



A CRITICAL STUDY ON CONSTITUTIONAL RIGHTS FOR MINORITIES

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ABSTRACT

“If the president thinks god is a mentor and unless he takes on oath in the name of god he will not be true to the duties he assumed I think we ought to give him the liberty to swear in the name of god. If there is another person with whom god is not his mentor, we ought to give him the liberty to affirm and carry on the duties on the basis of that affirmation.”¹

B.R. AMBEDKAR

Constituent assembly of India proves some specific kinds of rights to minorities. During the freedom struggle of India there emerged ideological commitments on parts of the freedom fighter to provide, preserve and protect the minority rights. Such commitment found a direct expression in the Nehru report 1928, which was a memorandum outlining a proposed new dominion status and future of constitution of India. The issue of minority rights occupied Centre stage in the constituent assembly of India. In this process religious and linguistic groups had granted the status of minorities. This research paper looks into the minority rights and their reflections in the Constituent assembly and Constitution of India. It also analyzes various commissions and schemes initiated by the government of India.

Keywords: Minority, Constituent assembly, rights, commissions, government

INTRODUCTION

Throughout the decades following independence, India's postcolonial government has been praised as a model of success. Undoubtedly world's largest democracy, where essence of secularism, freedom of expression, thoughts, beliefs, religious tolerance are alive for its citizens throughout the country. As a result, it appears to have avoided the military dictatorships that have affected so many former British, French and other colonies, and despite occasional indications of sectarian upheaval, it remains the world's largest democracy.”²Even in the face of this, the majority of social scientists argues that "the promise



of national emancipation was fulfilled, if not fraudulently, then certainly by the forcible marginalization of many who were expected to participate in the liberation's blessings." ³Despite this, specifically, the issue of cultural diversity that religious minority in India are currently facing may serve as a gauge for the country's continued use of discriminatory measures.⁴ The concept of Huntington's "clash of Civilizations"⁵ that served as the foundation for India's partition was rejected by the founding members of the Constitution of India, who declared that every Indian citizen, regardless of religious belief, faith is treated equally under the laws of the country. However, in spite of such declarations of commitment to equality and an inclusive society, we have witnessed the hegemonic paternalism of dominant religious groups in the new nation state, which defined their practices and traditions as distinct not only from those of the West, but also from those of the vast swaths of marginalized people that it had sworn to democratize. Subsequently, 'fundamentalist movements'¹and strong communitarian attitudes within each group, as well as sectarian identities that felt alienated from one another, were born out of this constellation. As a result of recent political upheavals, confrontations and tensions have erupted between the majority and minority communities in a number of different parts of the country. As a result, the question of minority group rights and identity protection has become a central theme in India's political conversation.

Specifically, this research paper analyzes the constitutional rights of minorities in India, and to critical analyze of various government commissions and policies that given the current political discourse. The constitution of India, emphasize the essential role that affirmative action and positive discrimination play in the advancement and well-being of minorities, particularly women and children. Despite the fact that it outlaws all forms of discrimination, the political elite has taken use of these legal and constitutional protections for its own political ends. Using the same measures intended to safeguard minorities as a counter argument, fundamental forces claim that minorities are also citizens of this country and should therefore be treated in the same manner as any other citizen under the law.⁶Therefore, this research will look into how these rights have been used to address the complex issue of "minority problems"²in India outside of the present constitutional framework. There are

¹*Fundamentalists movements are basically political movements which have religious and ethnic roots. These movements can be of wide variety but their primary purpose is to bring the state and its instrumentalities under the structure of their religious belief or gospel.*

²*The term "minority Problems" uses here in terms of all cultural, religious as well as political dilemmas faced by the minorities in India.*



numerous issues in attempting to define 'minority', particularly in a multi-ethnic and multicultural democracy such as India. For example, on what grounds can a group or community be recognized as a minority in India? On the ground of Religion or language or any other aspect. However, being a member of a minority group is mostly dependent on the fact that the group is not dominant. Although constitution of India recognized minority on grounds i.e. Religion and language. However, it is possible that this wide definition of minorities is oversimplified. It is crucial to emphasize that in India, the term 'minority' does not simply refer to groups that are not numerically dominant in comparison to dominant groups. This field is primarily concerned with recognizing the connections between distinct groups represented in various equations and their notes: interactions throughout a wide range of fields, including interactions with the state and democratic institutions.⁷ For the sake of this paper, the study focuses on the only Religious minorities.⁸

