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No State Wise Minority Classification: SC

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Why in News

The Supreme Court has dismissed a plea seeking guidelines to **“identify and define” religious minorities in every State** to protect their culture and interests.

- The petition sought **to recognise Hindus as minorities in the States where they are low in population.**
- Currently, the **linguistic minorities** are identified on a state-wise basis thus **determined by the state government** whereas **religious minorities** are determined by the **Central Government.**

A linguistic minority is a group of people whose mother tongue is different from that of the majority in the state or part of a state.

- However, the Supreme court ruled that **languages are restricted state wise but religion is beyond all borders**, especially political borders. Thus, **religion needs to be considered on a pan-India basis** and not state-wise.

Background

- **Constitutional Provisions:**

- The term "**Minority**" is **not defined** in the **Indian Constitution**. However, the Constitution recognises only **religious and linguistic minorities**.

- **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 Supreme Court 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 that include minorities as well as majority.

- **Article 30** : Under the article, 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** : Originally, the Constitution of India did not make any provision with respect to the **Special Officer for Linguistic Minorities**. But, the **Seventh Constitutional Amendment Act of 1956** inserted **Article 350-B** in the Constitution.

- It 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.

- **Parliamentary Provisions:**

- National Commission for Minorities Act, 1992**

- The act **defines a minority** as "**a community notified as such by the Central government.**" Government of India has declared six religions namely, Muslims, Christians, Sikhs, Buddhist and Parsis (Zoroastrian) and Jain as **religious minorities** in India.

- Under this act, the government formed the **National Commission for Minorities which** consist of Chairperson, a Vice-Chairperson and five Members.

- The five Members including the Chairperson shall be from **amongst the minority communities**.

- The commission monitors the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the State Legislatures.

- It also makes recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the Central Government or the State Governments.

Minorities Rights Day in India

- National Commission for Minorities observes the **18th December** as Minorities Rights Day **every year**.
- The day marks the adoption of the **“Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities”** by the **United Nations in 1992**.
- The declaration states that States shall protect the existence of the National or Ethnic, Cultural, Religious and Linguistic identity of minorities within their respective territories and encourage conditions for the promotion of that identity.

Source:TH