020-IM/MoMA dated 23.09.2020 and
to furnish the comments of NCM on the issues raised in the above Writ Petition.

2. This issue with the approval of Vice Chairperson, NCM.

Yours faithfully,

A. Sengupta

(A. Sengupta)

Under Secretary to the Govt. of India

Encl: as aboveSup
11/10/2020

A. Sengupta,

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Copy

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

(13)

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"The idea of giving some special rights to the minorities is not to have a kind of a privileged or pampered section of the population but to give to the minorities a sense of security and a feeling of confidence. The great leaders of India since time immemorial had preached the doctrine of tolerance and catholicity of outlook. Those noble ideas were enshrined in the Constitution. Special rights for minorities were designed not to create inequality. Their real effect was to bring about equality by ensuring the preservation of the minority institutions and by guaranteeing to the minorities autonomy in the matter of the administration of these institutions. The differential treatment for the minorities by giving them special rights is intended to bring about an equilibrium, so that the ideal of equality may not be reduced to a mere abstract idea but should become a living reality and result in true, genuine equality, an equality not merely in theory but also in fact."

It is worthy to mention that the state of Maharashtra has declared Jews as minority.

It is submitted that Article 38 (2) of the Constitution directs that the State shall "in particular" endeavour to eliminate inequalities in status, facilities and opportunities, "not only amongst individuals but also amongst groups of peoples". Each religious Minority is certainly a "group of people" in terms of this provision and is, therefore, entitled to the benefit of the very meaningful Constitutional Directive contained in Article 38 (2).

Article 46 of the Constitution directs the State to promote "with special care" educational and economic interests of "the weaker sections of the people" (other than Scheduled Castes & Tribes whom it specially mentions separately). In M.R. Balaji's case (AIR 1963 SC 649) the Supreme Court emphasized the need for "balancing the interest" of the "weaker sections" covered by Article 46 and the rest of the society. In a country like India where the Majority community is so predominant, the Minorities have to be treated as the "weaker sections" within the meaning of Article 46. It is submitted that minority status based on religion does not automatically guarantee eligibility

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M. NADEEM / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

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for benefiting from the schemes of the government. The schemes are for the benefit of economically weaker and socially disadvantaged amongst the minorities. Such provisions cannot be said to encourage fissiparous tendencies in the country.

The Constitution itself makes certain provisions for particular religious communities, including the following:

- (a) Article 25, Expl. 1: saying that Sikhs have a Fundamental Right to wear and carry *Kirpans*.
- (b) Article 48: directing the State to prohibit cow-slaughter – [directive upheld by the Supreme Court in the case of Hanif Quraishi, AIR 1952 SC 731, on the ground, *inter alia*, of general "Hindu reverence" for the cow]
- (c) Article 290-A : making a provision for an annual expenditure of Rs.46.5 lakhs from the Consolidated fund of Kerala and Rs.13.5 lakhs from that of Tamil Nadu for the "maintenance of Hindu temples and shrines: in those States earlier situated in Travancore and Cochin.

The petitioner raised following question of law in the present writ petition:

QUESTION OF LAW

1. Whether Centre has disregarded the ruling in TMA Pai case.
2. Whether section 2(f) of NCMEI Act, 2004 confers unbridled power to the Centre
3. Whether there is a need to define the Minority under section 2(f) of the NCMEI Act, 2004
4. Whether declaring Muslims, Christians, Sikhs, Buddhists, Parsi and Jain as minority at national level is arbitrary irrational and contrary to Article 14, 15, 21, 29 and 30 of the Constitution
5. Whether Centre has failed to apply TMA Pai and Bal Patil ruling evenly by excluding the followers of Bahaism, Judaism and Hinduism from the purview of minority status under section 2(f) of the NCMEI Act, 2004.

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श्री. नदीम / MD. NADEEM
 भवन सचिव / Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

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REPLY TO QUESTION OF LAW

1& 4. The National Commission was established by an act of Parliament known as National Commission for Minorities Act, 1992. The Central Government under Section 2 (C) of the NCM Act, 1992 declared 5 communities i.e. Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsees) as Minority. It is pertinent to mention that both the judgments i.e. TMA Pai Foundation and Bal Patil were passed in 2002 and 2005 respectively and have prospective effect and not retrospective effect. Therefore, the allegation that Central Government has disregarded the ruling of TMA Pai case is wrong and denied.

The Hon'ble Supreme Court in Bal Patil Case observed that "after the verdict in the eleven judges' Bench in TMA Pai Foundation case (supra), the legal position stands clarified that "henceforth the unit for determining status of both linguistic and religious minorities would be 'state'. This position is doubly clear not only from the answer given in conclusion to question no. 1 quoted above but also the observations contained in paras 76 and 81 of the majority judgment quoted hereinafter.

"76. If, therefore, the State has to be regarded as the unit for determining "Linguistic Minority" vis-à-vis Article 30, then with "Religious Minority" being on the same footing, it is the State in relation to which the majority or minority status will have to be determined".

Paras 2,3 & 5 of question of law do not pertain to NCM. Needs no comment.

PRAYER

a. Direct and declare that section 2(f) of the NCMEI Act, 2004 as arbitrary irrational and contrary to Article 14, 15, 21, 29 and 30 of the Constitution hence

True copy
Md. Naadeem
मो. नदीम / MD. NADEEM, void.
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

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- b. In alternative, direct and declare that followers of Judaism, Bahaismand. Hinduism, who are minorities in Laddakh, Mizoram, Lakshdweep, Kashmir, Nagaland, Meghalaya, Arunachal Pradesh, Punjab, and Manipur, can establish & administer educational institutions of their choice in spirit of TMA Pai ruling(2002) 8 SCC para 75-76
- c. In alternative direct the respondents to lay down guidelines for identification of minority at State level in order to ensure that only those religious & linguistic groups which are socially economically politically non-dominant and numerically inferior, can establish and administer educational institutions of their choice
- d. Pass such other order(s) or direction(s) as Hon'ble Court may deem fit and proper in the facts of the case and allow the cost to petitioner.

REPLY to PRAYER

- a. Do not pertain to NCM, needs no comment.
- b. Needs no comment as does not pertain to NCM, since in the light of Bal Patil Case the Commission is not the competent authority to declare any community as minority.
- c. The Petitioner had prayed for similar relief in petition No. W.P(C) No.876 of 2019 before the Hon'ble Supreme Court, requesting to give direction to:- "Direct the Government to define Minorities and lay down guidelines for their identification, to ensure that only those religious and linguistic groups, which are socially, economically and politically non-dominant and numerically very inferior may enjoy rights and protection guaranteed under Article 29-30 with the State being the unit of determination" . The Hon'ble Supreme Court was pleased to dismiss the petition vide order dated 17/12/2019.
- d. Needs no comments.

True copy

MD. NADEEM

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

Fno.10-4/2021/NCMEI -269

Government of India

National Commission for Minority Educational Institutions
(Ministry of Education)Gate No 4, 1st Floor, Jeevan Tara Building,
5, Parliament Street, New Delhi-110001

Dated: 11th November 2022

PA put up
15/11/2022
V.S. (NCM)

To,
Smt. Tulsi Negi,
Under Secretary (MC),
Ministry of Education,
Jeevan Deep Building,
Parliament Street, New Delhi-110001
(Email - tulsinegi.edu@nic.in)

Subject: Furnishing views in Writ Petition (C) No. 836/2020-reg

Sir,

This is with reference to your email dated 11.11.2022 thereby enclosing letter Fno. 7-7/2020-IM-MoMA dated 10.11.2022 of the Ministry of Minority Affairs, NCM Division thereby seeking views in the matter of meeting held in light of Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition no 836/2022 (Ashwani Kumar Upadhyay Vs Union of India & others).

In this connection, I am directed to refer to this commission's letter Fno.10-4/2021/NCMEI dated 02.09.2022 thereby forwarding detailed inputs in the matter. A copy is enclosed herewith for kind perusal.

Encls: As above

Your's faithfully,

(Jayprakash),
Under Secretary

Copy for information to:

1. Sh. Sami Ahmed Khan, Deputy Secretary, Ministry of Minority Affairs, NCM Division, 11th floor, Antyodaya Bhawan, CGO Complex, New Delhi-110003 (Email: sa.khan15@gov.in)

True Md. Naadeem
Copy

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

F No. 10-4/2021-NCMEI - 1093, 1094,
 Government of India
 National Commission for Minority Educational Institutions
 (Ministry of Education)

Gate No. 4, 1st Floor, Jeevan Tara Building,
 5, Parliament Street, New Delhi-110001
 Dated: 2nd September, 2022

To

28/9/22
 Smt. Tulsi Negi,
 Under Secretary (MC),
 Ministry of Education, Jeevan Deep Building,
 Parliament Street,
 New Delhi-110001

Subject: Minutes of the meeting held on 18.8.2022, in the light of Supreme Court Order dated 10.5.2022 in W.P. (C) No. 836 of 2020 – Regarding.

Madam,

I am directed to refer to the Ministry of Minority Affairs letter No. 7-7-2020-IM-MoMA dated 25th August, 2022, forwarding alongwith the Minutes of the meeting held on 18.08.2022.

Inputs of the National Commission for Minority Educational Institutions with respect to the W.P. (C) No. 836 of 2020 are:

The Commission is bound by the National Commission for Minority Educational Institutions Act, 2004. As per Section 2 (f) of the NCMEI Act, 2004 " minority" means a community notified as such by the Central Government. The Central Government has notified six religious minorities namely Muslim, Christian, Sikh, Buddhist, Parsi and Jain

The term "minority" is not defined in the Constitution of India. Hon'ble Supreme Court of India in a landmark case "*The Kerala Education Bill*" observed that minority means a community which is numerically less than 50%.

It has been held by the Eleven Judges Bench of the Hon'ble Supreme Court in T.M.A. Pai Foundation Vs. State of Karnataka (2002) 8SCC 481, that a minority, whether linguistic or religious, is determinable only by reference to demography of the State and not by taking into consideration the population of the country as a whole. The application of numerical test with reference to religion in states like Punjab, Jammu & Kashmir and Nagaland makes Sikhism, Islam and Christianity, the majority religions in those states respectively. (D.A.V. College vs. State of Punjab AIR 1971 SC 1731).

It is important to note that there is no specific definition of what a minority group particularly is or can comprise of. Accordingly as a matter of principle, this Commission does not grant Minority Status Certificate to those educational institutions established & administered by minority or minorities which are in majority in a particular State/UT.


Tou
copy
 मो. नदीम / MD. NADEEM
 अवर सचिव / Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

(19)


As per the judgment of Hon'ble Supreme Court in TMA Pai Foundation the identification of minorities at district level is not legal because linguistic or religious minority is determinable only by reference to demography of the State because it differs from place to place.

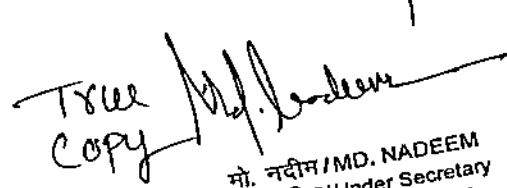
This issues with the approval of the Chairman, NCMEI

Yours faithfully


(Jayprakash)
Under Secretary
Ph. : 23367758.

Copy to : Sh. Md. Nadeem, Under Secretary, Ministry of Minority Affairs, 11th Floor, Pt. Deen Dayal Antodaya Bhawan, CGO Complex, Lodhi Road, New Delhi - 110003.


2/9/2022


True copy

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

		the context of the State of Chhattisgarh.	
6.	Chandigarh	<p>"There is no legislature of its own in UT of Chandigarh. The Parliament legislates for UT of Chandigarh. As the matter is concerned with regard to identification of minorities at the National level for pan India purpose, or identify minorities at state-wise at the National Level, it is further intimated that UT Chandigarh being without legislature follows all the instructions/guidelines of Government of India.</p> <p>Any directions passed by Government of India on the subject matter will be complied in UT of Chandigarh."</p>	31- 32
7.	Delhi	<p>(i) The followers of <i>Judaism and Bahaism</i> residing in Delhi are religious minority, so the Govt. of NCT of Delhi have no objection, if the Central Government declare them the minority status.</p> <p>(ii) The <i>followers of Hinduism</i> are not the 'religious minority' in the NCT of Delhi but the Central Government may declare the '<i>migrated minority</i>' status to the "followers of <i>Hinduism</i> who are the religious minority in their origin state (i.e. Jammu and Kashmir, Laddakh etc) and residing in Delhi after migration from their home state."</p>	33
8.	Dadra & Nagar Haveli and Daman & Diu	The said UT is a Union Territory without Legislature. Therefore, no separate guidelines or notifications can be issued by this UT. Further, it is stated that the directives in the form guidelines / notifications / rules etc, as issued by the Government of India shall only be adopted by the said UT in toto.	34
9.	Gujarat	Government of Gujarat is of the opinion that they are comfortable with present procedure of identifying minorities communities.	35
10.	Goa	The State has only provided the information pertaining to State of Goa regarding Minority Population as per Census 2011 which is as under: Muslim-8.33%, Christian-25.10%, Sikh-0.10% and Buddhist-0.08%	36
11.	Himachal Pradesh	The State is of the view although the Constitution does not define a minority or provide details relating to the geographical and numerical specification of the concept, it is felt that the Constitutional scheme envisages this to be determined at National Level.	37

True copy
 मो. नदीम/MD. NADEEM
 अवर सचिव/Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

		Hence, the present notification of a Minority status to any group under the National Commission for Minorities Act, 1992 by the Central Government adequately meets the Constitutional schemes.	
12.	Haryana	The power to notify any community as a minority community is vested with the Central Government. Therefore, in the future, if a community has to be given the status of a minority community on the basis of religion or language in the state of Haryana, then recommendations will be sent to the Government of India by the State Government on the basis of the latest census and the decision taken by the Government of India in this regard will be final.	38
13.	Karnataka	In exercise of the powers conferred in section 10(b) of the Karnataka State Minorities Act, 1994, Karnataka State Minorities Commission has recommended the Government of Karnataka to declare Muslims, Christian, Sikhs, Buddhists, Jains and Zoroastrarians (Parsees) as Minority Communities. Accordingly, Social Welfare Secretariat of Govt. of Karnataka declared the above communities as Minority Communities under Section 2(d) of the said Act. The stand of the State of Karnataka is "Status-Quo".	39- 40
14.	Kerala	Government of Kerala holds the view that the existing provisions under NCMEI Act, 2004 and NCM Act, 1992 may continue, unless the Hon'ble Supreme Court takes a different view in the instant case(WP(c)No.836/2020).	41
15.	Ladakh	Ladakh is a UT without Legislature, so the power to legislate on matters pertaining to minority communities does not arise. Regarding framing of guidelines for identifying minorities at the state level, and whether State Governments can/should notify minorities, it is stated that such a decision required political consultations and Ladakh is a UT without legislature. Accordingly, any opinion on the same falls under the purview of the Ministry of Home Affairs.	42
16.	Madhya Pradesh	Approval is given for continuation of present system for identification of minority.	43
17.	Maharashtra	They have informed that In exercise of the power conferred by clause (d) of section 2 of the Maharashtra State Minorities Commission Act, 2004, the Government of Maharashtra notified six communities as minority communities, viz. Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis), and Jains vide	44

1/1

True Copy
M. A. Nadim
मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

		<p>notification dated October 9, 2006. In addition to these six communities, the government of Maharashtra notified the Jews as a minority community vide notification dated July 2, 2016. In the State of Maharashtra people whose languages are other than Marathi considered Linguistic Minorities.</p> <p>In the interest of Uniformity, Central Government can notify the Minority Communities. Central Government can, use the census data and with the consultation to States, notify the Minority Communities in concern State.</p>	
18.	Manipur	<p>Religious minority group should be recognized at State level. Any religious group which constitutes less than 50% of the State's population should be recognized as a religious minority group of the State.</p> <p>Followers of Meitei Sanamahi religion should be considered for recognition as a religious minority group of the State of Manipur.</p>	45
19.	Meghalaya	<p>Notification of Minorities falls under Concurrent List of the Constitution. Hence, Central Govt. is the Competent Authority to recognize and notify Minorities as per the National Commission for Minorities Act, 1992.</p> <p>Therefore, Govt. of Meghalaya has no views and comments to offer on this matter.</p>	46
20.	Mizoram	<p>The matter in issue is listed under List III (Concurrent List) of the Constitution and therefore both the Central and State Government has authority/ power to make laws. As such, any legislation to be made in regard to the matter in issue would be a policy decision which is to be exercised on need basis by the Central Govt. or State Govt.</p>	47
21.	Nagaland	<p>That while granting minority status, the category of people who experience relative disadvantage in relation to members of dominant social group should be looked into. The numerical strength simpliciter cannot determine who can be classified as minority. It may be stated that under no circumstance privileges and rights accorded to the people of the state will be interfered with. The minority status as is being followed presently is acceptable to the state.</p>	48
22.	Odisha	<p>As far as Odisha is concerned, there is no justification to remove any of the six notified minorities from the list nor to declare any other community as a Minority community.</p>	49
23.	Punjab	<p>The Parliament and the State legislature, both have a right to enact law to provide for the protection of the Minorities and their interests, being a subject in the</p>	50-51

True copy

MD. NADEEM
 Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

		<p>Concurrent list.</p> <p>In India, different communities are in majority or in minority in different provinces/ States depending on their population. Therefore, it becomes necessary to protect the interests of the respective minority residing in the State in accordance with the Constitutional provisions.</p> <p>Keeping in view the above as well as the peculiar, geographical and social scenario of the State of Punjab, only the State Government is in a position to better appreciate the interests, well being and problems of different sections/communities residing in the State.</p> <p>The State of Punjab being empowered to enact and notify as detailed in the above Paras, it is important that the State continues to do so in order to provide protection to minorities and safeguard their interests.</p>	
24.	Puducherry	<p>Govt. of Puducherry has informed that they have notified six minorities as notified by the Central Government, vide notification No. 1801/DSW/MC/2017 dated 22.03.2017.</p> <p>As per the UT of Puducherry is concerned, Hindus are majority (87.30%) and the followers of Judaism and Bahaism does not exist in the UT of Puducherry. Hence, the followers of Hinduism, Judaism and Bahaism are not being deprived of their basic rights to establish and administer educational institution of their choice in the UT of Puducherry, alteration does not applicable to the UT of Puducherry. Further, two private self-financing Medical Colleges under the Linguistic Minority are functioning as minority institutions in the UT of Puducherry in order to ensure the religious & linguistic Minority can establish and administer educational institutions of their choice.</p> <p>As prayed by the Petitioner in the Writ Petition, are not applicable to the UT of Puducherry is concerned.</p>	52 - 56
25.	Sikkim	<p>..... the question as to what unit is to be used State or entire Country - to determine the linguistic minority and religious minority under Article 30 of the Constitution has been settled by the Constitution Bench of the Hon'ble Supreme Court in T. M. Pai supra. The relevant unit will be the State.</p>	57 - 65
26.	Tamil Nadu	<p>..... the State is of the view that identification and notification of religious and linguistic minority communities should be made at State level.</p>	66 - 67

True copy

M. J. Nadem

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

		However, the actual or probable deprivation of their religious, cultural and educational rights and their socio economic status besides the population of these communities in the concerned State are to be the factors to be considered.	
27.	Tripura	Views of Government of Tripura with regard to identification of Minorities for PAN India purpose or identify minorities State -wise at the National Level. As per State government Notification vide No. F.10-5/SCW/GL/RM/03/996-1120 dated 18.04.2007; Muslim, Christians, Buddhists, Sikhs and Jains have been notified as minorities communities in Tripura. Further, they have stated that In Tripura Minority communities are slightly lagging behind in education, social sector, business and in government services. In some pockets, economic condition is not at par with the majority people and requires to be improved.	68-69
28.	Uttarakhand	Minorities should be identified at State level so that the followers of a religious group who are actually less in number can get their Constitutional Rights as envisaged under Article 30 of the Constitution of India.	70
29.	Uttar Pradesh	Government of UP has Stated that they will have no objection if any decision is taken by the Central Government in the matter of WP 836/2020.	71
30.	West Bengal	As per provision of section 2 of the West Bengal Commission Act, 1996, the State Government has declared the Muslim, Sikh, Christian, Budhist, Parsi and Jain as religious Minorities. Further, the State Government is of the view that power to declare a community as minority should vest with the State Governments / UTs.	72

Note:- - A copy of replies received from the States/UTs is attached herewith.

