***Class-notes prepared and uploaded by-Dr Adidur Rahman***

***Dept. of Pol. Science, HAAC***

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**TOPIC:**

**Protection of Minority Communities’ Rights in India:** It is true that communal disturbances, religious conflicts, group clashes are taking place frequently in India. In spite of these disturbances the nation has maintained its secular character for the past 68 years. Further, the Government of India has taken special efforts to safeguard the interests of the religious minorities. Some of the governmental efforts in promoting the rights of the minorities will be highlighted-

**Who are Minorities in India**?

India is a multi-religious, multi-lingual and culturally pluralistic country. Since ancient time people belonging to different religious communities had been living together in this country. It is a meeting ground of various religious and linguistic communities. By virtue of numerical strength, the Hindus constitute the majority while the rest of the religious communities come under what is known as ‘religious minorities’.

Regarding the concept of ‘minority’ in the Indian context, the term has not been defined anywhere in the constitution. However, the constitution of India stated about the two categories of minorities like-religious and linguistic. They are-

(1) Regarding religious minorities in India, it is said that all those who profess a religion other than Hindu are considered minorities, since about 80 % of the population of India are the follower of Hindu religion. As such, Muslims are the largest minority groups at the national level. Next to Muslims, other religious minority groups are much smaller in size of their population like Christian, Sikhs etc.

(2) As regards linguistic minorities, obviously there is no majority at the national level and the minority status is to be decided at the state or Union Territory level. For example, Muslims are the majority in the state of Jammu & Kashmir and the Union Territory of Lakshadweep. Similarly, Sikhs are the majority community in the state of Punjab. The followers of Christian constitute the majority in the North Eastern states of Nagaland, Mizoram and Meghalaya.

Thus, the National Commission for Minorities Act, 1992 says that ‘minority’ for the purpose of this Act, means a community notified as such by the central government under Sec.2(7). While acting under this provision, on Oct, 23 1993 the Government of India notified five communities to be regarded as minorities in India as- Muslims, Christians, Sikhs, Buddhists , Parsi (Zoroastrian) and Jains added later on in 2014.

**(A) Constitutional Provisions: Protection of Minorities of India:**

The constitution of India protects the interest of the minority and recognises their rights to preserve their languages, scripts or cultures and establish educational institutions of their choice. The constitutional provisions that are made for protecting the rights of the minorities can be shown as follows:

**1. Preamble of the Constitution:** The Preamble of the Indian constitution openly declares that the state to be secular and this is a special relevance for the religious minorities. In fact, the whole social fabric of pluralism of India is fortified by the unique constitutional concept of secularism. The Preamble visualizes the concept of secularism which means that the state has no religion of its own, and there is equal respect for and protection to all religions. No one is to be discriminated on the ground of religion and everyone is guaranteed full and equal freedom of religion.

Besides, equally relevant for the minorities, is the declaration in the preamble of the constitution that all citizens of India are to be secured liberty of thought, expression, belief, faith and worship and equality of status and of opportunity.

**2. The Directive Principles of State Policy (Part IV):**

The constitution has made provisions for the Fundamental Rights in Part III, which the state has to comply with and these are also judicially enforceable. There is another set of non-justiciable rights enshrined in Part-IV, known as Directive Principles of State Policy, which are not binding upon the state legally, but are fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws. The Directive Principles of State Policy includes the following provisions having significant implications for the Minorities:

* **Article 38(2)-**Obligation of the state to endeavour to eliminate inequalities in status, facilities and opportunities amongst individuals and groups of people residing in different areas or engaged in different vocations.
* **Article 46-**Obligation of state to promote with special care the educational and economic interests of the weaker sections of the people, besides Scheduled Castes and Scheduled Tribes.

**3. The Fundamental Duties (Part IVA):**

Part IVA of the constitution, relating to Fundamental Duties as provided in Article 51 (A) applies in full to all citizens, including those belonging to minorities, which is of special relevance for the Minorities. It is the Citizens’ duty to promote harmony and the spirit of common brotherhood amongst all the people of India ‘transcending religious, linguistic and regional or sectional diversities; and citizens’ duty to value and preserve the rich heritage of our composite culture.

**4. ‘Common Domain’ and ‘Specific Domain’ of rights of Minorities provided in the Constitution**

The constitution provides two sets of rights of minorities which can be placed in ‘common domain’ and ‘specific domain’. The common domain is those rights which are applicable to all the citizens of our country. On the other hand, the rights which fall in the ‘separate domain’ are those which are applicable to the minorities only.