Rights of Minorities: Contextual Framework

The critics of social scientists argues that the Concept of Nation-State particularly India had deep rooted in European nationalism. They were devoted to homogeneity, to the formation of strong homogeneous national communities,⁹ which made them disappointed in the first place. In their view, because India followed a similar route, the concept of country has always been contaminated by homogeneous demographic fantasies, leaving little place for minority identity and aspiration to grow.¹⁰ Due to the sectarian and divided nature of the Indian polity's political practice, the country was unable to accomplish the promised 'participatory equity' for all Indian citizens and organizations. The Hindu majoritarian identity began to be promoted as the national identity, preventing equal resource allocation and degrading social groupings with a variety of cultural backgrounds and traditions. As they were both excluded from nationalism and stuck within the nation-state at the same time. The emergence of a varied variety of micro-identities was facilitated as a result of the context in which they took place.¹¹ As a result of these political whims, a number of tribes and groups have been labelled as minorities, marginalization /marginalized, obviously excluded/subaltern, despite the fact that they are members of the Indian nation-state in which they reside. These communities were either prohibited from participation in modern Indian society or were allowed to participate but only in a subordinate position.¹²

A consequence of this was that the civil rights movement helped to the growth of regional



and communal consciousness in a complementary manner. For its part, it appears to have subordinated the aspirations of people from different regions to evolve into autonomous ethnic groupings by gathering support for Indian mothers in a single struggle against British dominance. Overwhelmingly, the apparent conflict between the communities' slogan "India, a United Nation" and the British rulers emphasis on the diversity of castes, communities (tribes), and linguistic groups reflected the reality that India was developing its national unity in opposition to the British while also consolidating various linguistic and cultural groups to form distinct ethnic and communal groups.¹³ However it is the matter of fact that framers of the constitution of India like Dr. Bhim Rao Ambedkar disagreed over the provision of the affirmative actions for the minority communities and he argued in the constituent Assembly

*"To diehards who have developed a kind of fanaticism against minority protection I would like to say two things. One is that minorities are an explosive force which, if it erupts, can blow up the whole fabric of the state. The history of Europe bears ample and appalling testimony to this fact. The other is that the minorities in India have agreed to place their existence in the hands of the majority. In the history of negotiations for preventing the partition of the Ireland, Redmond said to Carson "ask for any safeguard you like for the Protestant minority but let us have a United Ireland." Carson's reply was "Damn your safeguards, we don't want to be ruled by you." No minority in India has taken this stand. They have loyally accepted the rule of the majority, which is basically a communal majority and not a political majority. It is for the majority to realize its duty not to discriminate against minorities. Whether the minorities will continue or will vanish must depend upon this habit of the majority. The moment the majority loses the habit of discriminating against the minority, the minorities can have no ground to exist. They will vanish."*¹⁴ However, members of the Constituent Assembly emphasized the importance of passing legislation that recognizes plurality in order to combat discrimination, which caused a heated debate and disagreement.

Resolution of the Minority Question and the constitutional Census

In recognition of the need of providing rights and protection to minorities in India, the Constituent Assembly established an Advisory Committee on Fundamental Rights, which included a committee on minorities' rights, which was chaired by Sardar Patel.¹⁵ So the Advisory Committee established five subcommittees on fundamental rights, one of which



was primarily focused on minorities and chaired by H.C. Mukherjee, and another which was specifically focused on women and children. Following its report, the subcommittee presented a number of recommendations addressing the protection of minorities in India. As a result of previous experience with increased communal tensions, one of these recommendations called for separate electorates for minorities. This plan was rejected. Because of this, it was decided that elections for the Central and Provincial legislatures would be held on a shared electorate basis, with seats reserved for specific minority groups based on their demographic ratios in the respective legislatures. Additionally, it was proposed that seat reservations be implemented on an experimental basis for a period of ten years, with a final decision on seat reservations to be made at the completion of the ten-year term.¹⁶ Ultimately, the advisory committee determined that seats in legislatures should be reserved in proportion to the number of members of recognized minority groups (including Muslims, Sikhs, Christians, Indian-born Anglo-Indians, Parsis, and tribals residing in Assam's plains) in accordance with their numbers.