True copy
 मो. नदीम / MD. NADEEM
 अवर सचिव / Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

A.MD. IMTIAZ, I.A.S.
Secretary to Government



MINORITIES WELFARE DEPARTMENT
Room No. 216, 1st Floor,
Building No. 3, A.P. Secretariat,
Velagapudi, Amaravati - 522 238.
☎ : Off : 0863 - 244 3139
Mobile : 88976 07555
e-mail : prlsecy_mw@ap.gov.in

To
The Secretary to Government of India,
Ministry of Minority affairs,
11th floor, Deendayal Antyodaya Bhavan,
CGO Complex, Lodhi Road, New Delhi-110003

Please tabulate

all state responses Letter No. MNW01-CHSTOACTS(ICMA)/1/2022-SDM, Dated, 17.12.2022

21/12 Sir,

Sub: Government of Andhra Pradesh- Minorities Welfare Department- Furnishing the views of the State of Andhra Pradesh on the Orders of the Supreme Court dt:10.05.2022 in Writ Petition (C) No.836/2020-Reg.

- Ref: 1 From the Secretary to GOI, Ministry of Minority affairs, Lr.D.O.NO. 7-7/2020-IM-MoMA, Dt:08.09.2022
2 From the Joint Secretary to GOI, Ministry of Minority affairs, Lr. D.O.NO.7-7/2020-IM-MoMA, Dt:29.09.2022
3 From the Deputy Secretary to GOI, Ministry of Minority affairs, Lr. F.NO7-7/2020-IM-MoMA, Dt:25.11.2022

@@@

I am to invite your kind attention to the references cited, wherein the State of Andhra Pradesh was requested to furnish the views on the Orders dt:10.05.2022 of the Hon'ble Supreme Court in Writ Petition (C) No.836/2020.

2. With reference to the orders, the stand of Andhra Pradesh State is as follows:

The minority status by reference to religion, shall have to be determined by treating State as a unit. This Principle would remain the same whether it is a Central legislation or a State legislation dealing with religious minority. It is the State, and not the whole of India, that shall have to be taken as the unit for determining a religious minority."

Thanking You.

Yours sincerely

(A.MD.IMTIAZ)

True
copy

M. NADEEM
अवर सचिव/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

GOVERNMENT OF ASSAM
WELFARE OF MINORITIES AND DEVELOPMENT DEPARTMENT
DISPUR :: ASSAM

326/JS (CPSB)
3/10/22

Dated : 15.10.2022

From : Adil Khan, IAS,
Secretary to the Govt. of Assam,
Welfare of Minorities and Development Department,
Dispur, Guwahati-06.

To : The Joint Secretary to the Govt. of India,
Ministry of Minority Affairs,
11th Floor, Pt. Deendayal Antyodaya Bhawan,
CGO Complex, Lodhi Road, New Delhi-110003.

Sub : Views on Writ Petition No.836/2020 (Ashwini Kumar Upadhyay-Vs-Union of India & Ors).

Ref : 1) D.O.No.7-7/2020-IM-MoMA dated 29.09.2022.
2) F.No.7-7-2020-IM-MoMA dated 19.09.2022.

Sir,

With reference to the subject cited above, I am directed to inform you that the State Govt is of the view that the identification of Minorities should be State-wise.

This is for favour of your kind information and necessary action.

Yours faithfully,

Signed by Adil Khan

Date: 15-10-2022 18:22:05

Secretary to the Govt. of Assam,
Welfare of Minorities & Dev.
Department,
Dispur, Guwahati-06.

Copy to :

1. The Deputy Secretary to the Govt. of India, Ministry of Minority Affairs, NCM Division, New Delhi for information.
2. SO to Chief Secretary Assam for information.
3. PPS to hon'ble Chief Minister, Assam
4. PS to hon'ble Minister, Welfare of Minorities & Development Deptt., Assam
5. PA to the Principal Secretary to the Chief Minister, Assam

By order etc.,

Signed by Sorman Ali
Ahmed

Date: 15-10-2022 18:25:45

Joint Secretary to the Govt. of Assam,
Welfare of Minorities & Dev.
Department,
Dispur, Guwahati-06.

JS (CPSB) - on tour

DS (NCM)

True
Copy

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

F. No. 12-162/DSW/Estt./2017-18 /2257
 ANDAMAN & NICOBAR ADMINISTRATION
 DIRECTORATE OF SOCIAL WELFARE
 GOALGHAR, PORT BLAIR

Port Blair, dated the 20th October, 2022

To

The Joint Secretary to the Govt. of India,
 Ministry of Minority Affairs
 11th Floor, Pt. Deen Dayal Antyodaya Bhawan
 CGO Complex, Lodhi Road
 New Delhi-110003

Sub:-Reference to D.O.NO.7-7/2020-IM-MoMA dated 29.09.2022 regarding W.P.(C) No. 836/2020 - reg.

Respected Madam,

I am directed to refer Ministry's letter No.7-7-2020-IM-MoMA dated 29.09.2022 on the subject cited above and to mention that:-

- The UT i.e. Andaman & Nicobar Islands is without Legislature and will follow the direction of the Central Government.
- A State Level Committee and Andaman & Nicobar UT Advisory Committee has constituted in this UT to monitor the issues and safeguard the interests of the Minority Communities.
- The Minorities Communities command a respectable situation in this UT.Hence we are of the view that their interests would be adequately safeguarded by the Andaman & Nicobar UT Advisory Committee which has been vested with suitable powers.

This has the approval of Secretary, Social Welfare, Andaman & Nicobar Administration.

Yours faithfully

Nodal Officer (Minorities)

Copy to:-

True copy
 मो. नडेम / MD. NADEEM
 अवर सचिव/ Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार/ Govt. of India
 नई दिल्ली/ New Delhi

1. Shri Md. Nadeem, Under Secretary to the Govt. of India in response to the letter No. 7-7-2020-IM-MOMA dated 19th September 2022.

पत्रांक- अ.स.क.-09 (ग) विधि-12/2022

Government of Bihar
Department of Minority Welfare

From,

Dr. Safina A. N.
Principal Secretary, Govt. of Bihar

To,

Mr. Indivar Pandey,
Secretary,
Ministry of Minority Affairs, Govt. of India,
11th Floor, Pt. Deendayal Antyodaya Bhavan,
C.G.O. Complex, Lodhi Road, New Delhi- 110003

Patna, Date.....

Subject: Opinion of Govt. of Bihar in the case of Writ Petition (C) No. 836 / 2020 (Ashwini Kumar Upadhyay vs. Government of India and others).

Ref.:- D.O. letter No. 7-7 / 2020- COM-MoMA dated 08.09.2022

Sir,

With reference to the above mentioned subject, it is to inform that the Muslim, Christian, Sikh, Buddhist, Parsi and Jain communities have been declared as minority communities, at the national level. The six communities mentioned above come under the category of minority in the state of Bihar too. Thus, the classification and listing of minority communities in the state of Bihar on the basis of population is the same as declared at the national level.

Therefore, in the light of the above, the State Government is of the opinion that "the present system of determining the minorities can be continued as it is."

Your faithfully

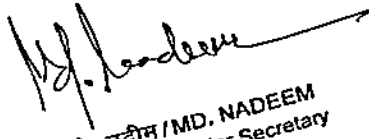
Sd/-

Principal Secretary, Govt. of Bihar

Memorandum- A.S.A.-09(C) Law-12/2022/3045

Patna, Dated-08-11-2022

E-mail copy to:- Mohd. Nadeem, Under Secretary, Ministry of Minority Affairs, Government of India, 11th Floor, Pt. Deendayal Antyodaya Bhawan, C.G.O. Complex, Lodhi Road, New Delhi- 110003, for information and necessary action w.r.t. their letter No. 7-7/2020-IM-MoMA dated- 19.09.2022.



मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

Principal Secretary, Govt. of Bihar

True
copy

Court Matters/important

Govt. of Chhattisgarh
Department of Tribal and Scheduled Castes Development
:: Ministry ::
Mahanadi Bhavan, Nava Raipur, Atal Nagar.

Website-tribal.cg.gov.in

E-mail ID :- secy-stsc.c@gov.in

S.No. 1466/2022/25-3/1754

Nava Raipur, Atal Nagar dated October 17, 2022

To,

Shri Mukhmeet Singh
Secretary,
Government of India,
Ministry of Minority Affairs,
New Delhi-110003.

Subject :- W.P. (C) No. 836/2020 Ashwini Upadhyay Vs. Union of India

Reference- Your letter No. 7-7-2020-IM-MOMA dated 30.09.2022 and letter dated 23.09.2022

In continuation of the referred letters and in compliance of the order passed by the Supreme Court dated 30.08.2022 in writ petition No. 836/2020 Ashwini Kumar Upadhyay Vs. Union of India and others, the departmental opinion prepared by government of Chhattisgarh as per the meeting held on 27.09.2022 at 3.00 PM regarding Minority matters by Video conference, is as under:-

"The Govt. of India has notified Six minority communities namely, Muslims, Christians, Sikhs, Buddhists, Parsis and Jains. In the State of Chhattisgarh, Muslims, Christians, Sikhs, Buddhists and Jains come under Minority Communities on the basis of the total population of the State. Therefore, in Chhattisgarh, includes the establishment and operation of minority educational institutions are done by Minority Communities residing in the state. The population of minorities in the state of Chhattisgarh is not affected by section 2 (f) of the Act. Therefore, the state government is of the opinion that the provisions of the NCMI Act, 2004 Section 2(f) may be retained in the context of the State of Chhattisgarh.

(S.K. Dubey)

Joint Secretary
Govt. of Chhattisgarh
Department of Tribal and Scheduled Castes Development
Nava Raipur Atal Nagar

S.No./1466/2022/25-3/1755

Dated 17 OCT.,2022

Copy to: 1. Deputy Secretary, Govt. of Chhattisgarh, Office of the Chief Secretary, Ministry, Naya Raipur w.r.t. your letter No. 10350, Dated 26.09.2022 and letter No. 10797, Dated 07.10.2022 for information.

2. Commissioner, Department of Tribal and Scheduled Castes Development, Indravati Bhawan, Nava Raipur.

Joint Secretary
Govt. of Chhattisgarh
Department of Tribal and Scheduled Castes Development

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

Tone
copy

Speed Post

No. SW1/NCM/2022/6688

From

The Secretary Social Welfare,
Women & Child Development,
UT Chandigarh.

To

The Secretary,
Ministry of Minority Affairs,
Government of India,
11th Floor, Pt. Deen Dayal Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110003.

Dated Chandigarh, the 36/9/22

Subject: MINUTES OF THE CONSULTATIVE MEETING CONDUCTED THROUGH VIDEO CONFERENCING ON 10.09.2022 AT 03.30 PM BY MINISTRY OF MINORITY AFFAIRS, GOVT. OF INDIA, NEW DELHI WITH ALL THE STATE GOVERNMENTS/UTs IN VIEW OF HON'BLE SUPREME COURT OF INDIA ORDER'S DATED 30.08.2022 PASSED IN WRIT PETITION NO. 836/2020 TITLED AS AHSWINI KUMAR UPADHYAY VS UNION OF INDIA AND ORS.

Sir,

I am directed to refer to the VC conducted on 10.09.2022 at 3.30 PM by Ministry of Minority Affairs, Government of India and its minutes of meeting received vide F.No. 7-7-2020-IM-MoMA dated 19.09.2022 on the subject cited above.

In the light of aforesaid writ petition, State Governments/UTs have been directed to convey their views with regard to identification of Minorities i.e. identify minorities at the National level for pan India purpose, or identify minorities state-wise at the National level.

In this connection, it is intimated as under :-

1. At present, in the Union Territory of Chandigarh, the 6 communities viz. Muslims, Christians, Sikhs, Buddhists, Parsis and Jains are enjoying the status of religious minority communities.
2. As per census 2011, population statistics pertaining to these religious communities in UT Chandigarh is as under:-

Total Population	10,55,450
Muslims	51,447
Christians	8,720
Sikhs	1,38,339
Buddhists	1,150
Parsis	-
Jain	1,960

3. As per census 2011, minority population in Chandigarh constitutes 19% (2,01,646/10,55,450) of the total population of the Union Territory. The representation of minorities in Government jobs is

MO. NADEEM
Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

True
copy

Ms. Shailja
12/9/22

AA (Lami)

Soyana

JSC/PSB

19/9/22

S.O (NCM)

12/10/22

26.69% (5644/21143), which shows that minorities are very well represented in the Administrative Structure/System.

It is, therefore, intimated that there is no legislature of its own in UT of Chandigarh. The Parliament legislates for UT of Chandigarh. As the matter is concerned with regard to identification of minorities at the National level for pan India purpose, or identify minorities state-wise at the National level, it is further intimated that UT Chandigarh being without legislature follows all the instructions/ guidelines of Government of India. Any directions passed by Government of India on the subject matter will be complied in UT of Chandigarh.

Yours faithfully,

Director Social Welfare,
for Secretary Social Welfare,
Women & Child Development,
UT Chandigarh.

True
Copy

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE DIVISIONAL COMMISSIONER
MINORITY AFFAIRS BRANCH,
5-SHAM NATH MARG, DELHI-110054.

76/C

F.43(35)/Minority./Div.Comm./2022/ 404

Date:- 30/12/2022

To

✓ The Secretary
Ministry of Minority Affairs
Government of India,
11th Floor, Pt. Deen Dayal Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003.

Sub: Furnishing Comments/views of State Government/UT as per the order of Hon'ble Supreme Court in WP No. 836/2020 (Ashwini Kumar Upadhyay Vs UoI & Ors)-regarding.

Respected Sir,

In reference to the letter No.7-7/2020-IM-MoMA dated 29.09.2022 received from Deputy Secretary, Govt. of India, Ministry of Minority Affairs (NCM Division), on the subject cited above.

In this regard, I am directed to inform that the view of the Govt. of NCT of Delhi in respect of Writ Petition (Civil) No. 836/2020 titled as Ashwani Kumar Upadhyay Vs UoI & Ors, may be considered as under:

- (i) The followers of *Judaism* and *Bahaism* residing in Delhi are the religious minority, so the Govt. of National Capital Territory of Delhi have no objection, if the Central Government declare them the minority status.
- (ii) The followers of *Hinduism* are not the 'religious minority' in the National Capital Territory of Delhi but the Central Government may declare the '*migrated minority*' status to the "followers of *Hinduism* who are the religious minority in their origin state (i.e. Jammu and Kashmir, Laddakh etc) and residing in Delhi after migration from their home state".

This issue with the prior approval of the Competent Authority.

Yours faithfully,

Encl: As above


(Sonika Singh)

Deputy Commissioner-II (HQ)
Revenue Department, GNCTD

F.43(35)/Minority./Div.Comm./2022/

Date:-

Copy to:

1. S O to Chief Secretary, Govt. of NCT of Delhi, Delhi Secretariat, New Delhi-110002.
2. PA to Principal Secretary (Revenue)-cum-Divisional Commissioner, Govt. of NCT of Delhi.
3. The Assistant Director (Plg.), Department for the Welfare of SC/ST/OBC/Minorities, Govt. of NCT of Delhi.
4. Deputy Secretary (Advice and Legislation), Department of Law Justice and Legislative Affairs. Govt. of NCT of Delhi.

True copy
Mo. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi


(Sonika Singh)

Deputy Commissioner-II (HQ)
Revenue Department, GNCTD

C/293

U.T Administration of
Dadra & Nagar Haveli and Daman & Diu
Department of Social Welfare
3rd Floor, Lekha Bhavan
Silvassa-396230

No.SW/Corrp.with MOMA/2021/129144 /232

Date: 14/09/2022

To,
The Under Secretary
Ministry of Minority Affairs,
Pandit Deendayal Antyodaya Bhawan,
11th Floor, CGO Complex,
Lodhi Road
New Delhi-110003

20/9/2022
S.D(Neha)

SP mikhil
A. Singh

20/9/2022

Subject: Reply of D.O Letter dated: 08th September, 2022- regarding.

Respected Sir,

With reference to your D.O letter no: 7-7/2020-IM-MoMA dated: 08th September, 2022 and Writ Petition (C) No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors), on the subject cited above, it is to inform you that the Union Territory of Dadra and Nagar Haveli and Daman & Diu is a Union Territory without Legislature.

Therefore, no separate guidelines or notifications can be issued by the U.T. of Dadra & Nagar Haveli and Daman & Diu.

In view of above, the directives in the form guidelines/notifications/rules etc, as issued by the Government of India shall only be adopted by the U.T. of Dadra & Nagar Haveli and Daman & Diu in Toto.

For kind information and for further necessary actions in this regard please.

Yours faithfully,

2

[Jatin Goyal, DANICS]
Director cum Deputy Secretary (SW)
Dadra & Nagar Haveli
and Daman and Diu
Phone No:- (0260)-2632027
Email ID: sw-dnh@nic.in

True Copy
MD. NADEEM
अवर सचिव/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

IMPORTANT/MOST URGENT

No.SSP/112022/GOI-135/A1
 Government of Gujarat .
 Social Justice & Empowerment Department
 Block No.5/9th floor,
 Sachivalaya, Gandhinagar
 Date:07/10/2022

To,
 Joint Secretary,
 Ministry of Minority Affairs,
 11th Floor, Pt. DeendayalAntyodayaBhavan.
 CGO Complex, Lodhi Road,
 New Delhi-110003

Sub: Inputs Required on W.P. No. 836/2020 – consultation with States and
 UTs

Sir,

With regards to the meeting Video Conference held on 10th of Sept.,
 2022 regarding the Hon. Supreme Court's order dated 10/05/2022 in Writ
 Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union Of India), I am
 directed to say that we are of the opinion that we are comfortable with
 present procedure of identifying minorities communities. That may please be
 considered for your kind perusal.

JP Vasava
 (J P Vasava)
 (I/C Deputy Secretary)
 Social Justice and Empowerment
 Department

Copy to-

- (1) Joint Secretary to Chief Secretary of Gujarat, Secretariat, Gandhinagar
- (2) Director (DCW), Jivraj Mehta bhavan, Gandhinagar.

True Copy
 MD. NADEEM
 Under Secretary
 अवर सचिव/Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

Ms. Shailja
 12/X/22.

12/10/2022
 12/X/2022
 S.O (N.K.M.)

(36)



GOVERNMENT OF GOA
DIRECTORATE OF SOCIAL WELFARE
18TH JUNE ROAD, PANAJI-GOA
Tel. No. 2223784, 2232257 & Fax No. 2228172
E-mail-socialwelfaregoa@rediffmail.com

No- 86-3-17-18/SDB/Part-I/3771

Dated: 18/10/2022

To,
The Under Secretary,
Ministry of Minority Affairs,
11th Floor, Pt. Deen Dayal Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110003

Sub:-Regarding Minutes of the meeting held on 10/09/2022 for consultation
with regard to W.P. (C) No.836/2020

Sir,

With reference to your letter No.F.No.7-7-2020-IM-MoMA dt.19/09/2022 on the above
cited subject the information pertaining to State of Goa regarding Minority Population as per
Census 2011 are as mentioned below:-

Religion	Percentage
Muslim	8.33%
Christian	25.10%
Sikh	0.10%
Buddhist	0.08%

This is for information and further necessary action.