**5. Common Domain-The Fundamental Rights (Part III):**

Part III of the constitution, which deals with the Fundamental Rights, is divided into common domain and specific domain. In common domain incorporates the following fundamental rights and freedoms for the minorities:

* **Article 14-**People’s right to equality before the law and equal protection of the laws.
* **Article 15(1) & (2)-** Prohibition of discrimination against citizens on grounds of religion, race, caste, sex or place of birth.
* **Article15(4)-**Authority of state to make any special provision for the advancement of any socially and educationally backward classes of citizens.
* **Article 16(1)&(2)-** Citizens’ right to equality of opportunity in matters relating to employment or appointment to any office under the state and prohibition in this regard of discrimination on grounds of religion, race, caste, sex or place of birth
* **Article 16(4)**-Authority of state to make any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the state, is not adequately represented in the services under the state.
* **Article 25(1)-**People’s freedom of conscience and right to freely profess, practice and propagate religion subject to public order, morality and other Fundamental Rights.
* **Article 26-**Right of every religious denomination or any section thereof, subject to public order, morality and health to establish and maintain institutions for religious and charitable purposes manage its own affairs in matters of religion and own and acquire movable immovable property and administer it in accordance with law.
* **Article 27-** Prohibition against compelling any person to pay taxes for promotion of any particular religion.
* **Article 28-**People’s freedom as to attendance at religious instruction or religious worship in educational institutions wholly maintained, recognized, or aided by the state.

**6. Specific Domains: Constitutional Provisions of Minority Rights:**

The specific domain includes the following minority rights in different provisions of the constitution:

* **Article 29(1)-**Right of any section of the citizen to preserve their distinct language, script or culture.
* **Article 29(2)-**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 30(1)-**Right of all religious and linguistic minorities to establish and administer educational institutions of their choice.
* **Article 30(2)-**Freedom of Minority-managed educational institutions from discrimination in the matter of receiving aid from the state.
* **Article 340-** Empowered the President of India to appoint a commission to investigate the conditions of socially and educationally backward classes, but did not make it mandatory.
* **Article 347-** Special provision relating to the language spoken by a section of the population of any state.
* **Article 350 A-**Provision for facilities for instruction in mother tongue at primary stage.
* **Article 350 B-**Provision for a Special Officer for Linguistic Minorities and his duties.

**(B) Fifteen Point Programme for the Welfare of Minorities:**

The government of India, under the instruction of PM Mrs. Indira Gandhi, 15 Point-Programme was adopted in 1985 for the welfare of the minorities. They are-

**(a) Communal Riots and Protection**

1. In the areas, which have been identified as communally sensitive and riot prone district and Police Officials of the highest known efficiency, impartiality and secular record must be posted. In such areas and even elsewhere, the prevention of communal tension should be one of the primary duties of DM, and SP. Their performances in this regard should be an important factor in determining their promotion prospects.

2. District and Police Officials should be rewarded for good work done in controlling communal riots.

3. Stringent legal action should be taken against all those who incite communal tensions or take part in violence.

4. Special Court or Courts should be set up so that offenders of communal offences are brought to book speedily.

5. Victims of communal riots should be given immediate relief and provided prompt and adequate financial assistance for their rehabilitation.

6. Mass media like radio & TV must also assist in restoring confidence, communal harmony and peace in riot hit areas.

**7.** A sections of the press sometimes indulge in tendentious reporting and publication objectionable and inflammatory material, which provide fuel to the communal tension. Editors, printers, publishers and other concerned are requested to cooperate in maintaining communal harmony by avoiding publication of such material.

**(b) Recruitment to State and Central Services**

8. In the appointment of police personnel, state governments are instructed to give extra care in considerations to minorities.

9. The Central government should take similar steps while making recruitment to the Central Police Forces.

10. Large scale employment opportunities are provided by railways, nationalized banks and public sector enterprises. In these cases the concerned departments should ensure that special consideration is given to recruitment from minority communities.

11. Special coaching classes should be held in minority educational institutions to train them to compete successfully in competitive examinations.

12. Arrangements should be made to set up ITIs, polytechnics and Engineering colleges by government or private agencies in predominantly minority areas to encourage admission in such institutions of adequate number of persons belonging to minority communities.

**(c) Other Programmes**

13. In various development programmes and projects including the 20-Point Programme, care should be taken to see that minority people are also able to secure their due share in these programmes.

14. Apart from the above general issues, there are so many local problems of minorities such as Wakf properties, graveyards encroachment disputes, conversion cases etc. have created lot of protests and grievances in some places. Suitable steps should be taken to deal with such problems on an expeditious and satisfactory basis.

15. Problems relating to minorities should be attended to regularly so that apprehensions and genuine grievances redressed. To facilitate this, a special cell will be created in the Ministry of Home Affairs (MHA) to deal with matters relating to minorities.

Thus, both the Central and state governments will meet frequently to discuss the various aspects of the 15 Point-Programmes and take suitable decisions to ensure better protection to the minorities.

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