Minorities in India: Beyond the Constitutional Safeguards
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Abstract:-
This study aims to delineate the constitutional safeguards for the religious and linguistic minorities in India along with depicting the staple arenas which they suffer in the mundane life in this vast democratic and multicultural secular country. The definition of minority itself is a controversial issue with multiple avenues of looking at the term and interpreting it according to the whims and fancies of the observers. The minority question has been quite controversial in India. The secular forces and parties of course, not only acknowledge minority question but also want to treat them fairly and give them equal status in matters of social, cultural, political and economic rights. Notwithstanding the significance of preserving minorities, their language, culture, religion and ethnic identities, the issues pertaining to them are very crucial in the contemporary socio-political situation of the country.

Investigating from an epistemological point of view this paper would like to trace the historical sketch of minorities, their transitions in altering political regimes before and after independence of the country from colonial oppression. Deploying the qualitative method of research the study emphasizes on the salient features of minorities and their proportion in the population of the nation and their due share in key positions of the country. To convey the data adequately, this study uses some statistical data from authentic sources and will conclude with suggesting some pivotal measures to be implemented for the betterment of this deprived section in the future.

Key words:
minorities, constitution, India, education, employment, politics and economy.

Introduction
The minority question has been quite controversial in India. The secular forces and parties of course not only acknowledge minority question but also want to treat them fairly and give them equal status in matters of social, cultural, political and economic rights. The freedom fighters and national leaders like Mahatma Gandhi, Jawaharlal Nehru and others duly recognised existence of minorities and championed their cause. It was because of their efforts that the constitution makers gave equal political rights to them and also recognised their distinct social, cultural, religious and economic status. Minority rights, particularly in the context of the Muslim community, have arguably been the most contested issue in contemporary India. The rise of Hindu majoritarianism as a powerful force in Indian democracy over the past three decades has meant the virtual acceptance of an anti-Muslim discourse by large segments of society. In this context, civil society has emerged as a central player in championing the cause of minority communities. This role is particularly
important in a politically charged environment where the state is often accused of abdicating its constitutional responsibility to protect religious minorities and, in some cases, even instigating violent attacks on them.

All minorities—religious, ethnic and linguistic—are under attack. And of these minorities, those that are facing the most intense, systematic and escalating attacks all over India are the religious minorities: the Muslims, the Sikhs, and the Christians. The violence perpetrated on the Sikhs in the form of a brutal massacre in November 1984 in Delhi and elsewhere has not only been equaled but perhaps surpassed by the almost genocidal massacre of the Muslims by the armed constabulary of the state in Meerut. But Meerut is an exception only by its magnitude. The entire country is caught in the vortex of communal violence targeted at minority communities. The traditionally oppressed groups like the untouchables and the tribals are also encountering growing waves of attacks under the religious frenzy. In the tribal areas of Jharkhand and other regions, Christian churches and missions are burnt down or usurped. Mosques elsewhere are being openly claimed in favour of Hindu temples. Reconversion to Hinduism is being aggressively imposed. Belonging to a minority religion is often enough to characterise a person as an actual or potential traitor, and a threat to India's national unity and integrity. It is pertinent to analyse that why Indian Constitution has adopted the principle of 'Unity in Diversity' and tries to bring about a balance between national unity on the one hand and cultural and social diversity on the other. It is here that the protection of minority rights becomes relevant. Though there are miscellaneous minorities exist viz religious, linguistic, cultural, ethnic and political, I would like to focus on the religious minorities, especially Muslims as being the most relevant in the Indian context.

The rise of Hindutva forces since the 1980s brought with it a strong anti-Muslim rhetoric that has captured the imagination of many in India. This rhetoric is premised on the idea that secularism has meant the 'appeasement' of Muslims by the state, and it has given currency to perceptions of the Muslim community as both pampered and threatening. Muslims constitute nearly fourteen per cent of the population of India. They are spread all over the country forming significant minorities in all states except Kashmir where they are in a majority, and Punjab from where they were expelled after the partition of the country. Muslim masses can form an important component of the people's democratic front if their problems are properly tackled. Alternatively they will continue to be exploited by the reactionaries and used against all progressive forces. The Muslims are a religious minority. Theoretical purists may say that they constitute not one religious minority but many minorities, since Muslims form respective minorities in the various linguistic nationalities of India: Gujarati-speaking Muslims being a minority in Gujarat, Bengali Muslims in Bengal, and so on. But in Stalin's classic definition of a nation, "psychological make-up" is still an essential factor. Although Muslims are neither a nation nor a nationality, having no single language and no definite territory, they are more than a religious community. Partly by historical circumstances, a common
religion has also inculcated certain common cultural traits and social customs.

