



MINORITY EDUCATIONAL INSTITUTIONS UNDER ARTICLE 30: RECONCILING CONSTITUTIONAL AUTONOMY, EQUALITY, AND THE RIGHT TO EDUCATION UNDER PART III

¹Tiwari Arvind Rangnarain, ²Dr, Abhimanyu Sethy

¹Research Scholar, ²Research Supervisor

¹⁻²Department of Law, Arunodaya University, Arunachal Pradesh

ABSTRACT

Three distinct constitutional values meet within the walls of a minority educational institution in India: the autonomy of a religious or linguistic community to shape the education of its members, the guarantee of equal treatment owed by the State to every person, and the fundamental right of every child to free and compulsory elementary education. Much of the existing literature treats the problem as a bilateral contest between minority rights and State regulation. This paper argues that the contest is in truth trilateral, and that the child, as the holder of the right under Article 21A, has been the least visible party in the constitutional conversation. The paper first identifies the normative foundations of minority educational autonomy in theories of cultural pluralism and Indian secularism. It then dissects the right to administer into its constituent elements and maps the doctrinal tools through which courts have reconciled autonomy with equality, including the excellence standard, the national interest standard and the doctrine of general laws. It proceeds to evaluate the treatment of minority schools under the Right of Children to Free and Compulsory Education Act, 2009, and draws comparative lessons from the United States, Canada, South Africa and European minority rights instruments. The paper concludes that reconciliation is possible if the right to administer is understood as a right to preserve identity rather than a right to be free of child-centred obligations, and it proposes an identity-core model for calibrating regulation.

Keywords: Minority educational institutions; institutional autonomy; right to administer; Article 21A; RTE Act; cultural pluralism; comparative constitutional law; identity-core model.

ARTICLE HISTORY

Received: 17 July 2026, Accepted: 20 July 2026, Published: 20 August 2026

1. Introductory Perspective

Education occupies a unique place in the life of a community. It is the medium through which language is kept alive, faith is transmitted across generations, and a shared sense of belonging is cultivated. For a community that is numerically weaker than its neighbours, control over education is often the difference between cultural continuity and gradual assimilation. The Constitution of India recognised this truth by conferring upon all religious and linguistic minorities the right to establish and administer educational institutions of their choice under Article 30(1), and by forbidding the State from discriminating against such institutions in the matter of aid under Article 30(2). Education is, however, also a public good of the highest order. It is the principal instrument through which the Constitution's vision of justice, social, economic and political, is to be realised. The Directive Principles originally required the State to endeavour to provide free and compulsory education for children, and the Supreme Court later recognised that the right to education flows from the right to life with dignity (*Mohini Jain v. State of Karnataka*, (1992) 3 SCC 666; *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645). The Constitution (Eighty-sixth Amendment) Act, 2002 converted this judicial recognition into an express fundamental right under Article 21A, and Parliament enacted the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter the RTE Act) to give it concrete content.

When these two commitments are placed side by side, a question of reconciliation becomes unavoidable. Minority institutions claim autonomy in admissions, appointments and management; the State asserts a duty to ensure equal access, minimum standards and non-discrimination; and children, many of whom attend minority schools without belonging to the founding community, possess an individual right to quality education that does not depend on who manages their school. The Supreme Court's decision that the RTE Act does not apply to minority schools, whether aided or unaided, has brought this question into sharp focus (*Pramati Educational and Cultural Trust v. Union of India*, (2014) 8 SCC 1). This paper approaches the problem from a perspective that places the child at the centre of the analysis. It argues that constitutional autonomy, equality and the right to education are capable of reconciliation, provided that the right to administer is interpreted in light of its purpose, namely the preservation of minority identity, rather than as a general immunity from public obligations.

