

MINORITIES IN INDIA: PROBLEMS AND PERSPECTIVE

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Introduction

India's billion strong populations consist of 6 main ethnic groups, 52 major tribes, 6 major religions, and 6400 castes and sub-castes. Besides, there are 18 major languages and 1600 minor languages and dialects. However, it is practically useful to think of four types of minorities in India: linguistic, religious, caste, and tribal.

Linguistic Minorities

There were some 1,632 languages spoken in India. However, the speakers of 18 major languages constitute about 91% of the population. The anomalies and contradictions apparent in the scheme of official recognition of language generate some concerns for linguistic minorities. There are states, most notably in India's northeast, where the local languages of overwhelming number of people are not yet 'officially' recognized. For example, the state level official languages in Meghalaya, Mizoram and Nagaland are not spoken by the majority of the people in these states.

Religious Minorities

India is among the most diverse societies in the world in terms of religious minorities. It has people from all the major religions in the world—Hindus, Muslims, Christians, Sikhs, Buddhists, Jains and Zoroastrians (Parsis). Religious Composition of Indian Population, as revealed in 2001 census, is as follows: Hindus: 81.4%, Muslims: 12.4%, Christians: 2.3%, Sikhs: 1.9%, Buddhists: 0.8%, Jains: 0.4%, and others: 0.7%. The Muslims constitute the largest religious minority in India and are scattered all over the country. There is only one Muslim majority state in India—Jammu & Kashmir (67%). Sense of insecurity caused by communal violence and

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hate campaign by Hindu religious fundamentalists appears to be one of the most common concerns of religious minorities in general and the Muslim community in particular. Socio-economic backwardness and disproportionate representation in almost every aspect of public life are also among the pressing issues for the religious minorities in India.

Tribal Minorities

Indigenous tribal people of India are concentrated in three principal regions. One is India's northeast. The second is in middle India, and includes Bihar, the hill areas of inland Orissa, south eastern Madhya Pradesh, and a portion of northern Andhra. The third region is in India's west, and includes parts of eastern Gujarat, western Madhya Pradesh, and southern Rajasthan. The main demand prevalent among many tribal people is their right to autonomy. In response, the successive governments have relied on two political administrative solutions: the creation of autonomous district and regional councils provided for by the sixth schedule of the Constitution, and the formation of separate states.

This paper tries to deal with the various kinds of minority groups present in India and the various problems faced by them.

Who are Minorities?

The expression "minority" has been derived from the Latin word "minor" and the suffix 'ity', which means "small in number". Various definitions given by various books and committees are as follows:

- **Year Book of Human Rights** describes minority as non dominant group having different religious or linguistic traditions than the majority population.¹
- **The U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities** has defined minority as²:

¹ Molishree , *Minority Educational Institutions: A Critical Analysis*, Centre for Civil Society.

² *Ibid.*

- 1) The term 'minority' includes only those non-documents group of the population which possesses 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 initial courtroom attempt to answer the question who is minority was made *In Re: The Kerala Education Bill*³ case where the Hon'ble Supreme Court, through S.R Das C.J., suggesting the techniques of arithmetic tabulation held that "minority means a "community" which is numerically less than "50 per cent" of total population." The Kerala High Court also agreed with the above definition and held that the word "*Minority*" is not defined in the Constitution, and in the absence of special definition, any community religious or linguistic –which is numerically less than 50 per cent of the population of the State concerned, is entitled to fundamental right guaranteed by Article 30 of the constitution.⁴ Further in *D.A.V. College, Bhutinda v. State of Punjab and Others*⁵, the Hon'ble Supreme Court held that: " what constitute a linguistic or religious minority must be judge in relation to the State inasmuch as the impugned Act was a State Act and not in relation to whole of India". In *Stephen's College v. University of Delhi*⁶, The Court held that the minority under Article 30 must necessarily mean those who form a distinct or identifiable group of citizen of India.

