

State wise Minority Classification

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Why is it in the news?

The Supreme Court dismissed a petition to recognize Hindus as minorities in the States where they are low in population. The Chief Justice observed that the States have been carved language-wise. But religion is beyond all borders, especially political borders, thus it has to be taken on a pan-India basis.

Who are Minorities in India?

Sec 2(c) of the National Commission for Minorities Act, 1992, under which the NCM was constituted, defines minority, for the purposes of the Act, as a community notified as such by the Central Government. The Central Government by way of 2 notifications, one in 1993 and the other in 2014, has notified 6 religious communities, namely, Muslims, Christians, Sikhs, Buddhists, Parsis and Jains as minorities in India. The NCM has no say really in deciding who is a minority and who isn't.

Protection available for Minorities

- Art 29 (Protection of interests of minorities): Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.
- Art 30 (Right of minorities to establish and administer educational institutions): All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
- NCM: It is set-up to safeguard and protect the interests

of minorities as provided in the Constitution of India and laws enacted by the Parliament and the State Legislatures.

Previous Judgments

- The Kerala Education Bill, 1957 Judgment: SC questioned 'What is a minority? That is a term which is not defined in the Constitution. It is easy to say that a minority community means a community which is numerically less than 50%, but 50% of what? Is it 50% of the entire population of India or 50% of the population of a State?'
- In D.A.V. College etc vs State of Punjab & Ors it was held that 'Religious or linguistic minorities are to be determined only in relation to the particular legislation which is sought to be impugned; if it is State Legislature these minorities have to be determined in relation to the population of the State'.
- In T.M.A. Pai Foundation & Ors vs State of Karnataka & Ors, SC declared that since reorganization of the States in India has been on linguistic lines, therefore, for the purpose of determining the minority, the unit will be the State and not the whole of India.