CHAPTER I

STATEMENT OF THE ISSUE AND METHODOLOGY
INTRODUCTION

Of late there has been a lot of animated discussion in Indian politics about the minorities and their rights. These discussions often center around the growing impact of religion in the socio political life especially its fundamentalist overtones in politics. The discussion is also about the need and relevance of constitutional safeguards for minorities especially in the educational field for establishing and administering educational institutions of their choice. These discussions are in a way bifocal. On the one hand they force the minorities for an introspection as if they require a more definitive assurance for preserving their identities. On the other hand some among the majority feel that the minorities are given a preferential treatment and the rights given in the educational field are used beyond their envisaged scope. Further there is a fairly widespread opinion that the religious minorities are given a status above that of the larger mass of citizens.

There has been significant discussion about the linguistic minorities too who are spread over in all the states of India. It does not seem that the linguistic minorities are satisfied with their given predicament. Naturally they clamour for more protection while politics and law tend to restrict the same. Here too two contradictory arguments are expressed. One accuses the majority of attempting to suppress the language and identity of the minority through numerous stratagems, while the other accuses the minority of marginalising and dominating over the majority. An expression of the latter is the 'sons of soil' attitude which demands preference for local people in employment.

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1. see Mayron Weiner - *Electoral Politics in Indian States*, New Delhi, Manohar, 1975
   Siwach J.R. *Dynamics of Indian Politics*
   New Delhi, Sterling, 1986.
Ethnic minorities variously named as per the perspective one bears on the issue such as national minorities, subnationalisms or nationalities, is one of the glaring fact of India's political life. It is difficult to bring them all under a single rubric. They range from those demanding national self-determination in Kashmir and Punjab, and to those upholding tribal nationalisms in the North East. Often religious and linguistic susceptibilities reinforce their feeling of a distinct identity. Recently there has been an attempt to counter it by resuscitating a form of majoritarianism as represented by the Bharatiya Janatha Party- Rastria Swaymsevak Sangha - Vishwa Hindu Parishad combination.

Further the Indian social system as embodied in the caste system has continuously thrown up social groups on the

1. For ethnic nationalism in general, see,
   Donald Horowitz, Ethnic Groups in Conflict, Berkely and Los Angeles, University of California 1986
   Clifford Geertz, The Interpretation of Cultures-Selected Essays, New York 1973
   With respect to studies on India on this issue one can cite the work of Paul R. Brass, Languages, Religion and Politics in North India, Cambridge, Cambridge University Press, 1974.
political platform who have claimed themselves as minorities of sort and have made a theoretical and political case for the same. The most important case in this regard is Ambedkar’s categorisation of the depressed classes as a political minority in India. But the advocacy was not confined and subsequently is not, merely to this section of the society. Various castes and caste conglomerations have often described themselves as minorities.

This minority phenomenon which we call as minoritism has been telling on the conception of the unity of the country. There is a strong trend of minoritism emerging from among the various minority communities. Often an accusation is heard that the minority feeling is encouraged even by a section of the majority itself.

This predicament calls for a clearer understanding of the concept of minority in general and specially about the minority issue in the Indian Context. What then is meant by minority? Which classes of citizens can justifiably constitute a minority? Such issues remain extremely

1. On this issue see, B.R. Ambedkar, What Congress and Gandhi have done to the untouchables, Bombay, Thacker & Co., 1945.

2. This is one of the popular accusations of the Bharathiya Janatha Party against Indian National Congress. see, B.D. Graham, Hindu Nationalalism, Cambridge, Cambridge University Press 1989.
pertinent. They constitute the thematic background of this study.

Political thinkers in post-renaissance era tended to distinguish between various social groups on the basis of different criteria with respect to their rights and obligations. The notion of majority and minority became significant in liberal political thought. The problem was to identify the agency from which the sanction to political authority is derived or on which it is based. Once the divine right theory and other theories that justified political authority came to be attacked, ideologies that argued for popular legitimacy to political rule increasingly sought acceptance. In this context the concept of majority as the criterion to identify popular legitimacy began to be stipulated. But liberal thinkers who accepted the doctrine of natural rights were concerned that majority might override the natural rights of the minorities. As a result they demanded that the rights of minorities must be protected. Therefore the notion of majority and minority within the liberal framework assumed clearcut political overtones.

