



MINORITY RIGHTS: POLITY

NEWS: The Constitution on minority rights

WHAT'S IN THE NEWS?

Minority rights, protected under Articles 29 and 30 of the Indian Constitution, ensure that cultural, linguistic, and religious minorities can preserve their identity and establish educational institutions of their choice. The Supreme Court has affirmed these rights as essential for equality and non-discrimination.

Introduction to Minority Rights:

- Minority rights ensure equality and cultural diversity in democracy.
- **Minority Rights Day** is celebrated globally on December 18, marking the UN's adoption of the Declaration on the Rights of Minorities in 1992.
- Franklin Roosevelt stressed that democracy requires the recognition of minority rights.

Historical Origin of Minority Rights:

- **19th Century:** Austria (1867) and Hungary (1868) recognized ethnic minority rights.
- **Post-World War I:** Treaties and nations like Albania and Finland pledged minority protections.
- **Universal Declaration of Human Rights (1948):** Article 27 affirms the right to cultural participation.

Minority Rights in India's Constitution:

- **Articles 29 and 30:** Protect minority rights regarding culture, language, and education.
- **Articles 350A and 350B:** Mandate primary education in the mother tongue and appoint a linguistic minorities officer.
- **Constituent Assembly Debate:** Focused on ensuring peace through minority satisfaction.

Judicial Interpretation:

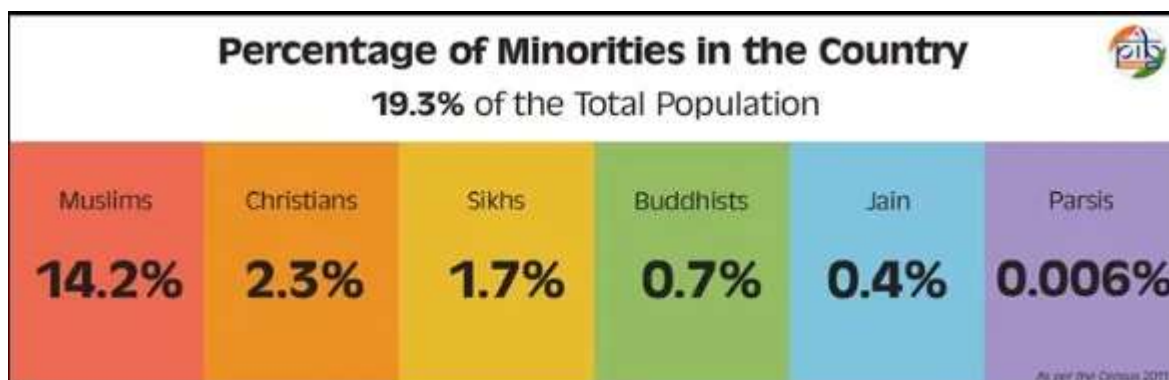
- **Aligarh Muslim University Case (2024):** Upheld Article 30 as part of equality.
- **St. Xavier's College Case (1974):** Ensured equality between majority and minority institutions.



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- **Keshavananda Bharati Case (1973):** Declared minority rights as part of the Constitution's basic structure.



Defining a Minority:

- The **Supreme Court** defines minorities at the state level (e.g., Hindus as minorities in Punjab and Kashmir).
- **Criteria for Minority Institutions:** Institutions must cater predominantly to minorities and align with their community's upliftment.

Rationale for Minority Rights:

- Protects diversity, equality, and cultural identity.
- **Articles 14-18, 19, and 25** require additional protection through Articles 29 and 30.

Source: <https://www.thehindu.com/news/national/the-constitution-on-minority-rights/article68995551.ece#:~:text=behind%20minority%20rights-.The%20preservation%20of%20diversity%20is%20the%20rationale%20behind%20minority%20rights,which%20comes%20under%20Article%2029.>