The recommendations of the Advisory Committee were incorporated into the draught constitution, which was adopted in October 1947. As a result of the country's division, it was determined that it would be difficult to reserve seats for religious minorities in the country's current state, given the country's existing state. As a result, at a subsequent meeting, the Advisory Committee issued a revised set of recommendations to the Constituent Assembly regarding minorities, which included the following¹⁵: A legislation protecting minorities' language, culture, and religious scripts in every region of the country shall be passed, and no law to the contrary shall be passed. Minorities (religious, linguistic, or ethnic) should not be discriminated against while applying for admission to educational institutions supported by public funding, nor should they be obliged to participate in specific religious teaching. The right to establish and administer educational institutions should be granted to all minorities in the country regardless of their religious or linguistic affiliation or their community identification. It is the policy of the state to provide non-discriminatory funding to educational institutions founded and run by members of minority communities. These proposals were updated by the Constituent Assembly and incorporated into the final draft of the Indian Constitution as articles 29 and 30 as part of the Fundamental rights part III under the constitution of India¹⁷. In general, constitutional protections for minorities can be divided into two categories: "common domain and separate domain."¹⁸ The rights that fall under the topic of 'common domain' are enjoyed by all citizens of our country without exception. The



term "separate domain" refers to those rights that are reserved exclusively for minorities and are designed to protect the identities of those minorities. Minorities are granted three different sets of rights under the Indian Constitution: ¹⁹ (1) the right to keep their culture and language; (2) the right to self-determination; and (3) the right to equal protection under the law. The ability to administer and manage minority institutions, as well as the ability to deliver religious instruction in a minority led and sponsored institution.

However the constitution of India contained fundamental rights and directive principle of state policy under part third and fourth of the constitution of India respectively. Both the Parts are very essential to the people's social and economic political, educational development. The Directive Principles of State Policy (DPSP) asserts that these rights are 'important to the country's governance, and that it is the State's responsibility to apply these principles in creating legislation (Article 37 of the Indian Constitution).¹⁹ The DPSP has the following provisions, all of which have significant implications for the minorities in our country:

[Article 38 (2)] The obligation of the state to "attempt to minimize disparities in status, facilities, and opportunities" between people and groups of persons who live in different places or work in different occupations [Article 38 (2)] is a legal requirement. A fundamental duty owed to all citizens, including those who are members of minorities, is outlined in Part IVA of the Constitution of India, which deals with Fundamental Duties²⁰. Article 46 of the Indian Constitution states that the state must "promote with particular care" the educational and economic interests of "the weaker sections of the people" (other than Scheduled Castes and Schedule Tribes). Article 51A, which is particularly relevant to minorities, contains the following provisions: I It is the responsibility of citizens to promote concord and a spirit of fraternity among all Indians, transcending religious, linguistic, regional, or sectional differences; and II It is the responsibility of citizens to promote concord and a spirit of fraternity among all Indians, transcending religious, linguistic, regional, or sectional differences.²¹ there are numerous articles contained in the Constitution that talks about minorities and other weaker sections .

- i) Discrimination against citizens on the basis of religion, race, caste, sexual orientation, or place of birth is prohibited by the Constitution [Articles 15 (1) and (2)].
- ii) The State has the authority to make 'any particular provision for the advancement of any socially and educationally backward classes of people' (other than Scheduled Castes and Scheduled Tribes) [Articles 15 (4)].



- iii) The right of citizens to 'equality of opportunity' in matters relating to employment or appointment to any office under the State – and the prohibition of discrimination on the basis of religion, race, caste, sex, or place of birth in this regard [Article 16(1) & (2)];
- iv) People's freedom of conscience and right to freely profess, practice and propagate religion-subject to public order, morality and other Fundamental Rights [Article 25 (1)];
- v) The authority of the State to make 'any provision for the reservation of appointments or posts in favour of any backward class of citizens that, in the State's opinion, is not adequately represented in the [Article 26].
- vi) Prohibition on the ground of compulsion of any person to pay taxes for the promotion of any particular religion [Article 27];
- vii) People's 'freedom of attendance at religious instruction or religious worship in educational institutions' wholly maintained, recognized, or aided by the government [Article 28];

The Constitution guarantees the following minority rights which fall under the 'separate domain':

- i) Right of 'any section of the citizens' to 'conserve 'its' distinct language, script or culture'[Article 29(1)];
- ii) Restriction on denial of admission to any citizen, to any educational institution maintained or aided by the State, 'on grounds only of religion, race, caste, language or any of them'[Article 29(2)];
- iii) Rights of all religious and linguistic minorities to establish and administer educational institutions of their choice[Article 30(1)];
- iv) Freedom of minority-managed educational institutions from discrimination in the matter of receiving aid from the State [Article 30(2)];
- v) Special provision relating to the language spoken by a section of the population of any State[Article 347];
- vi) Provision for facilities for instructions in mother-tongue at primary stage[Article 350A];
- vii) Provision for a Special Officer for linguistic minorities and his duties[Article 350B];and
- viii) Sikh community's rights of 'wearing and carrying *kirpans* [Article 25].