The above definitions referred minorities as a group smaller in number in comparison to majority in a defined area. However, it did not indicate as to what factors must be considered while making a distinction between minorities and the rest. However there are certain

³ A.I.R. 1958 S.C. 956.

⁴ A.M. Patroni v. Kesavan, A.I.R 1965 Ker 75 at p-76.

⁵ 1971 (Supp) S.C.C. 261.

⁶ (1992) 1 SCC558 at 560 (para 28).

definitions which provide certain factors which can be considered while categorizing minorities from others.

- 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”.
- The Oxford Dictionary defines ‘Minority’ as a smaller number or part; a 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.
- J.A Laponce in his book “The Protection to Minority” describes “minority” as a group of persons having different race, language, or religion from that of majority of inhabitants.
- In the Year Book of Human Rights (U.N Publication 1950 edition) minority has been described as non dominant group having different religious or linguistic traditions than the majority population.

Thus most of the definitions explained above either categorises minorities as a group smaller in numbers or a group having certain characters distinct from others. No definition comes out to be comprehensive to cover all the varied situations and illustrates the difficulty experienced in assigning limits to concept of minority.

Indian Constitution on Minorities

Religious harmony, not mere tolerance, is the bedrock of India’s secularism. It is also the solemn duty of the Government to make every possible effort to protect and promote secular values and provide equality of opportunity to all religious minorities. Enshrined in the Indian Constitution therefore, are several rights that are intended to protect the interests of all citizens, including minorities.⁷ The Constitution of India uses the word minority, or its plural form, in Article 29 to 30 and Article 350A to 350B. Under Article 30 the expression

⁷ Official website of Prime Minister of India, *PM on Conference of State Minorities Commissions*, Jan. 13, 2014. http://pmindia.gov.in/bulletin_board_details.php?nodeid=124.

“minorities” has been used in two senses one based on religion and other based on language while Article 350 relates to linguistic minorities only.⁸

Article 29

It states 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.

Unlike Article 30, the text of Article 29 does not specifically refer to minorities though it can be clearly deduced that the article is intended to protect and preserve the cultural and linguistic identity of the minorities. However, its scope is not necessarily confined to minorities. The protection of Article 29 is available to “any section of the citizens residing in the territory of India” and this may as well include the majority. However, India is a colourful conglomeration of numerous races, religions, sects, languages, scripts, culture and traditions. The minorities, whether based on religion or language, are quite understandably keen on preserving and propagating their religious, cultural and linguistic identity and heritage. Article 29 guarantees exactly that. There may appear to be some overlapping in language and expressions employed in Articles 15(1) and 29(2). However, Article 15(1) contains a general prohibition on discrimination by the state against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them whereas Article 29(2) affords protection against a particular species of state action viz. admission into educational institutions maintained by the state or receiving aid out of state funds.

⁸ Ninong Ering, *Constitution does not define minorities: govt tells RS*, The Times of India (Aug. 13, 2013), http://articles.timesofindia.indiatimes.com/2013-08-13/india/41372208_1_minorities-act-constitution-religious-minorities.

Article 30

Right of minorities to establish and administer educational institutions-

- (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
 - (1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause
- (2) The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

Article 30 is a minority-specific provision that protects the right of minorities to establish and administer educational institutions. It provides that “all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice”. Clause (1A) of Article 30, which was inserted by the Constitution (44th Amendment) Act, 1978, provides that “in making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the state shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause”. Article 30 further provides that “the state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language”. It would be worthwhile to note that minority educational institutions referred to in clause (1) of Article 30 have been kept out of the purview of Article 15(4) of the Constitution which empowers the

state to make provisions by law for the advancement of any socially and educationally backward classes of citizens or scheduled castes/scheduled tribes in regard to their admission to educational institutions (including private educational institutions), whether aided or unaided. Articles 29 and 30 have been grouped together under a common head, namely “Cultural and Educational Rights”. Together they confer four distinct rights on minorities. These include the right of:

- (a) any section of citizens to conserve its own language, script or culture;
- (b) all religious and linguistic minorities to establish and administer educational institutions of their choice;
- (c) an educational institution against discrimination by state in the matter of state aid (on the ground that it is under the management of a religious or linguistic minority); and
- (d) the citizen against denial of admission to any state maintained or state-aided educational institution.

