

THE CONSTITUTION (ONE HUNDRED AND XXXXXX AMENDMENT)  
BILL, 2017

A BILL

further to amend the Constitution.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (One Hundred and Twenty Fourth Amendment) Act, 2017.

2. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

3. In article 30 of the Constitution, for the whole of the article, the following shall be substituted, namely:--

“30.(1) Any section of the citizens residing in the territory of India or any part thereof shall have the right to establish and administer educational institutions of their choice.

(2) The State shall not, in any matter connected with establishment and administration of 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.”

## STATEMENT OF OBJECTS AND REASONS

Article 29 of the Constitution aims to protect the interests of minorities in India and to ensure that they get equal opportunity to protect and enrich their language, script or culture. While Clause (1) of Article 29 grants the right to conserve the language, script or culture to any group of citizens who have a distinctness with respect to the same, Clause (2) ensures that no citizen, irrespective of the religion, race, caste, language or any of them is discriminated against with respect to admissions into educational institutions. The real purpose of Article 29 is twofold - (a) To grant rights to all citizens to preserve their language, script and culture and (b) to ensure no citizen, be it minority or majority, is discriminated against with respect to admission to educational institutions.

Article 30 in its current form grants rights to the religious and linguistic minorities to establish and administer educational institutions of their choice. The intent of the makers of the Constitution, even with respect to this Article, was to ensure minorities get an equal opportunity to run educational institutions, just as the non-minorities have. Article 30 ensures the rights granted under Article 29 can be realized. The purpose of the Article is to rule out possibility of minorities being discriminated against, and to ensure they are treated on par with non-minorities.

In order to ensure the original intent of the founders of the nation is brought to fruition, it is necessary to amend the Constitution, as above.

The Bill seeks to achieve the above objectives.

New Delhi

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