Who are minorities?

When speaking of minorities, we must note that in some countries there is no linguistic equivalent for the expression. In an official communication to the United Nations, Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, the government of Thailand stated that the concept of “minorities” was unknown in that country. The communication said, “Although this word has a Thai translation from the English for the purpose of communication with the outside world, it has no social or cultural connotation whatever”. The expression ‘minority’ needs to be discussed in details in order to pierce the miasma of confusion and misunderstanding. The expression “minority” has been derived from the Latin word ‘minor’ and the suffix ‘ity’, which means “small in number”. According to Encyclopedia Britannica minorities means “group held together by ties of common descent, language or religious faith and feeling different in these respects from the inhabitants of a given political entity”. J.A Laponce in his book “the protection of minority” describes “minority” as a group of persons having different race, language, or religion from that of majority of inhabitants (Laponce, 1956). In the Year Book of Human Rights ‘minority’ has been described as nondominant group having different religious or linguistic traditions than the majority population (Year Book of Human Rights, 1950). The U.N Sub commission on Prevention of discrimination of minorities has defined minority as under: 1) The term ‘minority’ includes only those non-documents group of the population which possess and wish to preserve stable ethnic, religious or linguistic traditions or characteristics markedly different from those of the rest of the population; 2) Such minorities should properly include the number of persons sufficient by themselves to preserve such traditions or characteristics; and 3) Such minorities should be loyal to the state of which they are nationals.

The Constitution of India uses the word ‘minority’ or its plural form in some Articles – 29 to 30 and 350A to 350B – but does not define it anywhere. Article 29 has the word “minorities” in its marginal heading but speaks of “any sections of citizens… having a distinct language, script or culture”. This may be a whole community generally seen as a minority or a group within a majority community. Article 30 speaks specifically of two categories of minorities – religious and linguistic. The remaining two Articles – 350A and 350B – relate to linguistic minorities only. In common parlance, the expression “minority” means a group comprising less than half of the population and differing from others, especially the predominant section, in race, religion, traditions and culture, language, etc. The Oxford Dictionary defines ‘Minority’ as a smaller number or part; representing less than half of the whole; a relatively small group of people, differing from others in race, religion, language or political persuasion”. A special Subcommittee on the Protection of Minority Rights appointed by the United Nations Human Rights Commission in 1946 defined the ‘minority’ as those “nondominant groups in a population which possess a wish to preserve stable ethnic, religious and linguistic traditions or
characteristics markedly different from those of the rest of the population.” When we regard religious minorities at the national level in India, all those who profess a religion other than Hindu are considered minorities, since over 80 per cent of the population of the country professes the Hindu religion. At the national level, Muslims are the largest minority. Other minorities are much smaller in size. Next to the Muslims are the Christians (2.34 per cent) and Sikhs (1.9 per cent); while all the other religious groups are still smaller. When we regard linguistic minorities, there is no majority at the national level and the minority status is to be essentially decided at the state/union territory level. At the state/union territory level – which is quite important in a federal structure like ours – the Muslims are the majority in the state of Jammu and Kashmir and the union territory of Lakshadweep. In the states of Meghalaya, Mizoram and Nagaland, Christians constitute the majority. Sikhs are the majority community in the state of Punjab. No other religious community among the minorities is a majority in any other state/UT. The National Commission for Minorities Act 1992 says that “Minority, for the purpose of the act, means a community notified as such by the central government” Section 2(7). Acting under this provision, on October 23, 1993 the central government notified the Muslim, Christian, Sikh, Buddhist and Parsi (Zoroastrian) communities to be regarded as “minorities” for the purpose of this act. The Supreme Court in TMA Pai Foundation & Ors vs State of Karnataka (2002) has held that for the purpose of Article 30 a minority, whether linguistic or religious, is determinable with reference to a state and not by taking into consideration the population of the country as a whole. Incidentally, ‘scheduled castes’ and ‘scheduled tribes’ are also to be identified at the state/UT level. In terms of Articles 341 to 342 of the Constitution, castes, races or tribes or parts of or groups within castes, races or tribes are to be notified as scheduled castes or scheduled tribes in relation to the state or union territory, as the case may be.

