

## **Right Of Minorities To Establish And Administer Educational Institutions And State Control.**

### **Introduction -**

Since time immemorial people from distance land came to India and made it their home, be it Aryans, the Moguls and so on making India is a habitat for many religions. Religion is a social phenomenon, unique of its kind. This gives rise to specific collective identity and basis for group cohesion. The character and right of religious observance depends upon the membership of particular social group. Transformations within the religion occur in the course of social development due to reformative movements, emergence of alternative faiths, rise of new leadership, impact of other cultures and efforts of modification.

State is also as an initiator of modernization and enforcer of values of human rights and welfare. It puts forward a distinct power center that indirectly influences the patterns of religious life. By ensuring communal harmony and by facilitating religious acts as well as educational facilities, state plays crucial paternal role in the society. Since education wield overwhelming influence on the social and individual life, religions endowments ought to come forward for the development of the said community. Hence it is necessary to give a free hand in development of the said society in the field of education and subsequently contributing the growth and development of the nation.

## **Minority**

The Constitution does not define the terms ‘minority’, nor does it lay down any scheme to the test for determination of minority. Though the members of the Constituent Assembly made no attempt to define the term, we ponder into some reports of commission setup for the minority welfare, but they also fail to define minority. The Motilal Nehru Report (1928) showed a prominent desire to afford protection to minorities, but did not define the expression. The Sapru Report (1945) also proposed, inter alia, a Minorities Commission but did not define Minority.

However, the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities has defined minority as under:

- 1) The term ‘minority’ includes only those non-documents group of the population which possesses and wish to preserve stable ethnic, religious or linguistic traditions or characteristics markedly different from those of the rest of the population;
- 2) Such minorities should properly include the number of persons sufficient by themselves to preserve such traditions or characteristics; and
- 3) Such minorities should be loyal to the state of which they are nationals.

## **Concept of Minority:**

In re Education Bill<sup>51</sup> the Supreme Court, through S.R. Das C.J. held that the minority means a “community, which is numerically less than 50 percent” of the total population. This statistical criterion prevails with the Kerala High Court.

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<sup>51</sup> Re. Kerala Education Bill, 1957, [1959] S.C.R. 995

Thus, considering ‘minority’, a numerically smaller group, as against the majority in a definite area. In this sense the term cover “racial, religious or linguistic sections of the population within a State which differ in these respects from the majority of the population.”

Dr. Ambedkar sought to explain the reason the reason for substitution in the Draft Constitution of the word minority by the words “any section” observing:

It will be noted that the term minority was used therein not in the technical sense of the word ‘minority’ as we have been accustomed to use it for the purpose of certain political safeguards, such as representation in the Legislature, representation in the service and so on. The word is used not merely to indicate the minority in the technical sense of the word, it is also used to cover minorities which are not minorities in the technical sense, but which are nonetheless minorities in the culture and linguistic sense. That is the reason why we dropped the word “minority” because we felt that the word might be interpreted in the narrow sense of the term when the intention of this House... .was to use the word ‘Minority’ in a much wider sense so as to give cultural protection to those who were technically not minorities but minorities nonetheless.

Ambedkar’s explanation that the right was available not only to minorities in the ‘technical sense’ but also to minorities in the ‘wider sense’ has an obvious reference only to that part of Draft article 23 which now forms part of article 29(1) and not to that which is now clause (1) of article 30. His expiation, therefore, may be taken to be an attempt to broaden the scope of clause (1) of article 29 only so as to include within the term ‘minority’ other minority groups also, as contemplated and illustrated by him, and thus to confine article 30(1) to those minorities which he described as minorities in the technical sense, were politically recognized and

the most prominent amongst them were represented in the Constituent Assembly also.