Article 29, especially clause (1) thereof, is more generally worded whereas Article 30 is focused on the right of minorities to (i) establish and (ii) administer educational institutions. Notwithstanding the fact that the right of the minority to establish and administer educational institutions would be protected by Article 19(1)(g), the framers of the Constitution incorporated Article 30 in the Constitution with the obvious intention of providing confidence among minorities against any legislative or executive encroachment on their right to establish and administer educational institutions. In the absence of such an explicit provision, it might have been possible for the state to control or regulate educational institutions, established by religious or linguistic minorities, by law enacted under clause (6) of Article 19.

Article 350A

Facilities for instruction in mother-tongue at primary stage-

It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to

any State as he considers necessary or proper for securing the provision of such facilities.

The Constitution imposes a duty on every State to provide adequate facilities for instructions in the mother tongue at the primary stage of education to children of linguistic minority group

Article 350B

Special Officer for linguistic minorities-

(1) There shall be a Special Officer for linguistic minorities to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament, and sent to the Governments of the States concerned.

The President shall also appoint a Special Officer for linguistic minorities who will investigate all matters relating to the safeguards provided for linguistic minorities under the Constitution and report to the President upon those matters as the President may direct.

Part III of the Indian Constitution: Fundamental Rights

Part III of the Indian Constitution guarantees certain fundamental rights for each and every citizen of India. These general rights have significant bearing on the protection of minorities. In particular, these rights include: equality before law,⁹ safeguard against discrimination on grounds of religion, race, caste, sex or place of birth,¹⁰ equality of opportunity in matters of public employment, ¹¹ abolition of untouchability,¹²

⁹ Art. 14.

¹⁰ Art. 15.

¹¹ Art. 16.

¹² Art. 17.

freedom of expression,¹³ freedom of association,¹⁴ right to free education up to the age of fourteen,¹⁵ right to freely profess, practice and propagate religion,¹⁶ right of religious denominations to manage religious affairs,¹⁷ safeguard against taxation for promotion of any particular religion,¹⁸ and safeguard against religious instruction in state-funded educational institutions.¹⁹

Despite the guarantee of non-discrimination as a fundamental right, Indian Constitution enables the state to make special provision for the advancement of any socially and educationally backward classes of citizens or for the schedule castes and the scheduled tribes.²⁰ Moreover, promotion of educational and economic interests of schedules castes, scheduled tribes and other weaker sections of the people is one of the state policies formulated by the Constitution.²¹ The Constitution further provides that 'seats shall be reserved' in proportion to their numbers to scheduled castes and in the Parliament,²² and in the State Legislatures.²³

Kinds of Minorities and Problems Faced by Them

The Indian population is composed of 6 main ethnic groups, 52 major tribes, 6 major religions, and 6400 castes and sub-castes. Besides, there are 18 major languages and 1600 minor languages and dialects.²⁴ However, it is practically useful to think of four types of minorities in India: linguistic, religious, caste, and tribal.

Religious Minorities

The India population consists of people from all the major religions in the world—Hindus, Muslims, Christians,

¹³ Art. 19(1)(a).

¹⁴ Art. 19(1)(c).

¹⁵ Art. 21A.

¹⁶ Art. 25.

¹⁷ Art. 26.

¹⁸ Art. 27.

¹⁹ Art. 28.

²⁰ Art. 15(4).

²¹ Art. 46.

²² Art. 330.

²³ Art. 332.

²⁴ T.M.A. Pai Foundation and others v. State of Karnataka and Others, WP (Civil) No. 317/1993, para.158.

