



Explainer

Indian Minorities Hold Most Extensive Rights in the World

Published August 14, 2026
Publication No. RP0845-14082026

CIHS | Centre for Integrated
and Holistic Studies

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Indian Minorities Hold Most Extensive Rights in the World

A comparative factsheet on constitutional guarantees, statutory protections and welfare provisioning for religious minorities in India, the United States, the United Kingdom and Europe, assessed on four measures: constitutional entitlement enforceable as a fundamental right, institutional autonomy in education, preservation of community personal law, and dedicated state machinery for affirmative action and welfare.



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Executive Summary

India's minority rights framework has never rested on assertion. It rests on text: on constitutional articles that can be invoked by writ petition, on statutes that carve out separate legal regimes for six named communities, and on institutions created by Parliament for no purpose other than minority welfare. The scale of that machinery is not incidental. India maintains a cabinet-rank Union Ministry devoted solely to minority affairs, funded in every Union Budget since 2006 and allocated ₹34,000 million (approximately US\$357 million) for 2026-27, alongside three statutory commissions and a dedicated development finance corporation. No comparable democracy operates such a structure for its religious minorities. What follows is that record in summary, drawn entirely from the Constitution, from central and state legislation, from Supreme Court judgments and from government documents, because those are the only sources that can settle the question. Incidents can be propagated, disputed, contextualised or aggregated to taste. Statute books cannot.



- **Constitutional entitlement.** India is one of the very few constitutional democracies that grants religious minorities positive, enforceable, group-differentiated rights. Articles 29 and 30 are not policy statements. They are justiciable fundamental rights enforceable in the Supreme Court under Article 32, itself a fundamental right.



- **Institutional autonomy.** Article 30 gives minorities a right no majority community in India possesses: to establish and administer their own educational institutions, with constitutional protection against state takeover, against compensation-free acquisition (Article 30(1A)), and against discriminatory denial of aid. Public funding flows without the state acquiring control.



- **Regulatory exemption.** Minority educational institutions are exempt from the Right to Education Act's 25% free-seat mandate (Pramati Educational Trust, 2014) and from the Article 15(5) reservation obligation. Hindu-run institutions carry both burdens. This is a rare instance of a majority carrying regulatory obligations from which minorities are constitutionally released.



- **Six notified communities.** Muslims, Christians, Sikhs, Buddhists, Parsis and Jains (added 2014) are centrally notified under Section 2(c) of the National Commission for Minorities Act 1992. Combined, roughly 19.3% of the population per Census 2011.



- **Personal law preserved.** Each community retains its own. Muslim, Christian and Parsi marriage, divorce and succession are governed by separate statutes dating from 1937, 1869 and 1936, not by a uniform civil code. Parsis additionally have dedicated matrimonial courts with community delegates sitting alongside the judge. Sikhs have a dedicated marriage statute (Anand Marriage Act), constitutional protection for the kirpan, and turban exemptions under motor vehicle law.



- **Permanent state machinery.** A Union Ministry, three statutory commissions and a development finance corporation exist solely for minority affairs: the Ministry of Minority Affairs (2006), National Commission for Minorities (1992), National Commission for Minority Educational Institutions (2004), Commissioner for Linguistic Minorities (Article 350B), and NMDFC (1994).



- **Religious endowments administered by statute.** The Waqf Act 1995 (as amended 2025), the Sikh Gurdwaras Act 1925, the Delhi Sikh Gurdwaras Act 1971. Waqf boards control one of the largest non-agricultural landholdings in the country, administered through a nationwide statutory apparatus funded from the public exchequer.



- **Affirmative action, not merely protection.** This is the distinction most consistently missed abroad. Protection prevents harm; affirmative action allocates opportunity. India does both. Muslim communities hold reservation in education and public employment across multiple states through backward-class classification: Kerala (8% education, 10-12% employment), Tamil Nadu (3.5% sub-quota), Bihar and others, with dozens of Muslim caste groups on the Central OBC list. No Western democracy operates religion-based affirmative action at any level of government.



- **Welfare provisioning at scale.** Post-matric and merit-cum-means scholarships fund minority students through higher education. NMDFC extends concessional credit to minority entrepreneurs below market rates. PM VIKAS, approved January 2025, converges skilling, artisan support, women's entrepreneurship and dropout certification, with over ₹700 crore in projects sanctioned. The Pradhan Mantri Jan Vikas Karyakram carried ₹1,913.97 crore in 2025-26 for schools, health centres and skill infrastructure in minority-concentration districts, roughly 56% above its 2014-19 annual average.



- **Demographic support for a community of 57,000.** Jiyo Parsi is a Union-funded programme whose explicit purpose is to arrest the demographic decline of a single religious community, covering fertility treatment, medical assistance and child-care support irrespective of financial status. It is uncontroversial across the Indian political spectrum. No equivalent exists anywhere in North America or Western Europe.

The contrast is structural, not marginal.

- The United States has no religion-based affirmative action at any level of government, no federal ministry or commission for religious minorities, no dedicated credit institution, no personal law autonomy, and no constitutional right of a minority to establish and administer institutions. Public funds were barred from minority religious schools for a century under Establishment Clause jurisprudence and Blaine Amendments and became permissible only with *Espinoza* (2020) and *Carson v Makin* (2022).
- The United Kingdom is not a secular state and does not claim to be: it retains an established church, a monarch who is its Supreme Governor, a succession law excluding Catholics, and 26 bishops of one denomination sitting in Parliament by right, an arrangement whose only comparator is Iran. Its blasphemy law protected Christianity alone until 2008, its Prevent duty imposes a statutory reporting obligation falling heaviest on Muslim communities, and it has no codified constitution in which to entrench minority protection.
- Continental Europe has produced the largest body of legislation restricting minority religious practice of any democratic region in the world, and upheld most of it in its own courts: Switzerland wrote a minaret ban into its federal Constitution by popular vote in 2009 and a face-covering ban in 2021; France banned religious symbols in schools in 2004, face coverings in 2010, and empowered the executive to dissolve religious associations in 2021; at least eight states restrict or prohibit non-stun ritual slaughter, affecting halal and kosher alike, with the Belgian bans upheld by the Court of Justice of the EU in 2020.
- A founding commitment, not a concession. India adopted these measures at the founding, in a Constituent Assembly overwhelmingly composed of the religious majority, in a country partitioned along religious lines within living memory of the drafters. The majority that wrote Articles 29 and 30 granted itself none of them. Every government since, of every ideological complexion, has operated within that choice.

Read together, these points establish a proposition that is testable rather than rhetorical: on constitutional entitlement, institutional autonomy, personal law, affirmative action and dedicated state machinery, India provides its religious minorities more than any comparable democracy provides its own. Crucially, the core of that framework predates every current controversy and outlasts every budget cycle. Articles 29 and 30 date from 1950, Christian marriage and divorce law from 1869 and 1872, Parsi matrimonial law from 1936, Muslim personal law application from 1937. Allocations rise and fall and are legitimately argued over. Fundamental rights enforceable under Article 32 do not move with the Finance Bill. The proposition therefore survives an honest accounting of where implementation has faltered, and that accounting is included here precisely because it survives. What follows sets out the framework community by community and places it beside the legal position in the United States, the United Kingdom and Europe.

I. Introduction

Global commentary on Indian minorities is overwhelmingly organised around incident reporting. Individual cases of violence, harassment or discrimination are gathered, dated, mapped, and aggregated into a narrative of systemic persecution. The aggregation is where the analysis fails, because incident counts alone cannot distinguish between a state that has abandoned its minorities and a state of 1.4 billion people in which crime occurs and is prosecuted. What is almost never reported is the architecture within which those incidents occur, whether the victim has a remedy, whether that remedy is constitutional or merely statutory, and how the whole structure compares to the countries doing the reporting.

This is a structural omission, not a minor one. A country's treatment of minorities is measured not only by the worst thing that happened last month, but by what a minority citizen can claim as of right, against whom that right is enforceable, and whether a hostile legislature could take it away. These are the questions that separate a constitutional guarantee from a policy preference, and they are the questions on which the international literature on Indian minorities is close to silent.