In the above perspective, the whole notion of majority and minority does not have a fixed social basis nor does it refer to a particular social group. Therefore there is the possibility of the majority converting into a minority and
vice versa. But what happens when traditional identities get catapulted into the political arena without being first transformed by what is today termed as modernity. In such a case these notions get displaced and begin to denote structured social and religious groupings. Thereby the notion acquires a great deal of ambivalence. We explore these issues in terms of the development of political thought and Indian nationalism.

In the Indian context the problem of minorities is further to be posed in the context of British colonialism. Colonialism had different impact on the Hindus and Muslims overtime as well as in terms of its ideology. The British Colonial policy saw their empire as primarily constituted of religious communities and attempted to allocate a great deal of focus on the same. It extended over a period a differential patronage to groups based upon such identities and in the colonial context its impact was not insignificant. Although community based and focussed politics may not have been created by it, it definitely strengthened the same. Communal representation instituted almost coterminus with the inauguration of popular representation remained the predominant institutional political expression of a minority during the period. Further parties and political demands emerged on this basis including later the argument that the Muslims are a separate nation in India. In fact it is said that Indian secular and liberal nationalist approach could
not advance an effective response to the complexities of minority problem in India. Therefore the problem of minorities that developed during the national movement was very distinctive and could not be easily harmonised within the liberal framework. We consider these developments in the discussion on Indian nationalism.

The makers of the constitution were sensitive to the sociological fact of minority in India and their historical shaping especially during the British period. However they widely differed in their perceptions of the same and the consequences they have and would likely to have for the social relations in India. Further they had the herculean task of identifying the minority groups that needed special safeguards. The highly prismatic nature of the Indian Society made their task more complex. The way they provided the constitutional expression of the minority was indelibly marked by such ambivalences. An analysis of the constituent assembly debates is made to focus on the different elements making up this ambivalence.

Besides in the wake of partition and the communal riots a particular notion of the minority thrusted itself on the practical agenda of the Constituent Assembly. While article 29 recognises only religious linguistic and racial minorities, when it came to granting certain special safeguards the scope was further limited to religious and
linguistic minorities. They were delimited to "establishing and administering educational institutions of their choice".

The tenor of the Indian Constitution is that it does not treat the scheduled Castes as a typical minority. It is a class or section of the society which is to be brought on par with the mainstream. Hence certain special considerations in the form of preferential treatment were given to them for a specifically limited period. In other words as and when they are brought to the level of others, the preferential treatment is to be discontinued. Whereas the safeguards in the forms of rights given to the minorities are to continue almost permanently. These minorities were not expected to be fully 'merged' with the majority and they have a right for their specific identities. This is why the constitution did not specify any time limit for the enjoyment of minority rights whereas the reservation for Scheduled Castes was only for a specific period. However, such distinctions were not always made and even such leaders like Nehru believed that minorities could

1. This attitude towards untouchability was part of the nationalist movement. For the manifestation of such an attitude, see, Pyarrelal, The Epic Fast, Ahmedabad, Navajeevan, 1936
eventually merge in the national mainstream. However, the above distinction brought out by the makers of constitution enables us to treat linguistic and religious minorities separately from the Scheduled Castes and Tribes. This study acknowledges this distinction and narrows down the scope of the study only to that of religious and linguistic minorities with respect to the empirical enquiry.

Minority rights have been a subject of constant and recurring litigations which called in the judiciary to impart its own interpretation of these rights. Invariably articles 29 & 30 were brought before the higher judicial organs on different occasions by the contenting parties. In this study we examine the scope of these two articles in view of the pronouncements made by the higher courts in India. All the relevant cases that have come before the courts pertaining to this issue are examined and their implications suggested, wherever need be.

