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Article 29: Minority Language and Culture Protection

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Article 29: Minority Language and Culture Protection

India has many languages, scripts and cultures. Article 29 lets every section of citizens keep its own, and bars unfair denial of admission. This lesson covers the text, the 1954 Barnes School case, the 1948 debate and the 2024 Assam ruling.

At a glance

Four key facts on this topic

01 **29(1)** Conserve culture.

02 **29(2)** Equal admission.

03 **Who** Any section of citizens.

04 **Pair** Article 30.

What does Article 29(1) say?

1 Right to Conserve

1.1 What does Article 29(1) say?

Any section of the citizens living in India, or any part of it, has a right. The section must have a distinct language, script or culture of its own.

That right is to conserve the language, script or culture.

1.2 Who can claim this right?

The clause says any section of citizens. It does not say minority.

So a community need not prove it is a minority. The wording covers every group with a distinct language, script or culture.

1.3 What does conserve really mean?

In the 2024 Assam case, the Supreme Court read conserve as the right to take positive steps. Those steps protect culture and language.

So the right is active. It is more than a promise to leave a community alone.

> 7. **Think it through:** Is a community with a distinct script covered even if it is the majority in its State? See answer ↓

> **Quick check 1.** True or false: Article 29(1) protects only communities that are minorities. *(True or False?)* See answer ↓

Sources: constitutionofindia.net; scobserver.in

How do Articles 29 and 30 differ?

2 Article 29 and 30

2.1 How do Articles 29 and 30 differ?

Article 29 gives any section of citizens the right to conserve its language, script or culture. It also guards equal admission to institutions.

Article 30(1) gives minorities the right to establish and administer educational institutions of their choice.

2.2 How can a student spot the difference in an exam?

Ask what the question is about. A question on conserving a language points to Article 29.

A question on who may found or run a minority college points to Article 30.

2.3 Do the two Articles ever work together?

Yes. In 1954 the Supreme Court read Articles 29(1) and 30(1) together. It found an implied right to teach a community's children in their own language, in the community's own institutions.

So one Article guards the culture. The other guards the school that carries it.

Article 29 and Article 30

Point	Article 29	Article 30(1)
Who	Any section of citizens	Minorities
What	Conserve language, script, culture	Establish and run institutions
Extra	Equal admission, 29(2)	Institution of own choice

Compare the two columns before an exam question on minorities.

> 8. **Think it through:** A community wants to run its own school. Which Article is the first stop? See answer ↓

Quick check 2. True or false: Article 30(1) is the source of the right to establish and run minority institutions. *(True or False?)* See answer ↓

Sources: indiankanoon.org

What does Article 29(2) say?

3 The Word Only

3.1 What does Article 29(2) say?

No citizen shall be denied admission to an educational institution. The institution must be run by the State or receive aid out of State funds.

The grounds that cannot be used are religion, race, caste and language. The clause adds the words or any of them.

3.2 Why does the word only matter?

The clause bars denial on grounds only of those four things. If the sole reason is one of them, the refusal breaks the Article.

A refusal on another ground is not caught by this clause. The word only draws that line.

3.3 Does Article 29(2) cover private schools?

The text names two kinds of institution. One is maintained by the State. The other receives aid out of State funds.

A school with neither link is outside the words of the clause.

> 9. **Think it through:** A student is refused a seat. The only reason given is her caste. Is Article 29(2) broken? See answer ↓

> **Quick check 3.** True or false: Article 29(2) bars denial of admission on grounds only of religion, race, caste or language. *(True or False?)* See answer ↓

What happened at Barnes High School?

4 The Barnes School Case

4.1 What happened at Barnes High School?

Barnes High School at Deolali was an Anglo-Indian school. It received aid from the State of Bombay and used English as its medium.

On 6 January 1954 the State issued a circular. It barred the school from admitting pupils other than Anglo-Indians and citizens of non-Asiatic descent.

4.2 What did the Supreme Court decide?

In State of Bombay v. Bombay Education Society, decided on 26 May 1954, the Court held the order void. It found the order broke Article 29(2).

The school's managers had challenged the order, and the Court agreed with them.

4.3 Why did the Court read the clause so widely?

The Court held that the language of Article 29(2) is wide and unqualified. It covers all citizens, whether they belong to the majority or the minority group.

So the equal-admission right is not a minority right alone. Every citizen can claim it.

The 1954 case in brief

Step	Detail
School	Barnes High School, Deolali; State aid; English medium
Order	Circular of 6 January 1954 on whom to admit
Ruling	Order void under Article 29(2), 26 May 1954

Each row is a step in the dispute, in order.

10. **Think it through:** Why was it important that the school took State aid? See answer ↓

Quick check 4. True or false: In the 1954 Barnes School case, the Court held the admission order void under Article 29(2). *(True or False?)* See answer ↓

Where did Article 29 come from?

5 Framers' Debate, 1948

5.1 Where did Article 29 come from?

It began as Draft Article 23 in the 1948 Draft Constitution. The Constituent Assembly debated it on 7 and 8 December 1948.

The Assembly adopted the Draft Article on 8 December 1948.

5.2 How did the draft differ from the final text?

The draft clause (2) said no minority, based on religion, community or language, shall be discriminated against in admission to a State-maintained institution.

The final clause (2) speaks of every citizen. It also covers institutions that receive State aid.

5.3 What did the Assembly reject and accept?

One member wanted minorities to have the right to develop their culture. He argued culture is dynamic and progressive. The Assembly rejected this.