A note on terminology, because the Indian usage is precise and is often misread abroad. A notified minority is a religious community formally designated as such by the Central Government under Section 2(c) of the National Commission for Minorities Act 1992. Notification is a legal act with concrete consequences: it determines eligibility for Ministry of Minority Affairs schemes, for concessional credit from the National Minorities Development and Finance Corporation, for representation on the National Commission for Minorities, and for the institutional protections administered through the National Commission for Minority Educational Institutions. Five communities were notified in October 1993: Muslims, Christians, Sikhs, Buddhists and Parsis (Zoroastrians). Jains were added by notification in January 2014, bringing the total to six. Together these communities account for roughly 19.3 per cent of the population per Census 2011, with Muslims at 14.2 per cent, Christians at 2.3 per cent, Sikhs at 1.7 per cent, Buddhists at 0.7 per cent, Jains at 0.4 per cent and Parsis at 0.006 per cent. Notification is distinct from constitutional minority status: Articles 29 and 30 protect religious and linguistic minorities without requiring any notification at all, and linguistic minority status is assessed state by state rather than nationally.

Democracies have adopted broadly three approaches to religious minorities, and they are not variations on a theme.

The first is formal non-discrimination. The state guarantees equal treatment and prohibits distinctions on religious grounds, but grants no group-specific rights. This is the American model. The First Amendment protects individual free exercise; it confers nothing on a religious community as a community. There is no religion-based affirmative action at any level of American government, no federal ministry for religious minorities, and no constitutional right of a minority to establish and administer institutions with protected autonomy. State funding of minority religious schools was constitutionally contested for most of the twentieth century under the Establishment Clause and became permissible only with *Espinoza* in 2020 and *Carson v Makin* in 2022. A minority in the United States is a set of individuals who may not be discriminated against. It is not a legal entity with entitlements.

The second is British Model. The state formally privileges one faith while extending accommodation to others. This is the British model, and it is rarely described in these terms by British commentators. The Church of England is the established church; the monarch is its Supreme Governor; and twenty-six of its bishops sit in the House of Lords by right, an arrangement for which the only comparator among functioning legislatures is Iran. Blasphemy law protected Christianity alone until its abolition in England and Wales in 2008 and in Scotland in 2021. Faith schools of other denominations exist, but under general education law and revocable funding agreements, with no constitutional entrenchment and no codified constitution to entrench them in. Minority protection rests on the Human Rights Act 1998, the repeal of which has been a live proposition of successive governments.

The third is restriction in the name of neutrality. Continental Europe has produced the largest body of legislation restricting minority religious practice of any democratic region in the world, and has upheld most of it in its own courts. France banned conspicuous religious symbols in state schools in 2004, face coverings in public in 2010, and passed a Separatism Law in 2021 permitting the dissolution of religious associations and controlling foreign funding

of mosques. Switzerland wrote a ban on minaret construction into its federal Constitution by popular vote in 2009, and a face-covering ban into the same Constitution in 2021. Belgium, Austria, Bulgaria, Denmark and the Netherlands have enacted face-covering bans, and Portugal's parliament approved one in October 2025. Sweden, Norway, Iceland, Denmark, Slovenia and the Belgian regions restrict or prohibit non-stun ritual slaughter, affecting halal and kosher practice alike, and the Court of Justice of the European Union upheld the Belgian bans in 2020. Denmark's parallel societies legislation defined residential areas partly by the proportion of residents of non-Western origin, and the Court of Justice found in December 2025 that this may constitute direct ethnic discrimination.

India belongs to none of the three. It adopted a fourth way, and the distinction is one of kind rather than degree. The Indian Constitution does not merely prohibit religious discrimination, which is the standard liberal-democratic baseline and which Articles 15 and 16 already provide. It goes considerably further and grants religious minorities a set of affirmative, group-specific entitlements that the religious majority does not possess and cannot claim. Article 30 gives every religious and linguistic minority the right to establish and administer educational institutions of its choice, with protection against discriminatory denial of aid and, since the Forty-fourth Amendment, against compensation-free acquisition. Article 29 makes cultural and linguistic conservation a fundamental right of any section of citizens. Both are enforceable by writ petition directly in the Supreme Court under Article 32, which is itself a fundamental right, and both have been repeatedly defended by the Court against legislative and administrative encroachment in *St Stephen's*, *TMA Pai* and *Inamdar*.

The consequences run further than is generally understood, and in a direction that inverts the standard picture. Minority educational institutions are exempt from the Right to Education Act's twenty-five per cent free-seat mandate, following *Pramati* in 2014, and from the reservation obligation imposed by Article 15(5). Institutions run by the religious majority carry both. This is a rare instance in comparative constitutional law of a majority bearing regulatory burdens from which minorities are constitutionally released, and it is a deliberate design choice rather than an accident of drafting. Minority personal law survives intact where a uniform civil code has been debated continuously for seventy-five years. Muslim marriage, divorce and succession are governed by the 1937, 1939 and 1986 statutes; Christian marriage and divorce by the Acts of 1872 and 1869; Parsi matrimonial matters by the 1936 Act, adjudicated in dedicated Parsi Chief Matrimonial Courts with community delegates sitting alongside the judge; Sikh marriage by the Anand Marriage Act. Religious endowments are administered under community-specific statutes, with elected community bodies exercising control. And the machinery is permanent rather than discretionary: a cabinet-rank Ministry of Minority Affairs, the National Commission for Minorities with civil-court powers, the National Commission for Minority Educational Institutions, the Commissioner for Linguistic Minorities established under Article 350B, and the National Minorities Development and Finance Corporation.

Set the three models beside the fourth and the asymmetry is not marginal. The countries that convene parliamentary debates on Indian minorities have, in the same period, constitutionalised a ban on a form of religious architecture, prohibited religious dress in public space, criminalised methods of rituals central to two faiths, empowered the executive to dissolve religious associations, and defined neighbourhoods by the ethnic origin of their residents.

India has done none of these things. It has instead protected the kirpan by constitutional text, preserved four parallel personal law systems, funded a fertility programme for a religious community of fewer than sixty thousand people, and exempted minority schools from mandates binding on everyone else.

None of this argues that Indian minorities face no difficulties. Where implementation has failed, India records it. But a failure of enforcement within a framework is a different thing from a legislated prohibition, and the international commentary consistently treats them as the same.

What follows sets out the Indian framework community by community: the constitutional and statutory foundation common to all six notified minorities, then Muslims, Christians, Parsis, and the Dharmic faiths, including the nine states and union territories in which Hindus are themselves a numerical minority without corresponding rights. It then places that framework beside the legal position in the United States, the United Kingdom and continental Europe.

II. Minority Welfare in India

II.I. Constitutional and Statutory Foundation (All Notified Minorities)



Indian Muslims waving Indian flags participate in a flag hoisting event in Ahmedabad

Everything that follows in this document rests on a single foundation, and it is worth stating what kind of foundation it is before setting out the tables. India's minority protections are not a welfare programme with a constitutional preamble attached. They are constitutional rights with a welfare programme attached. The distinction matters because it determines what can be taken away and by whom.

A welfare scheme is created by executive decision, funded by an annual appropriation, and can be discontinued by the same executive without reference to Parliament or the courts. Several Indian minority schemes have been discontinued in exactly this way since 2022, and this document records that. A fundamental right operates differently. It cannot be removed by ordinary legislation, cannot be suspended by administrative circular, and can be enforced by any affected citizen through a writ petition filed directly in the Supreme Court under Article 32, which is itself a fundamental right rather than a procedural convenience. Dr Ambedkar described Article 32 as the heart and soul of the Constitution for precisely this reason: it converts a declaration into a remedy.

This is the layer that international commentary consistently misses. When a minority school in India is threatened with takeover, the remedy is not a complaint to an ombudsman or a political appeal to a sympathetic minister. It is a constitutional challenge, and the school usually wins. That record of winning, documented across seven decades of Supreme Court jurisprudence, is the actual measure of the framework's strength.