Today minority rights are highly institutionalised and begin to shape representative politics in India. We explore the perceptions of these rights by two major religious communities, the Muslims and Christians in Kerala in the context of competitive party politics. We have selected 1

Kannur District for this purpose where both these communities are tellingly present in the political dynamics of the place. One of our underlying assumptions is the way these structured communities perceive the minority rights is a major statement on the political system in India and constitutes a significant element of the political dynamics of the nation as a whole.

This writer has been familiar with the social milieu of the Kannur district for the last many years. Such acquaintance could be a mixed bag of strength and weaknesses. The principal strength has been a sort of instinctive understanding of the various social groups, their leadership organisations and modes of functioning. It includes religious groups as well. Such strength has been fully utilised in understanding critically this empirical universe. The weakness of course, lies in terms of different types of prejudices and extolling common sense to which one is a prey in a situation of prolonged acquaintance. There is also the possibility of providing a relatively clean chit to the social group one belongs. A serious attempt has been made, however, to avoid such subjective follies although today we know that in social sciences any absolute neutrality is a far fetched dream.

In the background of the experience of the locality and a critical review of the secondary literature on the topic
under study, we have drawn out a formal schedule to gather empirical data from both Christians and Muslims on a random basis, while keeping in mind the various social cleavages existing in these communities. The formal schedule has been supplemented by informal interviews with the acknowledged leaders, both religious and political of both these communities. We have also tried to gather the views and assessments of representative Hindu sections of this locality regarding minorities in general and minority rights in particular. We have also met several leaders outside the district all over Kerala in informal exchange of views on this issue.

The above observations and assessments are seen in the context of a critical view of the relevant literature on Kerala both in English and in Malayalam. Further we have extensively used the documentation on the issue of study available in the Malayala Manorama and the Deepika archives. It is needless to add here that both these major publishing houses are institutions under the control of minority groups and often have taken a favourable view of their rights. Sometimes they have championed the cause and have been major opinion makers on this issue in Kerala.

1. Details of the same are provided in Chapter VI. The questionnaire has been reproduced in Appendix No. 1.
The information gathered from the formal schedule has been processed and tabulated according to the standard procedures. There has been some problem though, especially with regard to such queries that dealt with abstract concepts or when the alternatives provided to the interviewed had only highly nuanced differences. Under such conditions and wherever possible we have tried to intervene to provide clarity.

THE DEFINITION AND CLASSIFICATION OF MINORITIES

Though the existence of minorities is a universal phenomenon the raison d'être is varied in different situations. The issues differ and also the approaches. In some countries minorities are recognised and they are guaranteed of a civil life on par with the majority who wield power in the political set up. In some other countries minorities are perceived as a national nuisance and as a hindrance to the progress and prosperity of the nation. There are cases where minorities are severely persecuted and forced to fall in line with the desiderata of the majority. On one side there is the pseudo nationalist feeling which demand the minorities to be fully merged with the majority. On the other side minorities are treated as essential ingredients of the basic structure of the civil society.

But in a democratic perspective a basic equality of rights for all irrespective of language, religion, race or
sex are essential elements. Only in such a set up one can expect full recognition and protection for all minority groups. The more a system is totalitarian the more severe will be its insistence on minority groups to be assimilated and merged into the main stream or to isolate and denounce them. In not so well rooted democracies there may be a facade of assurances to the minority groups, most of them might remain as symbolic show pieces for the outside world.

The Britannica Encyclopaedia defines minorities as "groups held together by ties of common descent, language or religious faith and feeling themselves different in these respects from the majority of the inhabitants of a given political entity". This definition limits the scope of minorities to three categories i.e. ethnic, linguistic and religious groups. Moreover the second part of the definition is confusing because there may be groups whose religion or language might be different from that of the majority, but they may not be aware of this very fact. The "feeling" a psychological and subjective reaction to the situation cannot be treated as an essential determinant. In that case we have to look at the minority as a group whose religion, language or race is different from that of the majority.