Another member wanted to limit the Article to linguistic minorities. The Assembly instead accepted a wider proposal. It covered religious, racial, caste and linguistic minorities.

Draft and final wording of clause (2)

Point	Draft, 1948	Final, 1950
Protected	A minority	Every citizen
Institutions	Maintained by the State	Maintained or aided by the State
Grounds	Religion, community, language	Religion, race, caste, language

The final text widened both the protected group and the institutions.

11. **Think it through:** Why does the move from minority to citizen matter in an exam? See answer ↓

Quick check 5. True or false: The final Article 29(2) protects only a minority, as the 1948 draft did. *(True or False?)* See answer ↓

What was the Section 6A case about?

6 The Assam Case, 2024

6.1 What was the Section 6A case about?

On 17 October 2024, a five-judge Bench led by Chief Justice Chandrachud decided the case. It tested Section 6A of the Citizenship Act, 1955, which recognised the Assam Accord.

Migrants from Bangladesh who entered Assam before 1 January 1966 are deemed Indian citizens under that Section.

6.2 What did the challengers argue under Article 29?

They argued that the law harmed the culture and language of the Assamese. They said it infringed Article 29.

The majority, by 4 to 1, rejected this argument. Justice Pardiwala dissented.

6.3 Why did the argument fail?

The Court said the mere presence of different ethnic groups in a State does not infringe Article 29(1).

The challengers had to prove one more thing. They had to show the law left another group unable to take steps to protect its culture or language.

> 12. **Think it through:** Does a new group arriving in a State, by itself, break Article 29(1)? See answer ↓

Quick check 6. True or false: In the Section 6A case, the Court held that the mere presence of other ethnic groups infringes Article 29(1). *(True or False?)* See answer ↓

Sources: livelaw.in

Remember this

- **29(1):** any section of citizens may conserve its language, script or culture.
- **29(2):** no denial of admission on grounds only of religion, race, caste or language.
- **Covers:** State-run or State-aided institutions.
- **Article 30:** minorities run institutions of their choice.
- **Draft:** Article 23; adopted 8 December 1948.
- **1954:** Barnes School order void under 29(2).
- **2024:** mere presence of other groups does not break 29(1).

Explain it back: Say why Article 29 is not a minority-only right.

Practice MCQs

1. Article 29(1) gives the right to conserve a distinct language, script or culture to whom?

A. Only citizens of one State

B. Only religious minorities

C. Any section of citizens with a distinct language, script or culture

D. Only linguistic minorities

See answer ↓

2. In the 1954 Barnes High School case, the Supreme Court held the State's admission order void under which provision?

A. Article 337 only

B. Article 29(2)

C. Article 350A

D. Article 30(2)

See answer ↓

3. What did the Constituent Assembly do with the proposal to let minorities 'develop' their culture?

A. Adopted it in 1948

B. Rejected it

C. Moved it to Article 30

D. Applied it only to scripts

See answer ↓

4. Which words in Article 29(2) limit the bar on denying admission?

A. Distinct language, script or culture

B. Any section of citizens

C. Maintained by the State

D. Grounds only of religion, race, caste, language or any of them

See answer ↓

5. In the 2024 Section 6A case, what did the Court hold about Article 29(1)?

A. It was struck down

B. The mere presence of different ethnic groups does not infringe it

C. It covers only language, not culture

D. It applies only to minorities

See answer ↓

6. Which Article gives minorities the right to establish and administer educational institutions of their choice?

A. Article 347

B. Article 29(1)

C. Article 30(1)

D. Article 29(2)

See answer ↓

Answer Key

1. **C.**
   The clause says any section of citizens. It is not limited to minorities.
   ↑ Q1
2. **B.**
   The order barred admissions outside one community. The Court found it broke Article 29(2).
   ↑ Q2
3. **B.**
   The Assembly rejected the amendment. It debated Draft Article 23 on 7 and 8 December 1948.
   ↑ Q3
4. **D.**
   The word only ties the bar to refusals resting on those grounds alone.
   ↑ Q4
5. **B.**
   The 4 to 1 majority rejected the Article 29 argument. Mere presence of other groups is not enough.
   ↑ Q5
6. **C.**
   Article 30(1) carries this right. Article 29 protects language, script and culture.
   ↑ Q6

Quick-check answers

1. **False.** The clause covers any section of citizens with a distinct language, script or culture. ↑ 1
2. **True.** Article 30(1) carries that right. Article 29 protects language, script and culture. ↑ 2
3. **True.** The word only limits the clause to refusals resting on those grounds alone. ↑ 3
4. **True.** The Court found the order broke Article 29(2), which covers all citizens. ↑ 4

5. **False.** The final clause says no citizen shall be denied admission. It is wider than the draft. ↑ 5
6. **False.** The Court held the opposite. Mere presence is not enough to infringe Article 29(1). ↑ 6
7. **Think it through.** The clause protects any section of citizens, not only minorities. The test is a distinct language, script or culture. ↑ 7
8. **Think it through.** Article 30(1). It gives minorities the right to establish and administer institutions of their choice. ↑ 8
9. **Think it through.** The refusal is on grounds only of caste, a barred ground. The institution is State-run or State-aided. ↑ 9
10. **Think it through.** Article 29(2) covers institutions run by the State or aided out of State funds. Aid brought the school under the clause. ↑ 10
11. **Think it through.** It explains why Article 29(2) protects every citizen. The framers widened the draft on purpose. ↑ 11
12. **Think it through.** The Court held that mere presence is not enough. A group must show it cannot take steps to protect its culture. ↑ 12

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