Table 1: Constitutional and Statutory Foundation (All Notified Minorities)

Article 25

Freedom of conscience, free profession, practice and propagation of religion

Explanation I expressly protects the wearing and carrying of kirpans by Sikhs. "Propagation" permits religious outreach, a right many jurisdictions restrict

Article 26

Right of every religious denomination to establish and maintain institutions, manage its own religious affairs, own property, administer property

Basis of denominational autonomy litigation, including the current Waqf challenge

Article 27

No person compelled to pay taxes for promotion of any particular religion

Bars state financing of a favoured faith

Article 28

No religious instruction in wholly state-funded institutions; no compulsory attendance in aided institutions

Protects minority students in majority settings

Article 29(1)

Right of any section of citizens with distinct language, script or culture to conserve it

Cultural preservation as a fundamental right

Article 29(2)

No denial of admission to state-aided institutions on grounds of religion, race, caste or language

Individual anti-discrimination guarantee

Article 30(1)

Right of religious and linguistic minorities to establish and administer educational institutions of their choice

The single most consequential minority right in Indian law. No parallel exists for the majority

Article 30(1A)

Compulsory acquisition of minority institution property requires compensation that does not restrict the Article 30 right

Inserted by the 44th Amendment. Property protection stronger than the ordinary constitutional standard

Article 30(2)

State cannot discriminate against a minority institution in granting aid

Aid parity as a right, not a concession

Article 15(5) proviso

Minority educational institutions exempted from mandatory SC/ST/OBC reservation

Minority institutions retain full admission autonomy

RTE Act exemption

Pramati Educational and Cultural Trust v. Union of India (2014) exempts all minority institutions, aided and unaided, from the RTE Act

Minority schools are not bound by the 25% free-seat mandate that binds every other private school

Articles 347, 350A, 350B

Recognition of minority languages; primary instruction in mother tongue; Special Officer for Linguistic Minorities

Linguistic minority protection as a distinct track

National Commission for Minorities Act, 1992

Statutory commission with civil-court powers to summon, examine on oath and requisition records

Notifies minority communities under Section 2(c). Six communities notified, Jains added January 2014

National Commission for Minority Educational Institutions Act, 2004

Adjudicates minority status of educational institutions; appellate authority against state refusal

Removes state discretion over who qualifies for Article 30 protection

NMDFC, 1994

Concessional credit for minority entrepreneurs and self-employment

Dedicated development finance channel

Ministry of Minority Affairs, 2006

Union ministry with cabinet rank

Constitutional machinery, not an advisory body

Taken together, these provisions establish something considerably stronger than non-discrimination. Non-discrimination is a negative guarantee: the state promises not to treat you worse. Articles 29 and 30 are positive guarantees: the state undertakes to protect a community's capacity to sustain itself as distinct, and accepts binding limits on its own regulatory reach in order to do so. That asymmetry was written deliberately in favour of minorities in education, culture and institutional autonomy, and it was written by a Constituent Assembly overwhelmingly composed of members of the religious majority. India's majority chose to bind itself.

The asymmetry has grown stronger under judicial scrutiny, not weaker. In *In re Kerala Education Bill* (1958) the Supreme Court set the direction within a decade of the Constitution's commencement, reading Article 30 broadly and refusing to let aid conditions become an instrument of control. In *St Stephen's College v University of Delhi* (1992) the Court confirmed that a minority institution may reserve a substantial proportion of seats for its own community, a proposition with no analogue in American or European law. In *TMA Pai Foundation* (2002), decided by an eleven-judge bench, and *PA Inamdar* (2005), by a bench of seven, the Court fixed the outer limit of state power: regulation of minority institutions is permissible only to secure standards of excellence, and may not extend to administrative control, staffing, admissions or governance.

In *Pramati Educational and Cultural Trust* (2014) the Court went further still, holding that the Right to Education Act's twenty-five per cent free-seat obligation cannot be applied to minority institutions at all, aided or unaided, because doing so would abridge Article 30. The significance is hard to overstate. The RTE Act is among the most widely supported statutes of the past two decades. The Court exempted minority institutions from it anyway, because a fundamental right does not bend to a policy consensus. That is what constitutional entrenchment means in practice, and it is the single most important fact about India's minority framework.

Two further features deserve notice, because they are almost never mentioned abroad. Article 30 protects religious and linguistic minorities on identical terms, which means the framework operates in every state independently of national demography and reaches communities no notification list has ever named. And Article 30(1A), inserted by the Forty-fourth Amendment in 1978, requires that any compulsory acquisition of minority educational property be compensated at a level that does not restrict the underlying right. This places minority institutional property on a stronger constitutional footing than ordinary property, which since the same amendment enjoys no fundamental-right protection in India at all. A minority school's land is, in strict constitutional terms, better protected than a private citizen's.

Seven decades, five landmark benches, one consistent direction. This is a court that has repeatedly declined invitations to narrow minority rights, including invitations arriving in the form of popular social legislation. It is the record of a state progressively fortifying minority protection, not retreating from it.

II.II. Muslims in India

India is home to roughly 200 million Muslims, approximately 14.2 per cent of the population per Census 2011, and the largest Muslim minority population of any country on earth. No other non-Muslim-majority state governs a Muslim community of comparable size, and none has built a comparable legal architecture around it. Their entitlements run across four distinct legal domains: personal law, endowment administration, affirmative action and pilgrimage facilitation. Each is worth understanding on its own terms, because each represents a settlement that most of the democratic world has either never attempted or has actively reversed.

Personal law			
Muslim Personal Law (Shariat) Application Act, 1937	Dissolution of Muslim Marriages Act, 1939	Muslim Women (Protection of Rights on Divorce) Act, 1986	Muslim Women (Protection of Rights on Marriage) Act, 2019
<i>Marriage, succession, inheritance, wakf governed by Shariat, not general civil law</i>	<i>Statutory grounds of divorce for Muslim women</i>	<i>Maintenance framework enacted in response to Shah Bano</i>	<i>Criminalised instant triple talaq. Framed as a gender-justice intervention within the community</i>

Endowments	
Waqf Act, 1995, amended by the Waqf (Amendment) Act, 2025 (UMEED Act)	Supreme Court interim order, 15 September 2025
<i>Central Waqf Council, State Waqf Boards, Waqf Tribunals. Statutory machinery for one of India's largest institutional landholdings. The 2025 amendment introduced mandatory registration, digital records, audit for institutions above ₹1 lakh income, protection of women's and children's inheritance before dedication, and reduced the mandatory board contribution from 7% to 5%</i>	<i>The Court declined to stay the Act as a whole but suspended specific provisions, including the five-year practising-Muslim requirement, pending state rule-making. Litigation continues</i>

Affirmative action	
State backward-class classification	Karnataka
<i>Kerala: 8% in education, 10-12% in employment. Tamil Nadu: 3.5% sub-quota within the OBC bloc. Bihar and several others include Muslim caste groups. Dozens of Muslim communities appear on the Central OBC list</i>	<i>The 4% Category II-B sub-quota was withdrawn in 2023 and redistributed. The matter is in litigation</i>

Pilgrimage
Haj Committee Act, 2002
<i>Statutory Haj Committee of India, state-level committees, negotiated bilateral quota with Saudi Arabia, government-facilitated logistics. Direct fare subsidy was phased out in 2018 following Supreme Court direction; state facilitation machinery continues in full</i>

Education	
Aligarh Muslim University, Jamia Millia Islamia	Madrassa recognition frameworks
<i>Central universities with distinct institutional character. AMU's minority status was referred to a larger bench and reconsidered by the Supreme Court in 2024</i>	<i>State madrasa boards in UP, Bihar, West Bengal, Assam and others confer recognition and, in several states, funding</i>

Welfare

PM VIKAS (Pradhan Mantri Virasat Ka Samvardhan), guidelines approved January 2025

Central sector scheme converging five earlier schemes including Seekho aur Kamao and Nai Roshni. Skilling, women's entrepreneurship, NIOS-linked school-dropout certification for classes 8, 10 and 12

Pradhan Mantri Jan Vikas Karyakram (PMJVK)

Area-development scheme funding schools, health centres and skill hubs in minority-concentration areas

Post-Matric and Merit-cum-Means scholarships

Continuing. Pre-matric restricted to classes 9 and 10 from 2022-23

The Muslim entitlement set is the widest of any community in India, and among the widest granted to any religious minority anywhere.

Consider what each domain actually means. On personal law, Muslim marriage, divorce, inheritance and succession are governed by the Shariat Application Act of 1937 and the Dissolution of Muslim Marriages Act of 1939, not by the general civil code. India has debated a uniform civil code continuously since the Constituent Assembly, and Article 44 sits in the Constitution as a directive principle urging one. Seventy-five years on, Muslim personal law stands intact. France, by contrast, has moved decisively in the opposite direction, and no European state recognises Islamic family law as a parallel legal regime for its Muslim citizens.

