

CULTURAL & EDUCATIONAL RIGHTS (ARTICLES 29 & 30)

Fundamental Rights guarantee basic rights to the citizens of India. There are six fundamental rights enshrined in the Constitution of India, and Articles 29 and 30 are cultural and educational rights.

Cultural and Educational Rights

Cultural and Educational Rights protect the rights of religious, cultural and linguistic minorities, by facilitating them to preserve their heritage and culture. Educational rights are for ensuring education for everyone without any discrimination.

- This **fundamental right** intends to preserve the culture of all minority groups in India.
- Indian society is a composite heterogeneous one and its diversity is one of its strengths.
- The Constitution guarantees these rights to minorities so that the diversity of this country is preserved and provides avenues for all groups including marginalised ones to protect, preserve and propagate their culture.

Article 29 – Protection of interests of minorities

This article is intended to protect the interests of minority groups.

Article 29(1): This provides all citizen groups that reside in India having a distinct culture, language and script, the right to conserve their culture and language. This right is an absolute right and there are no ‘reasonable restrictions’ in the interest of the general public here.

Article 29(2): The State shall not deny admission into educational institutes maintained by it or those that receive aids from it, to any person on the basis of race, religion, caste, language, etc. This right is given to individuals and not any community.

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

This right is given to minorities to form and govern their own educational institutions. Article 30 is also called the “**Charter of Education Rights**”.

Article 30(1): All religious and linguistic minorities have the right to establish and administer educational institutions of their choice.

Article 30(2): The State should not, when granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

UPSC Questions related to Cultural & Educational Rights

What are cultural and educational rights?

Cultural and educational rights are guaranteed by the Constitution to religious and linguistic minority groups in India, in order to enable them to preserve their distinct cultures, languages and scripts.

What is Article 30?

Article 30 of the Indian Constitution provides minorities with the right to establish and manage their own educational institutions.

What is Article 21 of the Constitution?

Article 21 of the Constitution guarantees the **Right to Life**. It is one of the most important fundamental rights guaranteed to the people of India.

Minority Protection and India :

Minority’s condition, their appeasement, harassment and the politics of it are often seen in the news today, and hence its relevance for the UPSC Mains.

Minority Protection and India

Context

- Recent political developments have put the issues of minority appeasements and minority harassment back into the forefront.
- Recent increase in hate crimes has also triggered debates about the need for a separate legislation to protect minorities against lynching and hate crimes.

Background

- Article 1 of the UN Declaration of Human Rights states: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”
- Across the globe the anti-immigrant/ anti minority sentiments are on the rise.
- The shooter responsible for the massacre at “El Paso” claimed to have been troubled by minorities gaining more power after alleged unregulated immigration.
- Europe has also witnessed a few anti minority hate crimes. A same-sex couple were attacked in London recently while they were travelling in the bus. Brexit campaign in the UK also had strong anti-immigration messages.
- The rising civil unrest and conflicts in many parts of the world are causing a rise in refugees. Climate change has also forced a large section of the population to seek shelter in other countries.
- But when such refugees reach relatively safe countries they are targeted for their religion, race, ethnicity etc.

Indian context

- Even though the term minority has been used in our constitution, the constitution has not attempted to define it.
- The National Commission for Minorities Act, 1992 in the Section 2(c) of the act defines a minority as “a community notified as such by the Central government”. India this applies to Muslim, Christians, Sikhs, Buddhist and Parsis (Zoroastrian), Jain religions.
- As per TMA Pai Foundation vs. State of Karnataka case in the Supreme Court a minority either linguistic or religious is determinable only by reference to the demography of the State and not by taking into consideration the population of the country as a whole.
- When we discuss the term minorities we should not limit ourselves to religious minorities. Linguistic minorities, transgender etc are also considered minorities in the larger socio-political framework.
- Simple numerical majority-minority constructs fail to include regional (like non-dominant tribe groups in the North East), linguistic (Bengali speakers in erstwhile East Pakistan) and other “pattern of life follower” (ethnic) minorities.
- Recently due to the rise in majoritarian impulses the nation has witnessed a spike in hate crimes against minorities.
- This has been amplified by targeted hate speech and fake news against such communities.
- People holding responsible political positions also have been repeatedly caught using fake or questionable sources to make false claims.
- This atmosphere has been further vitiated by irresponsible high decibel TV debates designed to cause shock and outrage.

Way forward

- In order to protect our constitutional values of individual dignity, Equality and liberty we must strive to discourage and remove hate filled messages from our society.
- Political leadership must take a leadership role in disowning hateful elements within their party and uphold their commitment to our constitution.
- A comprehensive anti-hate legislation and policy must be brought to act as a deterrent against hate crimes.
- Recent positive developments like decriminalisation of homosexuality have shown that our society is empathetic towards minorities. A few anti-social elements must not be allowed to jeopardise gains made in this regard.