The whole problem, as far as this part of constitution is concerned, that engaged considerable time and efforts of the framers was to achieve a consensus on a constitutional arrangement, between the numerically dominant majority considered the rights now forming part of article 30(1) was proposed, made a reference on the term “national minorities” as such on the national scene and the minorities referred to above- a solution which could give the minorities a feeling of security against discrimination, and security against interference with those characteristics which had divided them apart from the majority. And, it is too obvious to be noted that, at no stage was any section of this majority ever treated as ‘minority’

If these assumptions as accepted as truly reflecting the intention of those who drafted and incorporate these provision in the constitutional document, with a wishful hope that they were rendering a constitutional solution to the problem of Indian minorities, it may be argued that where a minority is the historical or national context and its claim is based on religion it must be defined and ascertain in terms of the population of the whole country, irrespective of its being in numerical majority in any particular state; and, where a group is not a minority considered as such in the national context, but is still definable as ‘minority’ under

Ambedkar’s stretched meaning of the term, it may be ascertained with reference to the population of the state concerned. The argument is correct, it is submitted, if the provision in the question are viewed against the historical prospective in which they were adopted, and are construed to carry into effect the true spirit and intention of the constitution.

## **Minority under Indian Constitution**

Though the constitution avoided to define minority as such it has made specific provisions in Article 29 of the Constitution of India defines the protection of interest of minorities: -

- 1) Any section of the citizen residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have right to conserve the same.
- 2) No citizen shall be denied admission into any educational institution maintained by the State receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

### **Clause (1)**

Clause (1) gives protection to every section of the citizens having distinct language, script or culture by guaranteeing their right to conserve the same. If such section desires to preserve their own language and culture, the state would not stand in their way. A minority community can effectively conserve its language, script or culture by and through educational institutions and therefore necessary concomitant to the right to conserve its distinctive language, script or culture and that is what is conferred on all minorities by article 30(1). But article 29(1), neither controls the scope of article 30(1) nor is controlled by that article. The scope of the two is different. Article 29(1) is not confined to minorities but extends to all sections of citizens. Similarly article 30(1) is not confined to those minorities, which have 'distinct language, script or culture' but extends to all religious and linguistic minorities. Further, article 30(1) gives only the right to establish and administer educational institutions of minorities' choice while article 29(1) gives a

very general right 'to conserve' the language, script or culture. Thus, the right under article 30(1) need not be exercised for conserving language, script or culture.

### **Clause (2)**

Clause (2) relates to admission into educational institutions, which are maintained or aided by state funds. No citizen shall be denied admission in such institutions on grounds only of religion, race, caste, language or any of them. Article 15 prohibits discrimination against citizen on ground of religion, etc. but the scope of two articles is different. Firstly, article 15(1) protects all citizens against the state where as the protection of article 29(2) extends to the state or anybody who denies the right conferred by it.

Secondly, article 15 protects all citizens against discrimination generally but article 29(2) is a protection against a particular species of wrong, namely, denial of admission into educational institutions maintained or aided by the state . Finally, the specific grounds on which discrimination is prohibited are not the same in two articles. 'Place of birth' and 'sex' do not occur in article 29(2), while 'language' is not mentioned in article 15.

The right to admission into an educational institution is a right, which is an individual citizen, has as a citizen and not as a member of a community or class of citizen. Hence a school run by a minority, if it is aided by state funds, cannot refuse admission to children belonging to other communities. But the minority community may reserve up to 50 percent of the seats for the members of its own community in an educational institution established and administered by it even if the institution is getting aid from the State. The state, however, cannot direct minority educational institutions to restrict admission to the members of their own communities. Article 29(2), however, does not confer a legal right on the members belonging to other communities to freely profess, practice and propagate their

religion within the precincts of a college run by a minority community. Article 29(2) cannot be invoked where refusal of admission to a student is on the ground of his not possessing requisite qualifications or where a student is expelled from an institution for acts of indiscipline.

