

Cultural and Educational Rights

Cultural and Educational Rights are provisioned under Articles 29 and 30 of the Indian Constitution. These Articles uphold an individual's right to safeguard distinct language, culture, and script. The Articles are also formulated to protect against state-sponsored discrimination based on one's religion, caste, race, and language.

India, marked by immense cultural and regional diversity, has particular importance for Cultural and Educational Rights. Protecting the interest and identities of all minorities without any discrimination based on culture, caste, language, and religion is necessary for a country like India. In this context, the Cultural and Educational Rights guaranteed to all by the Constitution of India need to be understood.

What is Cultural and Educational Right?

Cultural and Educational Rights states that every Indian citizen, irrespective of religion, race, caste, language, or any other similar factors, has the right to start or run an educational institute within the country.

Not only an individual has the right to start an educational institution, but he/she also has the right to get admission in any state-aided or state-run educational institution without any discrimination based on his/her language, creed, caste, or race. Below you will learn about Articles 29 and 30 of the Indian Constitution, their coexistence, and prominent cases with respect to the Cultural and Educational Right.

Article 29- Protection of Interests of Minorities

Clause (1) of Article 29 of the Indian Constitution states that every citizen who is a resident of India or any part of it speaks, writes, and practices a different languages and cultures, and the script has the right to protect the same. In Clause(2) of the Article, it is further provided that no citizen should be denied the right of admission to any state-run or state-aided educational institution solely on religion, race, caste, language, or other similar factors.

It is important to note that although Article 29(2) and Article 15(1) may seem similar concerning their intentions, they differ in scope. Article 15(1) has a broader scope of addressing discrimination. In contrast, Article 29(2) is limited to specific restitution in terms of discrimination faced by the state-run or state-aided institution during admission.

Article 30 – Right of Minorities to Establish and Administer Educational Institutions

Clause (1) Article 30 states that all minority communities in the country have the right to start and run educational institutions of their choice. In providing aid to educational institutions, the state shall not illustrate any discrimination on the ground of religion and language. Clause (1) of Article 30 states that no countrymen should be denied the right to admission to any state-run or aided educational institutions based on race, caste, creed, or language.

Article 30 identifies two kinds of minority communities in India. They are Linguistic and religious. But, there is a lack of an official definition of what is meant by minority communities by the government. Article 30 Clause 1(A) was further as part of the 42nd constitutional Amendment,

which states that government must give suitable compensation in case of property acquisition from any educational institution by the government.

Relation between Article 29 and 30 of Indian Constitution

Both the Articles have been formulated to guarantee protection against discrimination while exercising Cultural and Educational Rights. They both facilitate the establishment of minority rights and the management of their educational institutions.

Protection of interest of minorities and the right of minorities to start and administer educational institutions are upheld by these two essential Articles. Cultural and Educational Rights are fundamental rights, and Articles 29 and 30 are articulated to strengthen these rights for all sections of the society irrespective of their caste, creed, language, culture, and religion.

The Supreme Court Judgement- Right to Education and Minority Rights

In 2014, the case of Pramati educational & cultural trust vs union of India held. In final result of the case, the Supreme court told that minority institutions cannot be filed for RTE. It doesn't matter if it is aided by the State or not (exception to Article 30 of the Indina Constitution). Another important case is The Sobha George vs. the State of Kerala case. In this case, the section 16 of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) was held by the Supreme Court.