CHAPTER THREE:

THE BRITISH COLONIAL POLICIES TOWARDS

RELIGIOUS MINORITIES IN INDIA
INTRODUCTION:

The British came to India at the beginning with the purpose of trade. This had begun in 1599 during the reign of Queen Elizabeth who granted the merchants of London a charter to carry on trade with the East. Thus the British agent in South Asia became the East India Company. The Company started assuming territorial responsibilities in India, and gradually became the ruling power after the collapse of the Islamic Empire. In 1833 by the terms of the Charter Act the Company stopped its commercial activities and turned into a political and an administrative organization. In 1858 after the Rebellion of 1857 the British crown assumed the control of the Company's attained territories, and by 1914 the Indian Empire reached its maximum territorial extent.

The British Rule could be judged to have positive as well as negative impacts on the Indian lives. Many infra-structural bases were established. At the time of independence the railway had reached about 45 thousand miles. The construction of this network, though to serve Colonial purposes, facilitated to a great extent the movement of food grain from surplus areas to deficit and famine regions. The increase in cultivated area through government-organized colonization schemes like in the Punjab, the Assam and the Kerala tea plantations helped to establish an export market for agricultural products. The focus on the improvement of the individual's skill had also led to the increase in productivity per acre as well as per man. Several scholars and academicians like D. Morris, G. Blyn tend to assist and support this point, while others like G. Blyn.

---

concluded that over the period 1891-1947 the per capita agricultural output had declined. In fact the differences in this regard came due to the contradicting Colonial statistics. This issue can be solved by regarding each crop separately.

The British had also extended the network of roads construction to 130,000 miles at the time of independence. Roads were constructed for colonial strategic purposes, and their numbers were very high in areas like Madras, for example, while several villages and regions where colonialism did not benefit remained without roads at all.

The irrigation system had also been greatly improved. The introduction of technology had helped in the immense advancement of the system. Major canals were constructed in many areas, mainly in the Punjab and Sind regions. As a consequence, many regions were gradually transferred into agricultural areas, turning the deserts into granaries, and lifting the water off from the lower levels of the rivers (East Coast and Bombay Deccan).

The British handling of the complex system of land tenure raised controversy. The British system of rule is accused of being extremely expensive, and that the largest proportion of the cost was covered by revenue from the land. Thus, the first task of the Colonial rulers, when they occupied any region, had been the collecting of the land revenue, and the fast determination of the responsible persons or body for the payment.

The system of land tenure and land review in India was highly adaptive to the local situations of each region. Hence, the British fell under several fundamental misconceptions of the system itself. The hereditary land tenure system was based on occupation and not on ownership. Revenue was due to the ruler as a wage for ‘a protector’s duty’, as Professor Hardy had put it. The revenue was collected by a zamindar, who represented a tax-farmer, but was not absolutely a landlord. The whole system represented a pyramidal complex hierarchy with several layers and levels. Within the village, the part of the

---

system which was running internally was known as the *jajmani* system, and it is the almost the only part of the old land system that persisted during the British period. The British created a 'Permanent Settlement' system with the *zamindars* for revenue purposes, and with the goal of empowering them so that they would be able to transfer their rights by sale at a latter stage of the development of the system. C. J. Fuller had pointed out that the British genuine aim had been,

"The desire to create from those granted ownership rights in a settlement, a stable landowning class which would be a reliable political ally of the British."

Hence, by transferring the *zamindars* into landlords the situation of the actual farmers and cultivators had deteriorated. This is the reason why in the 1890s the Congress Party began to be hostile against the *zamindars* as British agents, and later after independence abolished them.

The other British system of revenue settlement collection had been the *raiyatwari*, which was mainly applied in South India. This system indicated the Government's collection of the periodically adjusted revenue by itself directly from the actual cultivators. The rights and duties in this system were also organized in a hierarchy system, varying from one area to the other. This system included even the Brahmins who used to cultivate their land through tenants. The application of this British technique was heavy on the cultivators on whom most of the weight of the revenue fell.