With the gradually growing realization among the Indian policy makers that the



minorities in the country are confronted with diverse and unique challenges from time to time, there developed necessity to look into the special needs of the minority communities separately and accordingly provide provisions for their welfare and development in the various national Five Year Plans. Some of these efforts have been discussed herein.

Minorities & Rangnath Mishra Commission:

The Justice Ranganath Mishra Commission was established by the Centre for Religious and Linguistic Minorities of the Government of India in October 2004 to study a variety of issues pertaining to religious and linguistic minorities. Many proposals have been made by the Commission to grant reservations in government positions to Muslims, Scheduled Castes, and Other Backward Classes, among other groups. Salman Khurshid, Minister for Minority Affairs, delivered the report of the Rangnath Mishra Commission to the Lok Sabha today. Earlier this year, the Commission submitted its final report to the government. The following are the key recommendations made by the report.²²

- The Commission for Minority Educational Institutions was founded by the National Commission for Minority Educational Institutions Act of 2004, which was passed in 2004.

The organization's membership, powers, activities, and responsibilities should be broadened in order to be more inclusive. It was also recommended that it function as a watchdog to ensure that minorities' educational rights are upheld in all facets of their education.

- Separation of religious affiliation from Scheduled Caste (SC) status, as well as the repeal of the 1950 Scheduled Caste Order, which "continues to exclude Muslims, Christians, and other religious minorities from the SC list." It is proposed to create up a national-level Coordination Committee, comprised of representatives from all nationalized banks and other financial institutions, which will report to the Reserve Bank of India and be responsible for monitoring credit flow to minorities.

*Various government program and schemes for the protection of the interest of minorities have been implemented by the Indian government at both levels i.e. central and state.*²³

1. 15 point program for the minorities
2. Provided Huj subsidy for the Muslim minority
3. Residential institutes for minority
4. Various life skill programs
5. Provided reservation policies



6. Educational scholarships for boys and girls
7. Maulana Azad Minorities financial development corporation limited
8. National Minorities development and financial corporations by the ministry of minority affairs
9. Morarji Desai residential schools for minorities
10. Maulana Azad national fellowship for minority students (to encourage the research scholars of M.Phil. and Ph.D. in Universities and institutions for inclusiveness research degrees).

Some important schemes and programs under the Sachar committee report.²⁴

1. Pre and post Matric scholarship for the minorities
2. Maulana Azad education foundation for promotion of education restructuring of NMDFC
3. Multi sectoral development program
4. Sarva Shiksha Abhiyan (SSA)
5. Maulana Azad Taleem-e- Balighan/ sakshar Bharat
6. Annual meeting with Central Waqf Council (CWC) and protection of Waqf monuments
7. Scheme for providing quality education in Madrasa
8. The prevention of communal violence (access to justice and reparations) Bill
9. Representation of Minorities in in urban local bodies
10. Exemption of waqf properties from rent control act

As numerous rights for minorities have been granted under the Indian constitution to develop of minorities in terms of socio-economic, cultural, religious and other rights. Therefore, collective efforts of judiciary, legislature, executive, state legislature and other governmental and non-governmental bodies have committed to maintain equality in the nation among all.

National Backward Commission

ARTICLE 338-A: Through the eighty ninth amendment act 2003 in 2004 article 338 was amended and inserted a new article 338-A provided National Commission for Scheduled Tribes. As a result national commission for Scheduled castes and scheduled tribes commission was bifurcated by two separate commission i.e. National commission for



Scheduled castes and National Commission for Scheduled Tribes. The separated commission has granted the power to investigate and regulate all the matters relating to the protections and safeguards of the Scheduled castes under the constitution of India. Article- 340: Undoubtedly Constitution of India contained safeguards for all the sections especially weaker sections of the society. Therefore, government of India appointed the first backward classes commission popularly known as Kaka Kalelkar Commission in 1953, report was submitted in 1955. After that in 1979 under the chairmanship of Bindeshwari Prasad Mandal (B.P.Mandal) another socially and educationally backward classes commission (SEBCC) was established, which submitted its report to the government of India in 1980. But it was 1993 when supreme court of India (in Indra Sawhney case of 1992) directed to the government of India to set-up a permanent body for examining and recommending upon requests of inclusion of backward classes lists of the citizens. But the commission had been reconstituted seven times and finally the present commission reconstituted 8th times consequently it was given constitutional status and constituted through “one hundred and second constitution amendment act 2018, inserted a new article 338B for socially and educationally commission for backward classes to be known as NCBC.” Another new article was added Article 342A, which empowers the President to specify socially and educationally backward classes in various states and union territories.²⁵ Article 340 of the Constitution of India provides for the appointment of a Commission to investigate the social and educational backwardness of the backward classes and also to make recommendations for the commission. The article 40 of the constitution reads as: Appointment of a Commission to investigate the conditions of backward classes.