Sikhs, Buddhists, Jains and Zoroastrians (Parsis). Religious Composition of Indian Population, as revealed in 2001 census, is as follows: Hindus: 81.4%, Muslims: 12.4%, Christians: 2.3%, Sikhs: 1.9%, Buddhists: 0.8%, Jains: 0.4%, and others: 0.7%.²⁵

The largest group among the religious minorities is that of Muslims. It should be noted that India has the third largest Muslim population in world, only after Indonesia and Bangladesh. Even Pakistan, which was carved out for safeguarding the interests of Indian Muslims, has a smaller Muslim population than India. There is only one Muslim majority state in India—Jammu & Kashmir (67%) and one Muslim majority Union Territory—Lakshadweep (95%). Muslims are also found in good numbers in Assam (30.9%), West Bengal (25.2%), Kerala (24.7%), Uttar Pradesh (18.5%), Bihar (16.5%), Jharkhand (13.8%), Karnataka (12.2%), Uttarakhand (11.9%), and Maharashtra (10.6%). However, in terms of number, most Muslims reside in Uttar Pradesh, West Bengal, Bihar, Maharashtra, Assam, Kerala, Jammu & Kashmir, Andhra Pradesh, Gujarat, Madhya Pradesh, Jharkhand, and Tamil Nadu.²⁶

There are three states in India where the Christians, the second largest religious minority of India, constitute the majority. All these states are in the north-east, viz., Nagaland (90%), Mizoram (90%) and Meghalaya (70.3%). In terms of ration, Christians also have sizable pockets Manipur (34%), Goa (26.7%), Kerala (19%), and Arunachal Pradesh (18.7%). Among the union territories, the Christians constitute a substantial number in Andaman & Nicobar Islands (21.7%). However, in terms of number, most Christians reside in Kerala, Tamil Nadu, Nagaland, Meghalaya, Andhra Pradesh, Jharkhand, Maharashtra, and Karnataka. Among the other religious minorities, the Sikhs are mainly concentrated in Punjab where they form a majority (59.9%).²⁷

²⁵ Demographics of India; Wikipedia
http://en.wikipedia.org/wiki/Demographics_of_India.

²⁶ Islam in India, Wikipedia
http://en.wikipedia.org/wiki/Islam_in_India#Muslim_population_by_states.

²⁷ Christianity in India; Wikipedia
http://en.wikipedia.org/wiki/Christianity_in_India#State_Populations.

The Buddhists are mainly concentrated in Maharashtra. Jains, the India's oldest religious minority,²⁸ mainly live in the states of Maharashtra, Rajasthan, Gujarat and Karnataka.

Sense of insecurity caused by communal violence and hate campaign by Hindu religious fundamentalists appears to be one of the most common concerns of religious minorities in general and the Muslim community in particular.²⁹ It is largely Muslims who are the victims of such communal violence. During the communal riots following the demolition of Babri Masjid in 1992, almost all institutions of state and civil society in India—executive, judiciary, legislature, political parties, police, trade unions etc. failed to protect the besieged Muslim community, and uphold the secular principles that the Indian Constitution is committed to. In 2002, the state of Gujarat in western India witnessed the most horrendous massacres of Muslims by Hindu nationalist groups with the overt involvement of state machinery.

Socio-economic backwardness and disproportionate representation in almost every aspect of public life are also among the pressing issues for the religious minorities in India. Dr. Gopal Singh Report on Minorities submitted to the Government in 1983 found that amongst poorest of the poor, minorities constitute the majority. In particular, the report revealed that there were only 128 Muslims in the Indian Administrative Services out of a total of 3,785 (3.2%), and 57 Muslims in Indian Police service (2.6%).³⁰ The Report on 'Social, Economic and Educational Status of the Muslim Community of India' submitted to the government of India in 2006 (popularly known as 'Sachar Commission Report') also documented the overall situation of

²⁸ R.A. Schermerhorn, *Ethnic Plurality in India*, Arizona, University of Arizona Press, 1978, p.101.

