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## **Constitution of India Art 30 - Right of minorities to establish and administer educational institutions**

**(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.**

**(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.**

**(2) The State shall not, in 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.**

### SYNOPSIS

#### **Cited in Sankaranarayanan 2017**

Ambit and Scope — That from the very language of Article 30(1), it is clear that it enshrines a fundamental right of the minority institutions to manage and administer their educational institutions which is completely in consonance with the secular nature of our democracy and the directives contained in the Constitution itself, *All Saints High School v. Govt. of A.P.* (1980) 2 SCC 478, 510. See also *Frank Anthony Public School Employee's Association v. Union of India*, (1986) 4 SCC 707 and *St. Stephen's College v. University of Delhi*, (1992) 1 SCC 558.

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Minority—Linguistic and religious minorities are covered by the expression “minority” under Article 30 of the Constitution. For a definition of “minority”, T.M.A. Pai v State of Karnataka, (2002) 8 SCC 481.

Minority Institution—In the field of administration, it is not reasonable to claim that minority institution will have complete autonomy. Checks on the administration may be necessary in order to ensure that administration is efficient and sound and will serve the academic needs of the institution, see Ahmedabad St. Xavier’s College Society v. State of Gujarat, (1974) 1 SCC 717.

Right of minorities under Article 30(1) is not absolute and is subject to regulations, Islamic Academy of Education v. State of Karnataka, (2003) 6 SCC 697.

Closure of minority institutions is permissible if being run against public interest or national interest, Sindhi Education Society v. Govt. (NCT of Delhi), (2010) 8 SCC 49: (2010) 2 SCC (L&S) 522.

Reasonable Restriction—Right under Article 30(1) is subject to reasonable restrictions under Article 19(6) r/w Article 19(1)(g). Thus, (1) reasonable restrictions in public and national interest, and (2) Government regulation to achieve excellence in educational standards and to prevent maladministration are permissible. At the same time power to regulate is not unlimited so as to destroy the rights conferred, Sindhi Education Society v. Govt. (NCT of Delhi), (2010) 8 SCC 49.