On endowments, the Waqf Act creates a statutory machinery, Central Waqf Council, State Waqf Boards and dedicated Waqf Tribunals, to administer religious and charitable property dedicated in perpetuity under Islamic law. Waqf holdings constitute one of the largest institutional landholdings in the country. That a secular republic maintains a nationwide statutory apparatus, funded from the public exchequer, to administer the religious endowments of a minority faith is remarkable in itself. The 2025 amendment extended this further into digital records, mandatory registration, audit thresholds and, notably, statutory protection of women's and children's inheritance rights before a dedication can take effect.

On affirmative action, this is the point most consistently misunderstood abroad. Muslim communities receive reservation in education and public employment across multiple states through backward-class classification: Kerala at 8 per cent in education and 10 to 12 per cent in employment, Tamil Nadu with a 3.5 per cent sub-quota, Bihar

Indian Muslims gather during Eid al-Adha celebrations at Bandra station, Mumbai



and others besides, with dozens of Muslim caste groups appearing on the Central OBC list. There is no equivalent anywhere in the Western world. The United States has no religion-based affirmative action at any level of government and, since Students for Fair Admissions in 2023, no race-conscious admissions either.

On pilgrimage, the Haj Committee Act of 2002 establishes a statutory Haj Committee of India with state-level committees, negotiates the bilateral pilgrimage quota with Saudi Arabia, and administers logistics for well over a hundred thousand pilgrims annually. The direct fare subsidy was phased out in 2018 following a Supreme Court direction, with the funds redirected to minority education. The statutory facilitation machinery continues in full. Again, no Western democracy operates a permanent state body to facilitate a minority's religious pilgrimage.

Alongside these, the welfare architecture continues to expand in the areas the government has prioritised. PM VIKAS, approved in January 2025, converges five earlier schemes into a single scheme covering skilling, traditional artisan support, women's entrepreneurship and NIOS-linked certification for school dropouts, with over ₹700 crore in projects already sanctioned.

The Pradhan Mantri Jan Vikas Karyakram carried ₹1,913.97 crore in 2025-26 for schools, health centres, skill hubs and community infrastructure in minority-concentration districts, roughly 56 per cent above its 2014-19 annual average. Post-matric and merit-cum-means scholarships continue. Muslim students additionally access the full range of universal schemes, UGC and CSIR fellowships, and the schemes of the Ministries of Social Justice and Education on the same terms as every other citizen.

Two institutions deserve separate mention. Aligarh Muslim University and Jamia Millia Islamia are centrally funded universities of distinct institutional character, publicly financed and nationally significant. Alongside them, state madrasa boards in Uttar Pradesh, Bihar, West Bengal, Assam and elsewhere confer formal recognition on religious seminaries and, in several states, fund them, integrating traditional Islamic education into the state's certification framework rather than excluding it.

Four legal domains, two central universities, a statutory endowment apparatus, state-level reservation, and a pilgrimage authority established by Act of Parliament. This is not the profile of a community outside the protection of the state. It is the profile of the most extensively provided-for religious minority in the democratic world.

Indian pilgrims prepare to begin their Hajj journey, carrying their belongings and faith as they travel to the holy sites of Islam.



II.III. Christians in India

Christians are approximately 2.3 per cent of India's population, some 28 million people by the 2011 Census, with a presence on the subcontinent that predates its arrival in most of Europe. Their institutional footprint is disproportionately large and constitutionally insulated, particularly in education and healthcare. Their personal law is separate and statutory, dating to 1869 and 1872, and has never been absorbed into the general civil code. And the right that matters most to them, Article 30, is the strongest single guarantee in the entire minority framework.

Personal law

Indian Christian Marriage Act, 1872

Solemnisation by ordained ministers, licensed clergy and marriage registrars of the Christian denomination

Indian Divorce Act, 1869, substantially amended 2001

Divorce framework for Christians, liberalised to equalise grounds between spouses

Indian Succession Act, 1925

Governs Christian intestate succession and testamentary disposition

Institutional autonomy

Article 30 as applied to Christian institutions

The largest private non-state education and healthcare network in India operates under Article 30 protection: an estimated tens of thousands of schools, hundreds of colleges, and a major hospital network. These institutions set their own admission policy, appoint their own management, and are exempt from RTE's 25% mandate and from Article 15(5) reservation

St. Stephen's College v. University of Delhi (1992); TMA Pai (2002)

Confirmed the right of minority institutions to reserve a substantial proportion of seats for their own community

Conversion and propagation

Article 25 "propagate"

India constitutionally protects religious propagation, a right absent from most European constitutions

State freedom-of-religion statutes

Anti-forcible-conversion laws in several states regulate conversion by force, fraud, allurement or coercion. Rev. Stainislaus v. State of MP (1977) upheld their validity, holding that "propagate" does not include a right to convert by such means

Foreign funding

Foreign Contribution (Regulation) Act, 2010

Christian organisations remain among the largest registered recipients of foreign contribution in India. Registration and renewal compliance has tightened since 2020

Welfare access

All Ministry of Minority Affairs schemes

Christians are covered as one of the six notified communities under PM VIKAS, PMJVK, post-matric and merit-cum-means scholarships, and NMDFC credit

Community representation

NCM, NCMEI, state minority commissions

Statutory Christian representation on national and state minority bodies

The Christian position illustrates the framework's central feature better than any other community's, because the gap between demographic weight and institutional weight is so wide. A community at 2.3 per cent of the population operates one of the largest private education and healthcare networks in the country: tens of thousands of schools, hundreds of colleges, and a hospital and nursing network without parallel among Indian voluntary institutions. And they operate not on sufferance, but on constitutional right.

What that right delivers in practice is worth stating plainly. Under Article 30, a Christian institution appoints its own management, sets its own admissions policy, and controls its own staffing. Under *St Stephen's* (1992), it may reserve a substantial proportion of seats for its own community. Under *TMA Pai* (2002) and *Inamdar* (2005), state regulation reaches only standards of academic excellence and cannot extend to governance. Under *Pramati* (2014), it is exempt from the Right to Education Act's twenty-five per cent free-seat mandate that binds every other private school in India. Under the proviso to Article 15(5), it is exempt from the reservation obligation. And under Article 30(2), the state cannot discriminate against it in granting aid, which means public funding flows without the state acquiring control.

Set that against comparable jurisdictions. In France, the 2021 Separatism Law empowers the executive to dissolve religious associations and regulates the foreign funding of places of worship. In the United States, minority religious schools had no reliable claim on public funds until *Espinoza* in 2020 and *Carson v Makin* in 2022, and even now the right is to non-exclusion from generally available programmes, not to institutional autonomy. In the United Kingdom, faith schools exist by funding agreement under general education law, revocable by statute, with no constitutional entrenchment. No Western democracy grants a 2.3 per cent religious minority the combination India grants: guaranteed public aid, guaranteed administrative autonomy, and statutory exemption from mandates binding on the majority.

Two further protections deserve emphasis. Article 25 expressly protects the right to propagate religion, a word the Constituent Assembly debated at length and deliberately retained. Most European constitutions protect belief and worship; India's protects outreach. And personal law autonomy has been maintained and modernised rather than absorbed: the Indian Divorce Act was substantially amended in 2001 to equalise the grounds of divorce between spouses, a reform carried out within the Christian legal framework rather than by dissolving it into a common code.

Christian organisations also remain among the largest registered recipients of foreign contribution in India under the Foreign Contribution (Regulation) Act, funding institutional work at a scale few voluntary networks anywhere sustain.

The result is a community whose institutional position is secured by constitutional text, defended repeatedly by the Supreme Court, and structurally stronger than that of any comparably sized religious minority in Western Europe or North America. Whatever difficulties are reported at local level, and local difficulties are real in specific districts, they occur against an institutional settlement that the countries reporting them have never extended to their own minorities.

Christian priests gather in prayer before a large congregation during a religious ceremony, reflecting a moment of collective worship and devotion.



II.IV. Parsis (Zoroastrians) in India

At roughly 0.006 per cent of the population, some 57,000 people, Parsis are among the smallest recognised religious communities anywhere in the world to hold dedicated national legislation, dedicated matrimonial courts, and a dedicated central government demographic scheme. They arrived on the Gujarat coast over a millennium ago as refugees from religious persecution in Persia, were given sanctuary, and have never been asked to assimilate. India is the country in which Zoroastrianism survived.