2. Scope, Research Questions and Approach

The study is confined to minority educational institutions at the school and higher education levels in India, with particular attention to elementary schools governed by Article 21A. It does not examine the internal governance of religious denominations under Article 26, except where that provision illuminates the scope of Article 30. The study is guided by the following research questions:

1. What normative justifications support the grant of educational autonomy to minorities, and how do these justifications define the limits of that autonomy?
2. Which elements of the right to administer have been treated by the courts as immune from regulation, and which as open to regulation?
3. What doctrinal tools have the courts developed to reconcile minority autonomy with equality under Articles 14, 15 and 29(2)?
4. Is the exclusion of minority schools from the RTE Act consistent with the individual right of the child under Article 21A?
5. What lessons can comparative constitutional experience offer for the Indian settlement?

The approach adopted is doctrinal and normative, supplemented by a comparative analysis. Constitutional provisions, statutes and judicial decisions constitute the primary material. Scholarly literature on multiculturalism, secularism and education law provides the normative framework, while constitutional texts and leading judgments from the United States, Canada and South Africa, together with international minority rights instruments, furnish comparative insight. The analysis is qualitative and evaluative; it assesses legal rules against the purposes they are meant to serve.

3. Normative Foundations of Minority Educational Autonomy

A. The Pluralist Justification

Liberal theories of minority rights justify group-differentiated protections on the ground that individuals can make meaningful choices only within a secure cultural context. A person's language and tradition provide the options among which autonomy is exercised; where a minority culture is swamped by majority institutions, its members are deprived of the very context that gives choice its meaning. On this account, external protections that shield a minority from the decisions of the larger society are legitimate, whereas internal restrictions that limit the liberty of the minority's own members, or impose burdens on outsiders, are not (*Kymlicka*, 1995). Applied to education,

the theory supports the right of a minority to run institutions that teach in its language and reflect its ethos, but it does not support the use of that right to deny individuals, whether members or non-members, the basic goods that a liberal democracy guarantees to all.

B. The Indian Secular Justification

Indian secularism has been characterised not as a strict separation of State and religion but as a principled distance, under which the State may engage with religious and cultural communities differently where such differential treatment advances freedom and equality (Bhargava, 1998). Article 30 is a paradigm of this approach. It does not require the State to remain indifferent to minority education; it requires the State to support it on non-discriminatory terms while retaining the authority to intervene where intervention promotes the values of the Constitution. The same principled distance that justifies aid to minority schools justifies the insistence that such schools respect the dignity and rights of the children they educate.

C. The Equality Justification

A third justification treats Article 30 as an instrument of substantive equality. In a polity where the majority can, through the ordinary legislative process, determine the content and medium of education, a minority is structurally disadvantaged. Article 30 corrects that disadvantage by ensuring that the minority can do for itself what the majority can do through the State. The Supreme Court has repeatedly affirmed that the object of the provision is to ensure equality between majority and minority rather than to confer a privilege on the latter (Ahmedabad St. Xavier's College Society v. State of Gujarat, (1974) 1 SCC 717; T.M.A. Pai Foundation v. State of Karnataka, (2002) 8 SCC 481). All three justifications converge on a single insight: the autonomy protected by Article 30 is purposive. It exists to preserve identity and to correct disadvantage. Autonomy that extends beyond those purposes, and that operates to the detriment of individuals, lacks a normative foundation within the constitutional scheme.

4. Anatomy of the Right to Administer

The right to administer has been described by the Supreme Court as the right to manage and conduct the affairs of the institution, including the composition of the governing body, the admission of students, the appointment of staff and the taking of disciplinary action (State of Kerala v. Very Rev. Mother Provincial, (1970) 2 SCC 417). In that decision, provisions of the Kerala University Act that would have transferred the effective management of minority colleges to bodies constituted under the statute were struck down. The right is thus not a single entitlement but a bundle of powers, each of which has attracted its own jurisprudence. With respect to staff, the Court has recognised that the selection of the head of the institution lies at the heart of administration, since the head sets the tone and ethos of the institution; a statutory seniority rule could not compel a minority management to appoint a particular person as headmaster (N. Ammad v. Manager, Emjay High School, (1998) 6 SCC 674). Conversely, a provision conferring on the Vice-Chancellor an appellate power over disciplinary decisions of a minority college was held to be an unwarranted intrusion into management (Lily Kurian v. Sr. Lewina, (1979) 2 SCC 124). With respect to admissions, the Court upheld the right of a minority management to admit boys to its school despite a regulation confining the school to girls, since the choice furthered the educational needs of the community (Mark Netto v. State of Kerala, (1979) 1 SCC 23).