But certain Sociologists do not agree with this approach. According to them "minority is a group of people differentiated from others in the same society by race, nationality, language or religion who both think of themselves as a differentiated group and are thought of by others as a differentiated group. Here three aspects come to the fore.

1. They must be different from others in the same society by race, nationality religion or language.
2. They must think of themselves as different from others.
3. Others think that this group is different.

Here the stress is on attitudes. There must be conscious demarcation from the larger group leading to group identification. It involves exclusion and inclusion on grounds of supposedly common characteristics and their absence."

"Think of themselves as different from others" or a "feeling that they are different from others" is primarily a subjective disposition. The intensity of this feeling may depend sometimes on the discrimination imagined or anxiety to maintain their ascribed distinctive existence. The feeling may be intense if they are unwilling to assimilate with the rest of the community. The unwillingness again may

be keeping the differences alive or it may be to overcome certain inconveniences in assimilating with the majority.

It is interesting to examine how the minorities construct their own self-consciousness. They may think that they are socially and economically subordinate to others. They may believe that they suffer from discrimination either from the state or from others. They sometimes suspect that they are kept away from the corridors of power. There may be element of mistrust. Economic subordination or denial or absence of such opportunities may reinforce their feeling of being apart. Minority consciousness is often in inverse proportion to the degree of availability of services, benefits and concessions from the state. An individual member may not feel much attached to the group identity as such, but he may constantly struggle to manifest his group identity in order to secure certain benefits.

Political and social majorities may construct their own stereotypes about minorities. An enlightened and civilised approach that the minorities are also sons of the same soil and that they too have equal rights and opportunities, may not find general acceptance in the majority. Attitudes such as denoting them as "outsiders", remnants of the invaders or as unauthorised occupants are quite widespread. Even if no privilege or special safeguard is given, the bestowing of any rights to minorities, even that which is common to all
is taken as if the majority is doing a great sacrifice and as if something is given to someone who does not deserve and who may not make use of them prudently. From a political perspective the minority is apprehended as a group who unnecessarily and undeservedly bargain for a disproportionate share in power.

RELIGIOUS MINORITIES

Among all kinds of minorities, it is the religious category which has generally considered itself as ill treated the most, treated with the most severity, and persecuted for the longest period. Most of the religions especially the Semitic ones which claim special revelation tend to advocate and persuade their followers to believe that one's own religion is the best and the only right one. This is an open invitation to deride other religions.

In several countries religious identity is used to subvert a smooth civil life. It is not rare for co-religionists to intervene on behalf of the followers of a religion even across national frontiers. From the later part of 19th century religious sectarian animosity in Europe between the Catholics and other Christian sects is less telling in the political arena, although there are

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1. Hans Kohn, op. cit. p. 553

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institutionalised practices based on them. However credally different religions like the Jews and Muslims may not be said to be on the same boat. However what is true is the creation of a large enough area which can be denoted as secular regulating the civil and political space. This is however not true when we move into the outer peripheries of Europe as in Lebanon, Israel and even in the emerging situation in Soviet Russia. Religious minorities are strewn large throughout the world today, not necessarily enjoying everywhere certain rights enjoyed by the majority.

As far as India is concerned Hinduism is the religion of the majority. 82.7 percent of the Indians are Hindus. They are the majority in almost all states and union territories. But they are less than the national average in the following states.

1. For instance the unwritten constitution of Britain forbids a Catholic from being the Crown see, Ivor Jennings, British Constitution, Cambridge, Cambridge University Press 1950.

2. One of the important issues in this connection is 'that related to what has come to be known as the 'Salman Rusdie affair' following the publication of his book 'Satanic Verses'.

