



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



F. No. 861/2022-23/RTE/CP/33120

To,

Chief Secretaries/Administrators of all States/UTs

Subject: Guardians of Faith or Oppressors of Rights: Constitutional Rights of Children vs. Madrasas- A Report by NCPCR_reg.

Madam/Sir,

National Commission for Protection of Child Rights (NCPCR) 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 Juvenile Justice (Care and Protection of Children) Act, 2015 and Right to Free and Compulsory Education (RTE) Act, 2009. NCPCR, u/s 13 (1) of CPCR Act, 2005 inquiries into complaints and takes suo-moto cognizance in relation to deprivation and violation of child rights.

The Right to Education (RTE) Act, 2009, is grounded in the belief that achieving values such as equality, social justice, and democracy is only possible through the provision of inclusive education for all. However, a conflicting picture between fundamental right of children and right of minority communities has been created. The exemption of religious institutions from RTE Act, 2009 led to exclusion of children attending only religious institutions from the formal education system under the RTE Act, 2009. Thus, while Articles 29 and 30 protected minority rights, children in these schools were deprived of equal access to quality education under the RTE Act. What was intended to empower children ultimately created new layers of deprivation and discrimination due to wrong interpretation. The RTE Act, prophesied as an enabling tool, became a tool of deprivation and discrimination.

In this regard, Commission has prepared a report titled **Guardians of Faith or Oppressors of Rights: Constitutional Rights of Children vs. Madrasas (copy enclosed)**. The report consists of 11 chapters touching upon different aspects of the history of Madrasas and their role in violation of educational rights of children. It is the duty of the State Governments to ensure that all children receive formal education in schools which are duly defined under Section 2(n) of the RTE Act, 2009.

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

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

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

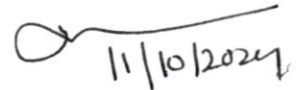
ई-मेल / E-mail : cp.ncpcr@nic.in वेब / Web:www.ncpcr.gov.in

Merely constituting a Board or taking a UDISE Code does not mean that the Madrasas are following the provisions of RTE Act, 2009. Therefore, it has been recommended that State funding to the Madrasas and Madrasa Boards be stopped across all States/UTs and Madrasa Boards should be discontinued and closed down. This is subject to the Judgment of the Hon'ble Supreme Court on SLP (Civil) No. 008541 of 2024 in case of Uttar Pradesh.

It has also been recommended that all non-muslim children be taken out of Madrasas and admitted in schools for receiving fundamental education as per the RTE Act, 2009. Also, children from Muslim community who are attending Madrasa, whether recognized or unrecognized, are enrolled in formal schools and received education of the prescribed time and curriculum as per the RTE Act, 2009. The report is prepared with an aim to guide us toward creating a comprehensive roadmap that ensures all children across the country grow up in a safe, healthy, and productive environment. By doing so, they will be empowered to contribute meaningfully to the nation-building process in a more holistic and impactful way. The report is enclosed for your perusal and necessary action.

Encl. As above

Yours sincerely,



(Priyank Kanoongo)