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Minorities in a Democracy with Special Reference to India

By

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I am proposing to deal with my subject "Minorities in a Democracy with special reference to India" under the following heads: A Recent Case; Nature and Relationship, Formation and Responses; Concluding Remarks.

I. A Recent Case

I became a member of the National Commission for Minorities on 3rd of December, 1996. This means I have now already served more than eleven months in this office. One of the exercises, which I undertook during these eleven months, was to pay as many as visits to different states of India. Already I have covered about 16 states and Union Territories. One of the most recent visits was to my home state Panjab from October 21-25, 1997. The case with which I am going to share with you was the one with which I was faced unexpectedly during this visit.

Toward the end of my visit to Panjab, I was supposed to take part in a large Christian Convention in the city of Ludhiana (Panjab), which started on October 22nd, and was to continue till October 26th, 1997. I was invited for the Convention to be the Chief Guest for the evening public meeting on October 24th. I reached at Ludhiana Government Guest House at 1 p.m. In the Guest House while taking a brief rest after lunch, I was glancing through a regional English daily newspaper 'Tribune' and suddenly I saw in the newspaper a very brief news stating that in the previous evening public meeting (on October 23rd), there was some protest by some section of persons belonging to the majority religion, against the Christian Convention. While I was going through this news, a group of Christian young persons arrived in my room and shared with me the details of the previous day's happenings and how they were threatened both by a group of persons belonging to majority and also because of this, number of restrictions have been imposed by the district administration upon the Christians concerning the

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functioning of the Convention, including no personal testimony will be given from the main stage during the public meeting. Also they added there will again be a protest from the section of majority this evening and things may become serious, because today they are expecting a larger number in the public meeting. It is at this stage I became serious and decided to take some precautionary actions for the evening. These actions included extra security for the evening public meeting and my own security, which by that time had not reached me, because of some of the communication gap between the state capital and district headquarters. Anyhow I telephoned the Delhi office of the Commission as well as the office of the Deputy Commissioner and the Police Chief of Ludhiana district. They assured me all the arrangements.

According to the agreed arrangement I was escorted to the venue of the Convention under the tight security. But when we arrived at the Convention place, my car's way was blocked by the protesters belonging to the majority, numbering more than 250 persons, who were lying at the road.

But the security police changed the route of my car and finally took me to the stage of Convention. That evening the meeting was being attended by more than 100,000 persons, out of which about 20,000 were Christians and the remaining more than 80,000 belonged to other faiths. The meeting started at 6 p.m. and went on till 8.30 p.m. During the meeting the police could send away the protesters from the nearby roads. The meeting's programme was carried out under tight security arranged by the Ludhiana administration. After the meeting I returned around 10 p.m. at the Guest House. On October 25th, after breakfast I left for Delhi by road and arrived back around 5 p.m. in my home. I was quite satisfied with what happened at Ludhiana, because I thought all went well finally. But that was not true.

Because it was after midnight at around 1.30 p.m. (already October 26th) I had a telephone call from Ludhiana from a Christian leader, informing me there is a lot of disturbance in Ludhiana and police firing upon Christians are going on. He further added that because of the announcement from the police that on Sunday the final day of the Convention, the public meeting will not be allowed to take place, the Christian youth started protesting and the police in return had started beating them and even firing. I asked the person on the telephone to get me the numbers of Ludhiana Deputy Commissioner's home. Meanwhile I contacted our own Deputy Secretary, my Personal Secretary and Vice-Chairman's Personal Assistant in Delhi. But as it was already too late (around 3 a.m., people were still sleeping), therefore it was very difficult for all of us to do much. Anyhow, I waited for another call from Ludhiana, which came and I could get the required telephones of Ludhiana administration. Immediately I telephoned the Ludhiana Deputy Commissioner and asked him about the situation. I told him the situation should be brought under control immediately, for which he told me that his Police Superintendent and Sub-Divisional Magistrate, along with other officers are on the way to deal with the situation. Of course, as usual he also told me that there were provocations from the Christian youth; therefore the police has taken the required action. He also added that his administration has already helped the Ludhiana Christians by giving them the permission to hold this meeting, which according to him could have not been possible anywhere in Panjab. Anyhow he assured me that he will see the situation is brought under control. After this assurance I went back to bed around 3.30 a.m.