²⁹ Amrita Basu and Atul Kohli (eds.), *Community Conflicts and the State in India*, Cambridge, Oxford University Press, 1998.

³⁰ Venkitesh Ramakrishnan, Community on the margins, *The Hindu* (Feb. 1, 2014) <http://www.hindu.com/thehindu/thscrip/print.pl?file=20061215004700400.htm&date=fl2324/&prd=fline&>.

Muslims, the largest religious minority of India, in India. Some of the findings of this report are as follows:³¹

- Muslims live with an inferiority complex as “every bearded man is considered an ISI agent”;
- Social boycott of Muslims in certain parts of the country has forced them to migrate from places where they lived for centuries;
- A community specific factor for low educational achievement is that Muslims do not see education as necessarily translating into formal employment;
- Schools beyond the primary level are few in Muslim localities;
- Many banks have designated a number of Muslim concentration areas as ‘negative or red zones’, where they do not give loans;
- It is common to find names of Muslims missing in the voter lists of a number of states;
- Unemployment rate among Muslim graduates is the highest among Socio-religious groups both among the poor and the non-poor;
- The participation of Muslims in regular jobs in urban areas is quite limited compared to even the traditionally disadvantaged scheduled castes and scheduled tribes;
- Participation of Muslims in security related activities (e.g., Police) is considerably lower than their share in population;
- Compared to the Muslim majority areas, the areas inhabiting fewer Muslims had better roads, sewage and drainage, and water supply facilities;
- The presence of Muslims is only 3% in the IAS, 1.8% in the IFS and 4% in the IPS;
- In no state does the representation of Muslims in the government departments match their population share;
- The presence and participation of Muslims in the Judiciary has been a major point of concern.

Although the religious minorities always claim the benefits of affirmative action as stipulated in Articles 15(4) and 16(4) of the Constitution, the government of

³¹ Anis Chisti, Sachar Committee Report: A Review, *Mainstream Weekly* (Dec. 23, 2006), <http://www.mainstreamweekly.net/article95.html>.

India consistently refuses to extend reservations to religious groups on the ground that it would be divisive. However, it is part of the Indian political strategy, as often argued, to periodically appoint Muslims on positions of high visibility like a President and a Chief Justice to give the impression that Muslims are equal participants in the public life in India.³²

Recently, the UPA government has given consent for giving national minority status, under the National Commission of Minorities Act, to the Jain community.³³ The Jain community numbering about 50 lakh has minority status in 11 states but was not covered by the National Commission of Minorities Act. Thus, Jains will also come under the ambit of national minority status making a total of six minority community in India.

Linguistic Minorities

By one estimate, there were some 1,632 languages spoken in India.³⁴ However, the speakers of 18 major languages constitute about 91% of the population. Although the Constitution of India offers detailed provisions on language, it does not provide a clear criterion for defining minority languages.³⁵ However, it is agreed upon by all that there is no linguistic group at the national level which can claim the majority status and as such the majority-minority question is considered in reference to the state only.³⁶

The major demand of linguistic groups is that their language be recognized as an official language of states. This recognition, linguistic minorities argue, reduces the

³² Iqbal A. Ansari (ed.), *Communal Riots, The State & Law In India*, New Delhi, Institute of Objective Studies, 1997, pp. 66-75.

³³ Abantika Ghosh, *Jain Community given Central Minority Status*, The Indian Express (Jan 21, 2014) <http://indianexpress.com/article/india/india-others/jain-community-given-central-minority-status/>.

³⁴ D. D. Basu, *Introduction to the Constitution of India*, New Delhi, Prentice Hall of India, 1997, p. 187.

³⁵ Rajeshwari V. Pandharipande, "Minority Matters: Issues in Minority Languages in India", *International Journal on Multicultural Societies*, vol.4, no.2, 2002, p. 214.