To overcome the conflict with article 15 as well as article 29 the Constitution (First Amendment) Act, 1951, added clause (4) to article 15 to the effect that nothing in article 15 and article 29(2) shall prevent state from making any special provision for the advancement of any socially and educationally backward classes of citizen or for the schedule caste and the schedule tribes. The state is empowered to reserve seats in state colleges for socially and educationally backward classes of citizen or for SC and ST.

### **Freedom of religion in India**

“ WE THE PEOPLE OF INDIA, have decided that we will create India as a secular state. It is our solemn resolution to constitute India into a SOVERIGN, SOCIALIST, SECULAR, DEMOCRATIC, REPUBLIC and to secure to all its citizens...”. The only other place where the word secular appears in our Constitution is in Article 25 (2) (a) while discussing the “Right to freedom of religion”.

### **Freedom of religion and Minority**

Article 25 of the Constitution of India guarantees to every citizen the right to profess, practice and propagate religion. Article 25 reads as follows:

**Freedom of conscience and free profession, practice and propagation of religion.—**

- (1) Subject to public order, morality and health and to the other provisions of this part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.
- (2) Nothing in this Article shall affect the operation of any existing law or prevent the State from making any law—
  - (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;
  - (b) providing for social welfare and reforms or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

**Explanation I:** The wearing and carrying of Kirpans shall be deemed to be included in the profession of the Sikh religion.

**Explanation II:** In sub-clause (b) of the clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.”

Accordingly Article 25 protects two freedoms:

- (a) freedom of conscience,
- (b) freedom to profess, practice and propagate religion.

The freedom of conscience is absolute inner freedom of the citizen to mould his own relation with God in whatever manner he likes. When this freedom becomes articulate and expressed in outward form it is to profess and practice religion. To profess religion means to declare freely and openly one's faith and belief. To practice religion is to perform the prescribed religious duties, rites and

rules. To propagate means to spread and practice his view for enlightening others. The right to propagate one's religion is not a right to convert other to one's own religion.

Article therefore postulates that there is no fundamental right to convert another person one's own religion, 'because if a person purposefully undertakes the conversion of another person to his religion as distinguished from his effort to transmit or spread the tenets of his religion that would impugn on the freedom of conscience guaranteed to all citizens of the country alike'; as decided in *Rev. Stainialaus v. St. of Madhya Pradesh*

The Supreme court in *Punjab Rao v. D. P. Meshram*, expresses that, the right is not only to entertain such religious belief as may be approved by his judgment or conscience but also to exhibit his sentiments in overt acts as are enjoyed by religion. In the words of the Article, he may "profess a religion means the right to declare freely and openly one's *faith*." And in *Ratilal Panachand Gandhi v. State of Bombay*, (AIR 1954 SC 377) declares that he may freely practice his religion; "Religious practices or performance of acts in pursuance of religious belief are as much a part of religion as faith or belief in particular doctrines".

Rituals and observances, ceremonies and modes of worship considered by a religion to be integrals and essentials part are also secured. What is integral and essential part of a religion religious practice has to be decided by the Courts with references to the doctrine of a particular religion include practice regarded by the community as part of its religion as put forth by the honourable Supreme Court in *Seshammal v. state of Tamil Nadu*,. Again in *Ratilal*, the SC states that, he may propagate freely his religious views for the edification of others. It is immaterial

also whether a person makes the propagation in his individual capacity or on behalf of some church institution.

If one makes an attempt to look at the secular aura in our Constitution, the only point reached is Article 25, which refers “Right to freedom of religion”. It reads thus— “Freedom of conscience and free profession, practice and propagation of religion — (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right to freely profess, practice and propagate religion”.

In *Boe Emmanuel v. State of Kerala*<sup>1</sup> also known as National Anthem case, the Supreme Court has upheld the religious belief of the Jehovahs witness, a Christian community not to praise anybody but for his or her own embodiment of God. In case the children of Jehovahs witness were expelled from the school for refusing to sing National Anthem. The Supreme Court held their religious practice was protected under Article 25. Chinnappa Reddy, J., observed “that the question is not whether a particular religious belief or practice appeals to our reason of sentiment but whether the belief is genuinely and conscientiously held as part of the profession or practice of religion. Our personal views and reactions are irrelevant. If the belief is genuinely and conscientiously attracts the protection of Article 25 but subject, of course, to the limitations contained therein”.