3. The Census details given in this chapter are from Census of India, 1981, Series I, India, Part II A, General Population Figures - Published by Census Commissioner, India.
1. Kerala 59.41 percent of the state's population
2. Manipur 58.97%
3. Punjab 37.54%
4. Jammu and Kashmir 30.42%
5. Meghalaya 18.50%
6. Nagaland 11.43%
7. Lakshadeep 4.86%

Muslims constitute the major religious minority. According to 1981 Census 11.3 percent of the Indian population are Muslims. In the following states and union territories they are more than the national average

1. Lakshadeep 94.37 percent of the state's population.
2. Jammu & Kashmir 65.85%
3. Assam 24.03%
4. West Bengal 20.46%
5. Kerala 19.50%
6. Uttar Pradesh 15.48%
7. Bihar 13.41%

The Christians form 2.5 percent of the total population. Out of this 60 percent are in the southern states of Kerala, Tamilnad and Andra Pradesh. The other states with major Christian concentration are,
<table>
<thead>
<tr>
<th>State</th>
<th>Religion</th>
<th>Population of State's Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Nagaland</td>
<td>Sikhs</td>
<td>66.76%</td>
</tr>
<tr>
<td>2. Meghalaya</td>
<td>Sikhs</td>
<td>46.98%</td>
</tr>
<tr>
<td>3. Goa</td>
<td>Sikhs</td>
<td>31.77%</td>
</tr>
<tr>
<td>4. Anadmans</td>
<td>Sikhs</td>
<td>26.00%</td>
</tr>
</tbody>
</table>

1.96 percent of the Indian population are Sikhs. They are mainly concentrated in Punjab and 79 percent of the Indian Sikhs live there. 60 percent of that state's population belong to this religion. In Haryana 6.29 percent are Sikhs.

There are five million Buddhists in India. They form less than 1 percent of the total population. 85 percent of the Buddhists live in Maharastra and they constitute 6.4 percent of the State's population. In Arunachala Pradesh 13.3 percent are Buddhists.

There are only around three million Jains in India and it is less than half percent of the total population. In Rajasthan, 2 percent of its population are Jains. In Gujarath 1.6 percent are Jains. There are around 1.5 lakh Parsis in India. They are an advanced and economically prosperous community. They are concentrated in Gujarath. There are Anglo Indians who constitute another minority community in India. They are persons of mixed descent of Indians and Europeans. Most of the Anglo Indians are Christians and their mother tongue is English.
The following is the distribution of the population of India—religion-wise

<table>
<thead>
<tr>
<th>Religion</th>
<th>Population</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hindus</td>
<td>549779481</td>
<td>82.64%</td>
</tr>
<tr>
<td>Muslims</td>
<td>75512439</td>
<td>11.35%</td>
</tr>
<tr>
<td>Christians</td>
<td>16165447</td>
<td>2.43%</td>
</tr>
<tr>
<td>Sikhs</td>
<td>13078146</td>
<td>1.96%</td>
</tr>
<tr>
<td>Buddhists</td>
<td>4719796</td>
<td>0.71%</td>
</tr>
<tr>
<td>Jains</td>
<td>3206038</td>
<td>0.48%</td>
</tr>
<tr>
<td>Other religions</td>
<td>2766285</td>
<td>0.42%</td>
</tr>
<tr>
<td>Religion not stated</td>
<td>60217</td>
<td>0.001%</td>
</tr>
</tbody>
</table>

Considering the growth rate of population religion-wise, Christians are the slowest growing community in India i.e. 8.5 percent less than the national average. From 1971 to 1981 there is only 16.17 percent increase in the Christian population. In the Muslim population there is 30.59 percent growth. It is 5.9 percent above the national average.

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1. This is quite interesting in spite of the alleged attempts of 'conversion' efforts by the Christian missionaries. In the modern world, even in a country like India where the illiteracy and poverty of the masses are alleged to be exploited, conversion from one religion to another is exceptionally rare. Therefore incidents like Meenakshipuram tend to become major issues, where a few low caste Hindus embraced Islam publicly resulting in countrywide furore among Hindu leaders in 1983.
average i.e. 24.69 percent.