Yours faithfully,

Sandhya Kamat
(Sandhya Kamat)

Director of Social Welfare &
Ex-Officio Addl. Secretary (SW)

Copy to:-

1. Office file
2. Guard File.

Tone Jd. Kamat
copy
मो. नदीम / MD. NADEEM
अवर सचिव/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

From No. SJE-B-A (4)-1/2020
Government of Himachal Pradesh
Department of Social Justice & Empowerment (B)

To Secretary (SJ&E) to the
Government of Himachal Pradesh

Md. Nadeem,
Under Secretary to the Government of India,
Ministry of Minority Affairs,
11th Floor, Antyodaya Bhawan,
CGO Complex, Lodhi Road, New Delhi -110003

19/9/2022
Consultant (SJD)

Subject: Dated Shimla-02, the 16th September, 2022
Minutes of the meeting held on 13-08-2022 under the
Chairmanship of Secretary Minority Affairs for consultation in
the light of Supreme Court order dated 10-05-2022 in WP (c)No.
836/2020.

Sir,

I am directed to refer to your letter No. 7-7/2020-IM-MoMA dated 23-08-2022 on the subject cited above. As per the directions given in the meeting held on 13-08-2022, it is submitted that the Minorities in the State constitute 4.03% only i.e. Muslim(1.74%) Buddhist (1.11%), Sikhs (1.05%), Jains (0.02%), Christians (0.11%) and Parsis (0.05%) of total population of Himachal Pradesh as per the Census 2011. The State is of the view although the constitution does not define a minority or provide details relating to the geographical and numerical specification of the concept, it is felt that the constitutional scheme envisages this to be determined at the National level. Hence, the present notification of a Minority status to any group under the National Commission of Minority Act, 1992 by the Central Government adequately meets the constitutional schemes.

The above views/comments are submitted for your kind information and taking necessary action at your end please.

Yours faithfully

(Baldev Singh)

Under Secretary (SJE) to the
Govt. of Himachal Pradesh.

Endst. No. SJE- B-A (4)-1/2020 Dated: Shimla-092, the 16th September, 2022
Copy is forwarded to Managing Director, HPMFDC, SDA Complex Block No. 38, 1st
floor Kasumpti Shimla-09 w.r.t his letter No. HPMFDC:50-4/2021-Vol-VII-2029 dated 06-09-
2022 for information.

True copy
MD. NADEEM
Under Secretary
अवर सचिव/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

Under Secretary (SJE) to the
Govt. of Himachal Pradesh.

From,

Commissioner and Secretary, Government of Haryana
Department of Social Justice and Empowerment

To,

Secretary,
Govt. Of India, Ministry of Minority Affairs
11th Floor, Pt. Deendayal Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003
Dated Chandigarh 22 December, 2022

Subject: Petition (Civil) No. 836/2020 (PIL)- Ashwini Kumar Upadhyay vice president vs. Union of India and others

With reference to your DO letter No. 7-7-2022-IM-MoMA dated 11th August, 2022 on the above subject, I am directed that in the meeting held on 13.08.2022 with the Ministry of Minority Affairs, Government of India, it was decided that the Government of Haryana would send its comments on the related issues to the Ministry of Minority Affairs, Government of India. Therefore, the comments of the Government of Haryana in this regards are as follows:-

"The power to notify any community as a minority community is vested with the Central Government. Therefore, in the future, if a community has to be given the status of a minority community on the basis of religion or language in the state of Haryana, then recommendations will be sent to the Government of India by the State Government on the basis of the latest census and the decision taken by the Government of India in this regard will be final."

Therefore, it is forwarded to you for information and further action.

Sd/-

Deputy Superintendent (स.क.)
For: Commissioner & Secretary, Government of Haryana
Department of Social Justice and Empowerment

A copy is forwarded to the Chief Secretary, Government of Haryana for information.

To,

Chief Secretary, Government of Haryana,

DO letter no. 142028-SK (4)-2022

Dated Chandigarh 22 December, 2022

True
Copy

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

(39)

[1]



GOVERNMENT OF KARNATAKA

No.MWD 374 MDS 2022

Karnataka Government Secretariat

Vikasa Soudha

Bangalore Date: 08.11.2022

From,

The Secretary to Government,
Minority Welfare, Haj &
Auqaf Department,
Vikasa Soudha,
Bengaluru.

To,

The Under Secretary,
Government of India
Ministry of Minority Affairs
11th Floor, Pt Deenadayal Antyodaya Bhavn
CGO Complex, Lodhi Road
New Delhi-110003.

Subject :- Minutes of the Meeting held on 10-09-2022 for
consultation with regard to W.P.(c) No.836/2020.
Regarding.

Reference :- Letter No. F.No.7-7/2020-IM-MoMA,
Dated:07.10.2022.

With reference to the subject cited above, I am directed to state that, both the Union Government and State Government have declare Muslims, Christian, Sikhs, Buddhists, Jains and Zoroastrians (Parsees) as Minority Community based on the populations census report.

The Ministry of Minority Welfare, Government of India had issued Notification No.:S.o.816(E), dated:23-10-1993 declaring these Communities as 'Minorities'. This Notification was issued on the recommendations of National Commissions for Minorities

True copy
Mo. NADEEM
अवर सचिव/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

under the powers conferred to it by clause (c) of section 2 of National Commission for Minorities Act 1992 (19 of 1992).

In exercise of the powers conferred in section 10(b) of the Karnataka State Minorities Act 1994. (Karnataka Act 31 of 1994). Karnataka State Minorities Commission has recommended the Government of Karnataka to declare Muslims, Christian, Sikhs, Buddhists, Jains and Zoroastrians (Parsees) as Minority Communities. Accordingly, Social Welfare Secretariat of Government of Karnataka declared the above Communities as Minority Communities under Section 2(d) of the said Act.

In view of the above, in this matter, I am directed to inform you that stand of the State of Karnataka is 'Status-Quo'.

Your's faithfully



(MAHIBOOB-SAB)

Deputy Secretary to Government
Minorities Welfare, Haj & Wakf
Department



True copy

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कर्ष मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

Dr. Sharmila Mary Joseph IAS
PRINCIPAL SECRETARY TO GOVERNMENT



Minority Welfare Department
Government of Kerala

D.O. Letter No. MW1/184/2022/GAD dated 21.12.2022.

Dear Sir,

This is with reference to D.O. Letter No. 7-7/2020-IM-MoMA dated 23.09.2022 and letter dated 25.11.2022 seeking the views of the state government in connection with the order of the Hon. Supreme Court in Writ Petition (C) No. 836/2020(Ashwini Kumar Upadhyay Vs Union of India & Ors).

In this regard the Government of Kerala holds the view that the existing provisions under National Commission for Minority Education Institution Act, 2004 and National Commission for Minorities Act, 1992 may continue, unless the Hon. Supreme Court takes a different view in the instant case (WP(C) No. 836/2020).

Yours sincerely,

Warm regards,

Sharmilajoseph
Dr. Sharmila Mary Joseph 21/12/22

Shri.Mukhmeet Singh Bhatia, IAS
Secretary,
Ministry of Minority Affairs,
11th Floor, Pt. Deendayal Antyodaya Bhawan,
C.G.O Complex, Lodhi Road, New Delhi - 110003

True copy
M. NaDEM
श्री. नदीम / MD. NADEEM
अवर सचिव/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi



THE ADMINISTRATION OF UNION TERRITORY OF LADAKH
 Department of Social & Tribal Welfare
 Tel/Fax: 01982-258365, 258366, email: secretarypaladakh@gmail.com

No: A/345/2021-S&TW SEC/2022-24

Dated: 22.08.2022

Subject: Supreme Court order dated 10.05.2022 in WP(C) No 836/2020- Ashwini Kumar Upadhyay Vs Uoi.

This is with reference to the meeting taken by the Secretary (MA) on 25th July 2022 on the aforesaid subject.

2. Since Ladakh is a UT without Legislature, so the power to legislate on matters pertaining to minority communities does not arise.

3. Regarding framing of guidelines for identifying minorities at the state level, and whether State Governments can/should notify minorities, it is stated that such a decision requires political consultations and Ladakh is a UT without legislature. Accordingly, any opinion on the same falls under the purview of the Ministry of Home Affairs.

This issues with the approval of Hon'ble Lt Governor.

(Padma Angmo)

Commissioner/Secretary

Joint Secretary,
 Ministry of Minority Affairs,
 Government of India

Copy to:

1. OSD to Hon'ble Lt Governor, UT of Ladakh or information of Hon'ble LG
2. OSD to Hon'ble Advisor to Hon'ble Lt Governor, UT of Ladakh for information of HLG

True
 Copy
 Md. Naadeem
 मो. नादीम / MD. NADEEM
 अवर सचिव / Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

Government of Madhya Pradesh,
Department of Backward Classes and Minorities Welfare
Ministry
Vallabh Bhawan, Bhopal

Serial no. F-3/1/1/2022/54-2

Bhopal, dated 16/12/2022

To,

Joint Secretary,
Ministry of Minority Affairs
11th Floor, Pt. Deendayal Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003

Sub:-Inputs Required on W.P.No. 836/2020- Consultation with states and UTs

--0--

With reference to the above said subject and in continuation of the order dated 10.05.2022 passed by the Supreme Court in its petition number 836/2022 (Ashwini Kumar Upadhyay Vs Union of India), the opinion of the State Government was sought through video conferencing regarding declaration of minority.

Therefore, as directed, regarding declaration of Minorities, the State Government is of the opinion that the existing provision will be followed.

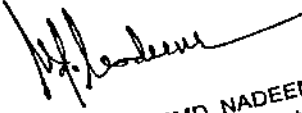
(N.P.Naamdev)
Deputy Secretary
Government of Madhya Pradesh
Department of Backward Classes and Minority Welfare

Serial no. F-3/1/1/2022/54-2

Bhopal, dated 16/12/2022

Copy to:-

1. Principal Secretary, O/o Chief Minister, Vallabh Bhavan, Bhopal
2. Deputy Secretary, O/o Chief Secretary, Vallabh Bhavan, Bhopal
3. Additional Chief Secretary, Department of Backward Classes and Minority Welfare, Bhopal
4. Commissioner, Department of Backward Classes and Minority Welfare, Bhopal


मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

Deputy Secretary
Government of Madhya Pradesh
Department of Backward Classes and Minority Welfare, Bhopal

True
copy

No.MEI-2022/C.R.97/Desk-9
Minorities Development Department,
Mantralaya, Madam Cama Road,
Hutatma Rajguru Chowk,
Mumbai-400032
Dt. 02/12/2022.

To,

The Secretary,
Ministry of Minority Affairs,
11th Floor, Pt. Deendayal Antyodaya Bhawan,
C.G.O. Complex, Lodhi Road,
New Delhi-110003.

Sub:-Regarding religious minority communities notified by the State of
Maharashtra.

Ref:-Your letter no.7-7/2020-IM-MoMA, dt.08th September, 2022.

Respected Sir,

In exercise of the power conferred by clause (d) of section 2 of the Maharashtra State Minorities Commission Act, 2004, the Government of Maharashtra notified six communities as minority communities, viz. Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis), and Jains, vide notification dated October 9, 2006. In addition to these six communities, the government of Maharashtra notified the Jews as a minority community vide notification dated July 2, 2016. (A copies of Act and Notifications are enclosed herewith)

2. In the State of Maharashtra people whose languages are other than Marathi considered Linguistic Minorities.

3. In the interest of Uniformity, Central Government can notify the Minority Communities. Central Government can, use the census data and with the consultation to States, notify the Minority Communities in concern State.

Yours sincerely,

A.U. Patil

(A.U. Patil)

Deputy Secretary, Government of Maharashtra

True copy
श्री. नदीम अहमद NADEEM
अवर सचिव/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

No.CS-2/2/2022-MA-MA
GOVERNMENT OF MANIPUR
SECRETARIAT: MINORITY AFFAIRS DEPARTMENT

Imphal, dated 10th October, 2022

To,

The Joint Secretary
Ministry of Minority Affairs
11th Floor Pt. Deendayal Antyodaya Bhawan
C.G.O. Complex, Lodhi Road, New Delhi-110003

Subject: State Government's recommendations in connection with Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition © No. 836/2020 (Ashwini Kumar Upadhyaya Vs Union of India & Others)

Ref: D.O. Letter No. 7-7/2020-IM-MoMA dated 29th September, 2022

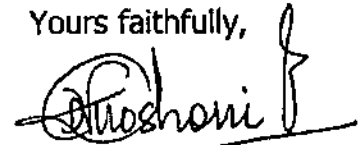
Madam,

With reference to the above subject, I am directed to inform that subject matter in connection with the above writ petition was placed before the State Cabinet in its sitting held on 20.09.2022, and the following were approved for recommendation to the Government of India:

- (i) Religious minority group should be recognized at State level;
- (ii) Any religious group which constitutes less than 50% of the State's population should be recognized as a religious minority group of the State;
- (iii) Followers of Meitei Sanamahi religion should be considered for recognition as a religious minority group of the State of Manipur.

2. You are requested to take further necessary action in this regard.

Yours faithfully,



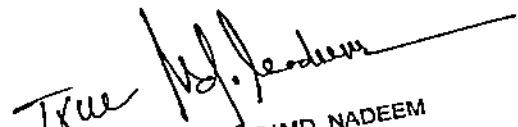
(Koshoni Phimu)

Deputy Secretary (Minority Affairs)
Government of Manipur

Copy for kind information to:

1. Secretary to Chief Minister, Manipur.
2. Secretary (Minority Affairs), Government of Manipur.
3. Director (Minority Affairs), Manipur.
4. Guard file.

True copy



नो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

GOVERNMENT OF MEGHALAYA
SOCIAL WELFARE DEPARTMENT

Dated Shillong, the 22nd August, 2022

No. SW (S) 155/2015/274

From: - Smti. B.L. Pakyntein, MCS,
Deputy Secretary to the Government of Meghalaya,
Social Welfare Department

To,
The Joint Secretary,
Government of India,
Ministry of Minority Affairs,
11th Floor, Pt. Deendayal Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 1100063.

Subject: - Minutes of the meeting held on 2.7.2022 under the Chairpersonship of Secretary (MA) on the direction of the Hon'ble Supreme Court in Writ Petition No-836/22020 reg.

Ref:- DO. No. 7-7/2020-IM-MOMA, dated 10.8.2022.

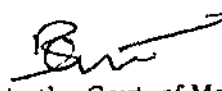
Sir/Madam,

In inviting a reference to the DO Letter of the Ministry on the subject cited above, I am directed to inform that Notification of Minorities falls under Concurrent List of the Constitution. Hence, Central Government is the Competent Authority to recognize and notify Minorities as per the National Commission for Minorities Act, 1992 enacted by the Parliament under Article 30 read with List I, Entry 97 (Any other matters not enumerated in List II and List III).

Therefore, Government of Meghalaya has no views and comments to offer on this matter.

Submitted for kind information.

Yours faithfully,



Deputy Secretary to the Govt. of Meghalaya
Social Welfare Department

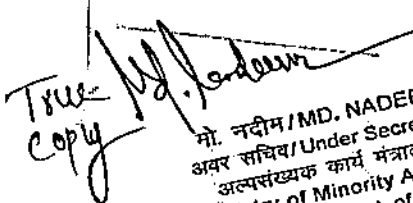
Dated Shillong, the 22nd August, 2022

Memo. No. SW (S) 155/2015/274-A
Copy to :-

1. Law Department with reference to endorsement 1/D. No. 285/2022, dated 17.8.2022 (LR.B. 57/2018).

By order etc.,


Deputy Secretary to the Govt. of Meghalaya
Social Welfare Department

True copy

नो. नदीम/MD. NADEEM
अवर सचिव/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

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MIZORAM SECRETARIAT
GOVERNMENT OF MIZORAM



Date 18/8/2022

Dr. LALROZAMA, IAS
Secretary,
District Council & Minority Affairs Department,
Govt. of Mizoram
Room No. 302 & 303, 3rd Floor,
Mizoram Secretariat, Main Building, MINECO,
Khatla, Aizawl - 796001
Office Landline : (0389-2325710)

D.O. No.C.18018/1/2008-DC&MA
Aizawl, the 18th August, 2022

Dear Sir,

Kindly refer to Secretary, Ministry of Minority Affairs, Govt. of India's D.O. No. 7-7-2020-IM-MoMA (Part) Dt. 20.07.2022 and the Minutes of the ensuing Meeting dated 25.07.2022 held in New Delhi. With regards to the views and stand of the State Government *vis-à-vis* WP(C) No. 836/2020 (Ashwini Kumar Upadhyaya Vs Union of India & Ors), the following points are placed from Govt. of Mizoram before the attention of the Ministry.

1. The matter in issue is listed under List III (Concurrent List) of the Constitution and therefore both the Central and State Government has authority/ power to make laws.
2. As such, any Legislation to be made in regard to the matter in issue would be a policy decision which is to be exercised on need basis by the Central or State Government.

This is issued with the approval of the Competent Authority dated 17.08.2022.

With warm regards,

(Dr. LALROZAMA)

✓ Shri Indevar Pandey, IAS,
Secretary,
Ministry of Minority Affairs,
Govt. of India

- Copy to : 1. PS. to Hon'ble Minister, District Council & Minority Affairs Department, Mizoram.
2. Sr.PPS to Chief Secretary, Govt. of Mizoram.
3. PS. to Secretary, Law & Judicial Department, Govt. of Mizoram with ref. to I.D. No. F. 12013/48/2010 - LJE Dt. 16.08.2022.

True copy
मो. नदीम / MD. NADEEM
अवर सचिव/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

GOVERNMENT OF NAGALAND
MINORITY AFFAIRS CELL
PLANNING AND COORDINATION DEPARTMENT
NAGALAND:KOHIMA

NO.PLN-357/2018(COORD) Pt II

Dated Kohima the 2nd September, 2022.

To,

The Joint Secretary, Gol,
Ministry of Minority Affairs,
11th Floor Pt. Deendayal Antyodaya Bhawan,
C.G.O Complex, Lodhi Road, New Delhi - 110003.

Sub: Hon'ble Supreme Court order dated 10-05-2022 in Writ Petition (C) NO.836/2020 of 2020 (Ashwini Kumar Upadhyay Vs. Union of India & Ors.), pending in the Supreme Court.

Madam,

I am directed to refer to your D.O letter NO. 7-7/2020-IM-MoMa dated 17th June 2022 and 10th August 2022 on the subject cited above and to furnish the views of the State Government as under:-

"That while granting the Minority status, the category of people who experience relative disadvantage in relation to members of dominant social group should be looked into. The numerical strength simpliciter cannot determine who can be classified as minority. It may be stated that under no circumstance privileges and rights accorded to the people of the state will be interfered with. The minority status as is being followed presently is acceptable to the state."

This is for your kind information and further necessary action.

Yours Faithfully,

(OBANGLA JAMIR) IAS

Secretary to the Government of Nagaland

Dated Kohima the 2nd September, 2022.

NO.PLN-357/2018(COORD) Pt II

Copy to:-

1. The PS to Hon'ble Advisor, Minority Affairs/Excise/Sericulture, Nagaland.
2. The Deputy Secretary to the Chief Secretary, Nagaland, Kohima.
3. Office copy/Guard file.

(Signature)
02/09/22
(OBANGLA JAMIR) IAS

Secretary to the Government of Nagaland

US(NCM)

True copy *(Signature)*
नो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

(49)

Speed Post

**GOVERNMENT OF ODISHA
MINORITIES & BACKWARD CLASSES WELFARE DEPARTMENT**

No. 17224 /M&BCW, dated the- 30/09/2022
STSCD-MCW-MISC-0010-2022

From

Sri Sitansu Kumar Rout, IAS
Director, OBC.

To

The Under Secy. to Govt. of India,
Ministry of Minority Affairs,
11th Floor, Pt. Deen Dayal Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003

6/10/2022
consultant (ST)

Mr. Nikhil
To be placed
in consultation
order

Sub: Compliance on the Minutes of the Video Conference meeting held of 10.09.2022 for consultation with States regard to W.P.(C) No.836/2020- regarding

Sir,

In inviting a reference to your letter dated-19.09.2022 on the subject mentioned above, I am directed to say that, Six communities (Muslims, Christians, Sikhs, Bouddhists, Jains & Zorastrians) have been notified by Government of India as Minority Communities in India. These Communities, going by their share in total population of Odisha, are also Minority Communities in Odisha.