The Indian constitution provides for the individual as well as collective freedom of religion. The basic guarantee of this right of individual freedom is in Art. 25 (1). This freedom extends to all persons including aliens underlined by Supreme Court in *Ratilal Panchand vs. of Bombay*. The Indian Constitution makes freedom of conscience as well as right to profess, practice and propagate religion subject to state control in the interest of public morality and health.

But Supreme Court has made it clear that state can have no power over the conscience individual — this right is absolute. The Indian Penal Code (sections 295-7) makes it a crime injure or defile a place of worship or to disturb a religious assembly etc. even though these actions might be sanctioned by offender's own religion. Practices like *devadasi*, *sati* may have religious sanctions but the state still has constitutional power to ban them. Art. 25(2) grants to state broad, sweeping powers to interfere in religious matters. This reflects peculiar needs Indian society. The extensive modification of Hindu personal law has been by legislation based on this provision. Art. 25(2) thus authorizes the state to regulate any secular activity associated with religion, to legislate social reforms.

Article 25 gives freedom for all to practice any religion they want. This is a basic right guaranteed in the Constitution. Article 26 (Freedom to manage religious affairs), Article 27 (Freedom as to payment of taxes for promotion of any particular religion) and Article 27 (Freedom as to attendance at religious instruction or religious worship in certain educational institutions) can be considered as the interpretations of the principle of secularism in the constitution. Art. 26 deals with the freedom to manage religious affairs. Accordingly any religious denomination is given right to establish religious institutions, acquire properties (movable and immovable) and manage affairs regarding the religion. Art. 27 is also very important which reads — “Freedom as to payment of taxes for promotion of any particular religion. — No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.”

### **State acting towards Social Welfare and Social reforms:**

Under clause (2)(b) of Article 25, the State is empowered to make laws for social welfare and social reforms. Under this the State can eradicate those evil practices, which are under the guise and name of the religion. Example, the devadasi system, the Sati system *etc.*

The State can throw open Hindu religious institutions of public character to all Hindus. Article 25(2)(b) enables the State to take steps to remove the untouchability from amongst Hindus. But this does not mean the right is absolute and be unlimited. The Supreme Court in *Shastri Yagnapurushdasji v Muldas Bhundardas Vaishya* makes it clear that the State cannot regulate the manner in which the worship of the deity is performed.

Whereas it justifies banning of polygamy amongst Hindu in *State of Bombay v Narasu*. What the Courts have tried to do is to separate ‘religious’ activities and ‘social and secular’ activities, the former are protected under Article 25 the latter are not.

In *Ismail Farooqi v Union of India*<sup>1</sup>, the Supreme Court has tried to differentiate between “essential parts” of religious practice. It has held that offer of prayer or worship is a religious practice; its offering at every location where such prayers can be offered would not be essential religious practice. What is protected under Articles 25 and 26 is a religious practice, which forms an essential part of religious practice. Thus, a place of worship may be acquired by the State in exercise of its supreme power. Thus places of worship be it temples, mosques or churches can be acquired.

## **Right to manage religious affairs -**

Article 26 says that: Subject to public order, morality and health, every religious denomination of any section have the following rights:

- (a) to establish and maintain institutions for religious and charitable purposes;
- (b) to manage its own affairs in the matters of religion;
- (c) to own and acquire moveable and immoveable property;
- (d) to administer such property in accordance with law.

The right guaranteed by Article 26 is the right of an ‘organized body or entity’ like the *religious denomination* or any section thereof. The word ‘denomination’ can be understood as a collection of individuals, classed together under the same name; generally religious sect or body having a common faith and organization and designated by a distinctive value.