The Court has also drawn clear limits. Regulations governing qualifications of teachers, curriculum standards, conditions of service, health and hygiene, and the prevention of maladministration have consistently been upheld, on the reasoning that the right to administer does not include the right to maladminister (In re Kerala Education Bill, 1957, AIR 1958 SC 956; Rev. Sidhrajibhai Sabbai v. State of Bombay, AIR 1963 SC 540). The resulting picture is summarised in the table below.

Table 1: Components of the Right to Administer and the Scope of Permissible Regulation

Component	Protected Core	Permissible Regulation
Governing body	Composition determined by the minority community	Transparency, accountability and prevention of mismanagement
Admission of students	Choice of students, including preference to community members	Merit-based, transparent process; Article 29(2) for aided institutions
Appointment of staff	Selection of head of institution and teachers	Minimum qualifications and eligibility criteria
Discipline and service	Initiation and conduct of disciplinary action	Fair procedure; pay parity and security of tenure

Medium and ethos	Language of instruction and cultural or religious character	Curriculum standards and syllabus requirements
Fees and finance	Reasonable surplus for institutional development	Prohibition of capitation fee and profiteering
Affiliation and recognition	No surrender of identity as condition of recognition	Conditions relating to academic standards and infrastructure

5. Reconciling Autonomy and Equality: Doctrinal Tools

Courts have developed a set of doctrinal tools that allow the right to administer to coexist with the equality commitments of Part III. Each tool performs a distinct reconciling function.

A. The Excellence Standard

The oldest tool is the requirement that regulation be directed towards the excellence of education. Under the dual test, a regulation must be regulative of the educational character of the institution and conducive to making it an effective vehicle of education (*Rev. Sidhrajibhai Sabbai v. State of Bombay*, AIR 1963 SC 540). The standard permits the State to impose uniform norms of quality on all institutions, thereby ensuring equality of educational opportunity for students, while preventing the State from using regulation as a pretext for taking over minority management. Pay parity for teachers was upheld on precisely this basis, since well-paid teachers are essential to good education (*Frank Anthony Public School Employees' Association v. Union of India*, (1986) 4 SCC 707).

B. The National Interest Standard

A second tool emerged from the eleven-judge restatement, which held that the right under Article 30 is subject to regulations in the national interest and to general laws of the land (*T.M.A. Pai Foundation v. State of Karnataka*, (2002) 8 SCC 481). The Supreme Court relied on this standard in upholding a uniform national entrance examination for medical admissions as applicable to minority institutions (*Christian Medical College Vellore Association v. Union of India*, (2020) 8 SCC 705). The same year, the Court upheld a statutory commission for the selection of teachers in aided madrasahs in West Bengal, reasoning that the pursuit of excellence in education is itself a matter of national interest and that an institution receiving aid cannot insist on a method of appointment that compromises quality (*SK. Md. Rafique v. Managing Committee, Contai Rahamania High Madrasah*, (2020) 6 SCC 689). The latter decision marks a notable expansion of regulatory authority into appointments, an area previously treated as close to the protected core.

C. The Doctrine of General Laws

A third tool holds that laws of general application, such as those relating to taxation, labour welfare, sanitation, public order and morality, apply to minority institutions in the same manner as to others. The doctrine directly implements equality: a minority institution is neither subjected to special burdens nor relieved from common obligations. The Court has applied it to hold that service conditions laid down by general law bind minority institutions unless they strike at the core of administration (*Secretary, Malankara Syrian Catholic College v. T. Jose*, (2007) 1 SCC 386).