Population Growth from 1971 to 1981—Religionwise:

<table>
<thead>
<tr>
<th>Religion</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hindus</td>
<td>24.15</td>
</tr>
<tr>
<td>Muslims</td>
<td>30.59</td>
</tr>
<tr>
<td>Christians</td>
<td>16.17</td>
</tr>
<tr>
<td>Jains</td>
<td>23.69</td>
</tr>
<tr>
<td>Buddhists</td>
<td>22.52</td>
</tr>
</tbody>
</table>

LINGUISTIC MINORITIES:

India is a land of hundreds of languages. The 1981 Census speaks of the existence of more than 1,800 mother tongues. Out of them only 15 are recognised in the 8th Schedule of the Constitution of India. India never had a common language intelligible to all the masses everywhere in India. The minority issue is most conspicuously reflected in the distribution of population on the basis of language.

1. The higher growth rate among the Muslims cannot be solely ascribed to the proselytisation. It may be on account of taboos regarding family planning, early marriage of girls, low literacy and ill acquaintance and ill access to methods of family planning.


2. The constitution of India recognises the following languages.

guage. In fact each of the official languages is a minority language in India and only at the state level as opposed to that of the union a particular language can claim the majority status. This peculiar predicament can be considered as one of the main reasons for numerous language based problems in India. The number of languages spoken by different people show that there is no single language which can claim the majority status at the national level.

The table given below shows that there is no language which is understood by the majority of Indians. Only 22 percent of the Indian population consider Hindi as their mother tongue. Nevertheless Hindi could get the status of the National Language on the strength of a casting vote in the Constituent Assembly.

<table>
<thead>
<tr>
<th>Mother Tongue</th>
<th>Number of speakers</th>
<th>Percentage of population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hindi</td>
<td>153729062</td>
<td>22.4</td>
</tr>
<tr>
<td>Telugu</td>
<td>44707797</td>
<td>6.5</td>
</tr>
<tr>
<td>Bengali</td>
<td>44521533</td>
<td>6.4</td>
</tr>
<tr>
<td>Marati</td>
<td>41723893</td>
<td>6.0</td>
</tr>
</tbody>
</table>

1. Ordinarily when there is a tie in the Parliament or Assembly, the Speaker favours 'status quo' but in the Indian Constituent Assembly Dr. Rajendra Prasad used his casting vote in favour of Hindi. Granville Austin qualifies it as 'half hearted compromise' see, Austin, Indian Constitution, Corner Stone of a Nation, Bombay, Oxford University Press, 1979, p. 290.
Though Tamil, Telugu, Kannada, Malayalam etc. are minority languages at the national level, they are the official languages of the concerned states. As a result of the reorganisation of the states on linguistic grounds, each of them got a privileged position in their own states. Consequently respective linguistic minorities in the neighbouring states look at them for some sort of protection in their hours of crises. Moreover these linguistic states take sometimes keen interest in supporting the demands of the linguistic minorities in the neighbouring states.

1. The Marathi speaking people in the Belgaum district of Karnataka state and the Kannada speaking people in the Kasaragod district of Kerala state can be cited as examples.
But there are other languages which can be considered as permanent minority languages. Tulu, even Santhali, Mundari, Gondi and Dogri are such languages. They are always minorities in their states. Since each state gives importance to its official language, these minority languages do not get proportionate attention and encouragement. Accusations are heard about their discriminations by the respective state governments. For example, though there are more people who speak Tulu than Marati in Karnataka State, for various reasons there are more Marati schools than Tulu schools.

An interesting characteristic of the linguistic minority in India as elsewhere is that it may not always be identified with any specific religious group. In rare cases a religious minority may be a linguistic minority as well. But generally no religion is identified with any particular language. For example in Kerala the Hindus, Muslims and Christians speak the same language. In Tamilnadu too all religious groups speak the same language. The same is the case in Bengal too.

