**Syllabus subtopic:** Indian Constitution- historical underpinnings, evolution, features, amendments, significant provisions and basic structure.

**Prelims and Mains focus:** about the SC judgement and its significance; constitutional provisions regarding minorities

**News:** The Supreme Court on Monday held that the State is well within its rights to introduce a regulatory regime in the “national interest” to provide minority educational institutions with well-qualified teachers in order for them to “achieve excellence in education.”

**Background**

- The judgment came on a challenge to the validity of the West Bengal Madrasah Service Commission Act of 2008.

- The State Act mandated that the process of appointment of teachers in aided madrasahs, recognised as minority institutions, would be done by a Commission, whose decision would be binding.

**What did the SC say?**

- The managements of minority institutions cannot ignore such a legal regime by saying that it is their fundamental right under Article 30 of the Constitution to establish and administer their educational institutions according to their choice.

- The regulatory law should however balance the dual objectives of ensuring standard of excellence as well as preserving the right of the minorities to establish and administer their educational institutions. Regulations that embrace and reconcile the two objectives were reasonable.

**Constitutional Provisions:**

The term "Minority" is not defined in the Indian Constitution. However, the Constitution recognises only religious and linguistic minorities.
1. **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**.

2. **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).

3. **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.