- 1) The President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of the socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their condition and as to the grants that should be made for the purpose by the Union or any state and the conditions subject to which such grants should be made, and the order appointing such commission shall define the procedure to be followed by the Commission.



- 2) A Commission so appointed shall investigate the matters referred to them and present to the President a report setting out the facts as found by them and make such recommendations as they think proper.
- 3) The President shall cause a copy of the report so presented together with a memorandum explaining the action taken thereon to be laid before each house of Parliament.²⁶

Fifteen Points Programme by the Prime Minister:

The Prime Minister's 15-Point Plan for the Welfare of Minorities was adopted by the Ministry of Minorities in June 2006 and is one of the Ministry's key programs for the welfare of minorities. In this way, program-specific interventions with precise objectives that must be achieved within a specific time range can be developed. Primary goal of this programme is to ensure that the benefits of multiple government programs for the poor reach the most vulnerable members of minority populations, who are disproportionately affected. A defined number of development projects will be located in areas with a high concentration of minorities under the auspices of this programme, in order to ensure that the benefits of these initiatives are distributed equally among minorities. Also specified is that minorities should get a minimum of 15 percent of all objectives and expenditures under various projects, whenever practicable.

- The Integrated Child Development Services (ICDS) Scheme (Ministry of Women and Child Development);
- The Sarva Shiksha Abhiyan (SSA);
- The Kasturba Gandhi Balika Vidyalaya Scheme (KGBV) (Ministry of Human Resources Development); and
- The Aajeevika (Ministry of Rural Development) schemes.
- Swarna jayanti Shahari Rojgar Yojana (SJSRY) (Ministry of Housing & Urban Poverty Alleviation);
- Upgradation of Industrial Training Institutes (ITIs) (Ministry of Labour & Employment); and
- Bank credit under priority sector lending (Department of Financial Services).

RELIGIOUS MINORITIES & CONTEMPORARY POLITICAL PROBLEM



Any fair appraisal of Independent India's socioeconomic realities must take into consideration the role that religion continues to play. Although the country has been independent for nearly 75 years, the underlying concept of "centrist ideology," which is based on nationalist experience and the grief of partition, has persisted. India's secularism clashed with the country's commitment to both communities and to equal citizenship at the same time, creating a Catch situation.²⁷ in the aftermath of independence, as a result of the post-independence political theatre, which bred skepticism among Sikhs, Hindus, and Muslims, this paradox became even more apparent as these promises were called into doubt. Hindutva (Hindu nationalism) gained momentum in the late 1980s and was seen as an example of a fundamentalist upsurge at the time. The Bhartiya Janta Party (the electoral wing of the Hindu right) was victorious in the national elections held in 1989. Numerous violent and destructive riots broke out between Hindu and Muslim minorities as a result of this party's ascension to power. The Babri Masjid conflict, which erupted in 1992, heightened the anatomization of these two religious communities. Aside from that, the Hindu right claims that the Babri Masjid, a 1528 mosque in Ayodha (a Hindu-dominated district of Uttar Pradesh, India), is the birthplace of the Hindu god, Ram. In 1992, on the 6th of December, thousands of Hindutva volunteers demolished the mosque, rekindling tensions between the two religious groups.²⁸ As ShabnumTejani points out, "many in the Western media viewed the 1992 violence as evidence that Indians failed in their attempt to erase their "old" religious and sectarian identities in favour of more "modern" national, class, and occupation identities," which was their stated goal at the time.²⁹ In this way, the state's communal politics are launched, leaving every Indian citizen with a dual identity, one that is associated with the national community and another that is associated with the religious group to which he or she belongs. In contemporary India, communalism has emerged as a method of expressing dissatisfaction with authority figures. Communal riots erupted in Uttar Pradesh's Muzaffarnagar area during the run-up to the 2014 General Election, expressing India's divisions in regard to its Muslim population as well as its Hindu population. When it all started with a minor altercation in a Muzaffarnagar neighborhood, it quickly escalated into a national outrage that claimed the lives of a large number of innocent people. Inflammatory speeches presented by right-wing Hindu leaders and their followers sparked three days of riots and serious bloodshed in the vast majority of Uttar Pradesh's districts, sparking a nationwide outpouring of support. After a curfew was established and the Indian army was ordered to restore peace and order, the riots began to subside and die out. In the lives of indigenous Muslims, the disasters had a deep



