



Government Aid Not a Fundamental Right: SC

Why in News

Recently, the [Supreme Court \(SC\)](#) ruled that **government aid to an institution is a matter of policy and it is not a fundamental right.**

- **Article 30 of the Constitution of India** (dealing with **rights of minorities to establish and administer educational institutions**) is subject to its own restrictions being reasonable.

Key Points

- **Aid not a Fundamental Right:**
 - The right of an institution, whether run by a **majority or minority community**, to get government aid is not a fundamental right. Both have to **equally follow the rules and conditions of the aid.**
- **Reason:**
 - Government aid is a **policy decision**. It **depends on various factors** including the interests of the institution itself and the ability of the government to understand the exercise.
 - **Financial constraints and deficiencies** are the factors which are considered relevant in taking any decision while giving aid, including both the decision to grant aid and the manner of disbursement of an aid.
- **Withdrawal of Aid:**
 - If the government made a policy call to withdraw aid, an institution cannot question the decision as a matter of right.
 - If an **institution does not want to accept and comply with the conditions** accompanying such aid, it is well **open to it to decline the grant** and move in its own way. On the contrary, an institution can never be allowed to say that the grant of aid should be on its own terms.

Article 30

- **Article 30 (1):** All minorities, whether based on religion or language, **shall have the right to establish and administer educational institutions** of their choice.
- **Article 30(1A)** deals with the **fixation of the amount for acquisition of property** of any educational institution established by minority groups.
- **Article 30(2)** states that the government **should not discriminate** against any educational institution on the ground that it is under the management of a minority, whether based on religion or language, **while giving aid.**

[Source: TH](#)

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