As far as Odisha is concerned, there is no justification to remove any of these 6 (Six) Minority Communities from the list nor to declare any other community as a Minority Community.

This is for your kind information.

Yours faithfully,

[Signature]
Director, OBC

30/9/22

True copy *[Signature]*
मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

Regd

1161/JSC(NFH)

E-158549/2022/CRU

13/09/22

Jasvinder Kaur Sidhu, IAS

Secretary

ਸਕੱਤਰ

Tele. No. 0172-2740876

ਟੈਲੀਫੋਨ ਨੰ. :



O/o, JS (NFH)

File Received on dt 13.9.22
From CR.D.M. Time. 1:39 PMD.O. No. 17/13/2022-63492
ਅੰਪ.ਸ.ਪੰ.ਨੰ. 4410

Government of Punjab

ਪੰਜਾਬ ਸਰਕਾਰ
Home Affairs & Justice
Department of

ਵਿਭਾਗ

Chandigarh, the 18/08/2022
ਚੰਡੀਗੜ੍ਹ

**Subject: Writ Petition (s) (Civil) No. 836/2020 ASHWINI KUMAR UPADHYAY
VERSUS UNION OF INDIA & ORS.**

Dear Ms. Nigar Fatima Hussain,

Please refer to your D.O letter No. 7-7/2020-IM-MoMA dated 10th August 2022 and letter No. 7-7/2020-IM-MoMA dated 24th June 2022 on the subject cited above.

2. In the matter under reference, the comments/views of the State of Punjab are as under:-

- i. That the Parliament and the State legislature, both have a right to enact law to provide for the protection of the Minorities and their interests, being a subject in the Concurrent list.
- ii. Consequently, having the power to enact law on any subject in the Concurrent list the State of Punjab has enacted The Punjab State Commission for Minorities Act, 2012 (Punjab Act No. 13 of 2013)
- iii. Further, being empowered u/s 2 (e), Government of Punjab has notified "Jain Community" as "a Minority Community" vide notification dated 22nd April, 2013.
- iv. That The Punjab State Commission for Minorities Act, 2012 (Punjab Act No. 13 of 2013), legal, valid and constitutional.
- v. It is pertinent to mention here that the matter being a subject in the Concurrent list, the Centre has also enacted the National Commission for Minorities Act, 1992, and has vide notification dated 23rd October, 1993, declared the communities, Muslims, Christian, Sikhs, Buddhists and Zoroastrians (Parsis) mentioned therein as Minority Communities. Later on, Jain community has also been declared as "Minority Community" vide Notification dated 27.01.2014.

Nigarg
12/09

U.S. (NFM)

14/9/2022

Consultant (ST)

already planned
d placed in
consultation
folder
12/09

True copy
MD. NADEEM
अवर सचिव/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

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-2-

Conclusively both the Central Government and the State Government being empowered to enact law on the Concurrent subject, have enacted their respective acts and have declared certain communities as Minority Communities.

It is pertinent to mention here that in India, different communities are in majority or in minority in different provinces/states depending on their population. Therefore, it becomes necessary to protect the interests of the respective minority residing in the State in accordance with the Constitutional provisions.

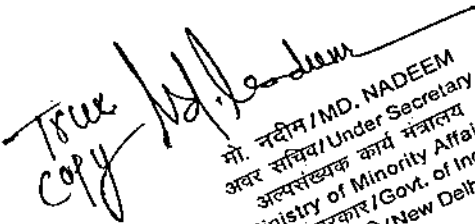
Keeping in view the above as well as the peculiar, geographical and social scenario of the State of Punjab, only the State Government is in a position to better appreciate the interests, well being and problems of different sections/communities residing in the State. The State of Punjab being empowered to enact and notify as detailed in the foregoing paras, it is important that the State continues to do so in order to provide protection to minorities and safeguard their interests.

With Regards.

Yours Sincerely,


(Jasvinder Kaur Sidhu)

Ms. Nigar Fatima Hussain,
Joint Secretary,
Ministry of Minority Affairs,
Government of India, New Delhi.

True copy

मो. नदीम / MD. NAHEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

VERDICTUM.IN
GOVERNMENT OF PUDUCHERRY
DIRECTORATE FOR THE WELFARE OF BACKWARD CLASSES
AND MINORITIES

No.700/DWBCM/Estt./BC-3/2022/205 (52) ***

Puducherry date 17 .11.2022

To
Shri Md. Nadeem,
Under Secretary to Government of India,
Ministry of Minority Affairs,
11th Floor, Pt. Deen Dayal Antyodaya Bhavan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.

Sir,

Sub: DWBCM - Minutes of meeting held on 10.09.2022 for
consultation with regard to W.P. (C) No.836/2020 - Reply
furnished - Reg.

Ref: Letter No.7-7-2020-IM-MoMA dated 19/09/2022 of the Under
Secretary, Ministry of Minority Affairs, Government of India.

With reference to the letter cited above, I am directed to inform that the Ministry of Minority Affairs, Govt. of India under Section 2(f) of the National Commission for Minorities Education Institution Act 2004 has notified six (6) communities as Minorities viz., Muslims, Christians, Sikhs, Buddhists, Zorostrains (Parsis) and Jain vide No.S.O.816 (E) dated 23.10.1993 and No.S.O.267(E) dated 27.01.2014. Subsequently, the Government of Puducherry has republished the notification in the Puducherry Govt. Gazette vide No.1801/DSW/MC/2017 dated 22.03.2017. In respect of Government of Puducherry, Minorities means, a community notified as such by the Central Government under Section 2 (f) of the National Commission for Minorities Education Institution Act 2004 no Linguistic Minority has been notified in the UT of Puducherry.

2. As prayed by the Petitioner in the Writ Petition cited above, as per the UT of Puducherry is concerned, Hindus are majority (87.30%) and the followers of Judaism and Bahaism does not exist in the UT of Puducherry. Hence, the followers of Hinduism, Judaism and Bahaism are not being deprived of their basic rights to establish and administer educational institution of their choice in the UT of Puducherry, alteration does not applicable to the UT of Puducherry.

3. It is further submitted that, in the UT of Puducherry, two private self-financing Medical Colleges under the Linguistic Minority viz., (i) The Pondicherry Institute of Medical Sciences, Puducherry (Christian - Religious Minority) and (ii) Sri Venkateshwara Medical College Hospital & Research centre (Telugu - Linguistic Minority) are functioning as minority Institutions in the U.T. of Puducherry in order to ensure the religious & linguistic Minority can establish and administer educational institutions of their choice.

4. In view of the above, it is submitted that as prayed by the Petitioner in the Writ Petition, are not applicable to the UT of Puducherry is concerned.

Yours faithfully,


(P. PADMAVATHY)
DIRECTOR

True Copy
Mo. Nadeem / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

PS to the Secretary to Govt. (BCM), Puducherry

(53)

GOVERNMENT OF PUDUCHERRY
DIRECTORATE OF HEALTH & FAMILY WELFARE SERVICES

MEMORANDUM OF AGREEMENT (MOA)

THIS MEMORANDUM OF AGREEMENT made on the 16th day of April, 2015 BETWEEN the President of India represented by the Director, Department of Health & Family Welfare Services, Government of Puducherry (herein after referred to as the "Authority" which term shall include their respective successors and permitted assigns of the ONE PART and, Thiru B. Ramachandran, Son of A.V. Balakrishnan, residing at No. 4, 42nd Street, 6th Avenue, Ashok Nagar, Chennai-600083, Managing Trustee of Sri Ramachandra Educational Trust, Chennai (hereinafter referred to as the Trust) which term includes its successors and permitted assigns) of the OTHER PART.

AND WHEREAS, Ramachandra Educational Trust, Chennai/Puducherry had requested the Government of Puducherry for the grant of Linguistic Minority status to the educational institutions under the said Trust, on the grounds that Ramachandra Educational Trust is a charitable Trust registered under the Registration Act, 1908 and is governed by the Indian Trust Act, 1885 and is formed by Telugu Speaking Linguistic Minority Trustees. The said Trust has submitted to the Government the "Trust Deed" as amended and registered in April, 2012, expressing their intention to serve the Telugu speaking people in their educational institutions so as to promote the interest of the Telugu speaking people in Tamil Nadu & Puducherry and other parts of the country by giving preference in the matter of admissions of students in educational institutions established and administered by the said Trust. The said trust is running the following educational institutions in the Union Territory of Puducherry.

- (i) Sri Venkateshwaraa Medical College Hospital & Research Centre, Pondicherry.
- (ii) Indirani College of Nursing, Puducherry.
- (iii) Sri Venkateshwaraa College of Para-Medical Sciences, Puducherry.
- (iv) Sri Venkateshwaraa College of Engineering and Technology, Puducherry and
- (v) Sri Venkateshwaraa Dental College, Puducherry.

h h h

(..2/-)

True copy *[Signature]*
 श्री नदीम/MD. NADEEM
 अवर सचिव/Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

AND WHEREAS, in exercise of the powers conferred under section 2(ca), read with section 24 of the National Commission for Minority Educational Institutions Act, 2004 (Central Act No. 2 of 2005), the Central Government has appointed the Administrator, Puducherry as the "Competent Authority" in respect of higher level educational Institutions for the Union Territory of Puducherry to grant "No Objection Certificate" for the establishment of any educational institutions of their choice by the minorities.

AND WHEREAS, the proposal for grant of linguistic minority status and for the grant of 'NOC's' same Telugu speaking people in the above mentioned educational institutions administered by the said Trust was placed before the Council of Ministers for approval. The Council of Ministers in their Meeting held on 06.09.2014 as resolved by the Cabinet, has approved the application made by Ramachandra Educational Trust, Chennai declaring themselves as Linguistic Minority for the grant of Linguistic Minority Status in the Union Territory of Puducherry for administering educational institutions, subject to the conditions that an agreement will be made by the Department which stipulates the conditions especially relating to the distribution of seats to be followed by the college being considered for Linguistic Minority Status and to notify the same.

NOW, THEREFORE, THESE PRESENTS WITNESSETH and the parties hereby agree as follows:-

1. The above mentioned parties having signed the Memorandum of Agreement (hereinafter referred to MOA) which will lay the foundation for co-operation and joint action for administering Minority Linguistic Educational Institutions administered by the said Trust in the Union Territory of Puducherry.

2. Admission of Students:

- (I) Permission to admit students to MBBS course shall be obtained from the Government of India and affiliation shall be obtained from the Pondicherry University.
- (II) 50% of the total Intake permitted by the Government of India shall be from the above minority community.

[Handwritten signature]

[Handwritten signature]
 as copy
 M. A. M. DEEM
 मो. नदीम / M.D. NADDEEM
 अवर सचिव / Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

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-3-

- (iii) Ramachandra Educational Trust Chennai, shall share seats to the Government of Puducherry for admission of students through CENTAC by reaching mutual agreements between Management and the Authority every year in Sri.Venkateswaraa Medical College Hospital and Research Centre, Puducherry, Indirani College of Nursing, Puducherry, Sri.Venkateswaraa College of Paramedical Sciences, Puducherry, Sri.Venkateswaraa Dental College, Puducherry, Sri.Venkateswara Engineering College, Ariyur, Puducherry and any other new colleges / educational Institutions proposed to be established by the said Ramachandra Educational Trust in future.
- (iv) The Trust shall abide by the directions of the Hon'ble Supreme Court of India in Unnikrishnan J.P. and others versus State of Andhra Pradesh and others in Writ Petition (C) No.607 of 1992 and other recent decisions of the Supreme Court in the matter and the Medical Council of India (Norms and Guidelines for Fees and Guidelines for Admission in Medical Colleges) Regulations, 1994, in filling up the remaining seats.
- (v) The Trust shall abide by the any other directions/orders of the Supreme Court of India and the Government of India in matters of admission and allied matters incidental thereto.
- (vi) Ramachandra Educational Trust, Chennai, administering Institutions in the Union Territory of Puducherry and functioning at No.13-A, Pondicherry-Villupuram Main Road, Ariyur, Puducherry-605102, has agreed to allot not less than the number of seats allotted in the academic year 2014-15 to the Government of Puducherry for admission of students through CENTAC by reaching mutual agreement between Management and the Authority every year in Sri Venkateswaraa Medical College Hospital & Research Centre, Puducherry, Indirani College of Nursing, Puducherry, Sri Venkateswaraa College of Paramedical Sciences, Puducherry, Sri Venkateswaraa Engineering College, Ariyur, Sri Venkateswaraa Dental College, Puducherry and any other new colleges/educational Institutions proposed to be established by the said Ramachandra Educational Trust in future. Further, in case of increase in the total intake of seats, the Trust shall proportionately increase the number of seats given to Government of Puducherry.

True
Copy
मो. नवीन / M.D. NABEM
अवर सचिव/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

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- (vii) Legal provisions made by the Legislature of the Government of Puducherry or the scheme evolved by the Court for monitoring admission procedure and fixation of fees are binding on the Trust.
- (viii) All graduate, post graduate level of education as well as all technical and professional educational institutions administered by the said Trust shall obtain the required recognition by or affiliation with any competent authority created by law, such as a University, Board, Central or State Government or the like, in the interest of students of the Union Territory of Puducherry.
- (ix) Unless there is fundamental change of circumstances warranting cancellation of earlier orders or suspension of any material fact while passing the order of conferral of minority status, the 'Authority' shall not review its order conferring minority status on the minority educational institutions administered by the said Trust.

4. This MOA shall come into effect upon signature of both the parties on the date set forth below. This MOA can be amended / terminated at any time by the Authority.

IN WITNESS WHEREOF, the parties have executed these presents on the day, month and year first above written.

FOR RAMACHANDRA EDUCATIONAL TRUST

Signed, sealed and delivered by
Managing Trust

Shri R. RAMACHANDHIRAN

For and on behalf of
Ramachandra Educational Trust,
Chennai & Puducherry

In the presence of

Witness

1. A. S. Narayan
A. S. NARAYAN

2. R. Rajaram
R. RAJARAM

Name :
Address:

Ph No.
Fax No.

Signed, sealed and delivered by

Shri K.V. RAJAN
DIRECTOR

For and on behalf of the President of India represented by the Director of Health & Family Welfare Services, Government of Puducherry pursuant to the Resolution No.2014/.15/72, dated 6th September 2014 of the Council of Ministers, Union Territory of Puducherry

Address

Name : K.V. Rajan
Address: 1. Jeeva, Valsarai Health
2. M.V. Hean, Super

Ph No.
Fax No.

True Copy
Dr. J. Jeyaraj
MD. NADEEM
Ministry of Minority Affairs
New Delhi

57



GOVERNMENT OF SIKKIM
SOCIAL WELFARE DEPARTMENT
(WELFARE DIVISION)
LUMSEY 5TH MILE

NO.GOS/94/SWD/VD

DATE: 17/12/2022.

To

Shri. Sami Ahmad Khan
Deputy Secretary
Government of India
Ministry of Minority Affairs, NCM Division

Sub: Furnishing comments/views of State Government on the order of Hon'ble Supreme Court in WP No. 836/2020 (Ashwini Kumar Upadhyay Vs UoI & others)-regarding

Sir,

In compliance with Letter (F. No. 7-7/2020-IM-MoMA) dated 25th November, 2022 on the matter furnishing comments/views of State Government on the order of Hon'ble Supreme Court in WP No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & others), I have been directed to forward herewith the considered view of the State Government of Sikkim. Please find enclosed the same.

Thanking you,

Enclosed: As above

Yours sincerely,

Ashish Gurung, SCS
Deputy Secretary to the Government



True Copy
को. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

OFFICE OF THE ADVOCATE GENERAL OF SIKKIM
SIKKIM HIGH COURT, GANGTOK - 737101
Phone : 206198, 208666, 201681
Fax No. : 203248, 202334

Ref. No. AG/AGO/142/2022

Dated 07/12/2022.

LEGAL OPINION

Wednesday, 7th December, 2022

I. QUERIST : Government of Sikkim

II. BRIEF FACTS :

1. W.P.(C) No.836/2020, titled "Ashwani Kumar Upadhyay vs UoI & Ors" has been filed and is pending before the Hon'ble Supreme Court. The prayers in the Petition are as follows:

"(a) direct and declare that Section 2(f) of the National Commission for Minority Education Institution Act 2004, is arbitrary, irrational and offends Article 14, 15, 21, 29 and 30 of the Constitution hence void;

(b) in alternative, direct and declare that followers of Judaism, Bahaism & Hinduism, who are minorities in Laddakh, Mizoram, Lakshdweep, Kashmir, Nagaland, Meghalaya, Arunachal Pradesh, Punjab and Manipur, can establish & administer educational institutions of their choice in spirit of the TMA Pai Ruling [(2002)8 SCC 483, para 75-76]

(c) in the alternative, direct the respondents to lay down guidelines for identification of minority at State level, in order to ensure that only those religious & linguistic

True copy
मो. नदीम / M.D. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

groups, which are socially economically politically non-dominant and numerically inferior, can establish and administer educational institutions of their choice;

(d) pass such other order(s) or direction(s) as Hon'ble Court may deem fit and proper in facts of the case and allow cost to petitioner."

2. While the State of Sikkim is not a party to the Petition, however, on the submission of the UoI that a consultation process with the State and other stakeholders has to be undertaken to discuss the issues raised, the Hon'ble Supreme Court vide Order, dated 10.05.2022 has allowed the UoI to undertake the necessary exercise.
3. In line with this Order, a virtual meeting was chaired by Mr. Indevar Pandey, IAS, Secretary, Ministry of Minority Affairs, Government of India with the concerned officers of the State. After the issues were discussed, the State Government has been asked to submit its views on the key issue – i.e., whether the identification of minority communities should be made at State Level.

III. QUERY :

Whether the identification of minority communities should be conducted at State Level?

IV. OPINION :

Constitutional Perspective :

Article 21A - of the Constitution of India guarantees the provisioning of free and compulsory education to all children of the ages of six to fourteen years.

Article 30 – of the Constitution guarantees, to all minorities - whether based on religion or language, the right to establish and administer educational institutions of their choice.

4. It may however be noted that the Constitution does not define the term "minority". Absent this definition, it leaves the task of defining this term to the legislature.

True copy
 M.D. NADEEM
 अवर सचिव/Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

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The National Commission for Minority Educational Institutions Act, 2004

5. The Parliament has since enacted the National Commission for Minority Educational Institutions Act, 2004 ("said Act"). The said Act came into force on 11.11.2004. The object behind the said Act was to – (i) to enable creation and administration of Minority Educational Institutions; and (ii) ensure that the Minority Education Institutions are able to secure affiliations to any University of their choice.
6. Section 2(f) of the said Act defines minority to mean a community notified as such by the Central Government. The Central Government has, in terms of the Notification dated 06th of June, 2014, notified Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis) and Jains as minority communities under Section 2(f) of the said Act.

T.M. Pai Judgment : Definition of Minority

7. A Constitution Bench (Eleven Judges) of the Hon'ble Supreme Court in *T.M. Pai Foundation & Ors. vs. State of Karnataka & Ors. (2002) 8 SCC 481* has held as follows:

"4. In order to determine the existence of a religious or linguistic minority in relation to Article 30, what is to be the unit – the State or the country as a whole ?

74. We now consider the question of the unit for the purpose of determining the definition of "minority" within the meaning of Article 30(1).

75. Article 30(1) deals with religious minorities and linguistic minorities. The opening words of Article 30(1) make it clear that religious and linguistic minorities have been put on a par, insofar as that article is concerned. Therefore, whatever the unit – whether a State or the whole of India – for determining a linguistic minority, it would be the same in relation to a religious minority. India is divided into different linguistic States. The States have been carved out on the basis of the language of the majority of persons of that region. For

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 Under Secretary
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example, Andhra Pradesh was established on the basis of the language of that region vis. Telegu. "Linguistic minority" can, therefore, logically only be in relation to the whole of India, then within the State of Andhra Pradesh, Telegu speakers will have to be regarded as a "linguistic minority". This will clearly be contrary to the concept of linguistic States.

76. If, therefore, the State has to be regarded as the unit for determining "linguistic minority" vis-à-vis Article 30, then with "religious minority" being on the same footing, it is the State in relation to which the majority or minority status will have to be determined.

