

An Analyzing the Indian Constitution's Role in Safeguarding Minority Rights

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Abstract: *As the environment changes, new ideas challenge traditional lifestyles for communities and minorities. The UN defines minorities as "Any group or community which is socially, politically and economically non-dominant and inferior in the population" by ethnicity, race, religion, language, sexual orientation, or handicap. Minorities always seen India as a paradise, but the Muslim invasion changed their life as they sought a place in a Hindu culture. India considers Muslims, Sikhs, Christians, Buddhists, Jains, and Parsis minorities. Due to constitutional religious freedom, all religious groups in India are treated equally. Article 14 ensures equality for all Indians, whereas articles 29 and 30 safeguard minorities. Constitutional minority community activities are conducted by India. Examples include USTAAD, Hamari Darohar, Nai Manzil, Nai Roshni, and the Prime Minister's 15-point minority welfare initiative. This essay will examine minorities' constitutional rights and India's legal protections. Minorities enrich Indian culture and strengthen the country. Despite several measures and supports, minorities' struggles for equality and prosperity persist..*

Keywords: Indian Constitution, Minority Rights, Fundamental Rights

I. INTRODUCTION

India has long been renowned for its diverse range of cultures and religions. India's distinct way of life has always been shaped by its religious traditions. India has made the freedom of religion a constitutional guarantee, which promotes harmony and respect amongst the many religions practiced there.¹ Over 800 languages are spoken across India, from Kashmir to Kanyakumari. In addition to the 122 official languages of India, there are 1599 more languages spoken there, according to the 2001 Indian Census. Nevertheless, statistics from other sources varies, in part due to the fact that various sources define "language" and "dialect" differently. According to the 2001 Census, 30 languages have more than a million native speakers, and 122 languages have more than 10,000 speakers.²

Although members of minority groups are granted certain privileges within the broader society, it is ultimately up to each person whether or not they want to identify as a minority in a diverse and inclusive democracy such as India. The term "minority," which means "little in number," is derived from the Latin word "Minor" and is joined with the suffix "ity."³ Any social, political, or economic subset of the total population is considered a minority by the UN. The Indian constitution doesn't define "minority" in any way. The Central Government of India has recognized six religious groups as minorities: Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis), and Jains.⁴

Historical Background:

At different times throughout India's history, the great Persian, Afghan, Turkish, Tughlaq, and Mughal kings, along with the British and many others, all came and enhanced the nation's cultural legacy in spite of their own goals. New religious and ethnic minorities, including as Muslims, Christians, Parsis, and others, arose under the rule of the dynasties listed above. India's many minority groups are a result of the country's numerous kings, which have also produced a wide variety of faiths and civilizations.

Restoring religious unity and establishing a peaceful country was the largest task facing India's newly formed government after the British withdrawal. Thus, on January 22, 1947, the Constituent Assembly created a safety mechanism for the nation's minority groups, impoverished backward classes, and tribal lands after overwhelmingly

approving the goal resolution proposed by Pandit Jawaharlal Nehru in 1946. Articles 292-301 also pertain to "Special Statutes Relating to Minorities."⁵

In contrast to original expectations, the constitution did not provide any quotas for religious minorities in either the public sector or legislative bodies when it was passed by the Constituent Assembly of India in November 1949 and went into force on January 26, 1950. Because they felt that these protections were more useful for aiding the economically poor than for preserving cultural variety, the Constituent Assembly resolved that religious minorities should not be subject to group-preference laws.

The Constitution Drafting Committee drafted a number of laws and provisions known as "Special Provisions" in 1948.⁶ The Indian constitution's provisions protecting minority rights include safeguards against discrimination on the basis of a person's culture, language, race, or religion. The legal right to freely express their cultural heritage, learn and use their native languages, and identify with and communicate using their given names must be granted to members of underrepresented groups. Thus, it wouldn't be incorrect to state that the Indian constitution forbids discrimination against minorities of any type, protects against acts of violence motivated by caste, religion, etc., and ensures equal rights before the law and in public and political life. Human rights inherently include the rights of minorities. It facilitates tolerance and the development of a respect for variety. The Committee for the Drafting of the Constitution has proposed a number of ideas. They care about creating a space where people from many communities may live peacefully and work together. a more promising future.

II. MINORITY COMMUNITIES IN INDIA

Islam:

India's history, culture, and cultural productions have all been profoundly influenced by Islam, the nation's second most prevalent religion. About 10 million Muslims went to Pakistan when the subcontinent was divided in 1947, while many Sikhs and Hindus migrated to India. This incident significantly changed the demographic composition of both nations, and India is still dealing with the fallout today.⁷ Unlike Shias and other sects, Sunni Muslims made up the majority of Muslims in India.

