



भारत सरकार  
GOVERNMENT OF INDIA  
राष्ट्रीय बाल अधिकार संरक्षण आयोग  
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS  
नई दिल्ली- ११०००१  
NEW DELHI-110 001



F. No. UP/2021-22/LC  
Date-15.01.2022

To,

District Magistrate,  
Saharanpur District,  
Collectorate Compound,  
Delhi Road, Saharanpur  
Email: [dmsah@nic.in](mailto:dmsah@nic.in)

**Subject- “Complaint received against Darul Uloom Deoband’s website and unlawful and misleading fatwas being issued by them”**

National Commission for Protection of Child Rights (NCPCR) (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 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. The Commission under Section 13(1)(a) of the CPCR Act, 2005 also states that the Commission shall 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.

2. The Commission is in receipt of a complaint against Darul Uloom Deoband’s website and unlawful and misleading fatwas being issued by them. The complainant has provided a list of fatwas which are available on their website and has stated that these fatwas being issued are unlawful and against the provisions provided by Law.

3. Taking cognizance of the complaint u/s 13 (1) (j) of the CPCR Act, after pursuing the complaint and examining the website, it was observed that the explanation and answers provided in response to issues raised by the individuals do not align with the Laws and Acts in the country. A list of links examined by the Commission is as follows-



5वा तल, चन्द्रलोक बिल्डिंग, ३६ जनपथ, नई दिल्ली ११०००१-  
5<sup>th</sup> Floor, Chanderlok Building, 36 Janpath, New Delhi-110001  
दूरभाष/Ph:011-23478200, फैक्स/ Fax:011-23724026

Web: [www.ncpcr.gov.in](http://www.ncpcr.gov.in), Lodge your complaint at : [www.ebaalnidan.nic.in](http://www.ebaalnidan.nic.in)

- i) <https://darulifta-deoband.com/home/en/education-upbringing/39678>
- ii) <https://darulifta-deoband.com/home/en/education-upbringing/25239>
- iii) <https://darulifta-deoband.com/home/en/education-upbringing/65405>
- iv) <https://darulifta-deoband.com/home/en/education-upbringing/37219>
- v) <https://darulifta-deoband.com/home/en/education-upbringing/60434>
- vi) <https://darulifta-deoband.com/home/en/education-upbringing/155942>
- vii) <https://darulifta-deoband.com/home/en/education-upbringing/50233>
- viii) <https://darulifta-deoband.com/home/en/education-upbringing/48955>
- ix) <https://darulifta-deoband.com/home/en/education-upbringing/65405>
- x) <https://darulifta-deoband.com/home/en/education-upbringing/5887>

4. In one of the fatwas (969/969/M=09/1436, Darul Uloom Deoband states that adopting a child is not unlawful but merely by adopting a child, the ruling of real child shall not be applicable on him rather it shall be necessary to observe Shariah Purdah from him after he is mature. The adopted child shall get no share in the property and that the child shall not be a heir in any case.

5. It is pertinent to mention here that such fatwas are not only misleading to the Law of the land but are also illegal in nature. The Constitution of India provides for fundamental rights of children including right to education and right to equality. Further, the Hague Convention on Adoption, to which India is a signatory, states that adopted children would enjoy the same rights as biological children. The **Juvenile Justice Act, 2015 in Section 2(2)** defines adoption as the process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child. Therefore, any child who is adopted by prospective adoptive parents enjoys the same rights and privileges as that of a biological child which includes succession rights.

6. There are similar such fatwas provided in the links by the complainant which pertain to school book syllabus, college uniform, Education of children in un-Islamic atmosphere, Girls higher Madrasa education, corporal punishment etc. After examining the response to the queries it is observed that the rights of children are blatantly disregarded. For instance, in one of the replies it is said that teachers beating children is allowed however, corporal punishment in schools is prohibited under the RTE Act, 2009.

7. Such statements being made by Darul Uloom Deoband are misleading and providing incorrect position of Law to the person, which if committed by that person would amount to violation of provisions of Law of the land. Providing such information to people is in the nature of abetment which would entice

people to commit an offence which is in contravention to the provisions laid down by Law.

8. As Darul Uloom Deoband have large number of followers, the impact of such misinformation can be enormous in terms of number of children getting affected. If the child is deprived of the rights conferred by the Constitution of India and subsequent Laws, this may amount to violation of Article 14, 15 and 21 of the Constitution. Besides it may also lead to violation of **Section 75 of the Juvenile Justice Act, 2015** for cruelty against children that states that whoever is having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or wilfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering shall be punishable. It may be noted that the Juvenile Justice Act is a secular Act and provide opportunities to adopt children without discrimination of religion, caste, creed.

9. **Section 69A of the IT Act, 2000** provides that where the Central Government or any of its officers specially authorised by it in this behalf is satisfied that it is necessary or expedient so to do, in the interest of sovereignty and integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence it may for reasons to be recorded in writing, by order, direct any agency of the Government or intermediary to block for access by the public or cause to be blocked for access by the public any information generated, transmitted, received, stored or hosted in any computer resource. Since, this publishing of information would lead to people commit offence under the provisions of Law, by not letting the adopted child enjoy the rights of that of a biological child and is providing information against the right to education of children and providing corporal punishment which is an offence under Law, it is necessary that such content may be immediately removed as the followers tend to follow the advice given by Darul Uloom Deoband.

10. The Commission would like to state that publishing such statements as advice contrary to the rights of children on a website, having open access and available in public domain, are not only misleading and unlawful but also harmful for the children. Therefore, it is requested that the website of this organization may be thoroughly examined, investigated and any such content should be immediately removed. Further, access to such website may be prevented until the removal of such content for avoiding spread and recurrence of unlawful statements and consequently preventing incidents of violence, abuse, neglect, harassment, discrimination against children. Also, action may be

taken for violating provisions of Constitution of India, Indian Penal Code, Juvenile Justice Act, 2015 and Right to Education Act, 2009.

11. The Commission requests that an action taken report may be sent to the Commission within ten (10) days. Please quote the number and date of this letter mentioned at the top while responding.

Encl. as above

Yours sincerely,  
**Sd/-**  
(Priyank Kanoongo)  
Chairperson

Copy to-

1. Chief Secretary,  
Government of Uttar Pradesh  
101, 'B' Block , Lok Bhawan,  
U.P. Secretariat,  
Lucknow - 226001  
Email : csup@nic.in
2. DGP,  
Uttar Pradesh Police,  
Lucknow  
Email: dgpcontrol-up@nic.in

Copy to- for information

1. Chief Election Commissioner,  
Election Commission of India,  
Nirvachan Sadan, Ashoka Road,  
New Delhi 110001  
Email: schandra@eci.gov.in
2. State Election Commissioner,  
Uttar Pradesh State Election Commission,  
32 - Station Road,  
Lucknow – 226001, Uttar Pradesh  
Email: secup@up.nic.in