In India minorities can be broadly classified as: 1) Religious Minorities: According to the Central government there are 5 noted religious minorities viz Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis). These 5 communities constitute 17.3% of the country’s population. 2) Linguistic Minority: According to the 38th report of National Commission of linguistic Minority (NCLM) “In each state there is a language which is spoken by the majority of the residents of that state. All others who do not speak that language belong to linguistic minority.” According to Kerela education Case ‘minority’ has to be defined on the basis of state. Considering this fact Bengali, Punjabi, Malayalam, Sindhi, Tamil, Telugu and Marathi are linguistic minority in the union territory of Delhi. There is anachronism in the defintion of linguistic minority. To put it simply, if five Maharastrians get together and start a Marathi medium school in Mumbai it will not be treated as a minority institution. But if five Gujarathies get together and start a Marathi medium school in Mumbai it will be treated as a minority school. Religious and linguistic minorities not only have a separate status under our Constitution, they have also been conferred an additional fundamental right – a right which no ordinary law can take away – to “establish and administer educational
institutions of their choice”. The intention of the framers of the Constitution was to use the term “minorities” in the widest sense. In the Constituent Assembly debates regarding this has held for a long. It is recorded there that Hindu Maharashtrians settled in Bengal or Hindu Bengalis settled in Maharashtra among Hindus, and were hence not a religious minority in either state. Nonetheless, they were linguistic minorities in each of the states with a fundamental right to protect their own language and culture; and additionally, to establish educational institutions “of their choice” to foster that language and culture. By its very existence, our Constitution recognises that every minority group, whether religious, linguistic, or cultural, in any part of India poses a challenge to the predominantly majority community – a challenge to what has been elsewhere described as “the dynamics of governance amidst pluralism”.

**Rights and Constitutional Safeguards for Minorities**

The Universal Declaration of Human Rights 1948 and its two International Covenants of 1966 declare that “all human beings are equal in dignity and rights” and prohibit all kinds of discrimination – racial, religious, etc. The UN Declaration against All Forms of Religious Discrimination and Intolerance 1981 outlaws all kinds of religion-based discrimination. The UN Declaration on the Rights of Minorities 1992 enjoins the states to protect the existence and identity of minorities within their respective territories and encourage conditions for promotion of that identity; ensure that persons belonging to minorities fully and effectively exercise human rights and fundamental freedoms with full equality and without any discrimination; create favourable conditions to enable minorities to express their characteristics and develop their culture, language, religion, traditions and customs; plan and implement national policy and programmes with due regard to the legitimate interests of minorities; etc.

In India, Articles 15 and 16 of the Constitution prohibit the state from making any discrimination on the grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them either generally i.e. every kind of state action in relation to citizens (Article 15) or in matters relating to employment or appointment to any office under the state (Article 16). However, the provisions of these two articles do take adequate cognisance of the fact that there had been a wide disparity in the social and educational status of different sections of a largely caste-based, tradition bound society with large-scale poverty and illiteracy. Obviously, an absolute equality among all sections of the people regardless of specific handicaps would have resulted in perpetuation of those handicaps. There can be equality only among equals. Equality means relative equality and not absolute equality. Therefore the Constitution permits positive discrimination in favour of the weak, the disadvantaged and the backward. It admits discrimination with reasons but prohibits discrimination without reason. Discrimination with reasons entails rational classification having nexus with constitutionally permissible objects. Article 15 permits the state to make “any special provisions” for women, children, “any socially and educationally backward class of citizens” and scheduled castes and scheduled
tribes. Article 15 has recently been amended by the Constitution (93rd Amendment) Act 2005 to empower the state to make special provisions, by law, for admission of socially and educationally backward classes of citizens or scheduled castes/tribes to educational institutions, including private educational institutions, whether aided or unaided by the state, other than minority educational institutions. Article 16 too has an enabling provision that permits the state for making provisions for the reservation in appointments of 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”. Notably, while Article 15 speaks of “any socially and educationally backward class of citizens” and the scheduled castes and scheduled tribes without qualifying backwardness with social and educational attributes and without a special reference to scheduled castes/scheduled tribes, Article 16 speaks of “any backward class of citizens”.