Their contribution to the modern Indian state is out of all proportion to their number. The Tata Group, founded by Jamsetji Tata and today India's largest conglomerate and its most trusted corporate name, is a Parsi enterprise. So is the Godrej Group, the Wadia Group, whose Bombay Dyeing and Britannia are household names and whose founding family predates the Republic in Indian industry, the Shapoorji Pallonji Group, builder of much of independent India's infrastructure, and the Poonawalla Group, whose Serum Institute of India is the largest vaccine manufacturer in the world by volume and supplied a substantial share of the doses that carried India and much of the developing world through the COVID-19 pandemic. Beyond industry: Field Marshal Sam Manekshaw, architect of the 1971 victory; Homi Bhabha, father of India's nuclear programme; Homi Sethna, Dadabhai Naoroji, Pherozeshah Mehta, Bhikaiji Cama, Zubin Mehta, Freddie Mercury. A community of 57,000 has produced India's foremost industrial house, its nuclear programme, its most decorated soldier, and three of the founding figures of its independence movement. India's response has been protection, not indifference.

Parsi community members outside an agiary, as they celebrate the Parsi New Year on Friday in Thane.



Personal law

Parsi Marriage and Divorce Act, 1936

Community-specific marriage and divorce statute

Dedicated judiciary

Parsi Chief Matrimonial Courts

Established in Bombay, Calcutta and Madras, with delegates drawn from the community sitting alongside the judge. A community-specific adjudicatory forum, unique in Indian law

Succession

Indian Succession Act, 1925, Chapter III

Separate intestate succession rules for Parsis

Demographic support

Jiyo Parsi scheme, Ministry of Minority Affairs, guidelines revised 2024

Central government funding for medical assistance, fertility treatment, dependent-elderly support and child-care assistance, expressly to arrest population decline. Financial-status neutral in key components

Endowments

Bombay Parsi Punchayet and Anjuman trusts

Community-administered charitable and housing trusts operating under Article 26

Institutional

NCM representation

Guaranteed seat and voice on the national statutory commission

Heritage

Doongewadi and Tower of Silence sites; Udvada Iranshah Atash Behram

Protected community religious sites; Udvada developed as a national heritage destination

Jiyo Parsi deserves specific attention in any comparative account. It is a state-funded programme whose explicit purpose is to increase the birth rate of a single religious community. It funds fertility treatment, medical assistance, child-care support and dependent-elderly care, and its core components are available irrespective of the recipient's financial status. It is run by a national government, from the Union Budget, and it is uncontroversial in Indian politics. No party opposes it.

There is no equivalent programme anywhere in North America or Western Europe. No Western government funds fertility treatment for a religious minority in order to arrest its demographic decline, and it is difficult to imagine one attempting it. Any framework that produces this outcome for a community of 57,000 people is not a framework that can be described as majoritarian by design.

The rest of the Parsi settlement is of a piece with it. The Parsi Marriage and Divorce Act of 1936 governs marriage and divorce; Chapter III of the Indian Succession Act sets out separate intestate succession rules; and Parsi matrimonial disputes are heard in dedicated Parsi Chief Matrimonial Courts in Bombay, Calcutta and Madras, where delegates drawn from the community sit alongside the judge. This is a community-specific adjudicatory forum with community participation in the tribunal itself, unique in Indian law and close to unique anywhere. The Bombay Parsi Punchayet and the Anjuman trusts administer community charitable and housing endowments under Article 26. Udvada, seat of the Iranshah Atash Behram, the sacred fire brought from Persia and continuously tended for more than a thousand years, has been developed as a national heritage destination.

A thousand years of sanctuary, a statute, a court, and a scheme to keep the community alive. That is the record.

II.V. Dharmic Faiths (Sikhs, Buddhists, Jains, and Hindus as State-Level Minorities)

Sikhs, Buddhists and Jains are notified national minorities and access the full minority entitlement set: Article 30 institutions, Ministry of Minority Affairs schemes, NMDFC credit, representation on the National Commission for Minorities. They hold these rights on precisely the same terms as Muslims, Christians and Parsis, and they hold them despite sharing substantial religious, cultural and civilisational ground with the national majority. India draws no distinction between minorities it regards as culturally proximate and minorities it regards as distant. All six are notified. All six are protected identically.

Hindus, though the national majority, are a numerical minority in nine states and union territories. This fact is almost entirely absent from international commentary, and it changes the shape of the argument considerably.

Sikhs

Anand Marriage Act, 1909, amended 2012
Statutory recognition and registration of Anand Karaj as a distinct Sikh marriage form

Article 25 Explanation I
Constitutional protection for wearing and carrying the kirpan. Turban accommodation extended in motor-vehicle helmet rules and in the armed forces

Sikh Gurdwaras Act, 1925; Delhi Sikh Gurdwaras Act, 1971
Statutory community control of gurdwara administration through SGPC and DSGMC, elected community bodies

Kartarpur Sahib Corridor, 2019
Visa-free pilgrimage corridor negotiated with Pakistan

Notified minority status
Full access to Ministry of Minority Affairs schemes, NMDFC credit, Article 30 institutions

Buddhists

Article 25 Explanation II
Constitutional recognition of Buddhism as distinct for Article 25(2)(b) purposes while retaining associated protections

Central Institute of Higher Tibetan Studies, Sarnath; Central Institute of Buddhist Studies, Leh
Centrally funded deemed universities for Buddhist learning

Nalanda University Act, 2010
Statutory revival of the historic Buddhist centre of learning

Tibetan Rehabilitation Policy, 2014
Land lease, ration, education and livelihood provisions for Tibetan Buddhist refugee settlements. India hosts the largest Tibetan Buddhist exile community in the world

Buddhist Circuit / Swadesh Darshan
Sustained central investment in Bodhi Gaya, Sarnath, Kushinagar and Sravasti, including Kushinagar International Airport

Jains

Notified minority, January 2014
Full access to the minority entitlement set, including Article 30 institutions

State ahimsa provisions
Slaughter restrictions during Paryushan in several states; protection of Jain pilgrimage sites including Sammed Shikharji, where the 2023 central notification was revised after community representation

Article 25 Explanation II
Constitutional recognition alongside Sikhs and Buddhists

Hindus (state-level)

Minority in 9 states/UTs
Lakshadweep, Mizoram, Nagaland, Meghalaya, Jammu & Kashmir; Arunachal Pradesh, Manipur, Punjab, Ladakh

Pending litigation
Petitions before the Supreme Court seek state-level minority notification so that Hindus in these states can access Article 30 rights available to others. The question remains unresolved

Asymmetry
Hindu-run educational institutions remain bound by the RTE 25% mandate and Article 15(5) reservation obligations from which minority institutions are exempt. Major Hindu temples in several states are under statutory government control through endowment departments, an arrangement not applied to mosques, churches or gurdwaras

The Dharmic table exposes the part of the Indian settlement that international commentary consistently misses.

