

Preface

THIS VOLUME CONTAINS selected papers presented and discussed at the Seminar on Law and Minorities in India organised by the Indian Law Institute at New Delhi from April 24 to April 26, 1971

The Preamble of the Indian Constitution contains the resolve of the people of India to secure Justice, Liberty, Equality and Fraternity among the people of India. India is composed of various linguistic, religious, cultural and economic groups, but the Constitution of India is based on the faith that these diversities will not in any way imperil the unity of the country. Minorities have no place in a totalitarian regime where everything exists for the state and minorities have to submerge themselves in the state itself or the dominant will of the ruling class. No distinct groups are recognised and no such groups are allowed to flourish and develop in such a regime. In a democratic society, however, minorities are to be given due expression of their freedom of action without at the same time disturbing the fabric of national unity. Diversity in unity is the basic question of a democratic society containing different groups. Sometimes the separate interest of a group may clash with the group interests of the society as a whole. In such a condition the former may have to yield to the latter. But the essential task of law in a democratic set up is to ensure that social relationship between the dominant group and the minorities is smooth and is not suffused with fear, suspicion, anger and hate.

In a plural society not only is there the problem of equality and equal freedom to all, but also certain backward groups may have to be given some preferential treatment so that economic and social justice may operate in the whole society. It is in this context that the Constitution authorises the state to provide special benefits and preferences to certain sections of the population—to reserve posts in government services, to reserve seats in legislatures and local bodies, to reserve places in public institutions and so on.

The Seminar had the following five sessions :

1. Minorities in Indian Democracy and National Integration.
2. Untouchability and Protective Discrimination.
3. Religious, Cultural and Educational Rights of the Minorities.
4. Personal Law Reforms and Uniform Civil Code.
5. Law and Order Problems of the Minorities.

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