By the implementation of the Colonial system of land tenure, the British are accused of bringing into existence a category of landless laborers, and hence destroying some of the essential features of the ancient village of India. Such category of laborers continued to rise, and by the earlier part of the

---

Nineteenth Century they constituted about 10 to 15 % of the population of Madras Presidency and increased to 15 to 20% in the period 1871-1901.\textsuperscript{74}

In this respect it can be concluded that the sharp competition for shares of the land products came to an end, and the violence that had usually taken place in the process was controlled. Yet, this occurred due to the system of the fixed allocation of rights in land, in the hands of particular bodies and individuals. Subsequently, the old system of land tenure and hierarchy were destroyed, a class of landlords was created and likewise a category of landless laborers.

From another point it can be commented that the British Rule had succeeded in destroying the system of old elites circulation and competition system. As the Colonial forces put an end to the Mughal Empire of pre-colonialism, they had also abolished the small political domains of the internal characters. The only existing powers became the ‘Little Empires’ or ‘Kingdoms’ ruled by the new land owners.

Thus the British had created new type of ‘elites’ who were not politically dominant or oriented, and whose power mainly came from the policy of allocation of private lands as property, and consequently from the great competition in the market for the acquisition of actual land.

In the industrial field, the British are again accused of preventing the development (industrial) of a society, which they found ready for an industrial revolution.\textsuperscript{75} By this Professor M. Moris indicated that the British advanced the industrial commerce, but not the necessary infra-structural provisions for the continuity and progress of the field. Such provisions would have constituted the necessary environment and base to rescue the traditional society from its poor characteristics of political instability, low productivity in manufactures as well as in agriculture, low incomes and undeveloped internal trade.

\textsuperscript{75} M. D. Moris, et-al., \textit{op.cit.}, pp.42-43.
All these factors were in addition to the severe interregional disparities that existed in the traditional economic system.

Yet, the British period had witnessed the establishment of some factories in India. These include the Jute Mills of Calcutta, the Cotton Mills along the Bombay-Ahmedabad range, at Nagpur and in the South in Madras and Coimbatore. Also coal and iron ore mining received some developmental attempts. In 1911 the great Tata Iron and Steel Plant at Jamshedpur was established, and by 1914, India was producing a million tons of steel annually. This had equated to three-quarters of its requirement. In addition to these, several sugar, cement and consumer goods industrial factories were established. By the time of independence 50% of the economic exports of India were from manufactures.\footnote{B.H. Farmer, 1983, \textit{op.cit.}, pp.42-43.}

This achievement was also turned against the British in that they deliberately led the economy to be highly dependent on imports of manufactures from Britain. The establishment of factories played a minor role in the development of the Country as it employed only 2% of the working force and - for Colonial purposes - was highly restricted to certain regions, mainly around the ports.

In the social level, the British earliest concerns were to abolish the customs that were rejected by their supreme power, like the practice of \textit{satti}, which is the burning of the Hindu widow with the body of the dead husband. This behavior was forbidden in 1829. Other measures, which the British had enforced, were principles like the equality before the law and the necessity of education for everybody. In 1855 the British Government declared that higher education should be based on the Western style, and instruction should be in the English medium system.

Based on that a number of Government schools, educational centers and Christian missionaries were established. After 1857 universities came into existence in Calcutta, Bombay and Madras, and financial support for the
establishment of private schools was allocated. These measures led to the flourishing of the institutions set by the local people, mainly the Hindus and the Buddhists, as a reaction to the intensive activities of the Christian missionaries. Though literary rate has increased, yet it affected only about 10% of the population. Several universities, colleges and technical schools succeeded to keep literacy under 5% in areas like Rajasthan and Hyderabad, for example.