D. The Admission Balance under Article 29(2)

The fourth tool concerns the relationship between the communal interest in admitting members of the minority and the individual right of every citizen not to be denied admission to an aided institution on grounds of religion, race, caste or language. The early advisory opinion accepted that the admission of a sprinkling of outsiders would not dilute the minority character of an institution (*In re Kerala Education Bill*, 1957, AIR 1958 SC 956). Later, the Court permitted aided minority colleges to prefer community students up to a reasonable limit while reserving the remaining seats for general merit (*St. Stephen's College v. University of Delhi*, (1992) 1 SCC 558). For unaided institutions, the seven-judge bench held that the State cannot impose its reservation policy, though admission must still be fair, transparent and merit-based (*P.A. Inamdar v. State of Maharashtra*, (2005) 6 SCC 537).

Table 2: Doctrinal Tools of Reconciliation

Doctrinal Tool	Reconciling Function	Representative Authority
Excellence standard (dual test)	Uniform quality norms without takeover of management	Sidhrajibhai Sabbai (1963); Frank Anthony (1986)
National interest standard	Common national frameworks bind minority institutions	T.M.A. Pai (2002); CMC Vellore (2020); Contai Rahamania (2020)

General laws doctrine	Neither special burdens nor special exemptions	T.M.A. Pai (2002); Malankara (2007)
Admission balance	Community preference reconciled with individual non-discrimination	Kerala Education Bill (1957); St. Stephen's (1992); P.A. Inamdar (2005)

6. The Right to Education and the Minority School

A. From Directive to Fundamental Right

The right to education has travelled a long constitutional road. From a non-justiciable directive, it was recognised by the Supreme Court as a component of the right to life, and the Court held that every child has a fundamental right to free education until the age of fourteen (*Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645). Parliament responded by inserting Article 21A, which requires the State to provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine. The Court has also recognised that the right includes the right to a safe learning environment, directing that schools comply with basic safety standards (*Avinash Mehrotra v. Union of India*, (2009) 6 SCC 398). The RTE Act gives content to the right through a series of obligations: the prohibition of capitation fees and screening procedures, the prohibition of physical punishment and mental harassment, norms for pupil-teacher ratios, infrastructure and working days, minimum qualifications for teachers, the constitution of school management committees, and, for private unaided schools, the admission of at least twenty-five per cent of children from weaker sections and disadvantaged groups in the entry class under Section 12(1)(c). Section 1(4), inserted in 2012, subjects the Act to Articles 29 and 30, while Section 1(5) excludes madrasas, Vedic pathshalas and institutions primarily imparting religious instruction.

B. The Exclusion of Minority Schools

The Supreme Court first held that the Act applied to aided minority schools but not to unaided minority schools (*Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 SCC 1). A Constitution Bench subsequently held that the Act, in so far as it applies to minority schools, aided or unaided, is ultra vires Article 30(1), reasoning that the imposition of its obligations could affect the minority character of such schools (*Pramati Educational and Cultural Trust v. Union of India*, (2014) 8 SCC 1). The difficulty with the exclusion lies in the nature of the right under Article 21A. That right belongs to the child, not to the institution. It is an individual right of the most basic kind, closely tied to dignity and the development of personality. When the RTE Act is held inapplicable to a minority school, the consequence falls not on the managing community but on each child enrolled there, who loses protection against corporal punishment, screening, unqualified teachers and inadequate facilities. Many of those children do not belong to the minority community at all. The exclusion therefore burdens individuals, including outsiders, in order to protect an institutional interest, which is precisely the type of internal restriction and external burden that the pluralist justification of minority rights does not support.

The Constitution Bench's concern was centred on the admission obligation, which could alter the communal composition of a minority school. That concern is legitimate. But most other obligations under the Act have no bearing on minority identity. The table below classifies the principal obligations according to their relationship with minority character.

Table 3: Obligations under the RTE Act and their Relation to Minority Character

Obligation under the RTE Act	Nature of Obligation	Effect on Minority Identity
25% admission of disadvantaged children (s. 12(1)(c))	Redistributive admission mandate	Potentially significant; may alter community composition
Prohibition of capitation fee and screening (s. 13)	Child protection and equal access	Negligible
Prohibition of physical punishment and harassment (s. 17)	Dignity of the child	None
Pupil-teacher ratio and infrastructure norms (ss. 19, 25)	Quality standards	None
Minimum teacher qualifications (s. 23)	Excellence standard	None; selection remains with management
School Management Committee (s. 21)	Participatory governance	Moderate; composition may be adapted for minority schools

The classification reveals that the conflict between the RTE Act and Article 30 is narrow. It concerns primarily the admission mandate and, to a lesser extent, the composition of school management committees. The wholesale exclusion of minority schools from the entire Act extends constitutional protection to matters that the protected core of Article 30 does not reach.