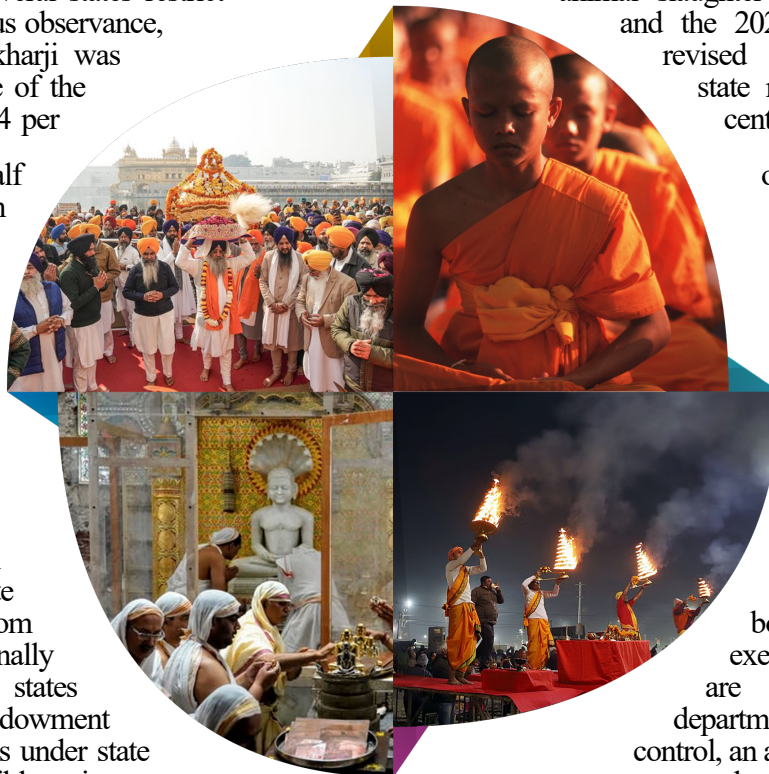
Each community's protections are specific and substantial. Sikhs hold constitutional protection for the kirpan written directly into Article 25, an accommodation for a religious article that several Western jurisdictions have litigated for decades and some still refuse. Sikh marriage is governed by its own statute, the Anand Marriage Act, amended in 2012 to provide for separate registration of Anand Karaj. Gurdwara administration rests with elected community bodies under the Sikh Gurdwaras Act 1925 and the Delhi Sikh Gurdwaras Act 1971, meaning Sikh religious institutions are controlled by Sikhs through a statutory electoral process. The Kartarpur Sahib Corridor, negotiated with Pakistan and opened in 2019, provides visa-free pilgrimage access to one of Sikhism's holiest shrines across an international border, an arrangement without parallel anywhere.

Buddhists benefit from centrally funded institutions of higher Buddhist learning at Sarnath and Leh, the statutory revival of Nalanda University, and sustained state investment in the Buddhist Circuit including Bodh Gaya, Sarnath, Kushinagar and Sravasti. India also hosts the largest Tibetan Buddhist exile community in the world, with land lease, education, ration and livelihood provisions formalised under the Tibetan Rehabilitation Policy of 2014. The Dalai Lama has lived under Indian protection since 1959.

Jains, notified in January 2014, hold the complete entitlement set including the right to establish and administer Article 30 institutions. Several states restrict animal slaughter during Paryushan in recognition of Jain religious observance, and the 2023 central notification revised following community representation, an instance of the state reversing course on a live decision because a 0.4 per cent minority objected.

Then there is the other half described abroad as an are a numerical minority Mizoram, Nagaland, and Kashmir, Arunachal Pradesh, Manipur, Punjab and Ladakh. In those jurisdictions they hold no corresponding claim Article 30 institutions, and the should is still before Court. Hindu-run across India carry Act's twenty-five and the Article 15(5) both of which minority exempt. And major are administered directly departments, with their control, an arrangement that would a mosque, a church or a gurdwara under

jurisdictions they hold minority rights, cannot protection for their question of whether they the Indian Supreme educational institutions the Right to Education per cent free-seat mandate reservation obligation, from institutions are constitutionally Hindu temples in several states by government endowment revenues and appointments under state be constitutionally impossible to impose on Article 26.



This is not a claim of persecution. It is a factual description of where the asymmetries actually run. The Indian settlement extends group-differentiated rights to six minority communities, protects their institutions from state control, exempts them from regulatory mandates, and funds their welfare through a dedicated ministry. The majority that wrote these provisions into the Constitution granted itself none of them, and in several respects placed itself under obligations from which it released everyone else. Any account of Indian minorities that omits this is not describing the country.

III. Contrast with the USA, UK and Europe

The Introduction set out three models: formal non-discrimination in the United States, majority establishment in the United Kingdom, and restriction in the name of neutrality across continental Europe. What follows tests each against the Indian settlement, provision by provision, using the statutes and judgments of the jurisdictions themselves.

III.I. United States

The American model is formal non-discrimination without group-differentiated rights. It offers religious minorities considerably less than India does in positive entitlement terms, and this is rarely acknowledged in American reporting on India. The United States Commission on International Religious Freedom has recommended India’s designation as a Country of Particular Concern in successive annual reports. It is worth setting out, against that recommendation, what the United States itself provides.

Table 6: United States

Dimension	United States	India
Group-differentiated minority rights	None. The First Amendment protects individual free exercise. No religious community holds rights as a community. There is no American equivalent of Article 30, and no serious proposal for one	Articles 29 and 30, enforceable by writ petition under Article 32
Constitutional right to establish and administer minority institutions	Does not exist. Religious schools operate under general law, subject to state regulation of curriculum, staffing and governance on the same terms as any private entity	Guaranteed. State regulation limited to standards of excellence; administrative control barred (TMA Pai, Inamdar)
Religion-based affirmative action	None, at any level of government, ever. Students for Fair Admissions(2023) additionally ended race-conscious admissions, closing the last remaining group-conscious channel	State-level reservation for Muslim communities in Kerala, Tamil Nadu, Bihar and others; dozens of Muslim castes on the Central OBC list

SFFA and the fight over race-conscious admissions: Students for Fair Admissions challenged Harvard and UNC, leading to the landmark 2023 U.S. Supreme Court ruling ending race-conscious college admissions.



Dedicated ministry or commission for religious minorities

None. No cabinet department, no statutory commission, no development finance body. USCIRF monitors religious freedom abroad, not at home

Ministry of Minority Affairs, NCM, NCMEI, Commissioner for Linguistic Minorities, NMDFC



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ABOUT USCIRF COUNTRIES NEWS ROOM EVENTS FORB VICTIMS LIST PUBLICATIONS

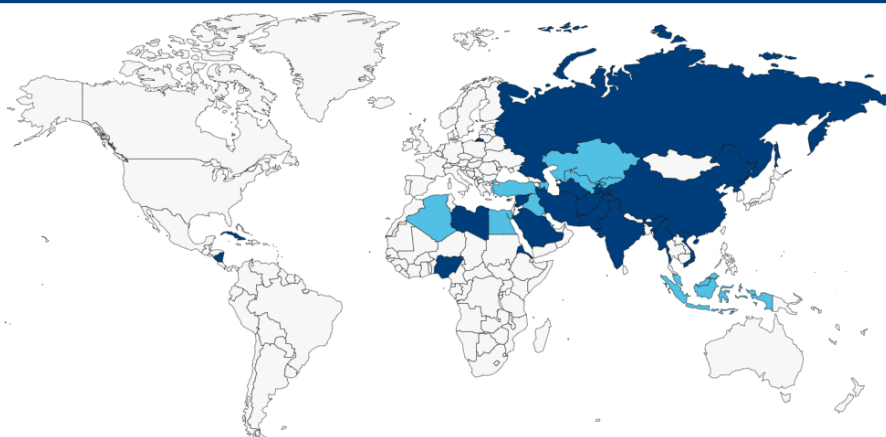
2026 Recommendations
IRFA Implementation
Afghanistan
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Egypt
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India
Indonesia
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Iraq
Kazakhstan
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North Korea
Pakistan
Qatar
Russia

Saudi Arabia
Syria
Tajikistan
Turkey
Turkmenistan
Uzbekistan
Vietnam
Additional Countries

Entities of Particular Concern (EPC)



State funding of minority religious schools

Barred for most of the twentieth century under Establishment Clause jurisprudence and state Blaine Amendments, many of them enacted in the nineteenth century with explicitly anti-Catholic intent. Permitted only after *Espinoza* (2020) and *Carson v Makin* (2022), and even now the right is to non-exclusion from generally available programmes, not to institutional autonomy

Article 30(2) makes non-discriminatory aid a constitutional entitlement. Aid flows without the state acquiring control

Exemption from regulatory mandates

None. Minority institutions carry every obligation the majority carries

Minority institutions exempt from the RTE 25% mandate (Pramati, 2014) and from the Article 15(5) reservation obligation

Personal law autonomy

None. Uniform civil and family law. Several states have enacted statutes expressly barring courts from applying foreign or religious law in domestic matters

Muslim, Christian and Parsi personal law preserved by separate statute. Parsis additionally have dedicated matrimonial courts with community delegates

State facilitation of minority pilgrimage

None

Haj Committee Act 2002; statutory committees; bilateral quota negotiation; state-administered logistics

The Embassy participated in a function organized by Delhi State Haj Committee to see off the first group of Hajj Pilgrims from IGI Airport



Community-specific demographic support

None, and constitutionally unimaginable

Jiyo Parsi: Union-funded fertility and family support for a single religious community

Faith-based immigration restriction

Executive Order 13769 (2017) restricted entry from several Muslim-majority countries. Upheld by the Supreme Court in Trump v Hawaii(2018), which remains good law

No comparable restriction

Domestic religious-minority record

FBI Uniform Crime Reporting has recorded sustained high volumes of anti-Jewish and anti-Muslim hate crime, with sharp increases from late 2023. Reporting is voluntary for local agencies, so published figures understate the total

Reporting mechanisms are weaker. The point is that the US has no resolved record from which to instruct others

International posture

Maintains a federal commission recommending sanctions-adjacent designations for other countries' religious-freedom records, while providing its own minorities none of the entitlements listed above

Provides the entitlements; makes no comparable designations of others

The comparison is not close, and it does not turn on contested facts. Every entry in the American column is drawn from American constitutional text, American statute or American Supreme Court authority.