At 7 a.m. I had another call from the Christian leaders that the officers from Ludhiana administration came to them after my telephone call and they have worked out a compromise, according to which all the Christian youth have been released from the police custody, except one boy who is missing. I again suggested that they should find out more about that missing boy and inform me and also send a whole written report to the office of the National Commission for Minorities by Monday (October 27th) morning. Also I suggested that they should be in touch with the Commission. In response to my suggestion, the Christian leaders again at 10 a.m. telephoned me and informed me that they have found out about the missing boy, who was actually in police custody and seriously injured, because of the police beating. Because of

this, the police were afraid to release him that by seeing him Christians may create more trouble. But after further compromise, he has also been released now. After hearing this much on the telephone I again suggested them to send the whole report in writing to the Commission for further action. On Monday, 27th of October, the Commission did receive the detail report. Therefore, the case will still go on and the Commission will investigate further on the basis of the information which has been received from the Christians of Ludhiana.

So this much about the recent case, which I decided to share with you, because it tells us very clearly about the place and the kind of problems a minority can face even in a democracy. At the same time this case also reveals that in a democracy, how much positive response a minority can get. This general comment on the recent case of a minority now brings me to the next section of my address in which I will be discussing about the nature and relationship of minorities in a democracy.

II. Nature and Relationship

It seems historically the existence of both minorities and the democracy in human history have lived not only side by side, but also is part of one another. This is the reason why we have to agree with one of the Indian thinkers, Humayun Kabir, when he says: "We cannot have a democracy without minorities without distinct and different groups"(Kabir 1968, p.6). He also says: "In a sense the problem of minorities is a special feature of democracy. Where there is no democracy, the question of minorities as such cannot arise." (Kabir 1968, p.32) Concerning the deeper relationship of minorities and a democracy, Mahatma Gandhi once has said that in a democratic system "a civilization can be judged by the way it treats its minorities" (Quoted in Vijapur & others 1997, p.35).

About the general meaning and nature of the above relationship, one also has to see the meaning of the expression 'democracy' itself. The literal meaning of this expression is usually taken, the rule by the mob (demos). As it is well known, to begin this expression was used in the writings of Greek philosophers Plato and Aristotle and in their writings it was used more in the negative sense. In fact the two expressions 'democracy' and 'mobocracy' were interchangeable. This kind of negative connotation of this expression continued for a long time. But today the situation has changed completely and now almost every state in the world would like to claim their being as democratic in nature. According to Humayun Kabir there are three important features, which any democracy should carry in it, if it claims to be a democratic. These three features are: an equality of rights and duties for all citizens, equalisation between rights and duties, and the distribution of power among different agencies and centres (groups or communities). The last feature places the minorities in its rightful place in a democracy. (Kabir, 1968, pp.6-8) These three features of a democracy, the Indian Constitution has tried to bring in its text, which will be referred in our later discussion of this address.

Further to understand the nature or concept of minority one can also refer to two of the biblical events, which are, the tower of Babel (Genesis 11:1-9) and the story of the day of Pentecost (Acts These events took place at the time, when two imperial powers were at their height at different times of human history namely Babylonian and Roman. But both these events are opposite in nature. According to the event which took place at Babel, the imperial power of Babylon made an attempt to build a one world order based upon mono-language, mono-culture, and possibly mono-religion. But as this plan of the imperialist power of Babylon was not part of the natural order (created by God), so God himself has to intervene in this affair in order to preserve the multiplicity of languages, peoples, cultures and religions.

The second event of the day of Pentecost brings to us very forcefully the basic idea on which the concept of minority is based. Here according to this event on the day of Pentecost, people from many countries and nations were present, and when the Holy Spirit came upon the believers and afterward the message which they delivered was understood by everyone. This is what the listeners said while showing their amazement: "These people who are talking like

this are Galileans! How is it, then, that all of us hear them speaking in our own native languages? We are from Parthia, Media, and Elam; from Mesopotamia, Judea, and Cappadocia; from Pontus and Asia, from Phrygia and Pamphylia, from Egypt and the regions of Libya near Cyrene. Some of us are from Rome" (Acts 2:7-10). The second event, which took place on the Day of Pentecost presents the truth about the need of diversity on one side, and unity on the other side, because this is the principal upon which the concept of minority has been accepted in the Indian democratic system, which has reflected in the text of Indian Constitution. In the text of Indian Constitution attempt has made to bring balance between the national unity, and with the culture and social diversity. We will be referring to this Indian reality in our later discussion.