impact. It resulted in the deaths of hundreds of people, and Muslims from around 150 villages were forced to escape. More than 27000 Muslims have been displaced from Muzaffarnagar and the surrounding areas, according to local organizations that provide assistance to the victims.³⁰ Despite the robust basis of rights and safeguards for minority protection provided by the constitution, the state's inability to overcome this has led in a lack of unanimity in the legislature. In contemporary India, there are significant disparities in the allocation of government offices and access to economic resources, for example. Since the colonial era, evidence indicates that Muslims, who once controlled 35 percent of government seats, now possess only 3.5 percent of government seats in independent India, while Christians, who once controlled 15 percent, now hold only 1 percent of government seats in independent India. The vocation of the Brahmins, on the other hand, is the most visible distinction. At a rate of 3 percent during the colonial administration, Brahmins were employed in government jobs, a figure that was somewhat lower than the 3.5 percent of the population that was Brahmin. In independent India, government employment increased to 70% of the total workforce. In elections, they fare comparably well, with 190 Brahmins constituting 503 Lok Sabha members and 89 constituting 244 Rajya Sabha members, according to official figures. With these numbers, it is unmistakably demonstrated that a 3.5 percent minority of India's Brahmin caste controls somewhere between 36 percent and 63 percent of the lucrative employment available in the country.³¹ Since ancient times, minorities in India have faced discrimination in terms of resource access as well as hatred-based politics. In October 2015, four Muslim males were slain around the country by Hind vigilante groups, who claimed they were involved in the murder or theft of cows for slaughter. Violent Right-wing Hindu groups were responsible for the violence, which they justified by claiming that Hindus were afraid of cows and therefore wanted to protect them and impose a ban on beef consumption.³² Similar attacks on Christian communities have been observed in India as well as other countries. In 2015, churches were attacked in a number of Indian states, raising concerns about the rise of Hindu extremism under the influence of the ruling BJP. There were around 85 comparable events reported across India's twenty states, according to reliable sources these atrocities resulted in the deaths of about 8,000 Christians.³³ The Hindu nationalist movement has historically targeted religious minorities in India, such as Muslims and Christians. However, while violence against these communities has existed since the formation of the Indian nation-state, the trajectory of these recent incidents demonstrates that India's commitment to communities versus its commitment to equal citizenship, the political balancing act that



worked well during the early decades of independence, is proving to be untenable in the long run. In these recent instances, the state has maintained and prolonged violence against minorities.

Conclusion: To ensure that minorities in multicultural societies have a voice and a role in a democratic polity, it is necessary to conduct an in-depth analysis of the current situation. In addition to the rights to free expression and other liberties, democracy is crucial because its primary goal is to constantly engage varied points of view and sensibility in creative interaction, because truth can only emerge through intercultural dialogue, which is why democracy is important. In order to defend the rights of minorities, modern western societies have adopted federalism, subnational constitutions, regionalism, and affirmative action as a way of life. But in India, where society is still in the process of modernizing (and thus remains more illiberal), neither the federal package nor affirmative action programs are designed to protect minorities' rights from majoritarianism. Instead, they are designed to protect minorities' rights from majoritarianism. India, for example, is one of many non-multicultural Western European countries that has been debating how to protect the rights of minorities in recent years. According to Nicole Topperwien, the presence of human rights organizations can assist governments in responding to the multicultural situation.³⁴ Involvement rights are classified as guaranteed and institutionalized particular impact on governmental decision-making processes, which may be proportionate, asymmetric, or equal representation of groups in various forms of government decision-making. Because the constitution recognizes and protects the rights and interests of minorities, as well as the country's secular and egalitarian culture, this criterion is already met in practice. The political will to reinforce these core beliefs by reinforcing and fortifying them, on the other hand, is woefully lacking. A stronger political will is required to resolve the issues that secularism and equality face as essential ideals, as they may not be able to stand alone as fundamental principles.

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