The structural point is this. The United States protects the individual believer and stops there. It has no legal concept of a religious minority as a rights-bearing entity, no machinery to serve one, and no mechanism by which a minority community could claim institutional autonomy against the state. This is a coherent constitutional philosophy and it has genuine virtues. But it is a thinner settlement than India's, not a thicker one, and a country operating it is poorly placed to instruct a country that has gone considerably further.

There is a sharper irony in the education column. The Blaine Amendments that barred public funds from reaching minority religious schools across roughly three-quarters of American states were products of nineteenth-century anti-Catholic politics, and they governed American law until the 2020s. During the same period, India was constitutionally obliged to fund minority schools without discrimination and constitutionally barred from controlling them. On the single question of whether a religious minority may run its own educational institutions with public support and without state interference, India answered in 1950 what the United States was still litigating in 2022.

III.II. United Kingdom

The United Kingdom maintains a constitutionally established church and reserved parliamentary seats for its clergy. It hosts parliamentary debates on Indian minorities from within that arrangement. The Westminster Hall debate of February 2022 on the persecution of Christians and religious minorities in India was convened in a building whose upper chamber seats twenty-six bishops of one denomination by right of office.

Table 7: United Kingdom

Dimension	United Kingdom	India
Established religion	Church of England is the established church. The monarch is its Supreme Governor and holds the title Defender of the Faith. Church of Scotland is the national church	No state religion. Article 27 bars taxation for the promotion of any religion
Clergy in the legislature	26 Lords Spiritual, bishops of the Church of England, sit in the House of Lords by right. No other faith has reserved seats. Iran is the only other country with clerics sitting ex officio in its legislature	No reserved legislative seats for any clergy of any faith
 Christian Bishops sitting in UK's Parliament (Photograph: Roger Harris)		
Head of state and religion	The monarch's accession is bound to the Protestant succession under the Act of Settlement 1701. A Catholic cannot accede	No religious qualification for any constitutional office
Blasphemy law	Blasphemy and blasphemous libel protected Christianity alone until abolition in England and Wales in 2008, and in Scotland in 2021	No faith-specific blasphemy offence
Counter-extremism duty	The Prevent duty under the Counter-Terrorism and Security Act 2015 imposes a statutory obligation on schools, universities, hospitals and local authorities to report individuals for de-radicalisation assessment. Referral patterns have drawn sustained criticism for disproportionate impact on Muslim communities	No comparable statutory surveillance duty imposed on educational and health institutions

Constitutional minority education right	None. Faith schools operate under general education law and funding agreements, revocable by statute	Article 30, entrenched as a fundamental right and not amendable by ordinary legislation
Exemption from regulatory mandates	None. Faith schools carry admissions and curriculum obligations set centrally, tightened repeatedly by successive governments	Minority institutions exempt from the RTE 25% mandate and the Article 15(5) reservation obligation
Religion-based affirmative action	None. The Equality Act 2010 prohibits discrimination; it confers no group entitlement	State-level reservation for Muslim communities; dozens of Muslim castes on the Central OBC list
Dedicated ministry or commission for religious minorities	None. The Equality and Human Rights Commission covers nine protected characteristics across the whole population	Ministry of Minority Affairs, NCM, NCMEI, Commissioner for Linguistic Minorities, NMDFC
Personal law autonomy	None. Sharia councils operate without statutory recognition, and their status has been the subject of repeated official review with recommendations for restriction	Muslim, Christian and Parsi personal law preserved by separate statute
Ritual practice	Non-stun slaughter permitted by exemption, with periodic parliamentary and veterinary-body pressure for repeal. Ritual circumcision subject to recurrent restriction proposals	No national restriction on ritual slaughter or circumcision
Written constitutional guarantee	No codified constitution. Minority protection rests on the Human Rights Act 1998, repeal of which has been repeatedly proposed by successive governments	Fundamental rights chapter enforceable under Article 32, itself a fundamental right

The British position is the most difficult of the three to defend, because it is the only one that combines an establishment of religion with an active practice of instructing others.

The United Kingdom is not a secular state and does not claim to be. It has an established church, a monarch who is that church's Supreme Governor, a succession law that excludes Catholics from the throne, and twenty-six of that church's bishops sitting in its legislature as of right. India has none of these things. India's Constitution bars the state from taxing citizens for the promotion of any religion, reserves no legislative seat for any clergy, and imposes no religious qualification on any office. On the specific measure of formal state neutrality between faiths, India is by some distance the more secular of the two.

The absence of entrenchment is the second structural weakness. British minority protection rests on ordinary legislation, and ordinary legislation can be repealed by a simple majority. The Human Rights Act 1998 has been the target of repeal or replacement proposals from successive governments for over a decade. Faith schools exist by funding agreement, and their admissions freedoms have been narrowed repeatedly by ministerial decision without any constitutional obstacle, because none exists. In India, the equivalent protections sit in Part III of the Constitution, cannot be removed by ordinary legislation, and have survived every attempt to narrow them, including through legislation as popular as the Right to Education Act.

The third point is the Prevent duty. The Counter-Terrorism and Security Act 2015 places a statutory obligation on teachers, lecturers, doctors and local authority staff to identify and refer individuals deemed vulnerable to radicalisation. It has generated sustained criticism, including from British Muslim organisations and civil liberties bodies, for its disproportionate application. India imposes no equivalent duty on its schools, universities or hospitals. A British teacher has a legal obligation to report a Muslim pupil in circumstances where an Indian teacher has none.

None of this is an argument that Britain persecutes its minorities. It does not. But a state with an established church, reserved clerical seats, a religious test for its head of state, a statutory reporting duty falling heaviest on one community, and no written constitutional guarantee for any of its minorities has adopted a settlement demonstrably thinner than India's, and is an unlikely venue from which to assess India's.

III.III. Continental Europe

Europe has produced the largest body of legislation restricting minority religious practice of any democratic region in the world. Much of it has been upheld by its own courts. This is the critical distinction: these are not incidents of intolerance, nor failures of enforcement, nor the actions of fringe actors. They are statutes, in some cases constitutional provisions adopted by popular vote, passed by elected legislatures and validated by the highest courts of the jurisdictions concerned.

Table 8: Continental Europe

Country	Restriction	Status
France	2004 law banning conspicuous religious symbols in state schools; 2010 nationwide public face-covering ban; 2021 Separatism Law permitting dissolution of religious associations and controlling foreign funding of mosques; 2023 abaya ban in schools; 2025 proposal to ban the veil for girls under 15 in public	Face-covering ban upheld by the European Court of Human Rights in S.A.S. v France(2014)
Switzerland	2009 referendum inserted a ban on minaret construction into the federal Constitution; 2021 referendum approved a nationwide face-covering ban	Both in force



protest against ban on abayas in French schools.



A poster for referendum calling for a burqa ban in Switzerland

Belgium	Public face-covering ban; regional bans on non-stun ritual slaughter in Flanders and Wallonia, affecting both halal and kosher practice	Slaughter bans upheld by the Court of Justice of the EU (2020)
Denmark	Face-veil ban since 2018; the “parallel societies” or ghetto law permitting differential treatment of residential areas defined partly by non-Western origin	In December 2025 the CJEU indicated the ghetto law could breach EU anti-discrimination rules
Austria, Bulgaria, Netherlands	National face-covering bans, general or sector-specific	In force
Germany	Headscarf restrictions for teachers and public officials in several Länder; state-collected church tax funding recognised churches; ritual circumcision faced legal challenge in 2012	In force
Portugal	October 2025 parliamentary approval of a bill banning face coverings worn for religious motives in most public spaces, with fines up to €4,000	Enacted through the legislature
Sweden, Norway, Iceland, Denmark, Slovenia	Bans or restrictions on non-stun ritual slaughter, affecting halal and kosher	In force



Set against this table, the comparative position is not ambiguous. India has never banned a place of worship’s architecture, never banned religious dress in public space, never banned a minority’s method of ritual slaughter nationally, never dissolved a religious association by executive order, and never removed a minority’s personal law. Several of the states that legislate on India’s minorities have done most of these things to their own.