³⁶ S. Chaklader, *Linguistic Minority as a Cohesive Force in Indian Federal Process*, New Delhi, Associate Publishing House, 1981, p. 14.

pressures for linguistic assimilation and enables the group to strengthen its identity and solidarity.³⁷ Accordingly, after independence, many of the Indian states were reorganized, not of course without widespread struggles of the people, along linguistic lines. Thus, almost every major states of India has what may be called a 'home' language, of which it is a 'home' state. At present, the officially recognized languages are-Assamese, Bengali, Bodo, Dogri, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Maithili, Malayalam, Manipuri, Marathi, Nepali, Oriya, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu, and Urdu.³⁸

The anomalies and contradictions apparent in the scheme of official recognition of language generate some concerns for linguistic minorities. There are states, most notably in India's northeast, where the local languages of overwhelming number of people are not yet 'officially' recognized. For example, the state level official languages in Meghalaya, Mizoram and Nagaland are not spoken by the majority of the people in these states. Kashmiri, which is spoken by 53 per cent of the total population in the state of Jammu and Kashmir, is not the state language. Contrarily, Urdu, the official language of Jammu and Kashmir, is spoken by less than 1 per cent of the total population of the state. Similarly, English, the official language of Meghalaya, is spoken by 0.01 per cent of the total population.³⁹

Indigenous Tribal Groups

Indigenous tribal people of India are concentrated in three principal regions. One is India's northeast. The second is in middle India, and includes Bihar, the hill areas of inland Orissa, southeastern Madhya Pradesh, and a portion of northern Andhra. The third region is in India's west, and includes parts of eastern Gujarat, western Madhya Pradesh, and southern Rajasthan. There

³⁷ Myron Weiner, *The Indian Paradox: Essays in Indian Politics*, New Delhi, Sage Publications, 1989, p. 66.

³⁸ Languages with official status in India http://en.wikipedia.org/wiki/Languages_with_official_status_in_India#Eighth_Schedule_to_the_Constitution.

³⁹ Rajeshwari V. Pandharipande, "Minority Matters: Issues in Minority Languages in India", *International Journal on Multicultural Societies*, vol.4, no.2, 2002, p. 215.

is also a small tribal area in the mountain region of Himachal Pradesh and in the Nilgiri hills in Tamil Nadu. Among the tribal groups, six largest tribes constitute nearly one-half of the India's tribal population. These tribes are: the Gonds of central India; the Bhils of western India; the Santhals of Bihar, West Bengal and Bihar; the Oraons of Bihar and West Bengal; the Minas of Rajasthan; and the Mundas of Bihar. Some tribes, though considerably smaller, constitute a majority of the areas in which they live: the Nagas, Khasis and Garos, for example, in India's northeast.

According to the 2001 census, the schedule tribal population constitutes 8.2% of the total population of India. Among the states, Mizoram has the highest proportion of scheduled tribes (94.5%) while Goas has the lowest (0.04%).

The main demand prevalent among many tribal people is their right to autonomy. In response, the successive governments have relied on two political administrative solutions: the creation of autonomous district and regional councils provided for by the sixth schedule of the Constitution, and the formation of separate states.⁴⁰ Such solutions being not in accordance with the aspiration of tribal people, many indigenous groups, particularly in the north-eastern region, have been struggling for self-rule.⁴¹ The overall socio-economic condition of these tribal groups is also far below the national average.

Dalits as a Caste Minority

The word '*dalits*' comes from the Hindi root *dal* and means 'held under check', 'suppressed' or 'crushed' — or, in a looser sense, 'oppressed'.⁴² The caste system is a traditional Hindu system of social segregation, which works on the principle of purity pollution. In this structure of segregation, *dalits* occupy the lowest

⁴⁰ Christian Erni, *Indigenous Peoples Self-Determination in Northeast India*, *Indigenous Affairs*, vol.3, no.1, 2001, p. 61.