In *S.P. Mittal* case the SC states that, the words ‘religious denomination’ in Article 26 must take colour from the word ‘religion’ and therefore as described in the case of *Acharya Jagdishwaranand Avadhuta v Commissioner of Police, Calcutta*<sup>1</sup> it must also satisfy three conditions:

- (1) It must be collection of individual who have a system of beliefs, which they regard as conducive to their spiritual well being, that is common faith;
- (2) It must have a common organization; and
- (3) it must have distinctive name.

Thus in the large sense ‘Hinduism’ is a denomination and to some extent various philosophies governing the Hindu Society, such as *Advaitas, Dwaitas, Visishtadwitas and Shaivites* can also be termed as denomination. On this base the SC held that “Anand Marg” is a religious denomination within the Hindu religion in *Shastri Yagnapurushdasji v Muldas Bhandardas Vaishya*.<sup>2</sup> Clause (a) of Article 26 talks about right to establish and maintain institutions for religious

and charitable purpose — “Every religious denomination has right to establish and maintain institutions for the religious and charitable purposes”. The words “establish and maintain” in Article 26(a) must be read together and therefore it is only those institutions, which a religious denomination establishes, which it can claim to maintain it. Thus in *S. Azeez Basha v. Union of India*,<sup>3</sup> the Supreme Court held that the “Aligarh University was not established by the Muslim minority and therefore it could not claim the right to maintain it”. It was established under the Statute passed by the Parliament.

Clause (b) of Article 26 says about right to manage ‘matters of religion’-a religious denomination or organization is free to manage its own affairs in matters of religion. The State cannot interfere in the exercise of this right unless they run counter to public order, health or morality. Accordingly every religious denomination or organization enjoys complete freedom in the matter of dealing what rites and ceremonies are essential according to the tenet of the religion they hold.

The Court has the right to determine whether a particular rite or ceremony is regarded as essential by the tenet of the particular religion. The “matters of religion” means that secular activities connected with religious institution can be regulated by State. The places of worship like temples, mosques, Gurudwaras cannot be used for hiding criminals or carrying on anti-national activities. They cannot be used for political purpose. The State has power under Article 25(1) and clause (2) to prohibit their activities in the places of worship.

In *Athiest Society of India, Nalgonda District Branch v Government of Andhra Pradesh*,<sup>1</sup> the petitioner, Atheist Society of India, prayed for issuing a writ of *mandamus* directing the State Government to prohibit breaking of coconuts for performing of Pooja, chanting of mantras or sutras of different religions in

religious functions organised by the State. The Andhra Pradesh High Court rejected their prayer and held that these activities have been a part of the Indian tradition and are meant to invoke the blessings of almighty for the success of the project undertaken. Such noble thought cannot be found fault with as offensive to anyone. May be that the petitioner Society who claim to be atheist do not appreciate invocation of Gods as they do not believe in God.

There is no constitutional guarantee to the faith of the atheist who worships barren reason that there is no God. It is not the object of Constitution to turn the country into irreligious place. A secular State does not prohibit the practices of religion. If that is parented it will infringe the rights of millions of Indians, which are guaranteed to them under Article 25 and will run directly contrary to the secular objectives of preamble to the Constitution, which is one of the basic structures. It would deprive them of their right of thought, expression, belief, faith and would amount to abolition of Indian tradition and religious practices.

Clauses (c) and (d) of Article 26 says that right to administer property owned by denomination. It is to be noted that the rights under clauses (c) and (d) of Article 26 are confined to the existing rights to administer its property by a religious denomination cannot be destroyed or taken away completely. It can only be regulated by law with a view to improve the administration of property. Thus the law must leave the right of administration of property to the religious denomination itself subject to such restrictions and regulations as it might choose to impose. Thus in *Ratilal 's* case, a law which took away the right of administration altogether from religious denomination and vested it in other secular authority was held to be violative of right guaranteed by Article 26(d).