The British Rule had introduced the English style and high-level organized administrative system and judicial institutions. These, together with the railways and telegraphs, helped to increase and improve the administration of the Country. It also created a new English-fluent, Western-styled intelligentsia. Since 1860, all the fields and measures undertaken became based on open competition, which was further measured by the degree of Western education among the newly-created middle class to be chosen as administrators. Such measures can be considered as direct hits to weaken the grip of the traditional administrative system, which was based on castes and local groups, including those on the governmental offices. This system used to be hereditary and very strong.

In spite of all the measures undertaken by the British Rule to intrude into the Indian social life, yet it did not achieve remarkable success. The Indian society has proved to be highly resistant to social change. Structural change was a difficult thing to reach, and abrupt transformation was strongly blocked by the different social forces. Karl Marx described the reason for this as ‘the dissolution of society into stereotyped and disconnected atoms’. He saw the British Rule as destructive to what he called the ‘village republics’, yet he thought that colonialism was a strong modernizing force, which would lay the material foundations of the Western Society (Capitalism) in Asia.77

The change which could be considered as profound by the British Rule was the suppression of rural violence and the transformation of group and individual clashes into a rivalry for land rights and acquisition. All struggle and

77 Ibid., p.46.
conflict issues had been shifted to the courts instead of being an open violence based on individual power. Beyond this level change is seldom witnessed to be of a deep magnitude.

It can also be stated here that even in the case of destroying the old elites, the British differed from one province to the other, according to the type of the settlement policy they decided to undertake, and also according to the pre-colonial conditions of the region. Thus, in some areas the new elites succeeded to rise and function, while in other provinces the old ones were able to adapt themselves and re-maintain their superiority according to the new conditions. This can be seen for example like in the case of the minor Rajpur rajas in North and Central India.

The British effect on the Indian social life can be described as slow, temporally and with uneven progress. This explains the accusation of historians to colonialism as a generally weak force for creating social change. Therefore the degree of the social change created and introduced by the British Rule was rather small, and it affected the different castes, communities and regions in variably different levels.

In the political side a major role was played by the Indian National Congress Party, which was formed in 1885 as an all-India organization. Its founders came from the English-educated elites, but it remained relatively weak till the end of the Nineteenth Century. In 1905 with the declaration of the partition of the Bengal Presidency into ‘Eastern Bengal and Assam’ as a new Province and ‘Western Bengal’ with the rest of Bengal with Bihar and Orissa, the Congress split into two wings, i.e. a moderate and an extremist factions. These conditions led to the creation of the All- India Muslim League in 1906. The coming of the First World War and the Russian Revolution shook the confidence of the colonized people in the extremism and superiority of the power of the Western nations, and hence arose the feeling that it is possible for the British to fall.
With the rise of Gandhi, his leadership to the Congress and the strong masses support that he received, the Nationalist Movement continued to strengthen. After the Second World War Britain conceded independence with the resignation of the Congress ministries, and the partition events. Independence was given on the 15th of August, 1947.

The political change of the British Rule on India was based mainly on facing the growing Nationalist Movement, and the several appeals to give the Indians more power concerning their own affairs. Farmer sees the development of the trends as a reflection to the events and political policies inside Britain itself, i.e. the differing policies of the Conservative Liberal and Labour governments within the British Parliament. In 1905 the Liberal Government policies came out with the Morley-Minto Reforms, and the India Act of 1909, by which Indians were admitted to the executive offices, and the power of the Imperial Legislative Council was widened. In 1917 the Montagu Declaration increased the association of Indians in all the administration sectors and the encouragement of the development of self-governed fields within the British Empire. After these came the 1919 India Act and the Montagu Chelmsford Reforms, which increased the legislative powers at the Central level and created the system of dual governance at the provinces (1921-1937), known as the Dyarchy system.78

In 1935 India Act, the popular representation was increased, Dyarchy abolished at provinces, total responsibility transferred to the ministries, and the federal understanding and application was extended.