C. The Special Position of Aided Minority Schools

The case for extending child-centred obligations is strongest in respect of aided minority schools. Such schools are sustained substantially from public funds, and the Constitution itself subjects them to Article 29(2), which forbids denial of admission on grounds of religion, race, caste or language. The early advisory opinion recognised that while the right to aid is not a fundamental right, conditions of aid which are reasonable and directed towards excellence may validly be imposed (In re Kerala Education Bill, 1957, AIR 1958 SC 956). Article 30(2) prohibits discrimination against minority institutions in the grant of aid; it does not prohibit the attachment of uniform conditions that apply equally to every aided institution. A requirement that an aided school maintain minimum infrastructure, employ qualified teachers and refrain from corporal punishment is precisely such a uniform condition. The position of the child in an aided minority school is, moreover, practically indistinguishable from that of a child in a government school. The education is largely financed by the State, the curriculum is generally that prescribed by the State board, and the teachers are frequently paid from the public exchequer. It is difficult to discern a constitutional principle under which the State may fund a school but be disabled from ensuring that the children it funds receive the minimum protections guaranteed by statute. The exclusion of aided minority schools from the RTE Act therefore raises a distinct question of public accountability, in addition to the question of the child's individual right.

D. Unaided Minority Schools and the Admission Mandate

Unaided minority schools present a more complex case. Their autonomy in admissions has been recognised as greater than that of aided institutions, and the imposition of a quota of State-selected children directly affects their capacity to serve the community for which they were founded (T.M.A. Pai Foundation v. State of Karnataka, (2002) 8 SCC 481). The concern of the Constitution Bench in excluding such schools from the admission mandate is therefore well founded. Yet that concern does not extend to the remaining obligations of the Act. An unaided school that charges no capitation fee, employs qualified teachers and treats its pupils with dignity loses nothing of its minority character. The appropriate response to the admission concern is a targeted exemption, not a general one.

7. Comparative Constitutional Perspectives

Comparative experience shows that the recognition of minority or private educational autonomy is commonly coupled with the retention of State authority to secure standards and protect children. In the United States, the Supreme Court invalidated a State law requiring all children to attend public schools, holding that parents have the liberty to direct the upbringing and education of their children, including through private and religious schools. The Court nevertheless affirmed the power of the State reasonably to regulate all schools, to inspect them and to require that teachers be of good character and that certain studies essential to citizenship be taught (Pierce v. Society of Sisters, 268 U.S. 510 (1925)). Autonomy and regulation were thus presented as complementary rather than antagonistic.

In Canada, section 23 of the Canadian Charter of Rights and Freedoms guarantees minority language educational rights to English-speaking and French-speaking minorities. The Supreme Court of Canada held that the provision confers on minority language parents a measure of management and control over the education of their children, because such control is essential to preserving the minority language and culture (Mahe v. Alberta, [1990] 1 S.C.R. 342). The Canadian approach links the degree of autonomy directly to the purpose of cultural preservation, an approach that resonates with the purposive reading advanced in this paper. The Constitution of the Republic of South Africa, 1996 provides in section 29(3) that everyone has the right to establish and maintain, at their own expense, independent educational institutions, provided that they do not discriminate on the basis of race, are registered with the State and maintain standards not inferior to those at comparable public educational institutions. The South African text thus expressly builds non-discrimination and quality standards into the very definition of the right.