Although the majority of Muslims in India are Sunni, the state of Gujarat has sizeable Shi'ite minorities. In addition to major cities, the majority of Sunnis live in West Bengal, Kerala, Uttar Pradesh, and Jammu and Kashmir.

In spite of this, India's Islamic community nevertheless makes a substantial contribution to the country's progress. Muslims are surely making some kind of contribution to the advancement of the country by constructing their religious institutions, colleges, and facilities, as well as by encouraging the study of theology.

Sikhs:

The monotheistic Indian religion of Sikhism promotes worship of an impersonal God. The fundamental tenets of the religion humility, equality for all people, and service to humanity exhort followers to strive toward bettering the lot of the underprivileged and destitute. For instance, it is customary for Sikhs to feed anybody who enters a gurdwara, which is their house of worship. One of the most instantly identifiable symbols of the Sikh faith is the turban, also known as a "dastar" or "dumalla," which is worn by many men and some women. The great majority of Sikhs in India now reside in the Punjab area, which was established with the creation of India and Pakistan.

Buddhism:

Buddhism developed as a countermovement to early Hinduism, which founded its moral principles on a person's caste. Following the "Noble Eightfold Path," according to the "Four Noble Truths," which are the cornerstones of Buddhism, people may achieve nirvana and break free from the unending cycle of birth and death. In India, Buddhism has expanded within the last thirty years. Its appeal may be attributed in part to the growing number of Tibetan Buddhist monks who have been exiled. But in modern Indian culture, many people from the lowest castes believe it to be the finest substitute for Hinduism. The Indian states of Maharashtra, Sikkim, Arunachal Pradesh, and Jammu & Kashmir are home to a sizable Buddhist population.

Jainism:

Jainism was also established as a reaction to some of the beliefs and principles of early Hinduism. Laity Jains generally adhere to the moral principle of "ahimsa" in modern-day India. As a result, Jains usually promote vegetarianism and

animal welfare. Samyika, a meditation ritual intended to refine one's spiritual discipline, is also often practiced by the Jain lay society. Samayika is often performed in front of a monk, at one's home, or in a place of devotion like a temple. Maharashtra, Gujarat, and Rajasthan are home to the bulk of Jains.

Christianity:

The third most common faith in India is Christianity, which is particularly prevalent in Mumbai and the deep south. Although Roman Catholicism is the most common religion in India, there are many minor Christian groups, including the Churches of North and South India. Christianization has mostly occurred among historically marginalized minorities, including tribal groups and lower castes.

III. RIGHTS OF MINORITIES IN THE INDIAN CONSTITUTION

Every Indian citizen is entitled to equality under Article 14 of the constitution. It declares that no one on Indian territory should be denied equality before the law or equal protection under the law. Additionally, it forbids discrimination of any type on the basis of sexual orientation, religion, race, caste, or place of birth.⁸

The Constitutional Drafting Committee created the two articles that make up the Constitution's section on cultural and educational rights.

The Indian Constitution expressly addresses minorities' rights in Articles 29 and 30. The Constitution's Article 29 mandates that minorities' interests be protected. Any community living under Indian authority has the right to protect and advance its own language, script, literature, and culture, according to clause (1). On the other hand, its section (2) forbids discrimination against students on the basis of race, caste, religion, or language in state-funded educational institutions.

Minorities residing in India are permitted to create and run their own educational institution in order to preserve their cultural heritage under Article 30 (clause 1). Minority educational institutions are strengthened in the case of forced acquisition by its clause 30(1A). The state must make sure that the right protected by paragraph (1) is not restricted by the sum needed to purchase the property.

According to Article 30(Clause 2), when it comes to subsidizing minority-run educational institutions, the government is prohibited from discriminating against them based on their language or religion.⁹

Indian Constitution Miscellaneous articles

Several other provisions of the Indian Constitution ensured the protection and advancement of minority groups in India. According to Article 38, the state is responsible for establishing and maintaining a social order that promotes the well-being of its citizens, is permeated by social, economic, and political justice, and strives to reduce economic, social, and political inequalities.

Article 39 ensures the right to free legal representation and equal justice under the law. In it, the government is obligated to ensure that all citizens have access to adequate food and shelter, as well as a just distribution of wealth. It also ensures that people are paid fairly for their work and that young people have access to resources that will help them flourish.

Article 46 covered the Gandhian. It stipulates that the state may take the appropriate steps to safeguard the weaker segments of the population from social injustice and exploitation and to encourage the educational and economic advancement of those groups.

The President is empowered by Article 347 to formally recognize a language that is used by a sizable portion of the people.

Anglo-Indian representation in the Union and State legislatures is specifically guaranteed under Articles 331, 333, 334, 336, and 337.

Under Article 350, a Special Officer for Language Minorities may be appointed.

Article 350(B) allows for the designation of a Special Officer for linguistic minorities.