Four features of the European record deserve emphasis, because they are structural rather than incidental.

The restrictions are constitutional, not merely statutory. Switzerland did not pass a minaret ban through a legislature that might later reconsider. It wrote the prohibition into the federal Constitution by national referendum in 2009, and added a face-covering ban to the same Constitution in 2021. A Swiss Muslim community seeking to build a minaret cannot litigate; the answer sits in the foundational text of the state. Compare the Indian position, where the kirpan is protected by constitutional text rather than prohibited by it.

The courts have validated them. The European Court of Human Rights upheld the French face-covering ban in *S.A.S. v France*, accepting “living together” as a legitimate aim capable of justifying a prohibition on religious dress. The Court of Justice of the European Union upheld the Belgian regional bans on non-stun slaughter in 2020, permitting member states to restrict a practice central to both Islamic and Jewish observance. These are not aberrations awaiting correction on appeal. They are the settled law of Europe, affirmed at the apex.

They reach both Islam and Judaism. The slaughter restrictions across Belgium, Sweden, Norway, Iceland, Denmark and Slovenia bear equally on halal and kosher practice, and Jewish communal bodies across Europe have said so repeatedly. A continent that spent the twentieth century confronting the consequences of legislating against Jewish religious practice has, in the twenty-first, legislated against it again in the language of animal welfare.

And they are expanding, not receding. France's abaya ban dates to 2023, its proposal on girls under fifteen to 2025. Portugal's parliament approved its face-covering ban in October 2025. Denmark's parallel societies legislation, which classifies residential areas by the proportion of residents of non-Western origin and has resulted in demolitions and lease terminations, reached the Court of Justice only in December 2025, seven years after enactment, and the Danish courts have yet to give final effect to the ruling. The trajectory of European law on religious minorities over the past two decades runs in one direction.

The contrast with India is therefore not a matter of degree or of recent record. It is a contrast between a state that has spent seventy-five years constitutionally entrenching what minorities may do, and a group of states that have spent twenty years legislating what minorities may not. When European legislatures convene to assess India's treatment of its religious minorities, they do so with minaret bans, veil bans and slaughter bans in force on their own statute books, upheld by their own courts, and still being added to.



Observations

One. The global conversation about Indian minorities is conducted almost entirely in the language of incidents and almost never in the language of law. This is convenient, because the law does not support the conclusion. A framework that grants a 2.3 per cent community constitutionally protected control of a national school and hospital network, that funds a fertility programme for a community of 57,000, that preserves four separate personal law systems, that reserves seats in education and public employment for Muslim communities across multiple states, and that exempts minority schools from mandates binding on the majority, is not the framework of a state engaged in systematic minority suppression. It may be a framework with implementation gaps. That is a different accusation, and it should be made honestly rather than substituted.

Two. India's approach is not merely protective. It is affirmative, redistributive and welfare-oriented in a way that has no counterpart in the jurisdictions doing the assessing. Protection prevents harm; affirmative action allocates opportunity. India does both. Muslim communities hold reservation in education and public employment in Kerala at 8 per cent and 10 to 12 per cent, in Tamil Nadu through a 3.5 per cent sub-quota, and in Bihar and other states through backward-class classification, with dozens of Muslim caste groups on the Central OBC list. Post-matric and merit-cum-means scholarships fund minority students through higher education. The National Minorities Development and Finance Corporation extends concessional credit to minority entrepreneurs at below-market rates. PM VIKAS, approved in January 2025, converges skilling, artisan support, women's entrepreneurship and dropout certification into a single scheme, with over ₹700 crore in projects sanctioned. The Pradhan Mantri Jan Vikas Karyakram carried ₹1,913.97 crore in 2025-26 for schools, health centres and skill infrastructure in minority-concentration districts, roughly 56 per cent above its 2014-19 annual average. The Ministry of Minority Affairs has been funded in every Union Budget since its creation in 2006 and carries ₹3,400 crore for 2026-27. The United States has no religion-based affirmative action at any level of government, no federal ministry for religious minorities, and no dedicated credit institution. Neither does the United Kingdom. Neither does any European state. On the specific question of whether the state actively redistributes opportunity toward religious minorities, India is not merely ahead of the comparison set. It is alone in it.

Three. The social justice framing matters because it reveals the intent behind the design. India did not adopt these measures under external pressure, in response to a scandal, or as the price of a treaty. It adopted them at the founding, in a Constituent Assembly overwhelmingly composed of the religious majority, in a country partitioned along religious lines within living memory of the drafters. Articles 29 and 30 were written by people with every political incentive to write something narrower. They chose otherwise, and every government since, of every ideological complexion, has operated within that choice. A settlement that has survived seventy-five years, seventeen general elections and multiple changes of governing philosophy is not a concession extracted from a reluctant state. It is a constitutional commitment.

Members of American Indian tribes, indigenous communities and their supporters are demonstrating today in Washington



Four. Incidents are real and should be reported. India is a country of 1.4 billion people with deep communal fault lines, and mob violence, discriminatory policing and local harassment occur. Nothing in this document denies that. But no democracy is judged by the absence of such incidents, because no democracy achieves it. France has produced attacks on mosques and synagogues alongside legislation restricting both. The United States records tens of thousands of hate crimes annually, on voluntary reporting that understates the total. The United Kingdom's own reviews document institutional failures across communities. The standard applied to India in Westminster and in the New York Times is a standard none of these countries meets or claims to meet for itself.

Five. The most striking feature of the comparison is that Europe legislates against minority practice while India legislates for it. Switzerland put a minaret ban in its constitution by popular vote. India put minority institutional autonomy in its constitution by constituent assembly deliberation. France empowered the executive to dissolve religious associations. India funds them, administers their endowments through statutory boards, and pays for their schools. Belgium bans halal and kosher slaughter. India protects the kirpan by constitutional text. The United States barred public funds from minority religious schools for a century and permitted them only in the 2020s. India made non-discriminatory aid a constitutional entitlement in 1950. These are not marginal differences of degree. They are opposite structural choices, and the countries that made the restrictive choice are the ones convening the debates.

Six. The asymmetry runs in a direction rarely reported. Hindu-run schools carry the RTE 25 per cent obligation and Article 15(5) reservation mandates; minority schools carry neither. Major Hindu temples in several states are administered by government endowment departments; mosques, churches and gurdwaras are administered by their own communities under statutory or trust arrangements. Hindus are a numerical minority in nine states and union territories without corresponding Article 30 access there. Stating this is not a grievance claim. It is a factual correction to a picture in which the majority is assumed to hold every advantage, when in several concrete respects it holds fewer.

Seven. Where the framework is weakest, it is weak in delivery rather than in design, and saying so openly is what allows the rest to be credited. Several scholarship and fellowship schemes have been discontinued or absorbed since 2022, the pre-matric scholarship has been narrowed to classes 9 and 10, and utilisation has run below allocation in successive years. The government's stated reasons are overlap with universal schemes, the RTE guarantee covering classes 1 to 8, and fraud detected on the scholarship portal. Those reasons are contested. But note what is not in dispute: not one constitutional entitlement has been withdrawn, not one personal law statute repealed, not one Article 30 protection narrowed. Budgets move with the Finance Bill. Fundamental rights do not.

Eight. The correct posture is neither denial nor defensiveness. It is insistence on symmetry of scrutiny. India should be examined rigorously on its record, including the parts of it that are poor. It should be examined using the same instruments applied to the countries doing the examining: not incident counts alone, but constitutional entitlement, institutional autonomy, personal law, affirmative action and dedicated state machinery. Applied consistently, that test produces a clear result. India grants its religious minorities more, protects them more deeply, and funds them more directly than any comparable democracy grants, protects or funds its own. That is the finding, and it does not require special pleading.

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