

Minorities in Indian Democracy

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DIVISIVE FORCES GROUNDED on race, religion and language stood threatening the unity of the country when constitution-making was undertaken. Those who framed the Constitution were conscious of the stupendous task of converting a traditional society, stratified into numerous social groups, bound by the usages and conventions prevailing in them and owing allegiance to them, into one united political community. That task was to provide the members of these groups a sense of belongingness to a common political community, a sense of identity and loyalty towards such a community.

Considering the past history and its compulsions, the existence of groups bound by ties of race, religion and script, it was impossible to have one segregated society. The constitution-makers had, therefore, to provide for a plurality of groups, co-existing with each other on the basis of mutual respect and confidence. There is a clear commitment in the Preamble to the Constitution to that effect, which, while setting up a sovereign democratic republic, the assumption of which is a united political community, assures at the same time to the each individual liberty of thought and expression, belief, faith and worship, equality of status and opportunity, promoting through such liberty and equality, fraternity amongst all leading ultimately to unity of all of them. The assurance given in the Preamble is then translated into specific provisions, significantly contained in the chapter on fundamental rights. The assurance is thus fundamental, something abiding and not to be lightly interfered with. The commitment is thus to a plural society, to a composite culture, subsisting on diversity of faiths and languages.

It is because of such a commitment that besides the guarantee in article 19 of the freedoms held elementary in all democratic societies, the Constitution through articles 15 to 17, and articles 25 to 30 ensures guarantees against discrimination on the ground of race, religion or caste, freedom of faith, both in-

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dividual and corporate, abolition of untouchability, impartiality of the state towards all religions, and lastly, the right to set up and maintain cultural and educational institutions by minorities, whether based on religion or language, so as to enable them all to conserve their respective languages cultures and scripts.

These provisions were inspired by and are consistent with the Indian tradition of religious tolerance and the spirit existing throughout our history, of what Spear calls "the absorptive feature" of the religion of the majority. This spirit is not merely negative resulting in toleration of other faiths and cultures, but in something which is positive and even dynamic, for, it not only seeks to discover in them fundamental values but also to absorb into itself all that is of utility to itself. By incorporating the freedom of faith and conscience, insurance against state discrimination on the ground of race, religion or language, the guarantee of the rights of minorities to establish and maintain their educational and cultural institutions and financial aid by the state in the chapter on fundamental rights, these freedoms have been welded into the fabric of the comprehensive theme of liberty and equality in the Constitution.

While ensuring these freedoms, both individual and corporate, two paramount values have been projected by the Constitution: (1) a common citizenship, irrespective of race, religion or language, based on a common civil law, thus, welding the individuals into a civil community, and (2) justice, social and economic, to those who, for historical and other reasons, are trailing behind and have been and are still suffering from handicaps and disadvantages.

With the various faiths and religions, not being institutionalised as in countries in the west and the need for safeguarding against the diverse social and religious groups falling apart and remaining aloof from each other, the Constitution frankly stresses the necessity of a positive role by the state. That is why Indian secularism, reflected through articles 25 to 30, could not build a wall of separation between the state and church. It had to be of a different variety and of a different structure wherein the rights of the church had to be subordinated to the paramount needs of public order, morality, decency and health and to the need for the state to regulate at least the secular and the non-essential religious affairs of the church. It is felt, however, by some scholars who have made the study of Indian secularism that there is a danger of the state overdoing its regulating role and gradually sliding into a position where in pre-British days it was not only a mere supervisory but a manag-

ing authority even financing the religious institutions. That undoubtedly is not the role assigned to the state by the Constitution.

The various qualifications engrafted to the rights in Part III of the Constitution are meant to reconcile the freedom of faith and even the inhibition against discrimination with larger interests of the society, such as public order, morality, decency, social reform, etc.

During the last 20 years, various measures have been made to achieve the dual aim of the Constitution, from reorganizing states on linguistic pattern to the making of Hindi as the official language. What tremendous hold parochialism has in Indian society is seen from the fact that a demand for formation of states on linguistic lines came almost simultaneously with the recognition of Hindi as the national language in the Constitution. The claim was that the establishment of such state would lead to stability and an opportunity for each linguistic group to foster its own culture. Whether these claims have proved right or not is a matter of debate. There is, however, a feeling that setting up of states on such a pattern has accentuated tensions not only between majority and minority groups within such states but also has led to new domiciliary concepts dangerous to the country's unity and tensions in Centre-State relations. The concensus on a national language still awaits achievement. For the time being, the question has almost turned into South-North relations. The problem of untouchability, in spite of the declaration of its abolition in the Constitution, continues to plague the country. The feeling of frustration and of being left out from the mainstream of national life persists amongst the minorities, threatening thereby the unity of the country. A uniform civil code, upon which the principle of common citizenship rests, remains yet a dream, its accomplishment being made more and more distant by throwing it into the vortex of communal politics. There are a number of persons who feel that the divisive forces which threatened national unity twenty years ago, have remained as divisive as before, if not more. Consequently, a sustained effort towards creating faith in the democratic way of life and integration was never more essential than in the present times.

The country committed itself to the dual principle of a composite culture and of plural society on the one hand, and of a governmental system based on a united political organization, resting on a uniform civil law and a common citizenship irrespective of religion, creed or language of the citizen. It is from

the point of view of that commitment that any serious and purposeful discussion on the problem of minorities and democracy can be undertaken.