The other measures of protection and safeguard provided by the Constitution in Part III or elsewhere having a bearing on the status and rights of minorities are: (i) Freedom of conscience and free profession, practice and propagation of religion (Article 25); (ii) Freedom to manage religious affairs (Article 26); (iii) Freedom as to payment of taxes for promotion of any particular religion (Article 27); (iv) Freedom as to attendance at religious instruction or religious worship in certain educational institutions (Article 28); (v) Special provision relating to language spoken by a section of the population of a state (Article 347); (vi) Language to be used in representations for redress of grievances (Article 350); (vii) Facilities for instruction in mother tongue at primary stage (Article 350A); (viii) Special officer for linguistic minorities (Article 350B). Articles 29 and 30 deal with cultural and educational rights of minorities. Article 29 provides that: (1) any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same; and (2) no citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of state funds on grounds only of religion, race, caste, language or any of them.

The Constitution of India in letter and spirit enjoins the state to make "special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes". So far the term 'classes' has been understood narrowly by the government to reckon only castes. To be sure, minorities such as Christians and Muslims do not formally have castes in their scriptures, although in fact they do have social stratification much like the caste system. So they are kept outside the pale of special provisions for advancement. This denial amounts to discrimination on the ground of religion on the flimsy excuse of mechanical technicalities. Sectarian politics generates discrete communities which tend to operate in splendid isolation on their own internal momentum and drift away from each other. The minorities of India have little communication among themselves and much less with the majority community. Muslim children, especially of poor families, mostly, if at all, go to their own community’s schools and colleges known as maktab and madrasa respectively. Article 30(1) of the Constitution
empowers all minorities "to establish and administer educational institutions of their choice" – with private finance not excluding external funds. However, after graduation they do not find jobs, for a variety of reasons, in industry or government. Quite a few of them, having no other alternative, proceed to open yet another series of maktab and madrasa. This process takes the form of a self-perpetuating cycle repeating itself on an ever-expanding scale.

The Constitution speaks of affirmative actions for the 'socially and educationally backward classes'. Here the conjunction 'and' maybe understood as 'or' indicating, not an intersection, but a union of two relevant sets. It is not difficult to find this kind of people without resort to the caste index. Evidently Muslim youth are way behind in education; so are those of several other minorities including the Christians. Regardless of religion all 'educationally backward classes' are to be given special provision for advancement- so desires the Constitution of India explicitly. Next, as for the 'socially backward classes', this may be a little ambiguous. By one measure as much as four-fifths of the population can be counted in this category, for their dignity as human beings is systematically violated, having been classified as socially inferior by birth, contrary to the universal truth that 'all human beings are born free and equal in dignity and rights'. In the circumstances, instead of any ascriptive or confessional standard like caste or religion, a practical solution would be to use as a criterion for affirmative action the Human Development Index popularised by the UNDP. Apart from all these, the statement of objects and reasons for enacting the National Commission for Minorities Act is very crucial. The main task of the Commission shall be to evaluate the progress of the development of minorities, monitor the working of the safeguards provided in the Constitution for the protection of the interests of minorities and in laws enacted by the Central Government or State Governments, besides looking into specific complaints regarding deprivation of rights and safeguards of the minorities.

**Major grievances of Muslims**

The major grievances of the Muslims, if chronicled, are somewhat as follows:

1. Muslims are economically backward, compared to other sections of the community, because (a) the number of Muslim industrialists is negligible, and there are none in the front ranks-a typically petty bourgeois complaint, but a significant index in a capitalist landlord regime all the same; (b) the abolition of zamindari and intermediary tenures in Uttar Pradesh and some other states has more adversely affected Muslims, large numbers of whom were retainers and dependents of Muslim zamindars, who in turn constituted a far larger proportion of their class than warranted by the Muslim share of total population; (c) Muslims being a heavily urban community, accounted for a very large section of artisans such as weavers and metalworkers and these strata have continuously suffered under the de-industrialization of colonial India, and then under the present regime when craft unemployment has grown enormously; and (d) Muslims are discriminated against in matters like the grant of licenses and permits. It must, however, be noted that while Muslim masses are exceptionally hard pressed, the Muslims are not a totally 'depressed'
community. There are large numbers of Muslim landlords and semi-capitalistic farmers (beneficiaries of the Green Revolution), merchants and up to-medium-scale industrialists, who dominate the Muslim community politically as the bulwark of reactionary forces within it, and often serve as agents of the Congress and other bourgeois-landlord parties.