III. Formation and Responses

On the question of minorities, one important point we need to keep in mind is that the issue of minority has been existence even in the ancient time of human history also. But it is also true that this issue has taken its present form only in the 19th and 20th centuries particularly with the formation of the League of Nations and the United Nations after the last two world wars. Under these two global bodies the various international peace treaties, charters and covenants as a response to the problems of different minorities (religious, linguistic, cultural, ethnic and political) came into existence. To most of the charters and covenants, all the major countries, (including India) are signatories. Therefore, it is important for us to get some grasp of the formation history of minorities in the world and the global response to the same. Therefore, first we will discuss it in a global context and then see how the minorities get formed in an individual country, and how that particular country responded to the same. For our specific case I as an Indian have taken the case of my own country India, because the uniqueness of her context to me India can offer a possible best working model to deal with the problems arising out of the issue of minorities and majority situation. Therefore the discussion of this section has been divided into the following two parts: a) in global context and b) in Indian context.

In Global Context

Both at the global as well as national level the issue of minorities is both ancient and modern. Also basically the question of the formation of the minorities is connected with the movement of peoples from one place to another, from one country to another. The reason behind such a 'movement' can vary from case to case. For example, the well known biblical case of Israelites (Jews), according to which they moved from the land of Canaan to Egypt and it was because of famine. But later on, these Jews took the form of a religious minority and they suffered from the hands of the majority in Egypt (Genesis 37-50, Exodus 1). There are numbers of other examples both of religious and ethnic minorities one can quote including the Samaritans in ancient Palestine and Christians in early Roman Empire.

In Europe, the question of ethnic minorities arose, because of their importance in politics during the 19th century and of the rise of nationalism based upon the idea of all joining (particularly minorities) the mainstream line based upon a life style of majority. Such idea was opposed by minority groups, particularly living at the border areas in different countries. Before the First World War this problem was faced specially in Austria, Hungary, Turkey and Russia. During the war, both opposing parties offered a number of promises for the protection even to offer autonomous states to the minority groups. Because of such promises a few new states came into existence with the readjustments of political boundaries, which included Hungary, Poland and Austria. By this time League of Nation also came into existence, which took the responsibility of handling the problems of minorities.

Under the League of Nations between 1919-1923 number of treaties took place among different European parties, which included: (I) Treaty of Peace between the Allied and Associated Powers and Germany (Treaty of Versailles), 23rd of June, 1919; (II) Treaty between the Allied and Associated Powers and Poland on the Protection of Minorities, 29th of June, 1919, (III) Treaty of Friendship between Russia and Turkey, 16th of March, 1921; and (IV) Treaty of Peace with Turkey (Treaty of Lausanne) 24th of July, 1923. These treaties were important to deal with the immediate problems of the time when these were made, but also that laid down the future basis of the positive understanding and responses to the problem of the minorities in general. For example the echoes of one of the above treaties of 29th of June, 1919 and its article 8, one can find in number of future charters, covenants and conventions, both at the World as well as national levels. This article 8 reads as follows: Polish nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact on the Polish nationals. In particular they shall have an equal right to establish manage and control at their own charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

After the League of Nations, the United Nations came into existence after the Second World War and from 1945 onward it took upon itself vigorously to deal with the problems of minorities in the world. The definite action, which the United Nations took with regard to the concerns of the minorities, came, first, in the form of charters and covenants and the second, in the form of declaration and conventions. The most important among these includes: Charters of the United Nation, 1945; Universal Declaration of Human Rights, 1948; Convention on the Prevention and Punishment of the Crime of Genocide, 1948; International Convention on the Elimination of all forms of Racial Discrimination, 1965; International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights, 1966; Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, 1981; and Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992. Beside these important charters, conventions, covenants and declarations, there are number of workshops and studies which internationally, the United Nations undertook for the understanding and the implementation of minorities' rights. Because of the length and scope of this address, it is not possible to deal with the content of these documents except to quote from one of the most important descriptions of the rights of the minorities given in article 27 of the "International Covenant on Economic, Social and Cultural Rights & International Covenant of Civil and Political Rights of 1961", which reads as follows: In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

The United Nations, did not only state in its various documents the rights only, it really went beyond than that. For example it undertook a special study about the implementation of above article 27 in 1971. A Special Rapporteur Francisco Capotorti was appointed to do this study. The report was submitted in 1977. This study report is very important, because it studied all the aspects of minority rights and problems. For example for the purpose of article 27, it gave a definition of minority, which more or less can be taken as a universal definition, which reads as follows: A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, region or language.