77. In Kerala Education Bill, 1957 case the question as to whether the minority community was to be determined on the basis of the entire population of India, or on the basis of the population of the State forming a part of the Union was posed at SCR p.1047. It had been contended by the State of Kerala that for claiming the status of minority, the persons must numerically be a minority in the particular region in which the educational institution was situated, and that the locality or ward or town where the institution was to be situated had to be taken as the unit to determine the minority community. No final opinion on this question was expressed, but it was observed at SCR p. 1050 that as the Kerala Education Bill "extends to the whole of the State of Kerala and consequently the minority must be determined by reference to the entire population of that State".

78. In two cases pertaining to D.A.V. College, this Court had to consider whether the Hindus were a religious minority in the State of Punjab. In D.A.V. College v State of Punjab the question posed was as to what constituted a religious or linguistic minority, and how it was to be determined. After examining the opinion of this Court in Kerala Education Bill,

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1957 case the Court held that the **Arya Samajis, who were Hindus, were a religious minority in the State of Punjab, even though they may not have been so in relation to the entire country.** In another case, *D.A.V. College v State of Punjab* the observations in the first *D.A.V. College* case were explained, and at SCR p. 681, it was stated that **"what constitutes a linguistic or religious minority must be judged in relation to the State inasmuch as the impugned Act is a State Act and not in relation to the whole of India, (SCC p. 264, para 5).** The Supreme Court rejected the contention that since Hindus were a majority in India, they could not be a religious minority in the State of Punjab, as it took the State as the unit to determine whether the Hindus were a minority community.

79. **There can, therefore, be little doubt that this Court has consistently held that, with regard to a State law, the unit to determine a religious or linguistic minority can only be the State.**

80. The Forty-second Amendment to the Constitution included education in the Concurrent List under Entry 25. Would this in any way change the position with regard to the determination of a "religious" or "linguistic minority" for the purpose of Article 30?

81. As a result of the insertion of Entry 25 into List III, Parliament can now legislate in relation to education, which was only a State subject previously. The jurisdiction of Parliament is to make laws for the whole or a part of India. It is well recognized that geographical classification is not violative of Article 14. It would, therefore, be possible that, with respect to a particular State or group of States, Parliament may legislate in relation to education. **However, Article 30 gives the right to a linguistic or religious**

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 भारत सरकार / Govt. of
 नई दिल्ली / New Delhi

minority of a State to establish and administer educational institutions of their choice. The minority for the purpose of Article 30 cannot have different meanings depending upon who is legislating. Language being the basis for the establishment of different States for the purpose of Article 30, a "linguistic minority" will have to be determined in relation to the State in which the educational institution is sought to be established. The position with regard to the religious minority is similar, since both religious and linguistic minorities have been put on a par in Article 30.

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Answers to eleven questions

Q.1. What is the meaning and content of the expression "minorities" in Article 30 of the Constitution of India?

A. Linguistic and religious minorities are covered by the expression "minority" under Article 30 of the Constitution. Since reorganization of the States in India has been on linguistic lines, therefore, for the purpose of determining the minority, the unit will be the State and not the whole of India. Thus, religious and linguistic minorities, who have been put on a par in Article 30, have to be considered Statewise."

8. In this manner, the Hon'ble Supreme Court while dealing with "minority" as referred to in Article 30, has held – (i) the Unit for determining a "minority" should be the State and not the Country as a whole; (ii) Entry 25 of List III, empowers the Parliament to legislate in relation to education. However, the determination of who is a "minority" cannot have different meaning or depend on who is legislating - whether the State or Centre; (iii) Language being the basis for establishment of different States, linguistic minority will have to be determined in relation to the State in which the education institution is sought to be established; and (iv) Position of religious minority will be similar to linguistic minority.

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 अवर सचिव / Under Secretary 6
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 नई दिल्ली / New Delhi

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9. This decision of the Eleven Bench of the Hon'ble Supreme Court has been reiterated and reaffirmed by the decision of the Constitution Bench (Seven Judges) of the Hon'ble Supreme Court in *P.A. Inamdar & Ors. State of Maharashtra & Ors. (2005) 6 SCC 537* as follows:

"95. The term "minority" is not defined in the Constitution. Chief Justice Kirpal, speaking for the majority in Pai Foundation took a clue from the provisions of the States Reorganisation Act and held that in view of India having been divided into different linguistic States, carved out on the basis of the language of the majority of persons of that region, it is the State, and not the whole of India, that shall have to be taken as the unit for determining a linguistic minority vis-a-vis Article 30. In as much as Article 30(1) places on par religions and languages, he held that the minority status, whether by reference to language or by reference to religion, shall have to be determined by treating the State as a unit. The principle would remain the same whether it is a Central legislation or a State legislation dealing with a linguistic or religious minority. Khare, J. (as His Lordship then was), Quadri, J. and Variava and Bhan, JJ. in their separate concurring opinions agreed with Kirpal, C.J. According to Khare, J., take the population of any State as a unit, find out its demography and calculate if the persons speaking a particular language or following a particular religion are less than 50% of the population, then give them the status of linguistic minority. The population of the entire country is irrelevant for the purpose of determining such status. Quadri, J. opined that the word "minority" literally means "a non-dominant" group. Ruma Pal, J. defined the word "minority" to mean "numerically less". However, she refused to take the State as a unit for the purpose of determining minority status as, in her opinion, the question of minority

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(65)

status must be determined with reference to the country as a whole. She assigned reasons for the purpose. Needless to say, her opinion is a lone voice. Thus, with the dictum of Pai Foundation it cannot be doubted that a minority, whether linguistic or religious, is determinable only by reference to the demography of a State and not by taking into consideration the population of the country as a whole."

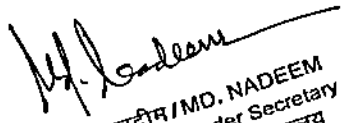
10. Therefore, the question whether minority communities will be identified state wise or country wise, has been answered and settled in *T.M. Pai supra* and reiterated in *P.A. Inamdar supra* to be state wise.
11. While the definition of minority has been resolved in *T.M. Pai supra*, the Hon'ble Supreme Court in *P.A. Inamdar supra* observes that the resolution of this definition gives rise to many other issues. It is pertinent to point out that the said Act has been enacted after the decision of the Hon'ble Supreme Court in *T.M. Pai supra*. Therefore, any issue which may arise in implementing the decision of the Hon'ble Supreme Court in context of the said Act will have to be resolved accordingly.

V. CONCLUSION :

In view of the above narration, the question as to what unit is to be used - State or entire Country - to determine the linguistic minority and religious minority under Article 30 of the Constitution has been settled by the Constitution Bench of the Hon'ble Supreme Court in *T.M. Pai supra*. The relevant unit will be the State.

Advised accordingly.


Vivek Korli
Advocate General


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मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

26/11/22
66GOVERNMENT OF TAMIL NADU
GOVT. PRINTERS

Backward Classes, Most Backward
Classes and Minorities Welfare (MWRU
Department, Secretariat, Chennai-9.

Letter No.3153213/MWRU1/2022-2, dated 20.10.2022

From
Thiru V. Irai Anbu, I.A.S.,
Chief Secretary to Government.

To
The Secretary to Government of India,
Ministry of Minority Affairs,
11th Floor, Pt. Deendayal Antyodaya Bhawan,
GGO Complex, Lodhi Road,
New Delhi-110003.

Sir,

Sub: Minorities Welfare – W.P.(Civil) No.836 of 2020 – PIL under
Article 32 of the Constitution of India to challenge the validity
of Section 2(f) of the National Commission for Minority
Educational Institutions Act, 2004 - Regarding.

Secy(MA) - Secu

JS(CPSB)

Ref: From the Ministry of Minority Affairs, Government of India,
New Delhi Letter No.7-7-2020-IM-MoMA, dated 19.09.2022.

I am to invite your attention to the reference cited wherein it has been
requested to send the views of the State Government about the Minorities to the
Government of India with regard to Writ Petition (Civil) No. 836/2020 (Ashwini Kumar
Upadhyay Vs Union of India &Ors) filed before Supreme Court of India.

2. The Supreme Court in T.M.A.Pai Foundation & Ors vs State Of Karnataka
& Ors (AIR 2003 SC 355) has held that linguistic and religious minorities are covered
by the expression "minority" under Article 30 of the Constitution. Since reorganization
of the State in India has been on linguistic lines, therefore, for the purpose of
determining the minority, the unit will be the State and not the whole of India. Thus,
religious and linguistic minorities, who have been put at par in Article 30, have to be
considered State-wise.

3. However, a 3 member Bench of the Supreme Court in its subsequent
decision in Bal Patil & Anr vs Union of India & Ors (2005 (6) SCC 690) after taking
notice of the decision of the 11 Judges Bench in TMA Pai Foundation case to the
effect that claims of minorities, both linguistic and religious, the basis would be each
State as a unit, has also cautioned by observing that " the country has already been
reorganized in the year 1956 under the States Reorganization Act,1956 on the basis
of language. *Differential treatments to linguistic minorities based on language within
the State is understandable but if the same concept for minorities on the basis of
religion is encouraged, the whole country, which is already under class and social
conflicts due to various divisive forces, will further face division on the basis of*

JS(ASCM)

26/11/22
S.O(Navy)

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DR. M. D. NADEEM
Secretary/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

(67)

religious diversities. Such claims to minority status based on religion would increase in the fond hope of various sections of people getting special protections, privileges and treatment as part of constitutional guarantee. Encouragement to such fissiparous tendencies would be a serious jolt to the secular structure of constitutional democracy. We should guard against making our country akin to a theocratic State based on multi-nationalism. Thus Bal Patil's case does not appear to insist that the unit for religious minorities should be the State as held in TMA Pai Foundation case. On the other hand, the Supreme Court has only cautioned the dangers of treating linguistic and religious minorities on the same footing.

4. Though in the light of the above observations and caution, it appears imperative that notification of 5 communities viz. Muslims, Christians, Sikhs, Buddhists and Parsis as minorities at the national level is upheld. If, TMA Pai Foundation case is understood literally, it does not permit this, unless the same is distinguished/ clarified to say that minorities are group of people who were seen as deserving protection from likely deprivation of their religious, cultural and educational rights by other communities who happen to be in majority and likely to gain political power in a democratic form of Government based on election as held in Bal Patil & Anr vs Union of India & Ors referred to above.

5. In view of above, it is considered that even if the unit is considered to be the State, religious minorities status cannot be conferred merely based on the population in a particular State, but it should also take into account factors such as the actual or probable deprivation of their religious, cultural and educational rights and their socio economic status, which in turn have to be assessed from their overall position to influence the policies at the national level, as policies and issues touching these aspects are often national in nature.

6. Therefore, the State is of the view that identification and notification of religious and linguistic minority communities should be made at State level. However, the actual or probable deprivation of their religious, cultural and educational rights and their socio economic status besides the population of these communities in the concerned State are to be the factors to be considered.

7. The above views of the State may be taken note of and incorporated in the counter affidavit to be filed in W.P. (Civil) No.836 of 2020.

Yours faithfully,

M. K. Sharma
for Chief Secretary to Government

20/11/22

True copy
M. K. Sharma

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
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नई दिल्ली / New Delhi

VERDICTUM.IN

Government of Tripura
Minorities Welfare Department
Old Secretariat Complex, Agartala, West Tripura.

No.F.1-136/MW/ESTT/2022/1478-81

Dated the Agartala, 30th September, 2022

68

To
The Joint Secretary,
Ministry of Minority Affairs,
Government of India,
11th Floor, Pt. Deendayal Antyodaya Bhawan,
C.G.O. Complex, Lodhi Road,
New Delhi-110003

Sub: Views of the Government of Tripura in regard to Writ Petition(s) (Civil) No(s) 836/2020 filled by Ashwini Kumar Upadhyay, the petitioner in the Hon'ble Supreme Court of India.

Sir,

With reference to the subject cited above, I would like to enclosed herewith the Views of the Government of Tripura in regard to Writ Petition(s) (Civil) No(s) 836/2020 filled by Ashwini Kumar Upadhyay, the petitioner in the Hon'ble Supreme Court of India.

This is for your kind information and doing the needful from your end.

Yours faithfully,

Encl: As stated

AA
30/09/22
Additional Secretary to the
Government of Tripura
Minorities Welfare Department

Copy to:

1. P.S. to the Hon'ble Minister, Minorities Welfare Department, Government of Tripura for kind information of the Hon'ble Minister.
2. P.S to the Chief Secretary, Government of Tripura for kind information of the Chief Secretary.
3. P.S to the Secretary, Government of Tripura, Minorities Welfare Department, for kind information of the Secretary.

AA
30/09/22
Additional Secretary to the
Government of Tripura
Minorities Welfare Department

True copy
MD. NADEEM
मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

GOVERNMENT OF TRIPURA
DIRECTORATE FOR WELFARE OF MINORITIES
OLD SECRETARIAT COMPLEX, AGARTALA WEST TRIPURA

Views of the Government of Tripura in regard to Writ Petition(s)(Civil) No(s) 836/2020 filled by Ashwini Kumar Upadhyay, the petitioner in the Hon'ble Supreme Court of India .

Views of Government of Tripura with regard to identification of Minorities for PAN India purpose or identify minorities state-wise at the National level.

1. Minority Communities as per Notification

As per State Government Notification vide No.F.10-5/SCW/GL/RM/03/996-1120 dated 18th April, 2007 the following communities had been notified as minority Communities in Tripura.

- (i) Muslim
- (ii) Christians
- (iii) Buddhists
- (iv) Sikhs and
- (v) Jains

2. Minority population in Tripura as per Census of 2011.

- (i) Muslim population in Tripura is **3,16,042**, which is **8.60%** of the total population.
- (ii) Christians population is **1,59,882** which is **4.35%** of the total population.
- (iii) Buddhists population is **1,25,385** which is **3.41%** of the total population of Tripura.
- (iv) Sikhs population is **1070** which is **0.03%** of the total population of Tripura.
- (v) Jains population is **860** which is **0.02%** of the total population of Tripura.

In Tripura minority communities are slightly lagging behind in education, social sector, business and in government services. In some pockets, economic condition is not at par with the majority people and requires to be improved.

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Mo. Nadeem
मो. नदीम/MD. NADEEM
अवर सचिव/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार/Govt. of India.
नई दिल्ली/New Delhi

From,

L. Fainai,
Chief Secretary,
Uttarakhand

To,

Secretary,
Ministry of Minority Affairs,
Govt. of India, C.G.O Complex,
Lodhi Road, New Delhi-110003.

Minority Welfare Section

Dehradun:

Date: 03 October, 2022

Subject :- Regarding the opinion of the State Government in Public Interest Litigation No. 836/2020 Ashwani Kumar vs. Union of India and others filed in the Supreme Court, New Delhi.

Sir,

Kindly refer to the instructions given in your D.O. letter no. 7-/2020 dated September 08, 2022 and in the Subsequent video conferencing organised on 10.09.2022.

2. After due consideration in this regard, I am directed to submit that the opinion of the State Government of Uttarakhand regarding the subject matter is that the "Minorities should be identified at the State level so that followers of religious groups who are actually less in number, can get their constitutional rights as envisaged in Article-30 of the Constitution of India".

3. Please refer to the information of the state of Uttarakhand in the above mentioned case.

Your faithfully,

(L. Fainai)

Principal Secretary

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
नई दिल्ली / Govt. of India
New Delhi

No. 1421/XVII B-1/2022

Copy to : Director, Minority Department, Dehradun, Uttarakhand for information.

True
copy

From

Anil Kumar,
Special Secretary,
UP Administration

To

Joint Secretary
Ministry of Minority Affairs, Govt. of India
11th Floor, Pt. Deendayal Antyodaya Bhawan,
CGO Complex, Lodhi Road, New Delhi

Subject- Regarding the petition number-836/2020 Ashwani Kumar Upadhyay vs. Union of India and others submitted before the Supreme Court. In respect of the order dated 10.05.2022 passed by the Supreme Court.

Respected Madam,

Kindly refer to your D.O. letter no-7-7/2020-IM-MoMA dated 29.09.2022 on the above mentioned subject by which the opinion of the State Government in compliance of the order dated 10.05.2022 of the Supreme Court is sought through writ petition no-836/2020 passed in the matter of Ashwani Kumar Upadhyay vs Union of India and others.

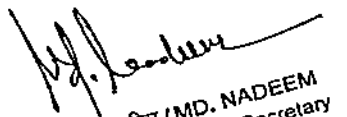
2. In this regard, I am directed to inform you that in compliance of the order dated 10.05.2022 of the Supreme Court in Writ Petition No.-836/2020 in the matter of Ashwani Kumar Upadhyay Vs. Union of India and others following is the remarks/recommendation/consent of the Government of Uttar Pradesh:-

"Regarding the Supreme Court's order dated 10.05.2022 passed in Writ Petition No.-836/2020 Ashwani Kumar Upadhyay vs. Union of India and others, if any decision is taken by the Government of India, following the constitutional process, regarding identification of minorities, then the State Government will have no objection."

For your kind information please

Yours faithfully,

(Anil Kumar)
Special Secretary


मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

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Government of West Bengal
Minority Affairs & Madrasah Education Department
Nabanna, 325 Sarat Chatterjee Road, Howrah-711102

Memo No. MD-2417

Date-18.10.2022

From: The Secretary,
Minority Affairs & Madrasah Education Department,
Govt. of West Bengal.

To: The Secretary,
Ministry of Minority Affairs,
Government of India.

Ref: MoMA letter No7-7/2020-IM-MoMA dated 19th Sept. 2022

Sir,

As per provision of section 2 of the West Bengal Minorities Commission Act, 1996 the State government has declared the following communities in the State of West Bengal:-

- (a) as linguistic minorities - Hindi, Urdu, Nepali, Oriya, Santhali & Gurumukhi; and
- (b) as religious Minorities- Muslim, Sikh, Christian, Budhist, Parsee & Jain.

The State Government is of the view that power to declare a community as minority should vest with the State governments/UTs.

Socy(MA) - Seem

JS(CP&B)

Yours faithfully,


Secretary

18/10/22

US(Madarsa)

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Mo. Naadeem / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

LIST OF STATES/UT'S WHICH HAVE NOT SUBMITTED THEIR COMMENTS ON THE WP (C) NO. 836/2020

Sl. No.	States/UTs	VC Meeting held (A)	Minutes Issued for meeting at (A)	Reminder Issued	Reminder VC Meeting (B)	Minutes Issued for meeting at (B)	Remarks	Pages
1	Arunachal Pradesh	25.07.2022	18.08.2022	18.08.2022 07.10.2022 25.11.2022 21.12.2022	05.12.2022	06.12.2022	Sought for three months time vide letter dated 12.11.2022.	Meeting- 74-75-80-81 Reminders-82-85
2	Jammu & Kashmir	25.07.2022	18.08.2022	18.08.2022 31.08.2022 29.09.2022 07.10.2022 25.11.2022 21.12.2022	05.12.2022	06.12.2022		Meeting- 74-75-80-81 Reminders- 86-91
3	Jharkhand	10.09.2022	19.09.2022	07.10.2022 25.11.2022 21.12.2022	05.12.2022	06.12.2022	Requested for at least one and half month time to furnish inputs vide letter dated 18.10.2022	Meeting- 76-79-80-81 Reminders- 92-94
4	Lakshadweep	10.09.2022	19.09.2022	25.11.2022 21.12.2022	05.12.2022	06.12.2022		Meeting- 76-79, 80-81. Reminders- 95-96
5	Rajasthan	10.09.2022	19.09.2022	07.10.2022 25.11.2022 21.12.2022	05.12.2022	06.12.2022	They have sought more time furnish view of the State Government vide letter dated 13.10.2022	Meeting- 76-79-80-81 Reminders- 97-99.
6	Telangana	10.09.2022	19.09.2022	07.10.2022 25.11.2022 21.12.2022	05.12.2022	06.12.2022		Meeting- 76-79, 80-81. Reminders- 100-102

Note: - A copy of minutes of meetings and subsequent reminders sent to the above listed States/UTs is attached herewith.