After boycotting the Dyarchy system, the Congress Party won the elections by the majority in five out of eleven provinces, thus becoming the largest and strongest party at the Center.

The political change brought by the British passed through different stages of handling with the nationalist leaders as well as separatist appealers till

---

78 The Dyarchy system involved a dual responsibility: in each province the Governor’s executive consisted of councilors responsible to him only, and ministers, responsible both to him and to the enlarged and largely elected provincial legislature.
the situation culminated and ended by the declaration of the complete partition of the Country and the creation of Pakistan.

The issue of partition leads directly to the issue of minorities and the evolution of their separatist tendencies during the British Rule. In the period 1858 to 1947 the religious minorities transformed from communally harmonious groups into hostile and troublesome communities. Jawaharlal Nehru had remarked,

"Nearly all our major problems today have grown up during the British Rule and as a direct result of British policy." 79

THE BRITISH RULE AND RELIGIOUS MINORITIES

Professor Wadhwa stated,

“To explore the background of the problem of minorities in India… it is appropriate to pick up the thread of this question since the advent of British Rule in India.”

The major characteristic of the British Rule in India, particularly towards communal and religious differences had been the application of the motto of ‘Divide et impera’ – meaning ‘Divide and Rule’. This motto came into serious application after the 1857 Rebellion, and the British realization of the danger of the unity of the communal groups. The system of ‘Divide and Rule’ had been applied at all levels. The Indian people were divided into religious, social and caste groups. This policy was in fact proclaimed as early as 1821 when the British declared that the ‘Divide and Rule’ would be their policy and philosophy and would be applied in political, civil as well as military levels.

The solidarity of the Indian society and the religious groups before the British time was clearly manifested in the military formation. The Indian army was composed of Hindus, Muslims, Sikhs and other groups regardless of their religious background. The strength and effectiveness of this solidarity appeared in the 1857 Revolt was the direct cause for the British decision to reorganize the army. Thus the army was reorganized on the bases of tribal, social, sectarian and caste backgrounds. Groups collected from different regions were kept, trained and arranged in a way to assure that they strictly retained their communal bases. Personal loyalties were strongly related to tribal or religious bases, and the different troops were firmly kept in a particular manner so that

---

80 K. Wadhwa, op.cit., p. 40.
they do not mix or influence one another. Jawaharlal Nehru has called this system “The policy of balance and counterpoise”, and further as,

“Various groups were so arranged as to prevent any sentiment of national unity growing amongst them, and tribal and communal loyalties and slogans were encouraged.”

Another point of the ‘Divide and Rule’ policy was the partition of Bengal during the Vice-Royalty of Lord Curzon in 1905. The newly created Province of East Bengal and Assam with Muslim majority and the Western Bengal Province with Hindu majority had represented a clear manifestation of the British Philosophy. The British aimed, by this, to divide the people of the region on religious bases. The interpretation for this was that the Bengal Province was the first to start the Movement of national unity in 1857, and its division was expected to eliminate the source of trouble. Consequently, there was a complete demarcation between the two groups who were united by language and customs, except for religious differences.

The direct outcome of this step was the elimination of the Muslims from the Congress Party and the formation of the All-India Muslim League in 1906 in order to further the political interests of the Muslim community. The formation of this League came as a result of the meeting of a Muslim deputation headed by Mr. Aga Khan with Lord Minto the Governor General of India in Simla in October 1906. Scholars like Dr. K.B. Krishna suspect the British engineering of the whole deputation formation and incitation for fear that the younger generation of Muslims would join the Movement of National Unity, and support the Congress slogans.

The same Muslim deputation of the All-India Muslim League demanded separate representation policy for Muslims, if an elective principle was to be applied. Initially the Indian Councils Act of 1861 increased the Governor-General Legislative Council by twelve additional members, and the Executive

---

81 J. Nehru, op.cit, p.284.
Council by six. The Indian Councils Act of 1892 added another five members to the Legislative Council with the specification of Muslims as to be separately represented to the Government.