The Francisco Capotorti's study of article 27 also summarises the responses or solutions to the problem of minorities adapted by the different countries under the following four categories:

(I) constitutional recognition of the existence of distinct groups and of the right of their members to the special regime, particularly with regard to the development of their culture and the use of their language, (II) recognition of certain minorities and safeguards for the special rights of their members on the basis of adhoc international juridical instruments; (III) implicit recognition through law & administrative measure concerning development of the culture of certain linguistic groups; (IV) non-recognition of minorities with municipal legal order - which may go with either a political attitude of utter denial of the existence of such groups or an official attitude of neutrality, which allows culture or linguistic measure to be taken privately (Ansari (ed.), 1996, p.262). The above extracts from the Capotorti now brings us to the next section of my address.

In Indian Context

Formation of National Minorities:

The formation of the minority group in Indian context also took place, because of the same basic factor of the 'movement' of the people. The first such historically known group was the group who addressed itself as 'Aryan', who moved into the land of today's India around 1500 B.C. according to the story of their movement into India found in the text of the most ancient text of Rigveda. These Aryans subdued the earlier settlers, who later on with the time became completely powerless and a non-dominant group. The earliest Indian settlers, who took the form of two oldest Indian minorities, were the people, who today address themselves as 'Dalits' and adivasi (original inhabitants). After these, the two religious minorities so came into existence between 563-483 B.C. namely Buddhists and Jains. These two religious minorities came into existence as a result of the protests of the Mahavira (540-468 B.C.) and Gautama Buddha (563-483 B.C.) against the supremacy of Brahmans (priestly caste of Hindu religion).

The other known national religious minorities are Muslims and Christians. The formation of Muslim as a minority is linked with the coming of Muslim invaders from A.D. 712 onward. Among the Muslim, we are having members of this community who emigrated from outside India during the Muslim period of rule in India between A.D.712-1700. But a large section of the Muslims are those who got converted from the lower and weaker sections of our Indian society.

But prior to the Muslim coming into India two other religious groups also moved in the southern part of India. These were Christians and Jews from Middle East Asia who also got themselves established in the very early part of this century. In the 7th century A.D., the other religious group which got emigrated from Persia was the Parsees, who were the followers of Zarathustra. Then during the 15th century A.D. one other regions group came into existence namely Sikhism, which got established by the end of the 17th century as a separate religious group. (See for details Massey 1995, pp.38-49)

As it stands today there are five religious minorities, which have been given the official status of National minorities, which includes: Muslims, Christians, Sikhs, Buddhists and Parsees. According to the Census of India 1991, their percentage and population are as follows: Muslims 12.12% = 101,596,057; Christians 2.34% = 19,640,284; Sikhs 1.94% = 16,259,744; Buddhists 0.76% = 6,387,500; Parsees = 76,383.

The total population of the country in 1991 was 838,583,988, out of which majority Hindus were 82.00 percentage of the total population numbering 687 646 721. Among the religious minorities, which do not enjoy the official status are the following three groups: Jains 0.40% = 3,352,706; Bahais - 5,575; Jews - 5,841.

The National Response

As far as India is concerned, she has not only recognised the existence of certain minorities official status, but has also offered the special safeguarding provisions in her Constitution, along with the following general rights for all the citizens including the members of minorities:

Article 14: Provides the equality before the law.

Article 15: Prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth

Article 16: Equality of opportunity in matters of public employment

Article 21: Protection of life and personal liberty

Article 25: Freedom of conscience and free profession, practice and propagation of religion

Article 26; Freedom to manage religious affairs

Article 27: Freedom as to attendance and religious instruction or religious worship in certain educational institutions

Beside the general basic rights, the Indian Constitution offers the following special rights to the minorities:

Article 29: (1) Any section of the section residing in the 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 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.

Article 30: (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice. (2) The State shall not, in granting aid to educational institutions, discriminate against any education and institutions on the ground that it is under the management of a minority, whether based on religion or language.