⁴¹ Sanjib Baruah, *Territoriality, Indigeneity and Rights in the Northeast India*, *Economic and Political Weekly*, Jan 29, 2014, pp. 15-19.

⁴² National Confederation of Dalit Organisations
http://nacdor.org/?page_id=184.

position. Traditionally they are considered as untouchable by so called higher castes/dominant caste group. At present, *dalits* are not necessarily present only in the Hindu community. Many *dalits* who converted to other religions in the past few centuries continue to retain their *dalit* heritage. The introduction of Islam to India from about the thirteenth century AD led to widespread conversions by many low-caste and 'untouchable' groups, and by the mid-nineteenth century about one quarter of the population was Muslim.⁴³ Although the Constitution of India formally outlawed the practice of untouchability-the imposition of social disabilities on persons by reason of their birth in certain castes-back to almost sixty years ago, in practice the *dalit* communities are still subjected to extreme forms of social and economic exclusion and discrimination.

According to the Indian Constitution, *dalits* are not classified as minorities, although the Court, in one instance, labeled them as the "world's most oppressed minority".⁴⁴ Within the constitutional scheme, *dalits* are perceived to be included in the term 'scheduled castes'. However, the Constitution does not define or specify as to who are to be regarded as 'scheduled castes', rather leaves it to the discretion of the President to determine and accordingly notify.⁴⁵

According to the 2001 census, the schedule caste population constitutes 16.2% of the total population of India. Four fifth (79.8%) of them live in rural areas while the rest one-fifth (20.2%) in urban areas. The highest percentage of scheduled castes population to the total scheduled castes population of the country live in Uttar Pradesh (21.1%) followed by West Bengal (11.1%) and Bihar (7.8%), Andhra Pradesh (7.4%) and Tamil Nadu (7.1%).

The ground reality for the *dalits* is that India's social hierarchy and ethno demography have affected the context of equal protection provisions of the

⁴³ World Directory of Minorities
<http://www.minorityrights.org/?lid=5652&tmpl=printpage>.

⁴⁴ State of Karnataka v. Babu Ingale, (1992) 3 SCR 284, para. 15.

⁴⁵ Article 366(24) and Article 341 of the Indian Constitution.

Constitution.⁴⁶ Their socio-economic condition is quite inhuman. Although the constitutionally mandated affirmative action has had some impact in enabling them to overcome histories of social injustice and religiously sanctified discrimination, still now *dalits* continue to be one of the most underprivileged groups in India in every index of human development. Caste based violence is another concern for the *dalit* community in India.⁴⁷

Conclusion

Pluralism is the keystone of India's civilization and culture. The Indian nation with its continental size and minority population of country-like-magnitude cannot afford the luxury of letting the vast population of minorities lie low as sleeping partners.⁴⁸ They have to be assimilated and empowered, so that they can contribute to the nation. So the need is to address the real problems of minorities. Agreed that there are various legislations and provisions for their upliftment, but they have not been able to serve their purpose completely. The Muzzaffarnagar riots have once again showed that Muslims, that too in state where they are highest in number, are not safe in India. The fact that in various states the official language is not even spoken by 1% of the population shows that something is wrong there. The condition of *dalits*, in spite of various constitutional provisions and legislations, is not up to the mark.

So, the need of the hour is that the various problems related to minority groups should be addressed as soon as possible, so that they can help in development of the nation.



⁴⁶ Maya Chadda, *Minority Rights and Conflict Prevention: Case Study of Conflicts in Indian Jammu and Kashmir, Punjab and Nagaland*, London, Minority Rights Group International, 2006, p. 3.

⁴⁷ Smita Narula, *Broken People: Caste Violence against India's 'Untouchables'*, New York, Human Rights Watch, 1999.

⁴⁸ Prof. S.N. Singh, *Muslims in India*, Anmol Publishers, New Delhi, 2013.