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

True
copy

Minutes of the Meeting with officers of States of Mizoram & Arunachal Pradesh, and UT of Jammu & Kashmir and UT of Ladakh held on 25.07.2022 for consultation in the light of the Supreme Court Order dated 10.05.2022 in WP (C) No. 836/2020

A meeting was held on 25.07.2022 under the Chairpersonship of Secretary (MA) to have discussion with officers of the Mizoram and Arunachal Pradesh State Governments and Union Territories of J&K and Ladakh in the light of the Supreme Court Order dated 10.05.2022 in WP (C) No. 836/2020 - Ashwini Kumar Upadhyay Vs UoI,

2. The following officers participated in the meeting:

- (i) Secretary (Minority Affairs) - Chairperson
- (ii) Joint Secretary (NCM), MoM
- (iii) Shri Navin Kumar Choudhary, Principal Secretary, GAD, Govt. of Mizoram
- (iv) Shri Sangeet Dubey, Dy. Resident Commissioner, Govt. of Arunachal Pradesh
- (v) Ms. Padma Angmi, Commissioner & Secretary, UT of Ladakh
- (vi) Shri Shiv Kumar Gupta, Special Secretary, Social Welfare Deptt. Govt. of J&K
- (vii) Shri Qureshi Tariq Mehmood, Special Secretary (Law), Govt. of J&K

3. The Chairperson welcomed the participants and gave brief background of the issues involved in the aforesaid Writ Petition. She mentioned that in the WP (C) No. 489/2016 in the case titled Ankur Sharma vs UoI filed before the Hon'ble Supreme Court the erstwhile State Govt. of J & K had informed that the then State Government consider setting up of State Minorities Commission at the appropriate time.

4. Thereafter discussions were held with the Officers of the State Government/Union Territories as under:

(a) The representative of the State Government of Mizoram mentioned that as the issue is observed to be sensitive policy matter requiring political decision and as the State Government is yet to have clear stand upon the matter, he requested three weeks time to deliberate upon the matter before views and observations of the State Government may be conveyed.

(b) The representative of the State Government of Arunachal Pradesh expressed that the issue referred to in the order dated 10.05.2022 of Hon'ble Supreme may need wider consultations with all the stakeholders before the State Government can form its considered opinion in the matter for which the State Government needs sufficient time.

(c) The representative of the UT of J&K informed that they would like to hold discussions and consultation¹ with its various departments concerned to include their views on the subject.

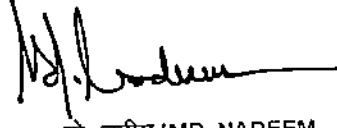
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M. Nadem

File No. 7-7-2020-Im-MoMA(Part) (Computer No. 131400)
154548/2022/PP-MoMA (d) The representative of the UT of Ladakh informed that the UT has no legislative assembly and as such the question for declaration of minorities at the UT level does not arise. Further, she also informed that the considered view of UT administration in the matter will be sent in due course.

5. Secretary (MA) desired that in view of the sensitivity and urgency of the matter, the State Governments of Mizoram and Arunachal Pradesh and the UTs of J&K and Ladakh should expeditiously undertake and finalise the consultation with all the stakeholders in this regard so as to ensure that the views of the State Governments are conveyed in three weeks time preferably at the level of Chief Secretary, to the Ministry of Minority Affairs latest by 16th August, 2022.

The meeting ended with a vote of thanks to the Chair.

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मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

F. No. 7-7/2020-IM.MoMAMinutes of the meeting with Officers of States & UTs held on 10.09.2022 for consultation with regard to WP (C) No. 836/2020.

A meeting was held on 10.09.2022 under the Chairpersonship of Secretary (MA) to hold discussion with officers of the State Governments and UT Administrations with regard to Writ Petition (Civil) no. 836/2020 (Ashwini Kumar Upadhyay Vs. UoI).

2. Representatives from 16 States namely Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Jharkhand, Karnataka, Manipur, Odisha, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttarakhand and West Bengal and 06 UTs namely Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli and Daman and Diu, Delhi, Lakshadweep and Puducherry attended the meeting. The List of participants is annexed at Annexure.

3. The Chairperson welcomed the participants and the States were given a brief presentation of the issues involved in the aforesaid Writ Petition and the inputs/comments that are required from the States & UTs. The participants were also informed of another writ petition (W.P. (c) 446/2022, Devkinandan Thakurji Vs Union of India) filed before Hon'ble Supreme Court, which has since been tagged with the W.P. No. 836/2020.

4. During discussion, the representative of the UT Administration of Chandigarh was of the view that the Minority structure is different at National level with that at the State level. The UT was informed that they may consult the respective deciding body and may furnish their inputs with approval at the highest level.

5. The representative of NCT of Delhi was of the view that there is no such defined criteria for declaring a particular community as a Minority community. A reference was also made of a judgment of Hon'ble Allahabad High Court, wherein there is some mention regarding identification of a Minority community. However, the term 'Minority' does not seem to have been defined so far. The representative of Delhi was informed that at present, Minorities are defined under Section 2 (c) of National Commission for Minorities Act, 1992, which states that "Minority" means a community notified as such by the Central Government. Further, it was requested that the views of NCT of Delhi may be conveyed in the matter with due approval.

6. Summing up the discussion, Secretary (MA) desired that in view of the sensitivity & urgency of the matter, the State Governments & UTs should expeditiously undertake and finalize the consultation with all the stakeholders concerned in this regard and arrange to furnish the views of the State Governments & UTs within two weeks to the Ministry of Minority Affairs, with approval at the appropriate level.

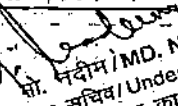
The meeting ended with a vote of thanks to the Chair.

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नया दिल्ली / New Delhi

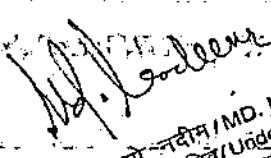
Annexure**Participants from States and UTs for Meeting through VC on 10/09/2022.**

S. No.	Name of State/UT	Name of Participant
1.	Andhra Pradesh	Mr. Imitiyaz, IAS, Secretary, Minority Welfare Department
2.	Tripura	i. Mr. J.K Sinha, IAS, Chief Secretary ii. Mr. Tapas Rao, Secretary, Minorities Welfare Department iii. Mr. Dasarath Debbarma, Director, Minorities Welfare Department
3.	Assam	Mr. Sorman Ali Ahmad, Joint Secretary, Minority Welfare Deptt.
4.	Bihar	i. Dr. A.N. Safeena, Principal Secretary, Minority Welfare Deptt. ii. Dr. Amir Afaqie Ahmad Faizi, Joint Secretary cum Director, Minority Welfare Deptt.
5.	Goa	i. Mr. Subash Chandra, Secretary, Social Welfare Department ii. Ms. Sandhya Kamath, Director, Social Welfare Department
6.	Gujarat	i. Mr. N.A Ninama, Director, Development Caste Welfare ii. Mr. R.J.Kharadi, Deputy Secretary, Social Welfare Deptt.
7.	Jharkhand	Mr. Ajay Nath Jha, Addl. Secretary
8.	Karnataka	Captain Manivannan, Secretary, Minority Welfare Department
9.	Manipur	Mr. N Geoffrey, Secretary to CM & Secretary (SW/MOBC & MA)

10.	Uttarakhand	i. Mr. L. Fanai, Principal Secretary, Minority Welfare Department ii. Mr. Rajendra Kumar, Addl. Secretary, Minority Welfare Department iii. Mr. Rais Ahmad, Deputy Secretary, Minority Welfare Department iv. Mr. Vipin Chand Joshi, Section Officer, Minority Welfare Department
11.	Odisha	Mr. Sitanshu Rao, Director, SC/ST Development Department
12.	West Bengal	Mr. Gulam Ali Ansari, Secretary, Minority Affairs and Madrasah Education Department ii. Mr. Rajendra Kumar, Addl. Secretary, Minority Welfare Department
13.	Rajasthan	i. Mr. P.C. Kishan, Secretary, Department of Minority Affairs ii. Mr. Jameel Ahmed Qureshi, Director iii. Dr. M.A. Khan, Deputy Director
14.	Sikkim	Mr. Satyan Kumar Pradhan, Additional Secretary
15.	Tamil Nadu	Mr. Suresh Kumar, Director, Minority Welfare Department
16.	Telangana	Mr. Ahmad Nadeem, IAS, Secretary, Minority Welfare Department
17.	Andaman and Nicobar Islands	Ms. Ranjana Jaiswal, Secretary, Social Welfare Department
18.	Chandigarh	i. Mr. Sunil Bedi, Deputy Director, Education Department, UT Chandigarh ii. Mr. Nemi Chand, State Liason Officer iii. Mr. Rajender Sharma, Superintendent, Department of Social Welfare, Women & Child Development, UT Chandigarh


 Mr. Nadeem / MD. NADEEM
 अवर सचिव / Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

19.	Dadra & Nagar Haveli and Daman & Diu	Mr. Jatin Goyal, Deputy Secretary, Department of Social Welfare. Ms. Monika Barad, Social Welfare Officer, Department of Social Welfare.
20.	Delhi	Mr. Sanjay Kumar Aggarwal, Principal Secretary (Law)
21.	Lakshadweep	Mr. Tanvir Ahmad, Director, Social Welfare Department
22.	Puducherry	Mr. R. Kesavan, Secretary, Backward Classes & Minorities Welfare Department


 मो. नदीम / MD. NADEEM
 अवर सचिव / Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi (Law)

True copy

80.

F. No. 7-7/2020-IM.MoMA

Minutes of the Consultative meeting held on 05.12.2022 with Officers of States/UTs with regard to WP (C) No. 836/2020.

A meeting was held on 05.12.2022 under the Chairpersonship of Secretary (MA) to hold discussion with officers of the 13 States/UTs (Andhra Pradesh, Arunachal Pradesh, Haryana, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Rajasthan, Sikkim, Telangana, Delhi, Jammu & Kashmir, and Lakshadweep) with regard to order dated 10.05.2022 and 22.05.2022 of the Hon'ble Supreme Court in the Writ Petition (Civil) no. 836/2020 (Ashwini Kumar Upadhyay Vs. UoI).

2. Representatives from 9 States/UTs attended the meeting. There was no representative from Arunachal Pradesh, Sikkim, UT of J&K, and UT Lakshadweep. The list of participants is annexed at Annexure.

3. The Chairperson welcomed the participants and briefed them about the sensitivity involved in the aforesaid Writ Petition, especially the order dated 22.11.2022 of the Hon'ble Supreme Court in which remaining States /UTs have been asked to furnish their views within four weeks i.e. 20.12.2022 to the Central Government (i.e. Ministry of Minority Affairs) so that Ministry of Minority Affairs could file the status report including views of all States / UTs along with a copy of minutes of the meeting.

4. During the discussion, representatives of the participating States/UTs informed that they are aware of the matter and agreed to comply with the directions of the Hon'ble Supreme Court's order dated 22.11.2022 and also assured to submit their comments/views on or before 20th December 2022.

5. Summing up the discussion, Secretary (MA) desired that in view of the sensitivity attached to the matter, the remaining State/UT Governments should expeditiously undertake and finalize the consultation with all the stakeholders concerned in this regard and arrange to furnish the views.

The meeting ended with a vote of thanks to the Chair.

True copy
Mo. Naadeem

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

(81)

File No. 7-7-2020-Im-MoMA(Part) (Computer No. 131400)

169054/2022/IM-MOMA

Annexure

List participants from States for Meeting through Video Conference on
05.12.2022

S. N	Name of State/UT	Name of Participant
1	Maharashtra	Ms. Asharani Patil, Deputy Secretary, Minority Development Department.
2.	Madhya Pradesh	Shri N P Namdeo, Deputy Secretary, Minority Welfare Department.
3.	Andhra Pradesh	Mr. A. Mohammad Imtiaz, Secretary, Minority Affairs Department.
4.	Delhi	Ms. Sonika Singh, DM Central
5.	Haryana	Mr. R.S.Dhillon, Director, Social Justice Department.
6.	Jharkhand	Mr. K Srinivasan, Secretary, Minority Welfare Department.
7.	Kerala	Dr.Sharmila Mary Joseph, Principal Secretary, Department of Minority Welfare.
8.	Rajasthan	Mr. Jammel Ahmad Qureshi, Joint Secretary, Department of Minority Affairs.
9.	Telangana	Mr.Ahmad Nadeem, Principal Secretary, Minority Welfare Department.

S. N	Name of State/UT which did not attend the meeting
1	Arunachal Pradesh
2.	Sikkim
3.	UT of Lakshadweep
4.	UT of Jammu & Kashmir

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मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

(82)

IMMEDIATE/COURT MATTER

F. No. 7-7/2020-IM-MoMA
Government of India
Ministry of Minority Affairs
NCM Division

11th Floor, Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003

Dated: 7th October, 2022

To
The Chief Secretary,
Government of Arunachal Pradesh,
Arunachal Pradesh Civil Secretariat,
Itanagar-791111

Respected Sir,

Please refer letter No. 7-7/2020-IM-MoMA dated 20th July, 2022 and subsequent reminders dated 18.08.2022, 31.08.2022 and 29.09.2022 (copy enclosed).

2. This is regarding meeting with the Officers of the State Government, convened under the Chairpersonship of Secretary (Minority Affairs) to hold discussion in the light of the Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors).

3. The meeting with the officers of State Government of Arunachal Pradesh was held on 25.07.2022. A copy of the Minutes of the said meeting is enclosed herewith for reference. It may be observed from the minutes, that the representative of State Govt. of Arunachal Pradesh had expressed the view that the State Govt. may need wider consultations with all the stakeholders before it can form its considered opinion in the matter for which the State Government needs sufficient time. The Chairperson had desired that in view of the urgency of the matter, the State Government of Arunachal Pradesh should expeditiously undertake the exercise with stakeholders to finalise and convey to the Ministry of Minority Affairs latest by 16th August 2022. Subsequently, vide reminders dated 18.08.2022, 31.08.2022 and 29.09.2022 the State Government had again been requested to provide their considered views in the matter by 7th October, 2022. However, the response of the State Government is still awaited.

True Copy
मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

निगार फातिमा हुसैन
सयुक्त सचिव
Nigar Fatima Husain
Joint Secretary

Tel. : +91-11-24384271
Fax : +91-11-24369217

D.O. NO.7-7/2020-IM-MoMA

Respected Sir,

Reference letter No. 7-7/2020-IM-MoMA dated 20th July, 2022 (copy enclosed).

2. This is regarding meeting with the Officers of the State Government, convened under the Chairpersonship of Secretary (Minority Affairs) to hold discussion in the light of the Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyaya Vs Union of India & Ors).

3. The meeting with the officers of State Government of Arunachal Pradesh was held on 25.07.2022. A copy of the Minutes of the said meeting is enclosed herewith for reference. It may be observed from the minutes that officer of State Govt. of Arunachal Pradesh expressed the view that the State Govt. may need wider consultations with all the stakeholders before it can form its considered opinion in the matter for which the State Government needs sufficient time. The Chairperson had desired that in view of the urgency of the matter, the State Government of Arunachal Pradesh should expeditiously undertake the exercise with stakeholders to finalise and convey to the Ministry of Minority Affairs latest by 16th August 2022. However, the response of the State Government is still awaited. In this regard, the considered views on the matter are still awaited from your side.

4. The matter is urgent in nature, as the Ministry has to file a status report before the Hon'ble Supreme Court by 27.08.2022, regarding consultation with the States/UTs and other stakeholders.

5. It is, therefore, requested that the considered view of the State Govt. of Arunachal Pradesh on this matter may please be sent by 23rd August, 2022 positively. The matter may please be treated as Most Urgent.

With regards,

Shri Dharmendra,
Chief Secretary,
Government of Arunachal Pradesh,
Arunachal Pradesh Civil Secretariat,
Itanagar



सत्यमेव जयते



आजादी का
अमृत महोत्सव

VERDICTUM.IN URGENT/COURT MATTER

83

भारत सरकार
Government of India
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs

11वीं तल, पं. दीनदयाल अंत्योदय भवन
11th Floor Pt. Deendayal Antyodaya Bhawan
सी.जी.ओ. कॉम्प्लेक्स, लोधी रोड, नई दिल्ली-110003
C.G.O. Complex, Lodhi Road, New Delhi-110003

Dated : 18.08.2022

Yours sincerely,
Nigar Fatima Husain
(Nigar Fatima Husain)

Copy
नो. नदीम / MD. NADEEM
अवर सचिव/ Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

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IMMEDIATE/COURT MATTER

F. No. 7-7/2020-IM-MoMA
Government of India
Ministry of Minority Affairs
NCM Division

11th Floor, Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003
Dated: 25 November, 2022

To,
The Chief Secretary,
Government of Arunachal Pradesh,
Arunachal Pradesh Civil Secretariat,
Itanagar-791111

Subject:- Furnishing Comments /views of State Government on the order of Hon'ble Supreme Court in WP No. 836/2020 (Ashwini Kumar Upadhyay Vs UoI & Ors) - regarding.

Respected Sir,

This is regarding the meeting with the officers of State Government of Arunachal Pradesh which was held on 25.07.2022, in pursuance to Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition No. 836/2020 Ashwini Kumar Upadhyay Vs Union of India & Ors).

2. In this regard, this Ministry had sent minutes of the meeting and requested to furnish the comments of the State Government. However, the same is still awaited even after issue of four reminders dated 18.08.2022, 31.08.2022, 29.09.2022 & 07.10.2022.

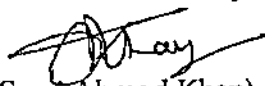
3. Now, the Hon'ble Supreme Court vide order dated 22.11.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors), has directed to the respective State Government/UTs who have not furnished their comments/views in the matter to communicate their stand/status to the Central Government within a period of four weeks from the communication of this order. Copy of order dated 22.11.2022 is enclosed herewith.

4. It is, therefore, requested to send the considered view of the State Govt. of Arunachal Pradesh on this matter on or before 20.12.2022 so that this Ministry can file the status report incorporating the view of Government of Arunachal Pradesh, within the stipulated time. The matter may please be treated as Most Urgent.

With regards,

Yours sincerely,

True copy / J. Jambhakar
मो. नदीम / MD. NADEEM
उपर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi


(Sami Ahmad Khan)

समी अहमद खान / SAMIAHMAD KHAN
उप सचिव / Deputy Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

मुखमीत सिंह भाटिया, भा.प्र.से.

सचिव

Mukhmeet S. Bhatia, IAS
Secretaryभारत सरकार
Government of India
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs

DO.No. 7-7/2020-IM-MoMA

Dated 21st December, 2022

Respected Sir,

As you are aware that as per the Hon'ble Supreme Court's Order dated 10.5.2022 with regard to Writ Petition (C) No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors), the Ministry of Minority Affairs has held meetings with the States & Union Territories and sought their views. In this regard, reminders were also issued to the Chief Secretaries of the remaining States/UTs for furnishing the same.

2. A reminder VC meeting under Chairmanship of Secretary (MA) was also been held on 05.12.2022 to sensitize the issues involved in the aforesaid Writ Petition, especially the order dated 22.11.2022 of the Hon'ble Supreme Court in which remaining States / UTs have been asked to furnish their views within four weeks i.e. by 20.12.2022 to the Central Government (i.e. Ministry of Minority Affairs) so that Ministry of Minority Affairs could file the Status report in the Hon'ble Supreme Court.

3. During the meeting the representative of States / UTs assured that they will furnish the views of their States/ UTs by 20.12.2022 but the same is still awaited from 9 States / UTs. In the absence of views of these remaining States / UTs, there is a possibility that the Hon'ble Supreme Court may pass an order for Contempt of Court, for which the State Government will be solely responsible.

4. I shall be grateful, if you could furnish the views of the Government of Arunachal Pradesh in the matter of WP No. 836/2020, to this Ministry immediately so this Ministry can file the Status Report in Hon'ble Supreme Court within the prescribed time limit in aforesaid order dated 22.11.2022.