Table 4: Comparative Models of Minority or Private Educational Autonomy

Jurisdiction or Instrument	Nature of Autonomy	Built-in Limits
----------------------------	--------------------	-----------------

India, Article 30	Establishment and administration of institutions of choice	Implied limits: excellence, national interest, general laws
United States (Pierce, 1925)	Parental liberty to choose private or religious schools	Reasonable State regulation, inspection and curriculum requirements
Canada, Charter s. 23	Management and control of minority language education	Autonomy measured by purpose of cultural preservation
South Africa, s. 29(3)	Independent institutions at own expense	Non-discrimination on race, registration, comparable standards
Framework Convention, Art. 13	Private educational establishments of minorities	Operation within the national education system

8. Evaluating the Present Settlement

The analysis yields a mixed assessment. In the field of higher and professional education, the settlement is largely coherent. Minority institutions retain control over their ethos, management and a measure of admission preference, while remaining subject to common entrance examinations, fee regulation and qualification norms. The proportionality analysis applied to the regulation of private professional colleges reinforces this coherence by requiring that regulatory measures be tailored to legitimate aims (Modern Dental College and Research Centre v. State of Madhya Pradesh, (2016) 7 SCC 353). In the field of elementary education, the settlement is less satisfactory. The exclusion of minority schools from the RTE Act treats institutional autonomy as though it were a comprehensive immunity. That treatment is inconsistent with the purposive foundations of Article 30, with the equality principle that minorities should be neither disadvantaged nor advantaged, and with the individual character of the right under Article 21A. The recent willingness of the Supreme Court to uphold State control over teacher selection in aided madrasahs in the name of excellence sits uneasily beside the continued exemption of the same category of schools from basic child-protection norms. The law thus intervenes in an area close to the protected core while abstaining in an area far removed from it.

A further weakness of the present settlement lies in the threshold question of minority status. Because status now carries exemption from an entire statutory regime, the incentive to claim it has increased, while the substantive criteria for its recognition remain largely a matter of case law. The protections of Article 30 attach to institutions established and administered by a minority, and a status regime that does not verify both elements in substance risks conferring constitutional immunity on institutions whose connection with a minority community is nominal. A settlement in which the consequences of status are broad and the conditions of status are loose is structurally prone to misuse, and that misuse ultimately undermines public confidence in the legitimacy of minority rights themselves. The comparative material confirms that this configuration is unusual. In each of the jurisdictions examined, autonomy is coupled with a floor of common standards that protect the learner. India alone, in the field of elementary education, has allowed the protection of the institution to displace the floor of protection for the child.

9. The Way Forward: An Identity-Core Model

The study proposes an identity-core model for reconciling the three constitutional values. Under this model, the right to administer is divided into an identity core, comprising the matters that directly sustain the religious or linguistic character of the institution, and a regulatory periphery, comprising matters that concern the quality of education and the welfare of the learner. The identity core is protected against all but the most compelling regulation; the regulatory periphery is subject to the same norms that bind every other institution. The following measures would give effect to the model:

1. **Legislative recalibration of Section 1(4) of the RTE Act**, so that minority schools are exempt from the admission mandate under Section 12(1)(c) but remain bound by all obligations relating to child protection, quality and infrastructure.
2. **Adapted governance provisions**, permitting school management committees in minority schools to be constituted in a manner that preserves majority representation of the managing community while ensuring parental participation.
3. **Judicial articulation of the identity core**, through an express test asking whether a challenged regulation touches the medium of instruction, the religious or cultural ethos, the composition of management or the selection of key personnel; if not, the regulation should be presumed valid.

4. **Conditional aid**, under which aided minority institutions accept a defined set of learner-protection standards as a condition of public funding, consistent with Article 30(2), which prohibits discrimination in aid but not the imposition of uniform conditions.
5. **Transparency in minority status**, requiring periodic disclosure by minority institutions of their management composition and student profile, so that status reflects genuine community establishment and administration.