Hence the British themselves had initiated the idea of separate representation of Muslims. In several successive Acts the separation and concessions were extended to include other religious minorities like the Sikhs, Indian Christians, Anglo-Indians, Europeans and the Scheduled Castes. The ultimate result was that while in 1909 the electorates were split into four communal and class categories, in 1919 it was increased into ten, and in 1935 into seventeen parts.

The Muslims’ Appeal for separate electorates can be regarded as the base for all future Muslim demands. It read as:

1. In the whole of India the Muhammadans amounted to between a fifth and quarter of the population - at that time - i.e. 62 millions out of a total of 294 millions.

2. The percentage of Muhammadans to Hindus was really larger than was usually admitted, owing to the classification of the depressed classes and animists as Hindus.

3. The importance of the Muhammadan population was shown by the fact that its number was greater than the population of any first-class European State except Russia.

4. The political importance of the community and its contribution to Imperial defence entitled it to a larger representation than that based on numbers alone.

5. Previous representation had been inadequate and the persons nominated were not always acceptable to the Community.

6. With joint electoral bodies only Mohammadans sympathetic to the Hindus would ever be elected.

The Muslims thus demanded:
(1) Communal representation in accordance with their numerical strength, social position and local influence on district and municipal boards.

(2) An assurance of Muhammadan representation on the governing bodies of universities.

(3) Communal representation on provincial councils, election being by special electoral colleges composed of Muhammadan landlords, lawyers, merchants and representatives of other important interests, university graduates of certain standing and members of district and municipal boards.

(4) The number of Muhammadan representatives in the Imperial Legislative Council should not depend upon their numerical strength, and Muhammadans should never be in an ineffective minority. They should be elected as far as possible (as opposed to being nominated), election being by special Muhammadan colleges composed of landowners, lawyers, merchants, members of provincial councils, fellows of universities etc.\textsuperscript{83}

The reply of Lord Minto, who accepted the demand, was based on the logic that,

"Under any system of representation, whether it affects a municipality or a district board or legislative council in which it is proposed to introduce or increase an electoral organization, the Muhammadan community should be represented as a community. In many cases electoral bodies as now constituted cannot be expected to return a Muhammadan and that if by chance they did so, it could only be at the sacrifice of such a candidate’s views to those of a majority opposed to his community whom he would in no way represent... any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent."\textsuperscript{84}


\textsuperscript{84} \textit{Ibid.}, pp. 68-69.
Thus the Morley-Minto Reforms of 1909 had enlarged the Indian and provincial legislative councils, and granted the Muslims additional members opportunities in each Council. In addition, these members were to be chosen by completely separate Muslim electorates. At the same time Muslims were given the rights to vote in the general electorates as an independent communal stand. The Montagu-Chelmsford Report in 1918, the Government of India Act of 1935 and the Cabinet Mission Scheme of 1946 were all enforcements of the bases of communal division within the Indian population. As a unique example, the Lucknow Pact of 1916 was considered as endorsed by the Congress and the All-India Muslim League, i.e. with representatives of both groups, Hindus and Muslims, as the guide for Muslims representation.

Moreover, the initial Act of 1919 was considered as the major and decisive divider of the Indian voters into two general constituencies, namely, that of the Muslims and that of the non-Muslims. According to this Agreement a formula was laid down for Muslims representation in the different councils. In provinces where Muslims represent a minority group, they were supposed to receive council representation in excess of their numbers, while in provinces where they form a majority, their representation was supposed to be slightly less than that to which they had actually been entitled.

On the bases of the Agreement, Muslims allocations were expected to be: in the Punjab as 50% of the elected seats, in the United Provinces 30%, in Bengal 40%, in Bihar and Orissa 25%, in the Central Provinces 15%, in Madras 15% and in Bombay 33 1/3%. The Pact had also confirmed that one-third of the Indian elected members to the All-Indian Legislative Council were to be Muslims, and were to be elected by separate Muslim electorates. The system of the separate representation of Muslims and other religious minority groups in India continued even after the independence.