But linguistic chauvinism often get intertwined with religious fanaticism. For example most of the Hindi zealots and Kannada protagonists have a distinct allergy to the Urdu language. This cannot be over simplified merely as linguistic zeal as it has definite religious connotations.
One is constrained to suspect that the 'allergy' is not that much to the language as it is to the 'people' who have a distinct religious identity and happen to speak that language.

**NATIONAL MINORITIES**

The issue of national minorities is developing into a gigantic problem today threatening the fabric of nation-state that evolved in modern times. In the recent developments in the Soviet Union, Yugoslavia, Iraq and elsewhere we find various nationalities struggling to reassert their identity hitherto subsumed or attempted to be subsumed within larger political units. The U.S.S.R. hitherto presented a picture of well cemented mosaic of 100 or more nationalities and religious groups. But recent happenings present an entirely different picture. Several ethnic groups in India and in South Asia, especially inhabiting in their peripheries have tried to describe themselves as national 'minorities' and have demanded the right to national self determination.

1. In the Soviet Union, Russians constitute only 51 percent of the population. Among the rest are Ukrainians (15 percent) Uzbeks (6 percent) Bylo Russians (4 percent) Kazakhs (3 percent) Azarbaijans (2 percent) Armanians (2 percent) etc. See Otto Friedch, Time, Vol. 136 No. 10 dated 12-3-90.
CULTURAL MINORITIES

Though the word "culture" appears in article 29 it is one of the most vague expressions in the Constitution. Even the word minority is ambiguous but its scope is in a way limited to linguistic and religious categories in Article 30(1), where as the expression culture is just equated with language and script both of which are definitely clearer than the former. Fortunately culture has not become a thorny issue as the language and religion in India. There have not been any substantial complaint of cultural discrimination or cultural domination. Wherever such complaints are made they are intermixed with other determinants of minority identity such as language, religion and nationality.

During the course of debates in the Constituent Assembly Prof. K. T. Shah is the only one who made atleast a feeble effort to analyse the concept of culture. He argued "I look upon culture of mankind and culture of every section of mankind as not merely a static phenomenon, but as a progressive and developing fact. The culture of a country or community is much wider and larger and deeper than its script or language ---- speaking of culture, I think that it is not a single item either of area, language or script. It is a vast ocean including all the entirety of the heritage of the past of any community in the material as well as spiritual domain. Whether we think of the arts, the
learning of sciences the religion or philosophy, culture includes them all and much else besides. As such it is progressive and should be regarded as being capable of constant growth as any living organism". He had introduced an amendment in order to incorporate the word "develop" together with "to conserve" in the proposed article 23.

The article as it was recommended by the Drafting Committee was worded "any section of the citizens residing in the territory of India or any part thereof of having distinct language script or culture of its own shall have the right to conserve the same". Prof. Shah recommended the inclusion of the word "develop" after the word "conserve" and he explained "I therefore think that, if you grant the right to its conservation you must also grant the right for its development, its progressive improvement and expansion".

It is curious to observe that Dr. Ambedkar did not even reply to this proposal of amending the article, let alone recommending the Assembly for the adoption of it. It is not easy to classify minorities on the basis of culture. If we look at the cultural differences of the people, there is no end to it. It is extremely difficult to demarcate the

2.ibid p. 896
cultural minority from the cultural majority. Culture is such a collective expression including customs, traditions, behavioural patterns, even religion and language. Though we can very vaguely think of an Indian culture, it is certainly puzzling to extricate it from any religious connotations. Often there is a remark that there is nothing like Indian culture because culture is not to be associated with a nation. India presents a conglomeration of religions, languages, races and behavioural patterns expressed in Nehru's formula 'Unity in Diversity'. Others argue that the Indian culture is unique, specific and clearly distinguishable from that of other countries.

This confusion is limited to the Article 29 of the Indian Constitution. Fortunately it does not extend to the next Article. Moreover Article 29 is a general right not specifically limited to any particular group whereas Article 30(1) is restricted to religious and linguistic minorities.