2. Muslims are educationally backward. Figures such as the number of Muslim candidates successful in higher secondary examinations or the number of Muslim pupils in comparison to the total are often cited, on the basis of different surveys. The fact that there are proportionately fewer school pupils and college students among Muslims than in other major communities seems well established. It is probable that the literacy rate among Muslims is also lower. The reasons offered for this are: (a) inherited backwardness owing to the failure of Muslims to take to modern education in time; (b) economic backwardness prevents parents from sending children to school; (c) the emphasis on Hindi and practical exclusion of Urdu (so far) in Uttar Pradesh and the other Hindi-speaking states; and (d) migration of large numbers of educated Muslims to Pakistan.

3. Discrimination is practised against Muslims in employment. (a) In public services, such as police, where Muslims tended to be well represented, they have been excluded by deliberate design (for example, G B Pant’s secret circular in Uttar Pradesh) for a very large number of years. Even when there is no deliberate discrimination against Muslims, they tend to be excluded because employment and promotion are so heavily made on caste basis. (b) Since the Muslims are educationally backward, they are not recruited in adequate numbers through open, competitive examinations. (c) Indian business being still largely governed by bonds of family and caste, very few Muslims are employed by industrial and commercial firms.

4. There is insecurity of life and property. Being a minority, Muslims usually suffer far more than any other section, when a communal riot occurs. It is now even officially recognized (as during the revolt of the Provincial Armed Constabulary (PAC) in Uttar Pradesh, when the faults of the PAC were being publicized), that the police has not only failed to protect Muslims but has in fact often attacked them. The marginalisation of the Muslim community in a secular India is still the unfinished agenda of the “minority question” that the Constituent Assembly sought then to revolve. The core recommendations of the Mishra Commission identify minorities as eligible for reservations in terms of their pre-conversion caste origins. Such backward caste religious communities have been included in OBC quotas, but listing non-Hindu religious communities as SC has been problematic. Dalit Sikhs in 1956 and neoBuddhists in 1990 were scheduled. The Constitution defies them as Hindus by default and places them under Hindu personal law, formulated in the Hindu Code Bills of 1955-56.

The “non-implementation” of recommendations of several earlier Commissions and Committees has made the Muslim community wary of any new initiative. “Tired of presenting Memorandums”, many wanted results. There
was a sense of despair and suspension as well. Social boycott of Muslims in certain parts of the country has forced Muslims to migrate from the places where they lived for centuries. The perception of being discriminated against is overpowering amongst a wide cross section of Muslims resulting in collective alienation. Schools beyond the primary level are few in Muslim localities. Exclusive girls’ schools are fewer, and are usually at a distance from Muslim localities. Many a time Madarsas are the only educational option available to Muslim children, especially in areas where no schools have reached to the Muslim masses. Very often children go to the Madarsas not out of choice but due to non-availability and inaccessibility of other schools, and a near absence of education in their mother tongue. Perceptions of public security – partly associated with increasing incidents of communal violence – prevent parents from sending daughters to schools located at a distance where they would have to use public transport.