With warm regards,

Yours sincerely,

मुखमीत सिंह भाटिया

21/12/22

(Mukhmeet S. Bhatia)

Shri Dharmendra
Chief Secretary,
Arunachal Pradesh
Civil Secretariat,
Itanagar-791111.

True copy
मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

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IMMEDIATE/COURT MATTER

F. No. 7-7/2020-IM-MoMA
Government of India
Ministry of Minority Affairs
NCM Division

11th Floor, Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003
Dated: 7th October, 2022

To
The Chief Secretary,
Government of Jammu & Kashmir,
3rd Floor, 307, Civil Secretariat,
Srinagar-190001

Respected Sir,

Please refer letter No. 7-7/2020-IM-MoMA dated 20th July, 2022 and subsequent reminders dated 18.08.2022, 31.08.2022 and 29.09.2022 (copy enclosed).

2. This is regarding meeting with the Officers of the State Government, convened under the Chairpersonship of Secretary (Minority Affairs) to hold discussion in the light of the Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors).

3. The meeting with the officers of Government of Jammu & Kashmir was held on 25.07.2022. A copy of the Minutes of the said meeting is enclosed herewith for reference. It may be observed from the minutes, that the representative of Govt. of Jammu & Kashmir had informed that they would like to hold discussions and consultation with its various departments concerned to conclude their views on the subject. The Chairperson had desired that in view of the urgency of the matter, the Government of Jammu & Kashmir should expeditiously undertake the exercise with stakeholders to finalise and convey to the Ministry of Minority Affairs latest by 16th August 2022. Subsequently, vide reminders dated 18.08.2022, 31.08.2022 and 29.09.2022, the Government had again been requested to provide their considered views in the matter by 7th October, 2022. However, the response of the Government of Jammu & Kashmir is still awaited.

4. The matter is urgent in nature, it is therefore, requested that the considered view of the Govt. of Jammu & Kashmir on this matter may please be sent immediately. The matter may please be treated as Most Urgent as the next date of hearing is 19.10.2022.

With regards

Yours sincerely,

True copy
Md. Naheem

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

(Sami Ahmed Khan)
Deputy Secretary

निगार फातिमा हुसैन
संयुक्त सचिव
Nigar Fatima Husain
Joint Secretary

Tel. : +91-11-24364271
Fax : +91-11-24369217



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आजादी
अमृत महोत्सव

भारत सरकार
Government of India
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
11वां तल, पं. दीनदयाल अंत्योदय भवन
11th Floor Pt. Deendayal Antyodaya Bhawan
सी.जी.ओ. कॉम्प्लेक्स, लोधी रोड, नई दिल्ली-110003
C.G.O. Complex, Lodhi Road, New Delhi-110003

D.O. NO.7-7/2020-IM-MoMA

Dated : 18.08.2022

Respected Sir,

Reference letter No. 7-7/2020-IM-MoMA dated 20th July, 2022 (copy enclosed).

2. This is regarding meeting with the Officers of the State Government, convened under the Chairpersonship of Secretary (Minority Affairs) to hold discussion in the light of the Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyaya Vs Union of India & Ors).

3. The meeting with the officers of Government of Jammu & Kashmir was held on 25.07.2022. A copy of the Minutes of the said meeting is enclosed herewith for reference. It may be observed from the minutes that officer of Government of J&K informed that they would like to hold discussions and consultation with its various departments concerned to conclude their views on the subject. The Chairperson had desired that in view of the urgency of the matter, the State Government of Jammu & Kashmir should expeditiously undertake the exercise with stakeholders to finalise and convey to the Ministry of Minority Affairs latest by 16th August 2022. However, the response of the Government of J&K is still awaited.

4. The matter is urgent in nature, as the Ministry has to file a status report before the Hon'ble Supreme Court by 27.08.2022, regarding consultation with the States/UTs and other stakeholders.

5. It is, therefore, requested that the considered view of the Govt. of J&K on this matter may please be sent by 23rd August, 2022 positively. The matter may please be treated as Most Urgent.

With regards,

Yours sincerely,

Nigar Fatima Husain
(Nigar Fatima Husain)

Dr. Arun Kumar Mehta,
Chief Secretary,
Government of Jammu & Kashmir,
3rd Floor, 307, Civil Secretariat,
Srinagar-190001

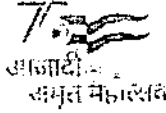
True Copy
मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

निगार फातिमा हुसैन

संयुक्त सचिव

Nigar Fatima Husain
Joint SecretaryTel. : +91-11-24364271
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सत्यमेव जयते

अजादी का
अमृत महोत्सवभारत सरकार
Government of India
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs11वाँ तल, पं दीनदयाल अंत्योदय भवन
11th Floor Pt. Deendayal Antyodaya Bhawan
सी.जी.ओ. काम्प्लेक्स, लोधी रोड, नई दिल्ली-110003
C.G.O. Complex, Lodhi Road, New Delhi-110003

D.O. NO.7-7/2020-IM-MoMA

Dated : 31.08.2022

Respected Sir,

Reference letter No. 7-7/2020-IM-MoMA dated 20th July, 2022 and a subsequent reminder dated 18.08.2022 (copy enclosed).

2. This is regarding meeting with the Officers of the State Governments/UT Administrations, convened under the Chairpersonship of Secretary (Minority Affairs) to hold discussion in the light of the Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyaya Vs Union of India & Ors).

3. The meeting with the officers of Government of Jammu & Kashmir was held on 25.07.2022. A copy of the Minutes of the said meeting is enclosed herewith for reference. It may be observed from the minutes, that the representative of Govt. of Jammu & Kashmir had informed that they would like to hold discussions and consultation with its various departments concerned to conclude their views on the subject. The Chairperson had desired that in view of the urgency of the matter, the Government of Jammu & Kashmir should expeditiously undertake the exercise with stakeholders to finalise and convey to the Ministry of Minority Affairs latest by 16th August 2022. Subsequently, vide reminder dated 18.08.2022 the Government had again been requested to provide their considered views in the matter by 23rd August, 2022. However, the response of the Government of Jammu & Kashmir is still awaited.

4. The matter is urgent in nature, as the Ministry has to file a status report before the Hon'ble Supreme Court regarding consultation with the States/UTs and stakeholders, and 6 weeks has been granted by the Hon'ble Court in the matter when it was heard on 30.08.2022.

5. It is, therefore, requested that the considered view of the Govt. of Jammu & Kashmir on this matter may please be sent by 15.09.2022. The matter may please be treated as Most Urgent.

With regards,

Yours sincerely,

(Nigar Fatima Husain)

Shri Arun Kumar Mehta, IAS
Chief Secretary,
Government of Jammu & Kashmir,
3rd Floor, 307, Civil Secretariat,
Srinagar-190001

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

1

निगार फातिमा हुसैन
संयुक्त सचिव
Nigar Fatima Husain
Joint Secretary

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Fax : +91-11-24369217



सत्यमेव जयते



आज़ादी का
अमृत महोत्सव

भारत सरकार
Government of India
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
11वाँ तल, पं दीनदयाल अंत्योदय भवन
11th Floor Pt. Deendayal Antyodaya Bhawan
सी.जी.ओ. कॉम्प्लेक्स, लोधी रोड, नई दिल्ली-110003
C.G.O. Complex, Lodhi Road, New Delhi-110003

REMINDER-3
IMMEDIATE/COURT MATTER

D.O. NO.7-7/2020-IM-MoMA

29.09.2022

Respected Sir,

Reference letter No. 7-7/2020-IM-MoMA dated 20th July, 2022 and two subsequent reminders dated 18.08.2022 and 31.08.2022 (copy enclosed).

2. This is regarding meeting with the Officers of the State Government, convened under the Chairpersonship of Secretary (Minority Affairs) to hold discussion in the light of the Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors).

3. The meeting with the officers of Government of Jammu & Kashmir was held on 25.07.2022. A copy of the Minutes of the said meeting is enclosed herewith for reference. It may be observed from the minutes, that the representative of Govt. of Jammu & Kashmir had informed that they would like to hold discussions and consultation with its various departments concerned to conclude their views on the subject. The Chairperson had desired that in view of the urgency of the matter, the Government of Jammu & Kashmir should expeditiously undertake the exercise with stakeholders to finalise and convey to the Ministry of Minority Affairs latest by 16th August 2022. Subsequently, vide reminders dated 18.08.2022 and 31.08.2022 the Government had again been requested to provide their considered views in the matter by 15th September, 2022. However, the response of the Government of Jammu & Kashmir is still awaited.

4. It is therefore, requested that the considered view of the State Govt. of Jammu & Kashmir on this matter may please be sent by 07.10.2022. The matter may please be treated as Most Urgent as the next date of hearing is 19.10.2022.

With regards

Yours sincerely,

Encl: As Above

Shri Arun Kumar Mehta, IAS
Chief Secretary,
Government of Jammu & Kashmir,
3rd Floor, 307, Civil Secretariat,
Srinagar-190001

Nigar Fatima Husain
(Nigar Fatima Husain)

True Copy
M. Naadeem

1
मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

IMMEDIATE/COURT MATTER

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F. No. 7-7/2020-IM-MoMA
Government of India
Ministry of Minority Affairs
NCM Division

11th Floor, Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003
Dated: 25 November, 2022

To

The Chief Secretary,
Government of Jammu & Kashmir,
3rd Floor, 307, Civil Secretariat,
Srinagar-190001

Subject:- Furnishing Comments /views of State Government on the order of Hon'ble Supreme Court in WP No. 836/2020 (Ashwini Kumar Upadhyay Vs UoI & Ors) - regarding.

Respected Sir,

This is regarding the meeting with the officers of UT of J&K which was held on 25.07.2022, in pursuance to Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition No. 836/2020 Ashwini Kumar Upadhyay Vs Union of India & Ors).

2. In this regard, this Ministry had sent minutes of the meeting and requested to furnish the comments of the UT & J&K. However, the same is still awaited even after issue of four reminders dated 18.08.2022, 31.08.2022, & 29.09.2022.

3. Now, the Hon'ble Supreme Court vide order dated 22.11.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors), has directed to the respective State Government/UTs who have not furnished their comments/views in the matter to communicate their stand/status to the Central Government within a period of four weeks from the communication of this order. Copy of order dated 22.11.2022 is enclosed herewith.

4. It is, therefore, requested to send the considered view of the UT of J&K on this matter on or before 20.12.2022 so that this Ministry can file the status report incorporating the view of UT of J&K, within the stipulated time. The matter may please be treated as Most Urgent.

With regards,

Yours sincerely,

(Sam Ahmad Khan)
Deputy Secretary

समी अहमद खान / SAMIAHMAD KHAN
उप सचिव / Deputy Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

True Copy
मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

मुख्य मंत्री सिंह भाटिया, भा.प्र.से.
सचिव
Mukhmeet S. Bhatia, IAS
Secretary



भारत सरकार
Government of India
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs

DO.No. 7-7/2020-IM-MoMA

Dated 21st December, 2022

Respected Sir,

As you are aware that as per the Hon'ble Supreme Court's Order dated 10.5.2022 with regard to Writ Petition (C) No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors), the Ministry of Minority Affairs has held meetings with the States & Union Territories and sought their views. In this regard, reminders were also issued to the Chief Secretaries of the remaining States/UTs for furnishing the same.

2. A reminder VC meeting under Chairmanship of Secretary (MA) was also been held on 05.12.2022 to sensitize the issues involved in the aforesaid Writ Petition, especially the order dated 22.11.2022 of the Hon'ble Supreme Court in which remaining States / UTs have been asked to furnish their views within four weeks i.e. by 20.12.2022 to the Central Government (i.e. Ministry of Minority Affairs) so that Ministry of Minority Affairs could file the Status report in the Hon'ble Supreme Court.

3. During the meeting the representative of States / UTs assured that they will furnish the views of their States/ UTs by 20.12.2022 but the same is still awaited from 9 States / UTs. In the absence of views of these remaining States / UTs, there is a possibility that the Hon'ble Supreme Court may pass an order for Contempt of Court, for which the State Government will be solely responsible.

4. I shall be grateful, if you could furnish the views of the UT of Jammu & Kashmir in the matter of WP No. 836/2020, to this Ministry immediately so this Ministry can file the Status Report in Hon'ble Supreme Court within the prescribed time limit in aforesaid order dated 22.11.2022.

With warm regards,

Yours sincerely,

H. भाटिया

21/12/22

(Mukhmeet S. Bhatia)

Shri Arun Kumar Mehta
Chief Secretary,
UT of Jammu & Kashmir,
2nd, Floor Main Building,
Civil Secretariat, Jammu-180001

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi



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IMMEDIATE/COURT MATTER

F. No. 7-7/2020-IM-MoMA
Government of India
Ministry of Minority Affairs
NCM Division

11th Floor, Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003
Dated: 7 October, 2022

To
The Chief Secretary
Government of Jharkhand
Ranchi

Respected Sir,

Please refer letter No. 7-7/2020-IM-MoMA dated 08th September, 2022 and 29th September, 2022(copy enclosed).

2. This is regarding meeting with the Officers of the State Governments & Union Territories, convened under the Chairpersonship of Secretary (Minority Affairs) to hold discussion in the light of the Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors),

3. The meeting with the officers of the Government of Jharkhand was held on 10.09.2022. A copy of the Minutes of the said meeting is enclosed herewith for reference. The Chairperson had desired that in view of the sensitivity and urgency of the matter, the State Governments & UTs should expeditiously undertake the exercise with stakeholders to finalise and arrange to furnish their views to the Ministry of Minority Affairs within two weeks. Subsequently, vide letter dated 29.09.2022, the Government had again been requested to provide their considered views in the matter by 7th October, 2022. However, the response of the State Government is still awaited.

4. The matter is urgent in nature, it is therefore, requested that the considered view of the State Government of Jharkhand on this matter may please be sent immediately. The matter may please be treated as Most Urgent as the next date of hearing is 19.10.2022.

With regards

Yours sincerely,

True
Copy
MD. NADEEM

मो. नदीम/MD. NADEEM
अवर सचिव/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार/Govt. of India
दिल्ली/New Delhi

(Sami Ahmed Khan)
Deputy Secretary

93

IMMEDIATE/COURT MATTER

F. No. 7-7/2020-IM-MoMA
 Government of India
 Ministry of Minority Affairs
 NCM Division

11th Floor, Antyodaya Bhawan,
 CGO Complex, Lodhi Road,
 New Delhi-110003

Dated: 25 November, 2022.

To,
 The Chief Secretary
 Government of Jharkhand
 Ranchi

Subject:- Furnishing Comments /views of State Government on the order of Hon'ble Supreme Court in WP No. 836/2020 (Ashwini Kumar Upadhyay Vs UoI & Ors) - regarding.

Respected Sir,

This is regarding the meeting with the officers of State Government of Jharkhand which was held on 10.09.2022, in pursuance to Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition No. 836/2020 Ashwini Kumar Upadhyay Vs Union of India & Ors).

2. In this regard, this Ministry had sent minutes of the meeting and requested to furnish the comments of the State Government. However, the same is still awaited even after issue of four reminders dated 29.09.2022 & 07.10.2022.

3. Now, the Hon'ble Supreme Court vide order dated 22.11.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors), has directed to the respective State Government/UTs who have not furnished their comments/views in the matter to communicate their stand/status to the Central Government within a period of four weeks from the communication of this order. Copy of order dated 22.11.2022 is enclosed herewith.

4. It is, therefore, requested to send the considered view of the State Govt. of Jharkhand on this matter on or before 20.12.2022 so that this Ministry can file the status report incorporating the view Government of Jharkhand, within the stipulated time. The matter may please be treated as Most Urgent.

With regards,

Yours sincerely,

(Sami Ahmad Khan)

Deputy Secretary of the Govt. of India

True Copy
 नो. नदीम / MD. NADEEM
 अवर सचिव / Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

समी अहमद खान / SAMI AHMAD KHAN
 उप सचिव / Deputy Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

मुखमीत सिंह भाटिया, भा.प्र.से.

सचिव

Mukhmeet S. Bhatia, IAS

Secretary



सत्यमेव जयते

भारत सरकार
Government of India
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs

DO.No. 7-7/2020-IM-MoMA 94

Dated 21st December, 2022

Respected Sir,

As you are aware that as per the Hon'ble Supreme Court's Order dated 10.5.2022 with regard to Writ Petition (C) No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors), the Ministry of Minority Affairs has held meetings with the States & Union Territories and sought their views. In this regard, reminders were also issued to the Chief Secretaries of the remaining States/UTs for furnishing the same.

2. A reminder VC meeting under Chairmanship of Secretary (MA) was also been held on 05.12.2022 to sensitize the issues involved in the aforesaid Writ Petition, especially the order dated 22.11.2022 of the Hon'ble Supreme Court in which remaining States / UTs have been asked to furnish their views within four weeks i.e. by 20.12.2022 to the Central Government (i.e. Ministry of Minority Affairs) so that Ministry of Minority Affairs could file the Status report in the Hon'ble Supreme Court.

3. During the meeting the representative of States / UTs assured that they will furnish the views of their States/ UTs by 20.12.2022 but the same is still awaited from 9 States / UTs. In the absence of views of these remaining States / UTs, there is a possibility that the Hon'ble Supreme Court may pass an order for Contempt of Court, for which the State Government will be solely responsible.

4. I shall be grateful, if you could furnish the views of the Government of Jharkhand in the matter of WP No. 836/2020, to this Ministry immediately so this Ministry can file the Status Report in Hon'ble Supreme Court within the prescribed time limit in aforesaid order dated 22.11.2022.

With warm regards,

Yours sincerely,

स. भाटिया
21/12/22

(Mukhmeet S. Bhatia)

Shri Sukhdeo Singh

Chief Secretary,

1st Floor, Project Building

Dhurwa, Ranchi- 834004

Jharkhand.

True Copy
मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

IMMEDIATE/COURT MATTER

F. No. 7-7/2020-IM-MoMA
 Government of India
 Ministry of Minority Affairs
 NCM Division

95

11th Floor, Antyodaya Bhawan,
 CGO Complex, Lodhi Road,
 New Delhi-110003
 Dated: 25 November, 2022

To,
 The Chief Secretary
 Advisor to the Administrator
 Lakshadweep
 Kavaratti

Subject:- Furnishing Comments /views of State Government on the order of Hon'ble Supreme Court in WP No. 836/2020 (Ashwini Kumar Upadhyay Vs UoI & Ors) - regarding.
 Respected Sir,

This is regarding the meeting with the officers of UT of Lakshadweep which was held on 10.09.2022, in pursuance to Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition No. 836/2020 Ashwini Kumar Upadhyay Vs Union of India & Ors).

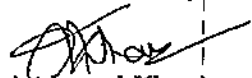
2. In this regard, this Ministry had sent minutes of the meeting and requested to furnish the comments of the UT of Lakshadweep. However, the same is still awaited even after issue of four reminders dated 29.09.2022 & 07.10.2022.

3. Now, the Hon'ble Supreme Court vide order dated 22.11.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors), has directed to the respective State Government/UTs who have not furnished their comments/views in the matter to communicate their stand/status to the Central Government within a period of four weeks from the communication of this order. Copy of order dated 22.11.2022 is enclosed herewith.

4. It is, therefore, requested to send the considered view of the UT of Lakshadweep on this matter on or before 20.12.2022 so that this Ministry can file the status report incorporating the view of UT of Lakshadweep, within the stipulated time. The matter may please be treated as Most Urgent.

With regards,

Yours sincerely,


 (Sami Ahmad Khan)

Deputy Secretary of the Govt. of India

True copy
 मो. नदीम / MD. NADEEM
 अवर सचिव / Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

समी अहमद खान / SAMI AHMAD KHAN
 अवर सचिव / Deputy Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

मुखमीत सिंह भाटिया, भा.प्र.से.

