



प्रियंक कानूनगो  
*Priyank Kanoongo*  
अध्यक्ष  
*Chairperson*

VERDICTUM.IN  
भारत सरकार

GOVERNMENT OF INDIA  
राष्ट्रीय बाल अधिकार संरक्षण आयोग  
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS  
नई दिल्ली-110 001  
NEW DELHI-110 001



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

Dated: 08/12/2022

Dear Sir/ Madam,

The National Commission for Protection of Child Rights (hereinafter referred to as 'the Commission') is a statutory body constituted under Section 3 of the Commission for Protection of Child Rights (CPCR) Act, 2005 to protect the child rights and other related matters in the Country. The Commission is further mandated to monitor the proper and effective implementation of the Protection of Children from Sexual Offences (POCSO) Act, 2012; Juvenile Justice (Care and Protection of Children) Act, 2015 and Right to Free and Compulsory Education (RTE) Act, 2009. In one of the functions laid down under Section 13 of the CPCR Act, 2005 the Commission has been assigned with the function to examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation. The Commission also has the powers of Civil Court trying a suit under Section 14 of CPCR Act, 2005 and Code of Civil Procedure, 1908.

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

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

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

Contd....

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

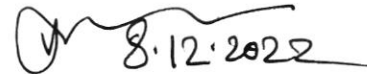
6. In view of the above facts, the Commission, in exercising its powers under Section 13 (1) of the CPCR Act, 2005 recommends the following, viz;

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

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

With regards,

Yours sincerely,



(Priyank Kanoongo)

Chairperson-NCPCR

To,

**All Chief Secretaries of States/UTs**

(As per the list enclosed)

**Copy to:**

1. **All Chairpersons of State/UT CPCRs**

(As per the list enclosed)