Muslim presence in the private sector was found to be even more dismal. Private sector needs to be sensitized to include Muslims in their recruitment through positive discrimination and affirmative actions. Muslims also find it extremely difficult to get a guarantee from a government official as they do not have easy access to government officials either because there are not enough Muslims in the government or because the non-Muslim government officials are not willing to give them guarantees. This affects the poor Muslims the most. Absence of proper civic amenities and infrastructure facilities in Muslim concentration areas is another cause of concern across all the States. Poor roads and lack of proper transport, sanitation, water, electricity and public health facilities pervade Muslim concentration localities. The health of Muslims, especially women, is directly linked to poverty and the absence of basic services like clean drinking water and sanitation – led to malnutrition, anemia, and a variety of diseases resulting in poor life expectancy. A number of Muslim concentration assembly constituencies have been declared as ‘reserved’ where ‘only SC candidates’ can contest elections. This situation systematically denies them political participation. Dalit (SC) Muslims are not allowed the benefits of the Scheduled Caste quota, while their counterparts in Sikh community (Mazhabi Sikhs) and Buddhist community (Neo Buddhist) are allowed the benefits of reservation quota for SC. This is a various matter of serious concern of discrimination. The literacy rate among Muslims (59.1%) in 2001 was far below the National average (65.1%) and other SRCs (70.8%). State level estimates suggest that the literacy gap between Muslims and the general average is greater in urban areas and for women. Owing to their Socio-Economic backwardness, Muslims have not been able to respond to the challenge of improving their educational status, whereas other communities like SCs and STs have been able to reap the benefit in the field of education with active support of the Government. The increase in enrolment in Schools has been highest among SCs and STs (95%) followed by Muslims (65%). As many as 25% of Muslim children in the 6-14 year age group have either never attended school or have dropped out. Muslims have the highest dropout rate in the country. School Education attainment levels of Muslims are
close to SCs / STs and it is much lower than those of other SRCs. The attainment levels of Muslims in Rural areas are lower than those of SC and ST. The identity based exclusion which targets the Muslim community the most also has to be highlighted. *The Human Development Report*, 2011 shows that Muslims account for 33% of the total below poverty line population. The major exclusion of Muslims from planning and implementation in day-to-day governance structures and mechanisms allow the diversion of funds earmarked for them. The weak socio-economic and educational profile of Muslims has demanded greater attention from policymakers and politicians only after the Sachar Committee’s report was released in 2006 by the Government of India.

**What measures can be deployed**

The prime minister’s high level committee constituted in 2005 under the chairmanship of Justice Rajinder Sachar submitted the Report on Social, Economic and Educational Status of the Muslim Community of India in 2007. It elaborated how “they carry a double burden of being labelled as ‘anti-national’ and as being ‘appeased’ at the same time” (Sachar 2006: 11). This report convincingly exposes the systematic neglect of Muslims as a community with credible and extensive data. It crystallises a new approach to the “Muslim question”, freeing it from the post Partition syndrome which defied it for so long. It is a “Call for Inclusion” premised not on particular minority rights to preserve their religious identity and cultural traditions, but on the universal democratic right of all to equal and participative citizenship.

A general directive that in filling Class IV, police, and other non-technical posts in administration on a state or district basis (whichever is feasible) Muslims should be recruited broadly in proportion to their percentage in population. This may also be done in the public sector undertakings. For granting licenses or awarding contracts to firms, government should set fair employment criteria, including employment of Muslims (together with, or after, scheduled castes and backward classes). To some extent, this has been done even in the United States of America for employment of Black labour. Minimum reservation of seats for Muslims in educational and technical institutions on the lines of reservation instituted in Kerala by the first Communist-led government is required. Undertaking special schemes for assisting craftsmen, through easy credit and subsidies, and protection for contract labour by law. All propaganda exciting hatred against any religious community to be effectively prohibited. Secularization of the content of text books, especially for schools is very necessary and is the need of time. Effective measures for suppressing riots has to be advocated in vulnerable areas. The objective behind these measures is to end the more obvious forms of discrimination against Muslims and to initiate the removal of educational backwardness from which they suffer. In so far as these steps improve their position in employment, the Muslims will also obtain some economic relief. On the other hand, we have to conduct a conscious ideological struggle against the forces of Muslim communalism as well.

The States of Bihar, Madhya Pradesh, Rajasthan and UP, which account for almost
65 percent of the total population of Muslims in the country, present a dismal picture in terms of social indicators of development for the general population also. The need for expanding coverage and providing quality education, focusing on girls’ education and strengthening vocational education is vital for educational development of weaker sections among all backward classes viz, SCs and STs and Minorities. The intelligentsia among the religious Minorities should convince the community for active participation in educational programmes/schemes and nurture initiative and spirit of competition amongst them. To defend the Muslim minority in any region we do not have to posit that they are more than a religious community. We have only to bring home to the democratic masses and the working class the enormous damage done to their cause, their democratic freedom, even their lives and possessions, by the bourgeois-landlord strategy of continued oppression by the threat of communal attacks to prevent class cleavage from coming out in the open.