However, if the right to administer property had never vested in the denomination or had been validly surrendered by it or had otherwise been lost, Article 26 will not create any such right in religious denomination.

**Right not to be taxed to promote a religion:**

Individual freedom of religion is further strengthened by Article 27 prohibiting religious taxation.

**Article 27:** No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

To maintain the “secular” character, the Constitution guarantees freedom of religion to individuals and groups, but it is ‘against the general policy of the Constitution that any money being paid out of public funds for promoting or maintaining any particular religion’ as stated in Commissioner HRE v. L.T. Swamiar. Therefore Article 27 lays down that no person “shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.”

The Supreme Court in various decisions has tried to differentiate between tax and fee. Tax is in nature of compulsory exaction of money by public authority for public purposes the payments of which are imposed by law. Tax is imposed for public purposes to meet general expenses of State. Tax is collected and merged with the general revenue of the State. Tax is a common burden. Fees on the other hand is payments primarily in public interest lent for some special work done for the benefit of those from whom payments are demanded. Article 27 prohibits imposition of the tax and not fee.

Thus fee can be levied as decided in *Jagannath Ramanuj Das v State of Orissa*, the Government's imposition of fee on temples whose annual income exceeds Rs. 250 for meeting the expenses of Commissioner and Officers and Servants was held valid. As decided by SC in *Bira Kishore v State of Orissa*, the Grant of money by State for renovating water tanks belonging to Lord Jagannath was held to be valid under Article 27, for these tanks were used by the general public for bathing and drinking purposes. As a result in *K. Raghunath v State of Kerala*, after the communal riots some places of worship were destroyed, the Government agreed to meet the cost of restoring these places. It was also held valid.

### **Restriction on religious instruments in educational institution:**

The right to religion guaranteed under Article 25 is not an absolute right, like other rights this right too can be restricted for the purpose of maintaining public order, morality and health. In addition Article 25 further exceptions are engrafted by clause (2) of the Article. Sub- clause (a) of clause (2) saves the power of State to make laws regulating or restricting any economic, financial, political or secular activity which may be associated with religious practice and sub-clause (b) reserves the State's power to make laws for providing for social welfare and social reform even though they might interfere with religious practices.

**Article 27.** (1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds.

(2) Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.

(3) No person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.

Art. 27(3) which forbids compulsory religious instruction or worship in state aided institutions strengthens Art. 25 (1). According to Article 27( 1) no religious instruction is to be provided in any educational institution, which is wholly maintained out of State funds. Under Article 27(2) this restriction would not apply to educational institutions, which though administered by the State, has been established under an ‘endowment’ or ‘trust’ requiring that religious instruction should be imparted in such institutions.

According to Article 27(3) no person attending any educational institution recognized by the State or receiving aids out of State funds shall be required to take part in any religious instruction imparted in the institution, or to attend any religious worship conducted in the institution thereto, unless he consents to do voluntarily or, if a minor, his guardian gives consent for the same

In *S.F. Mittal v Union of India* the Government enacted the Auroville (Emergency Provision) Act, to take away the management of Aurobindo Society property on the ground of mismanagement of affairs. The petitioners challenged the validity of the said Act on the ground that it violates Articles 25 and 26 of the Constitution. The Court held that teachings of Aurobindo did not constitute ‘religion’ and therefore taking of Aurobindo Ashram did not infringe the Society’s right under Articles 25 and 26. It further held, even if it was assumed that the Society were a religious denomination, the Act did not infringe its rights under Articles 25 and 26.

The Act has taken only the right of management of property of Auroville, in respect of secular matters, which can be regulated by law.

### **Cultural and Educational Rights-**

The constitution keeps the spirit of secularism by making a space to all the religious protecting the interest of minorities respecting their right to development. Art 29 and 30 guarantee certain cultural and educational rights to cultural, religious and linguistic minorities.

**Article 29.** (1) 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.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

**Article 30.** (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.

(2) The State shall not, in granting aid to 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.