SPECIAL CONSIDERATION TO THE MINORITY - THE ISSUE

The Indian constitution in addition to the fundamental rights of all citizens upheld by all democracies, confers certain additional benefits on minorities in the form of minority rights. The two articles exclusively dealing on the same are article 29 and article 30, although there are other articles such as 25, 26, 28, 348 and 350 which have a
bearing on these rights directly of indirectly.

The very concept of minority gets a philosophical justification only if there is some sort of coercion, deprivation, or denial of certain services and facilities or their possibility that are available to all, to a smaller group within the larger spectrum of society. If such denials or their possibility are not there, what then is the defence of a special concession or consideration for a group. If one can effectively claim and enjoy the services of the state or the benefits which are available in the society, just as any other, how can he be treated that he to be belonging to a minority? Thus the conceptual framework of a minority may not fit in with certain politico-economic relations. If a special privilege is given to a small group, the rest ie. the majority becomes the deprived group because that particular privilege is not available to them.

What is a majority from one perspective can be a minority from another. As shown earlier Muslims, Christians and Sikhs are minorities in India. However Muslims constitute 65 percent of Jammu and Kashmir's population and 95 percent that of Lakshadweep. They are the majority there. The Sikhs in Punjab constitute 60 percent of the state's population. In Nagaland 66 percent are Christians. In a technical sense these three are minority communities at
the all India level. But the real issue is what they feel about themselves. How do they experience and how is the minority status reflected in their day to day life? What is their awareness about themselves? What matters here is the socio-economic-political life and educational opportunities. The Sikhs can be said to dominate and control Punjab's social life. The Christians pull the strings in Nagaland. The average man in these states is not aware—need not be aware—that he belongs to a minority. Almost the same type of socio-psychological awareness prevails in the Calicut and Malappuram districts for the Muslims and for the Christians in the Kottayam district of Kerala State.

In such cases the minority tag turns to be an additional advantage, something above that of others and it leads to a privileged position. Since the socio-economic status is the same for all, the additional advantage of the minority status might naturally irritate the so-called majority which in fact is a minority in a given state. There will be mutual antagonism which may lead to getting the different communities organised on communal lines.

Another apparent fallacy is branding the totality of the Hindu groups and communities as the majority. Hinduism is such a religion that there is no unified system with a clear line of command as it is there in the Catholic Church. It is highly differentiated and fragmented in terms of
castes, sects, paths and traditions. Moreover the divergent and mutually antagonistic castes never work together in the socio-political life. Very often their interests are mutually conflicting and contradictory. It is too presumptuous to treat all of them together as one unit.

The minority issue is further vitiated by the increasing tendency for redesignation. Members of a particular community may prefer to get the tag of another community. It is most clear in the case of Sikhs. They have not seriously differentiated themselves from the Hindus in the past. But now they are disassociating as quickly as possible. There is an interesting tendency among the so-called forward communities to get the benefit of

1. This is in spite of the recent attempts of Hindu protagonists to develop a corporatist identity among Hindu. There are however scholars such as Dumont who have argued that there is a unity in Hindu beliefs and institutions. 

2. Intra caste mobility of this type is denoted by certain scholars as Sanskritisation, see, M.N. Srinivas, Social Change in Modern India, New Delhi, Orient Longman, 1966

reservation' in education and employment. So they try to make themselves "backward".

In some cases the ethnic identity may be forgotten and thus the concerned minority group may lose its minority awareness. The Parsis in India, probably is a case in point. They are not very much conscious of their minority status. It is simply because it is not necessary for them. A numerical majority may be in real political or socio economic life, a minority and may be dominated by a numerically smaller group. Here again the issue of minority becomes irrelevant. It is these queries that constitute the background for the ensuing discussion.

1. This is very clear in the context of the agitation mounted against the second backward class Commission report, popularly known as Mandal Commission. Similar agitations have rocked the political scene in several states in India in the same issue, especially in Bihar and Gujart. see, backward Castes Commission, Report; seven volumes, New Delhi, Controller of Publications 1981.