

# COMPETENT AUTHORITY

Government of Kerala

Directorate of Minority Welfare

4<sup>th</sup> Floor, Vikas Bhavan,

Thiruvananthapuram-695033

## Guidelines for issuing No Objection Certificate and related matters in respect of Minority Educational Institutions

### Introduction

Article 30(1) of the Constitution of India gives linguistic and religious minorities a fundamental right to establish and administer educational institutions of their choice. These rights are protected by a prohibition against their violation. The prohibition is contained in Article 13 of the Constitution which declares that any law, in breach of the fundamental rights would be void to the extent of such violation. It is well-settled that Article 30(1) cannot be read in a narrow and pedantic sense and being a fundamental right, it should be given its widest amplitude. The width of Article 30(1) cannot be cut down by introducing in it considerations which are destructive to the substance of the right enshrined therein.

As per the National Commission for Minority Educational Institutions Act, any person who desires to establish a Minority Educational Institution must apply to the State Competent Authority for grant of No Objection Certificate under Section 10 of the Act. In case the State Competent Authority does not take any action on the application for grant of No Objection Certificate within 90 days it is deemed that the State Competent Authority has granted No Objection Certificate to the applicant Institution.

The State Government is mandated to appoint Competent Authority under section 10 of National Commission for Minority Education Institutions Act, 2004. Hence as per the G.O.(P)No.2/2020/GAD dated 09.01.2020, Government have appointed the Director, Directorate of Minority Welfare as the Competent Authority under the above section to decide on the application regarding No Objection Certificate for the establishment of educational institutions by the minorities.

### Documents needed for No Objection Certificate

- (i) Application for **No Objection Certificate** can be submitted to the Competent Authority, Directorate of Minority Directorate, 4<sup>th</sup> Floor, Vikas Bhavan, Thiruvananthapuram-3 in the prescribed format. (Annexure-1)
- (ii) Documents required along with the application.
  - Trust/ Society are required to attach:
    - Copy of registration certificate
    - Copy of MOA / Trust Deed
    - Copy of amended MOAs / Trust Deeds (if any)
    - Copy of any applications or services rendered by SCA/SA/NCMEI for Minority Status Certificate

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- Institution established and administered by an individual from minority community, the following documents are to be attached:
  - Permission letter from the concerned government
  - Identity proof
  - Residence proof
  - ITR for last three years (if applicable)
  - Documentary evidence (title or possession) of the institution
- NITI Aayog Unique ID in case of registered Society/Trust
- List of founding members/trustees and present members/trustees
- Copy of Affiliation/Recognition letter issued by affiliating Board/University/UGC /Madrasa Board. In case of professional institutions, recognition certificate by the regulatory body (Copy of Affiliation/ Recognition letter should clearly indicate the Validity period of Affiliation/ Recognition).

*The applicant must submit two sets of the application along with relevant documents mentioned above. **Incomplete applications will not be entertained.***