IV. VARIOUS GOVERNMENT OF INDIA PROGRAMS FOR MINORITY WELFARE

Numerous initiatives and assistance packages for minorities living in India were jointly introduced by the Ministry of Minorities and the Indian government. The Indian government has always sought to assist minorities in a variety of

areas, including special needs, government employment, infrastructure, education, and skill development. It is worthwhile to list a few of these plans here.

Educational Schemes:

MANF (Maulana Azad National Fellowship)

Students from underrepresented communities in India who are enrolled in regular, full-time M.Phil. or Ph.D. programs or equivalent research degree programs at universities, research institutions, or scientific institutions will be eligible for the Fellowship. As a result, they will be qualified to apply for jobs that typically require a doctoral degree, such as teaching positions at universities.¹⁰

Free Coaching and Allied Schemes for Minorities Students

This program focuses on promoting the participation of minority students in public and private employment by empowering them and preparing them for competitive exams. The program offers alerted minority pupils free coaching at specific coaching institutions with financial support.

Economic Empowerment Schemes:

Enhancing Traditional Arts and Crafts Training and Skills for Development (Ustad).

Enhancing the skills and capabilities of traditional craftsmen and artisans is the program's main goal. These talented artists and craftsmen will teach the minority group's young people a range of specific traditional arts and crafts.

Nai Manzil:

The "Nai Manzil" Program is intended to assist young people (male and female) from six designated minority groups who attended community education facilities such as madrasas or who are between the ages of 17 and 35 and do not have a formal school certificate.

Infrastructure Development Schemes:

Pradhan Mantri Jan Vikas karyakram:

The objective of the Pradhan Mantri Jan Vikas Karyakram is to close the gap between minority groups and the national average in terms of backwardness metrics by improving socioeconomic infrastructure for minority populations, with special focus on the education, health sector, and development of skills.

Special Needs:

Nai Roshini- A scheme for leadership development of Minority Women

The program's goal is to encourage the minorities women, and not only minorities but the women living near such minority women whether in their same village or in the same locality, by providing them with the knowledge, resources, and skills necessary to communicate effectively with all levels of the government, banks, and other institutions.

Hamari Darohar:

To preserve the priceless heritage of India's minority populations, the "Hamari Dharohar" program was established. Through the organization of exhibits, the preservation of written works and other resources, and other means, the initiative aims to preserve the rich cultural history of minorities within the framework of Indian culture overall. Minority historic buildings have not yet been preserved under the Hamari Dharohar Scheme.

Support To Institutions:

Corpus Fund to Maulana Azad Educational Foundation:

Creating and implementing educational strategies and activities for underprivileged groups and educationally underrepresented minorities is the main goal of MAEF. They also include encouraging research, supporting various projects for the benefit of underrepresented minorities, and assisting the creation of residential schools, particularly for girls, so that they may acquire a contemporary education.

Equity to National Minorities Development and Finance Corporation:

The main objectives of the MAEF are to develop and implement educational plans and programs for educationally underrepresented minorities and disadvantaged groups in general. In addition, they include facilitating the establishment of residential schools, particularly for girls, so that they can receive a modern education, encouraging research, and supporting additional initiatives for the benefit of underrepresented minorities.

Prime Minister's 15-Point Programme:

The programme aims to do the following things:

improve educational opportunities;

increase minority participation in economic activities and employment through expanded access to credit for small businesses and recruitment to government positions at the state and federal levels.

Raising peoples' standard of living by giving them a fair cut of infrastructure improvement projects.

Preventing and resolving conflicts between different groups of people.¹¹

Some Other Welfare Initiatives:

Bypassing the Muslim Women (Protection of Rights on Marriage) Bill 2019 on July 30, 2019, Parliament made a major stride toward women's empowerment by ending the practice of Triple Talaq which will promote gender equality among Muslims living in India.

The Citizenship Amendment Act of 2019 was passed on December 12. It says that persecuted Hindus, Sikhs, Buddhists, Jain, Parsis, and Christians from Pakistan, Afghanistan, and Bangladesh, who are at present living in India, will be given their basic human rights more quickly.

V. COMMUNAL RIOTS IN INDIA

India is a secular nation where many different religions coexist. However, there are times when a person's religious belief comes to dominate them, leading to their emergence as the dominant religion. Given that India is the birthplace of many different religions, it is only natural that there will be such religious conflicts there. India has occasionally had similar instances. The following are a few of the significant events.

