

## **Dear Brothers and Sisters in Christ,**

Mahatma Gandhi, the Father of the Nation once said that a country is known by the way it treats its minorities. We take pride in the fact that India is a multi - religious, multi - cultural and multi - lingual country with people of different castes, creeds and colors living together for centuries. 'We the People of India' gave ourselves our constitution, which was adopted by the Indian Constituent Assembly in 1949 and came into effect on 26<sup>th</sup> January 1950 with a democratic government system, completing the country's transition towards becoming an independent republic. We, solemnly resolved and constituted India into a Sovereign, Socialist, Secular and Democratic republic.

Whereas the rights of all citizens of India are protected by our Constitution, time and again the minorities have felt that efforts have been made to infringe upon those rights by the powers that be. In the month of March, by issuing a Gazette notification through the Medical Council of India, the Government of India, is trying to deny us our constitutional right. The Council has, by the aforesaid notification, directed common counselling for admission to all Postgraduate Courses in all medical educational institutions, including the minority institutions, to be conducted by the State Government, which if enforced as such, takes away our constitutional rights and privileges of administering and managing our own affairs as a minority community.

Article 30 (1) of the Constitution of India guarantees to all minorities, the right to establish and administer educational institutions of their choice. The right guaranteed under the said Article has been upheld in several pronouncements of the Hon'ble Supreme Court of India. The Hon'ble Supreme Court in *TMA Pay Foundation vs. State of Karnataka* (Hon'ble 11 Judges Bench Judgment), held that the right to admit students being an essential facet of the right to administer educational institutions of their choice, as contemplated under Article 30 of the Constitution, the State Government or the University are not entitled to interfere with that right, so long as the admission to the Institution is on a 'transparent basis' and 'merit' is adequately taken care of.

The Hon'ble Supreme Court has subsequently, in the case of *Islamic Academic Institution vs. State of Karnataka*, also protected the rights of the minorities to have their own procedure and method of admission as well as selection of students so long as the procedure is fair and transparent and the selection of students in professional and higher education colleges is on the basis of merit.

The Christian minority medical institutions have already adopted the NEET merit as the criteria for the admissions to its Colleges to ensure complete transparency in the selection of the students. However, the Notification dated 10 March 2017 issued by the Medical Council of India seeks to denude the Christian minority institutions of their rights guaranteed under the Constitution of India and further seeks to deprive the Christian minority institutions of

the right to conduct their own admissions procedure, i.e. Counselling, Seat Allotment etc. to PG Courses. The Hon'ble Supreme Court in its latest orders of 9<sup>th</sup> May 2016 had categorically held that conduct of NEET examinations will no way curtail the rights vested with the minorities and NEET is only required to determine the eligibility of the candidates.

In spite of the said constitutional safeguards guaranteed to minority institutions under Article 30 of the Constitution and the pronouncements of the Hon'ble Supreme Court, the government of the day, has, by issuing the said notification, yet again pushed the minority institutions to go to the Court, who has given some interim relief for the time being. The case is yet to be decided finally and going to the courts indeed is a cumbersome and expensive affair. Representations have also been sent to the highest authority in the country, to intervene and withdraw the Notification qua minority educational institutions.

Just a few weeks ago we have celebrated Easter – the festival of hope and the festival of victory of life over death. We have seen and experienced how the heavy stone from entry into the tomb has been removed. The empty tomb is no more able to hold him back and the Lord has already risen from the dead. Amidst the situations, in which we the Christian minority in India are, we need to pray and stand our ground. The Lord is there, to stand with and among us and say, "Peace be with you!" He has already promised, "So do not fear, for I am with you; do not be dismayed, for I am your God. I will strengthen you and help you; I will uphold you with my righteous right hand – Isaiah 41: 10."

Wishing the blessings of the Lord for all of us,

Y

Yours in His Mission,

**ALWAN MASIH**

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