सचिव

Mukhmeet S. Bhatia, IAS

Secretary



भारत सरकार
Government of India
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs

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DO.No. 7-7/2020-IM-MoMA

Dated 21st December, 2022

Dear Sir,

As you are aware that as per the Hon'ble Supreme Court's Order dated 10.5.2022 with regard to Writ Petition (C) No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors), the Ministry of Minority Affairs has held meetings with the States & Union Territories and sought their views. In this regard, reminders were also issued to the Chief Secretaries of the remaining States/UTs for furnishing the same.

2. A reminder VC meeting under Chairmanship of Secretary (MA) was also been held on 05.12.2022 to sensitize the issues involved in the aforesaid Writ Petition, especially the order dated 22.11.2022 of the Hon'ble Supreme Court in which remaining States / UTs have been asked to furnish their views within four weeks i.e. by 20.12.2022 to the Central Government (i.e. Ministry of Minority Affairs) so that Ministry of Minority Affairs could file the Status report in the Hon'ble Supreme Court.

3. During the meeting the representative of States / UTs assured that they will furnish the views of their States/ UTs by 20.12.2022 but the same is still awaited from 9 States / UTs. In the absence of views of these remaining States / UTs, there is a possibility that the Hon'ble Supreme Court may pass an order for Contempt of Court, for which the State Government will be solely responsible.

4. I shall be grateful, if you could furnish the views of the UT of Lakshadweep in the matter of WP No. 836/2020, to this Ministry immediately so this Ministry can file the Status Report in Hon'ble Supreme Court within the prescribed time limit in aforesaid order dated 22.11.2022.

With warm regards,

Yours sincerely,

मुखमीत सिंह भाटिया

(Mukhmeet S. Bhatia)

Shri Praful Patel

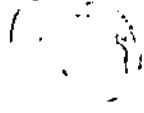
Administrator,

Office of Lakshadweep Administrator,

Secretariat Building, Kavaratti,

Lakshadweep.

True / MD. NADEEM
नौ. नदीन / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi



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IMMEDIATE/COURT MATTER

F. No. 7-7/2020-IM-MoMA
Government of India
Ministry of Minority Affairs
NCM Division

11th Floor, Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003
Dated: 7, October, 2022

To
The Chief Secretary
Government of Rajasthan
Jaipur

Respected Madam,

Please refer letter No. 7-7/2020-IM-MoMA dated 08th September, 2022 and 29th September, 2022 (copy enclosed).

2. This is regarding meeting with the Officers of the State Governments & Union Territories, convened under the Chairpersonship of Secretary (Minority Affairs) to hold discussion in the light of the Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors).

3. The meeting with the officers of the Government of Rajasthan was held on 10.09.2022. A copy of the Minutes of the said meeting is enclosed herewith for reference. The Chairperson had desired that in view of the sensitivity and urgency of the matter, the State Governments & UTs should expeditiously undertake the exercise with stakeholders to finalise and arrange to furnish their views to the Ministry of Minority Affairs within two weeks. Subsequently, vide letter dated 29.09.2022, the Government had again been requested to provide their considered views in the matter by 7th October, 2022. However, the response of the State Government is still awaited.

4. The matter is urgent in nature, it is therefore, requested that the considered view of the State Government of Rajasthan on this matter may please be sent immediately. The matter may please be treated as Most Urgent as the next date of hearing is 19.10.2022.

With regards

Yours sincerely,

True Md. Naadeem

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

(Sami Ahmed Khan)
Deputy Secretary

98

IMMEDIATE/COURT MATTER

F. No. 7-7/2020-IM-MoMA
Government of India
Ministry of Minority Affairs
NCM Division

11th Floor, Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003
Dated: 25 November, 2022

To,
The Chief Secretary
Government of Rajasthan
Jaipur

Subject:- Furnishing Comments /views of State Government on the order of Hon'ble Supreme Court in WP No. 836/2020 (Ashwini Kumar Upadhyay Vs UoI & Ors) - regarding.

Respected Mam,

This is regarding the meeting with the officers of State Government of Rajasthan which was held on 10.09.2022, in pursuance to Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition No. 836/2020 Ashwini Kumar Upadhyay Vs Union of India & Ors).

2. In this regard, this Ministry had sent minutes of the meeting and requested to furnish the comments of the State Government. However, the same is still awaited even after issue of four reminders dated 29.09.2022 & 07.10.2022.

3. Now, the Hon'ble Supreme Court vide order dated 22.11.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors), has directed to the respective State Government/UTs who have not furnished their comments/views in the matter to communicate their stand/status to the Central Government within a period of four weeks from the communication of this order. Copy of order dated 22.11.2022 is enclosed herewith.

4. It is, therefore, requested to send the considered view of the State Govt. of Rajasthan on this matter on or before 20.12.2022 so that this Ministry can file the status report incorporating the view Government of Rajasthan, within the stipulated time. The matter may please be treated as Most Urgent.

With regards,

Yours sincerely,

(Sami Ahmad Khan)

Deputy Secretary of the Govt. of India

True copy
मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

समी अहमद खॉं / SAMIAHMAD KHAN
उप सचिव / Deputy Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

.मुखमीत सिंह भाटिया, भा.प्र.से.

सचिव

Mukhmeet S. Bhatia, IAS
Secretary

99



सत्यमेव जयते

भारत सरकार
Government of India
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs

DO.No. 7-7/2020-IM-MoMA

Dated 21st December, 2022

Respected Ma'am,

As you are aware that as per the Hon'ble Supreme Court's Order dated 10.5.2022 with regard to Writ Petition (C) No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors), the Ministry of Minority Affairs has held meetings with the States & Union Territories and sought their views. In this regard, reminders were also issued to the Chief Secretaries of the remaining States/UTs for furnishing the same.

2. A reminder VC meeting under Chairmanship of Secretary (MA) was also been held on 05.12.2022 to sensitize the issues involved in the aforesaid Writ Petition, especially the order dated 22.11.2022 of the Hon'ble Supreme Court in which remaining States / UTs have been asked to furnish their views within four weeks i.e. by 20.12.2022 to the Central Government (i.e. Ministry of Minority Affairs) so that Ministry of Minority Affairs could file the Status report in the Hon'ble Supreme Court.

3. During the meeting the representative of States / UTs assured that they will furnish the views of their States/ UTs by 20.12.2022 but the same is still awaited from 9 States / UTs. In the absence of views of these remaining States / UTs, there is a possibility that the Hon'ble Supreme Court may pass an order for Contempt of Court, for which the State Government will be solely responsible.

4. I shall be grateful, if you could furnish the views of the Government of Rajasthan in the matter of WP No. 836/2020, to this Ministry immediately so this Ministry can file the Status Report in Hon'ble Supreme Court within the prescribed time limit in aforesaid order dated 22.11.2022.

With warm regards,

Yours sincerely,

MS. भाटिया
21/12/22

(Mukhmeet S. Bhatia)

Ms. Usha Sharma
Chief Secretary,
Government of Rajasthan
Secretariat, Jaipur-302005
Rajasthan.

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

IMMEDIATE/COURT MATTER

100

F. No. 7-7/2020-IM-MoMA
Government of India
Ministry of Minority Affairs
NCM Division

11th Floor, Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003
Dated: 7th October, 2022

To
The Chief Secretary
Government of Telangana
Burgula Rama Krishna Rao Bhavan
Adarsh Nagar, Hyderabad- 5000063

Respected Sir,

Please refer letter No. 7-7/2020-IM-MoMA dated 08th September, 2022 and 29th September, 2022 (copy enclosed).

2. This is regarding meeting with the Officers of the State Governments & Union Territories, convened under the Chairpersonship of Secretary (Minority Affairs) to hold discussion in the light of the Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors).

3. The meeting with the officers of the Government of Telangana was held on 10.09.2022. A copy of the Minutes of the said meeting is enclosed herewith for reference. The Chairperson had desired that in view of the sensitivity and urgency of the matter, the State Governments & UTs should expeditiously undertake the exercise with stakeholders to finalise and arrange to furnish their views to the Ministry of Minority Affairs within two weeks. Subsequently, vide letter dated 29.09.2022, the Government had again been requested to provide their considered views in the matter by 7th October, 2022. However, the response of the State Government is still awaited.

4. The matter is urgent in nature, it is therefore, requested that the considered view of the State Government of Telangana on this matter may please be sent immediately. The matter may please be treated as Most Urgent as the next date of hearing is 19.10.2022.

With regards

Yours sincerely,

True
copy

मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

(Sami Ahmed Khan)
Deputy Secretary



IMMEDIATE/COURT MATTER

F. No. 7-7/2020-IM-MoMA
Government of India
Ministry of Minority Affairs
NCM Division

11th Floor, Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003
Dated: 25 November, 2022

To,
The Chief Secretary
Government of Telangana
Hyderabad

Subject:- Furnishing Comments /views of State Government on the order of Hon'ble Supreme Court in WP No. 836/2020 (Ashwini Kumar Upadhyay Vs UoI & Ors) - regarding.

Respected Sir,

This is regarding the meeting with the officers of State Government of Telangana which was held on 10.09.2022, in pursuance to Hon'ble Supreme Court's Order dated 10.05.2022 in Writ Petition No. 836/2020 Ashwini Kumar Upadhyay Vs Union of India & Ors).

2. In this regard, this Ministry had sent minutes of the meeting and requested to furnish the comments of the State Government. However, the same is still awaited even after issue of four reminders dated 29.09.2022 & 07.10.2022.

3. Now, the Hon'ble Supreme Court vide order dated 22.11.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors), has directed to the respective State Government/UTs who have not furnished their comments/views in the matter to communicate their stand/status to the Central Government within a period of four weeks from the communication of this order. Copy of order dated 22.11.2022 is enclosed herewith.

4. It is, therefore, requested to send the considered view of the State Govt. of Telangana on this matter on or before 20.12.2022 so that this Ministry can file the status report incorporating the view of Government Telangana, within the stipulated time. The matter may please be treated as Most Urgent.

With regards,

Yours sincerely,

(Sami-Ahmad Khan)

Deputy Secretary of the Govt. of India

True Copy
MD. NADEEM
मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

समी अहमद खान / SAMIAHMAD KHAN
उप सचिव / Deputy Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

मुखमीत सिंह भाटिया, भा.प्र.से.

सचिव

Mukhmeet S. Bhatia, IAS 102
Secretary

सत्यमेव जयते

 भारत सरकार
 Government of India
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs

DO.No. 7-7/2020-IM-MoMA

Dated 21st December, 2022

Respected sir,

As you are aware that as per the Hon'ble Supreme Court's Order dated 10.5.2022 with regard to Writ Petition (C) No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors), the Ministry of Minority Affairs has held meetings with the States & Union Territories and sought their views. In this regard, reminders were also issued to the Chief Secretaries of the remaining States/UTs for furnishing the same.

2. A reminder VC meeting under Chairmanship of Secretary (MA) was also been held on 05.12.2022 to sensitize the issues involved in the aforesaid Writ Petition, especially the order dated 22.11.2022 of the Hon'ble Supreme Court in which remaining States / UTs have been asked to furnish their views within four weeks i.e. by 20.12.2022 to the Central Government (i.e. Ministry of Minority Affairs) so that Ministry of Minority Affairs could file the Status report in the Hon'ble Supreme Court.

3. During the meeting the representative of States / UTs assured that they will furnish the views of their States/ UTs by 20.12.2022 but the same is still awaited from 9 States / UTs. In the absence of views of these remaining States / UTs, there is a possibility that the Hon'ble Supreme Court may pass an order for Contempt of Court, for which the State Government will be solely responsible.

4. I shall be grateful, if you could furnish the views of the Government of Telangana in the matter of WP No. 836/2020, to this Ministry immediately so this Ministry can file the Status Report in Hon'ble Supreme Court within the prescribed time limit in aforesaid order dated 22.11.2022.

With warm regards,

Yours sincerely,

+5. भाटिया

21/12/22

(Mukhmeet S. Bhatia)

 Shri Somesh Kumar
 Chief Secretary,
 Government of Telangana,
 Block C, 3rd Floor, Secretariat,
 Khairatabad, Hyderabad,
 Telangana .

 मो. नदीम / MD. NADEEM
 अवर सचिव / Under Secretary
 अल्पसंख्यक कार्य मंत्रालय
 Ministry of Minority Affairs
 भारत सरकार / Govt. of India
 नई दिल्ली / New Delhi

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F.No. 7/7/2020-IM-MoMA
Government of India
Ministry of Minority Affairs

11th Floor, Pandit Deendayal Antyodaya Bhawan,
CGO Complex, Lodhi Road, New Delhi-110003

Date: 14.12.2022

OFFICE MEMORANDUM

Subject: Writ Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors before the Hon'ble Supreme Court-regarding.

The undersigned is directed to refer to Writ Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors) which came up for hearing before the Hon'ble Supreme Court on 22.11.2022, wherein the petitioner seeks to rely upon a judgment of the Allahabad High Court in Civil Misc. Writ Petition No.34892/2004 titled as Committee of Management, Anjuman Madarsa Noorul Islam Dehra Kalan Ghazipur Through its Manager v. State of U.P. Through Secretary, Minority Welfare and Waqf Department U.P. Lucknow dated 05.04.2007.

2. In the said Court case, the Hon'ble Allahabad High Court has passed an order dated 05.04.2007 (copy enclosed) with the following operative parts of judgment:

"Since I have been scheduled to sit at Lucknow Bench of this Court from 9th April, 2007, I consider it appropriate to pronounce operative part of the judgment of the writ petition. This operative part of the judgment shall be followed by the rest judgment.

For the reasons to be detailed in the body of the judgment of the writ petition, writ petition succeeds and is allowed. The impugned order dated 17.5.2004, passed by the State of Uttar Pradesh recognising Opp. Party nos. 4 to 6 on Grant-in-Aid as religious Muslim minority institutions is quashed and it is held that any institution founded by petitioners or Opp. Party nos. 4 to 6 are not entitled to be recognised for Grant-in-Aid as religious minority institutions in the State of Uttar Pradesh after applying twin criteria, i.e., population and strength of a religious community as laid down by the founding fathers of the Constitution of India as is clear from proceedings of Constituent Assembly to determine any religious community as a religious minority. The Court finds that Muslims have ceased to be a religious minority community in the State of Uttar Pradesh on consideration of the materials on record which includes various Census Reports including Census Reports of 1951 and 2001 and, therefore, directs State of Uttar Pradesh to treat any member of Muslim community equal to other non-minority religious communities without discriminating in any respect in accordance with law being an integral part of citizenry of India

(i) A writ in the nature of mandamus is issued commanding State of Uttar Pradesh to consider Applications of petitioners and Opp. Party nos. 4 to 6 or other Applications of other institutions founded by Muslim community for recognition on Grant-in-Aid in the similarly situated manner as other non-minority institutions are being dealt with in accordance with law without any discrimination.

True Copy
Mo. Jaiswal
नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

1/2

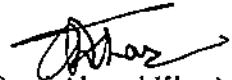
104

(ii) A writ of mandamus is also issued to Union of India and the State of Uttar Pradesh to take appropriate steps to modify the notification dated 23.10.1993 issued by the Union of India accordingly..."

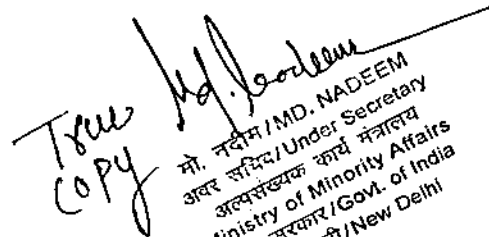
3. The Hon'ble Supreme Court vide order dated 22.11.2022 in Writ Petition No. 836/2020 (Ashwini Kumar Upadhyay Vs Union of India & Ors) has directed the Central Governments to consider the impact of the judgment dated 05.4.2007 of Hon'ble Allahabad High Court in Civil Misc. Writ Petition No.34892/2004 considering that the issue has not been assailed further.

4. It is, therefore, requested to the Department of Legal Affairs, M/o Law & Justice to furnish the comment/views on the impact of the above judgment in light of Hon'ble Supreme order dated 22.11.2022.

5. This issues with the approval of the Competent Authority.


(Sami Ahmad Khan)
Deputy Secretary to the Government of India
011-24302524

The Secretary,
Department of Legal Affairs
Ministry of Law & Justice
Shastri Bhawan.
New Delhi


True copy
मो. नदीम / MD. NAHEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Gov. of India
नई दिल्ली / New Delhi

ITEM NO.2

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 836/2020

ASHWINI KUMAR UPADHYAY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([FOR FURTHER DIRECTIONS])

IA No. 68555/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 68563/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 68551/2022 - INTERVENTION/IMPLEADMENT

IA No. 68559/2022 - INTERVENTION/IMPLEADMENT)

IA NO.153822/154898/2022- INTERVENTION AND PERMISSION OF ISSUANCE
OF C/C OF COMPLETE PAPER BOOKS

WITH

T.C.(C) No. 21/2022 (XVI-A)
(FOR ADMISSION)

T.C.(C) No. 23/2022 (XVI-A)

T.C.(C) No. 24/2022 (XVI-A)
(FOR ADMISSION)W.P.(C) No. 446/2022 (PIL-W)
(FOR ADMISSION)SLP(C) No. 16727-16728/2022 (XII)
(FOR ADMISSION and I.R.)

Date : 22-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Ashwini Kumar Upadhyay, Adv.
Mr. Ashwani Kumar Dubey, AOR

Mr. Ashutosh Dubey, AOR
Mr. Ashwini K. Upadhyay, Adv.
Ms. Rajshri A. Dubey, Adv.
Mr. Abhishek Chauhan, Adv.
Mr. Amit P. Shahi, Adv.
Mr. B.H. Dubey, Adv.
Mr. Sudarshan Goel, Adv.
Mr. Amit Kumar, Adv.
Mr. Gaurav Yadav, Adv.

Signature Not Verified
Digitally signed by
ASHA SURYAPAL
Date: 2022.12.07
17:06:37 IST
Reason:

True Copy
श्री. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

SLP(C) No. 16727-16728/2022 Ms. Tatini Basu, AOR
Mr. Byrapaneni Suyodhan, Adv.

For Respondent(s) Mr. K.M. Nataraj, ASG
Mr. Kanu Agrawal, Adv.
Mr. Mayank Pandey, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Nakul chengappa K.K., Adv.
Ms. Akriti A. Manubarwala, Adv.
Mr. Amrish Kumar, AOR
Mr. Raj Bahadur Yadav, AOR

Mr. Charanjeet Chanderpal, Adv.
Mr. Anil Kumar, AOR

Mr. Gautam Talukdar, AOR

Mr. S.M. Chandrashekhar, Sr. Adv.
Mr. Nishanth Patil, AOR
Mr. Ayushy P. Shah, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Admit.

Status report has been filed by the Union of India dated 31.10.2022 which states that the consultative process with the State Governments is in progress and while 14 State Governments have already responded, response from 19 State Governments is awaited.

At the request of learned ASG, six weeks' more time is granted to place the stand in respect thereof. We call upon the 19 State Governments who have not responded to communicate their stand/status to the Central Government within a period of four weeks from the communication of this order.

True copy
MD. NADEEM
नॉ. नदीम/MD. NADEEM
अवर सचिव/Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

The petitioner seeks to rely upon a judgment of the Allahabad High Court in Civil Misc. Writ Petition No.34892/2004 titled as *Committee of Management, Anjuman Madarsa Noorul Islam Dehra Kalan Ghazipur Through its Manager v. State of U.P. Through Secretary, Minority Welfare and Waqf Department U.P. Lucknow* dated 05.04.2007 and prays that the Central Governments may consider the impact of this judgment considering that the issue has not been assailed further.

List on 17.01.2023 along with WP[C] No.858/2021 and WP [C] No.894/2021.

SLP(C) No. 16727-16728/2022

Learned counsel for the petitioner in this matter states that the issue is somewhat different from the other matters and thus, seeks de-tagging of the matter now.

Service is complete but none has entered appearance.

The standing counsel for the State of Tamil Nadu be informed about the next date of hearing and the name be shown in the Cause List.

List on 06.12.2022.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)

True copy
MD. NADEEM
मो. नदीम / MD. NADEEM
अवर सचिव / Under Secretary
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi