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NAAC ACCREDITED 'A' GRADE



Topic: Cultural and Educational Rights

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Cultural and Educational Rights (Articles 29-30)

Cultural and Educational fundamental rights of minorities are given in Articles 29 and 30. These two articles together provide the following four rights -

1. Any section of citizens resident in India have a right to conserve their language, script or culture [Article 29(1)]
2. All religious and linguistic minorities have the right to establish and administer educational institutions of their choice [Article 30(1)].
3. While granting aid to educational institutions, the state cannot make any discrimination against any educational institution managed by religious or linguistic minority [Article 30(2)].
4. However, a citizen cannot be denied admission to any educational institution, maintained by the state or receiving aid out of state funds, on grounds of religion, race, caste or language. [Article 29(2)].

The right given by Article 30(1) is meant for religious or linguistic minorities and not for others. The purpose of Article 30(1) and Article 30(2), may be mentioned is to establish social justice in the diverse and plural society of India. However, though Article 30 grants special rights to minorities, it does not spell out what would be the definition of minority. The Supreme Court in *T.M.A. Pai Foundation vs. State of Karnataka*, 2002, made it clear;

- The term 'minority' used in Article 30(1) means only religious and linguistic minorities.
- In determining minority, the unit will be the State and not the whole of India.
- Under Article 30(1), religious and linguistic minorities have the right to establish as well as administer educational institutions of 'their own choice'. This choice implies that not only ordinary educational institutions, but also professional educational institutions would come under the ambit of Article 30(1).

Article 29 differs from Article 30 in that, while Article 29 gives protection to citizens only, Article 30 gives protection only to minorities. However these two articles are complementary to each other. Because Article 29(1) gives rights to all citizens, including minorities, to conserve their language, script or culture. However, this is not possible without education. That is, if the minorities are not given enough scope for education, it is not possible for them to develop their

language, script or culture. That is why, Article 30(1) grants the minorities the right to establish and administer educational institution according to their choice.