There are also special provisions made for the linguistic minorities in the following articles of the Indian Constitution:

Article 350 A: Facilities for instruction in mother-tongue at primary stage.

Article 350 B: Provision for a Special officer for linguistic minorities.

The Government of India also has officially provided number of instruments, which are supposed to look into both the implementation and also to provide safeguard to the rights of the minorities. Two of these instruments are:

1. The National Commission for Minorities (NCM)

The first instrument created by the Central Government of India is the National Commission for Minorities. This Commission actually came into existence in 1979, but at that time it was a department of the Home Ministry of the Government of India for some time and later on it got attached to the Welfare Ministry till 1991. It was in 1992 the Parliament of the country passed a bill into an Act and gave the full statutory status through the National Commission for Minorities Act 1992. In the Act the functions are also given, which are:

- a) evaluate the progress of the development of minorities under the Union and States;
- b) monitor the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the State Legislatures;
- make recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the Central Government of the State Governments;
- d) look into specific complaints regarding deprivation of rights and safeguards of the minorities and take up such matters with the appropriate authorities;
- e) cause studies to be undertaken into problems arising out of any discrimination against minorities and recommend measures for their removal;

- f) conduct studies, research and analysis on the issues relating to socio-economic and educational development of minorities;
- g) suggest appropriate measures in respect of any minority to be undertaken by the Central Government or the State Governments;
- h) make periodical or special reports to the Central Government on any matter pertaining to minorities and in particular difficulties confronted by them; and
- i) any other matter which may be referred to it by the Central Government.

With regard to the functions (a), (b) and (c), the Commission has been also given all the powers of a civil court.

2. National Minorities Development and Finance Corporation (NMDFC):

The second instrument, about which I want to make a brief reference, is the NMDFC, which came into existence on the recommendation of the National Commission for Minorities, to the Central Government of India, which established it on 30th September with the following objectives:

- i) to promote economic and developmental activities for the benefit of 'backward sections' amongst the Minorities, preference being given to the occupational groups and women;
- ii) to assist, subject to such income and or economic criteria as may be prescribed by the Government of India from time to time, individuals or groups of individuals belonging to the Minorities by way of loans and advances, for economically and financially viable schemes and projects;
- iii) to promote self-employment and other ventures for the benefit of Minorities;
- iv) to grant loans and advances at such rates of interest as may be determined from time to time in accordance with the guidelines or schemes prescribed by the Central Government or by the Reserve Bank of India;
- v) to extend loans and advances to the eligible members belonging to the Minorities for pursuing general/professional/technical education or training at graduate and higher levels;
- vi) to assist the state-level organisations dealing with the development of the Minorities by way of providing financial assistance or equity contribution and in obtaining commercial funding or by way of refinancing;
- vii) to work as an apex institution for coordinating and monitoring the work of the Corporation/Boards/other bodies set up by the State Governments/Union Territory Administrations for, or given the responsibility of assisting the Minorities for their economic development; and
- viii) to help in furthering the Government policies and programmes for the development of Minorities.

Besides these two instruments, there has also existed a special programme known as 'Prime Minister's 15 Points Programme for Minorities' since 1993. It deals with the problem of the communal riots, the recruitment to State and Central Services, and various other measures which include the other programmes carried on by the Government to be shared with minorities. There are number of other programmes and measures, which the Government of India has introduced for the development of minorities, including offering special developmental programmes in a substantial number of minority concentrated districts in the country. But this much may be enough to give the idea of the national response of India to the minorities in the country.

Concluding remarks

It seems I have already taken much of your time while dealing with my given subject. Therefore I do not want to say much as part of my concluding remarks. But still the following points I want to make before closing my address.

1. The problem of the minorities in different categories have been existing from the ancient time, so it is not in one sense a new problem only of our time.
2. The last response to the minority situations is to have a democratic system, because without that minorities cannot get recognition. For this we need to stress more and more on the principles of 'unity in diversity' or 'pluralism in togetherness.
3. Finally, it is true much has been done in order to tackle the problem of minorities, both at the global level as well as at the national levels.

But from the case history stated in the beginning of this address, it becomes very clear all is not well, as looks from the global and the national contexts. The improved methods to deal with the problem of majority and minority always have to be tried on. Therefore our experience both at the national and global level have to be shared more and more with one another. This is exactly the purpose of this my visit, this time to Europe.

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