Gujarat communal riots (1969)

Between September and October of 1969, violence between Hindus and Muslims erupted in Gujarat. It was the most violent incident between Hindus and Muslims since 1947 when India was partitioned. Among the acts of violence were Dalit attacks on Muslim chawls. Over a week, there was more bloodshed, and a month later, riots resumed. Approximately 660 people 430 Muslims and 230 Hindus were killed, thousands of people were injured, and more than 48,000 pieces of property were lost.¹²

Anti-Sikh riots (1984)

The state of Punjab is home to the majority of Sikhs in India. Following the religiously motivated creation of India and Pakistan, Sikhs also called for their own country. Sikhs demonstrated against the Indian government in 1970 in support of an own country. Many Sikhs were imprisoned by the Indira Gandhi regime during the Indian Emergency because of their demands and demonstrations.¹³ The Indian constitution was suspended during Indira Gandhi's Emergency, which she claimed was necessary to "save democracy," and 140,000 people 40,000 of them were Sikhs were imprisoned without reason.¹⁴

The killing set out widespread anti-Sikh riots. Gangs of Indian National Congress party members were supported by the Indian government and police force during the 1984 anti-Sikh killings in Delhi, which targeted Sikhs by "methodically and systematically. "Following this genocide, at least 50,000 Sikhs were forced to leave their homes, 10,000–17,000 Sikhs were slain, and their property was badly destroyed.¹⁵

The Exodus of Kashmiri Hindus

Between September 1989 and 1990, a number of incidents in the Kashmir area resulted in the deaths of 300 Kashmiri Pandits. At the start of 1990, the magazines Aftab and Al Safa ordered the expulsion of all Hindus who had chosen to reside in Kashmir and urged Kashmiri Muslims to carry out acts of jihad against Hindus. In the days that followed, masked men with AK-47s slaughtered the Hindus who would not leave the streets. On their houses, notices warned all Hindus to leave within 24 hours or die.

Between 300,000 and 500,000 pandits are said to have fled Kashmir since March 1990 due to Islamic fundamentalist repression, which is the greatest example of ethnic cleansing Indians have seen since independence.

Anti-Hindu violence

Muslim extremists and Christian missionaries have attacked Hindu temples and Hindus on several occasions. Notable examples include the Chamba massacre of 1998, the Raghunath temple fidayeen attacks of 2002, the Akshardham

Temple attack by the Islamic terrorist organization Lashkar-e-Taiba again in 2002, and the 2006 Varanasi bombings. All of these events resulted in numerous fatalities and injuries. The Godhra train burning and the Marad massacre are two recent Muslim mob assaults against Hindus.

Violence against Muslims

Numerous community violence episodes have occurred in India recently. The 1947 divide caused much religious conflict amongst Muslims, Sikhs, Jains, and Hindus. Religious riots continue in India following the separation. Christian, Buddhist, Muslim, Sikh, Hindu, and other religious groups have been affected by these disruptions.

The Bajrang Dal and Vishva Hindu Parishad destroyed the centuries-old Babri Masjid in Ayodhya on December 6, 1992. Hindus believe the Babri Masjid was built over Lord Rama's bones. As the Allahabad Court declared in 2010, the Archaeological Survey of India provided convincing evidence for Hindus. The Babri Mosque tragedy, which killed numerous innocent Muslims and Hindus, will never be forgotten in India. Later, the Indian government blocked access to these contentious territories and sought diplomatic and legal solutions to these difficult issues.

Anti-Christian violence

In 1999, Human Rights Watch discovered that Hindu groups in India are using religious violence against Christians more often. In 2000, instances of religious violence against Christians included the burning of Christian graves, the forced conversion of Christians who had previously converted to Hinduism, and the distribution of threatening material. According to a 2008 study by the Hudson Institute, "Up until now, extremist Hindus have attacked Christians several hundred times a year. However, the American media did not report on this until a foreign individual was assaulted.

VI. CONCLUSION

India is a united and diverse country. The Constitution of India guarantees equal rights to all Indians, irrespective of their linguistic, ethnic, cultural, or religious heritage. According to the Indian Constitution, discrimination against people on the basis of their gender, caste, religion, ethnicity, or place of birth is forbidden. Additionally, it guarantees its inhabitants the right to "equality of opportunity" in the employment and prohibits discrimination on the basis of caste, religion, race, or place of birth. Additionally, as stated in the constitution, "people have the right to profess, practice, and promote religion freely, subject to public order, morality, and other Fundamental Rights." The Indian constitutions also guarantee citizens the "right to construct and manage educational institutions of one's choosing for all religious and linguistic minorities" and the freedom from discrimination in obtaining state funding for minority-run higher education institutions.

India is a welcoming nation, and its constitution ensures that all citizens have equal rights in all areas of life. There were sometimes riots in the neighborhoods, but they were motivated by politics. This land is not owned by any one religion or denomination. Despite their small numbers, minorities have a big influence on India. India's rich cultural past can only be attributed to its diverse faiths. There can never be religious variety in a country. For one reason or another, we cannot deny the important role minorities have played in India's past and present.

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