

Fundamental Rights (V)

(मौलिक अधिकार)



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Right to Culture and Education

Articles 29 & 30



Article 29

Protection of interests of minorities



Article 30

Right of minorities to establish and administer educational institutions

Article 29 → Protection of interests of minorities

29 (1)

- Any section of citizens residing in the territory of India or any part thereof, having a distinct language, script, or culture of its own, shall have the full right to conserve it.
- Article 29(1) is a Group Right.

29 (2)

- No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds, on grounds only of religion, race, caste, language, or any of them.
- Article 29(2) is an Individual Right.

National Commission for Minorities Act, 1992 — Section 2(c)

1993 (17 May 1993)

5 communities notified: Muslims, Christians, Sikhs, Buddhists, and Parsis (Zoroastrians)

2014 (27 January 2014)

Jain community added as the 6th notified minority community

Article 30 → Right of minorities to establish and administer educational institutions

30 (1)

- All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

30 (1A)

- If the State makes a law for the compulsory acquisition of any property of a minority educational institution, the State shall ensure that the compensation fixed for such property is such as would not restrict or abrogate the right guaranteed under this article.
- This was added in 1978 by the 44th Constitutional Amendment.

30 (2)

- The State shall not discriminate against any educational institution managed by a minority in granting financial aid.
- This right is available only to religious and linguistic minorities.
- Article 30 → Not an absolute right. The State can frame reasonable regulations to maintain the standard of education, cleanliness, and to protect the interests of staff in these institutions.

- The term 'minority' is not defined anywhere in the Constitution. The Constitution only provides linguistic and religious grounds for minorities in Articles 29 and 30.
- T.M.A. Pai Foundation case (2002)** → For the purposes of Article 30, minority status shall be determined on the basis of the 'State' (state-level).
- The phrase "any section of citizens" used in Article 29(1) includes both minorities and majorities.
- As per a Supreme Court ruling, carrying out a political movement by citizens for the protection of their language is a fundamental right under Article 29(1). Therefore, seeking votes on the basis of language is not considered 'corrupt practice' under the Representation of the People Act (RPA), 1951.
- Only four grounds: Note that Article 29(2) mentions only four grounds for prevention of discrimination — religion, race, caste, and language. 'Sex' and 'Place of birth' are not included.



Most Spoken Languages in India (8th Schedule)

Language	Number of speakers (in crore)	Percentage of total population (%)
Hindi	52.83 crore	43.63%
Bengali	9.72 crore	8.03%
Marathi	8.30 crore	6.86%
Telugu	8.11 crore	6.70%
Tamil	6.90 crore	5.70%



Sanskrit: About 24,821 people — the least spoken language in the 8th Schedule.

Most Spoken Languages in the World

- English
- Mandarin (Chinese)
- Hindi
- Spanish



Census 2011 — Religion-based population data

Religion	Population (crore)	Percentage
Hindu	96.63	79.8%
Muslim	17.22	14.2%
Christian	2.78	2.3%
Sikh	2.08	1.7%
Buddhist	0.84	0.7%
Jain	0.45	0.4%
Other religions and beliefs	0.79	0.7%
Religion not stated	0.29	0.2%

- ❖ The 6 notified minority communities together constitute about 19–20% of India's total population, as per the 2011 Census.
- ❖ Jammu & Kashmir and Lakshadweep are the only state/union territories where Muslims are in the majority;
- ❖ Sikhs are the majority in Punjab, and Christians are the majority in Meghalaya, Mizoram, and Nagaland.
- ❖ The Muslim population growth rate (24.6%) was the highest, and the Jain community's growth rate (5.4%) was the lowest.

Article 31 → Compulsory Acquisition of Property [Repealed]

- 20 June 1979 — It was removed from the list of Fundamental Rights (Part III) by the 44th Constitutional Amendment Act, 1978. (This was under the Janata Party government led by Morarji Desai.)
- The Right to Property is no longer a Fundamental Right; it is now merely a 'Constitutional and Legal Right' under Article 300-A (Part XII).

- **Article 31A (1st Amendment, 1951)** → This protects laws related to agricultural land reforms and abolition of the zamindari system from being challenged in court on the ground that they violate Fundamental Rights.
- **Article 31B (1st Amendment, 1951)** → The 9th Schedule was created under this provision. Any law placed in it was granted immunity from Judicial Review.
- **Article 31C (25th Amendment, 1971)** → This provides that if the government makes a law to implement Article 39(b) or 39(c) (Directive Principles of State Policy), it cannot be struck down on the ground of violating Article 14 or 19.

Article 32 : Right to Constitutional Remedies