The task of the working-class movement is to show the Muslim religious minority the disastrous course the bourgeoisie and landlords have mapped out for it, the benefits that would accrue to the mass of Indian Muslims from the agrarian revolution, and the heroic role they have already played in resisting landlordism as the main thrust of advance out of the communal blind alley which the clerical and feudal elements have led them into.

The National Commission for Minorities’ (NCM) status report “Dalits in the Muslim and Christian Communities” reflects the greater extent of mobilisation and political consciousness amongst the community in comparison to Dalit Muslims, although the latter have also been organising of late (NCM 2008: 67). In fact, Muslim Dalits are “unquestionably among the worst off Dalits, in both the rural and specially the urban sector” (ibid: 79). The National Sample Survey Office report in the 61st round, 2004-05, estimates that Muslim and Christian Dalits together are “under three million, constituting about one-and-a-quarter per cent of all rural Dalits and two-and-a-quarter per cent of all urban Dalits” (NCM 2008: 82). The NCM report argues: there can be no doubt whatsoever that DMs and DCs [i.e. Dalit Muslims and Dalit Christians] are socially known and treated as distinct groups within their own religious communities. Nor is there any room for disputing the fact that they are invariably regarded as ‘socially inferior communities by their co-religionists. In short, in most social contexts, DMs and DCs are Dalits fist and Muslims and Christians only second (NCM 2008: 78). All our religious traditions are infected with such caste oppression. Converts often continue to suffer the same caste oppression as they did in their Hindu community of origin. Whatever else their conversion may mean it does not change the material reality of their social situation. It is on this basis that Muslim and Christian Dalits are now demanding inclusion in the Schedule. Their situation is clearly not different from the Sikh and Buddhist Dalits.

Conclusion

The identification of backward classes among Muslims in different regions, studying the causes of their backwardness and formulating regional demands on that basis the all-India demand would be to
protect these under the same procedure as that of Scheduled Castes and Tribes. The regard it has to protect the human hallmark of a civilised country is dignity and freedom of all sections of its people without discrimination. Such regard cannot just be in theory but has also to be reflected in practice. To ensure this, a country has to evolve the necessary machinery both through its constitution and institutions suited to the genius of its people. This is a part of the drive for human development in any country. As education is crucial for development and enhancement of social and economic status, the focus has to be not only on extending the facilities for education to all equally, but also ensuring the quality of education. Education through acquisition of knowledge improves ability and capacity and instills confidence and competitive spirit. It nurtures and strengthens self-reliance and enables individual to seek better employment opportunities. Educational programmes, therefore, have to equip the individuals for their social and economic development. Facilities through various measures must, therefore, be provided by both the public and private sectors, which should reflect the needs of the various sections of the society and its economy. The literacy and educational levels among religious minorities vary considerably from one community to the other and from one area to the other. While educational level of Jains, Christians and Parsis is higher, that of Muslims and Buddhists is low and is next to SC/ST. Census statistics on the status of religious minorities reveals that the educational status of Muslims is relatively low.

A uniform approach towards socially and economically backward needs to be evolved which should not be based on caste, class or religion so that social justice and equity can be guaranteed to all. The criterion, therefore, should be uniform based on social, educational and economic indices equally applicable to all. Those educationally and economically backward are, by and large, also socially backward. Justice is an integral and crucial test case for understanding the welfare of any society. It must be equally available for, and equally applied to all. It cannot be the privilege of some and denied to others. We cannot say: justice for us, but not for them, for me, not for him or her. Further, justice as equality argues beyond an equal justice for all to a just equality for each, political, economic and social. This must be the sustainable basis for the pursuit of the other dimensions of justice: liberty and fraternity or solidarity. A just society must integrate all three. And so to sum up, we want an approach that is respectful of each person’s struggle for flourishing that treats each person as an end and as a source of agency and worth in her own right. Our Constitution attempted to capture that vision in some way. To recapture it we must begin with the last and least and go Beyond the Culture of Cynicism (Giroux 2001) and “Transcending Pessimism: Rekindling Socialist Imagination” (Panitch and Gindin 2000). This will demand nothing less than a second freedom struggle.

References


