



Minority Status in India

For Prelims: National Minorities Commission Act, 1992, Article 29, Article 30, Article 350(B)

For Mains: Determination of Minorities in India and Related Constitutional Provisions, Issues Related to Minorities

Why in News?

Recently, while hearing a petition, the [Supreme Court](#) has said that the Minority status of religious and linguistic communities is **“State-dependent”**.

What was the Petition about?

- Petition complains that **followers of [Judaism](#), [Bahaism](#), and [Hinduism](#) are the real minorities** in Ladakh, Mizoram, Lakshadweep, Kashmir, Punjab and the North-East States.
- However, they **cannot establish and administer educational institutions** of their choice because of the **non-identification of ‘minority’ at the State level**.
- Religious communities such as **Hindus here are socially, economically, politically non-dominant and numerically inferior** in several States.

What was the Ruling?

- Every person in India can be a minority in one State or the other.
- A Marathi can be a minority outside his home State e.g., Maharashtra.
- Similarly, a Kannada-speaking person may be in minority in States other than Karnataka.
- Court indicated that **a religious or linguistic community which is a minority in a particular State**, can inherently claim protection and the right to administer and run its **own educational institutions under Articles 29 and 30 of the Constitution**.

Who are the minorities notified by the Government of India?

- Currently, only those communities notified under section 2(c) of the [NCM \(National Commission for Minorities\) Act, 1992](#), by the central government are regarded as minority.
 - Despite the **Supreme Court's 11-judge bench judgment in T.M.A Pai case**, which clearly determined that linguistic and religious minorities must be identified at the state level rather than at the national level, section 2(c) of the National Commission for Minorities (NCM) Act 1992 gave the Centre "unbridled power" to inform minorities.
- **In 1992**, with the enactment of the NCM Act, 1992, the MC became a statutory body and **was renamed as the NCM**.
- **In 1993**, the first Statutory National Commission was set up and five religious communities viz. **The Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) were notified as minority communities**.
- In 2014, **Jains were also notified** as a minority community.

What are the Constitutional Provisions for Minority?

▪ Article 29:

- It provides that any section of the citizens residing in any part of India having a distinct language, script or culture of its own, **shall have the right to conserve the same.**
- It grants **protection to both religious minorities as well as linguistic minorities.**
- However, the SC held that the scope of this article is not necessarily restricted to minorities only, as use of the word **'section of citizens' in the Article includes minorities as well as the majority.**

▪ Article 30:

- All minorities shall have the **right to establish and administer educational institutions** of their choice.
- The protection **under Article 30 is confined only to minorities** (religious or linguistic) and does not extend to any section of citizens (as under Article 29).

▪ Article 350-B:

- The [7th Constitutional \(Amendment\) Act 1956](#) inserted this article which provides for a Special Officer for Linguistic Minorities appointed by the President of India.
- It would be the duty of the **Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities** under the Constitution.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Q. In India, if a religious sect/community is given the status of a national minority, what special advantages it is entitled to? (2011)

1. It can establish and administer exclusive educational institutions.
2. The President of India automatically nominates a representative of the community to Lok Sabha.
3. It can derive benefits from the Prime Minister's 15-Point Programme.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Ans: (c)

Exp:

- At present Muslims, Sikhs, Buddhists, Jains, Christians, and Parsis (Zoroastrians) are notified as minority religious communities by Gol. There are certain special advantages that these communities are entitled by the Constitution of India as well as various other legislative and administrative measures.
- Article 30 of the Indian Constitution **upholds the right of religious and linguistic minorities to establish and administer educational institutions of their choice.** Hence, statement 1 is correct. **There is no provision for the President of India to automatically nominate a member of a minority religious community to the Lok Sabha.** This provision was earlier available for members of Anglo-Indian community under Article 331 of the Constitution. Hence, statement 2 is not correct.
- Religious minorities can **derive benefits from the Prime Minister's 15-Point Programme.** The programme was launched in 2005 to ensure the welfare of minorities in the fields of education, skill development, employment and prevention of communal conflicts. Hence, statement 3 is correct. Therefore, option (c) is the correct answer.

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