10. Concluding Observations

Article 30 is among the most generous guarantees of group rights in any constitution, and its generosity reflects a considered judgment that a diverse nation is strengthened, not weakened, by the flourishing of its minority cultures. That judgment remains sound. Yet a guarantee designed to protect communities must not become a means of withholding from individual children the protections that the Constitution promises to all. This paper has argued that the apparent conflict among constitutional autonomy, equality and the right to education is largely a product of interpretation rather than of text. When the right to administer is read in light of its purposes, namely cultural preservation and the correction of structural disadvantage, its protected core becomes identifiable and limited. Outside that core, the equality principle and the right of the child under Article 21A can operate with full force. The identity-core model offers a way of translating this understanding into legislative and judicial practice. Such a reconciliation would honour the framers' intention that minorities be secure in their identity, while ensuring that every child who walks through the gate of a minority school carries with them the full protection of Part III.

Bibliography

Indian Cases

1. Ahmedabad St. Xavier's College Society v. State of Gujarat, (1974) 1 SCC 717.
2. Avinash Mehrotra v. Union of India, (2009) 6 SCC 398.
3. Christian Medical College Vellore Association v. Union of India, (2020) 8 SCC 705.
4. Frank Anthony Public School Employees' Association v. Union of India, (1986) 4 SCC 707.
5. In re Kerala Education Bill, 1957, AIR 1958 SC 956.
6. Lily Kurian v. Sr. Lewina, (1979) 2 SCC 124.
7. Mark Netto v. State of Kerala, (1979) 1 SCC 23.
8. Modern Dental College and Research Centre v. State of Madhya Pradesh, (2016) 7 SCC 353.
9. Mohini Jain v. State of Karnataka, (1992) 3 SCC 666.
10. N. Ammad v. Manager, Emjay High School, (1998) 6 SCC 674.
11. P.A. Inamdar v. State of Maharashtra, (2005) 6 SCC 537.
12. Pramati Educational and Cultural Trust v. Union of India, (2014) 8 SCC 1.
13. Rev. Sidhrajibhai Sabbai v. State of Bombay, AIR 1963 SC 540.
14. Secretary, Malankara Syrian Catholic College v. T. Jose, (2007) 1 SCC 386.
15. SK. Md. Rafique v. Managing Committee, Contai Rahamania High Madrasah, (2020) 6 SCC 689.
16. Society for Unaided Private Schools of Rajasthan v. Union of India, (2012) 6 SCC 1.
17. St. Stephen's College v. University of Delhi, (1992) 1 SCC 558.
18. State of Kerala v. Very Rev. Mother Provincial, (1970) 2 SCC 417.
19. T.M.A. Pai Foundation v. State of Karnataka, (2002) 8 SCC 481.
20. Unni Krishnan, J.P. v. State of Andhra Pradesh, (1993) 1 SCC 645.

Foreign Cases

1. Mahe v. Alberta, [1990] 1 S.C.R. 342 (Supreme Court of Canada).
2. Pierce v. Society of Sisters, 268 U.S. 510 (1925) (Supreme Court of the United States).

Constitutions, Statutes and International Instruments

1. The Constitution of India, 1950, Articles 14, 15, 21A, 29 and 30.
2. The Constitution (Eighty-sixth Amendment) Act, 2002.
3. The Right of Children to Free and Compulsory Education Act, 2009 (Act 35 of 2009).
4. The Right of Children to Free and Compulsory Education (Amendment) Act, 2012.
5. Canadian Charter of Rights and Freedoms, 1982, section 23.
6. Constitution of the Republic of South Africa, 1996, section 29.
7. International Covenant on Civil and Political Rights, 1966, Article 27.
8. Council of Europe, Framework Convention for the Protection of National Minorities, 1995, Article 13.

Books and Articles

1. Bhargava, Rajeev. 'What is Secularism For?' in Rajeev Bhargava (ed.), *Secularism and Its Critics*. Oxford University Press, 1998.
2. Bhatia, Gautam. *The Transformative Constitution: A Radical Biography in Nine Acts*. HarperCollins India, 2019.
3. Kymlicka, Will. *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Clarendon Press, Oxford, 1995.
4. Jain, M.P. *Indian Constitutional Law*. 8th ed., LexisNexis, 2018.
5. Seervai, H.M. *Constitutional Law of India: A Critical Commentary*. 4th ed., Universal Law Publishing, 1991–1996.