Another major form of the 'Divide and Rule' policy appeared in the successful attempts to divide and fragment the Indian Civil Society and Civil Services. The British authorities were very keen to spread the English
Language intensively as a first step towards the achievement of this goal. At the beginning the language spread greatly among the Hindus. In 1835 it had been declared that the content of higher education in India would be Western learning including sciences, and that the medium of instruction would be the English language.

Consequently, the government schools and Christian missionaries started the intensive concentration on English as the medium of instruction and communication, and gradually it spread into universities and colleges. The most influenced groups by this policy who appeared in the Nineteenth Century, were the upper Hindu castes such as Brahmins, Kayasthas or writers and Baidyas (traditionally physicians), thus leaving the religious minority groups at the back.

In the Twentieth Century this Westernized system of education, which was enhanced by official action and through missionaries, was countered by the establishment of intense local educational institutions. These settings were mainly established to face the danger of the Christian missionaries. In addition to that the spread of English education and ideals led to the creation and expansion of notions like freedom, self-rule and democracy.

Thus the slogans of nationalism were swiftly growing and increasing. To counteract these developing feelings towards nationalism and freedom, the British again turned towards the policy of 'Divide and Rule'. The English Professor Theodore Beck had been appointed as the Principal of the Anglo-Oriental College of Muslims at Aligarh (Later the Aligarh Muslim University). The Principal, Professor Beck succeeded in his efforts that were directed mainly towards the creation of an unbridgeable gap between the Hindus and Muslims. The same was attempted with other religious minorities. The British considered the success of the work of Professor Beck as the end of the decline and the beginning of the recovery for their era in the Indian Subcontinent. Sir John Strachey, the British Ruler himself regarded Professor Beck as 'an
Englishman engaged successfully in the activities that helped in the building of the Empire in a far-off land'.

Similar behaviors of the British authorities such as the partition of the Bengal, the creation of separate communal electorates and the support of the Hindu-Muslim hostility, could be regarded as the cause for severe social intolerance among the different groups. The partition of the Bengal and the creation of new provinces and states, the separation of Burma from India, Sind from Bombay and Orissa from Bihar were all actions that directly helped in communal hostility. Professor Wadhwa stressed that while before the British policies the Hindu-Muslim and others communal problems were internal matters of the single nation, after the coming of the British and the partition of Pakistan, it took the shape of an international issues of conflict.

Another direct effect of the British policies in India was that the religious minorities had become community and identity conscious. This in turn led to the awakening of Hindu cultural and religious consciousness. Early nationalists slogans became ‘Back to the Vedas’, which represented a direct call of reviving ancient Hindu culture and aggressive Brahmanism. The rampant Hindu nationalists started speaking of purifying the sacred soil of India from the foreigner, indicating both the European as well as the Muslim. Muslims were in fact accused of conciliating with the British,

"... not because they loved them more, but because they had less distrust of the British Raj than of Brahman rule."

Yet, the Indian Muslims were directly affected by the British policies as well as other events in the East. This was manifested rather in a Pan-Islamic Movement than in any Indian Nationalist collaboration. The Muslims discontent was expressed in the formation of the Khilafat Movement to support the restoration of the Muslim Caliphate in Turkey. Their disappointment in this

---

regard came from the expectation of the British Raj to use its influence so as to restore peace terms for Turkey, in return for their (Muslims) support to Britain in the First World War in 1914.

The Khilafat Movement continued its activities in India, and after the deposition of the Caliph in Turkey by Kamal Pasha in 1924, it turned into a militant communal group. Its main objective became the facing of the Hindu Maha Sabha Organization, which was created as a reaction to the Muslim League.

Thus, the educated Muslims from the younger generations became against the pro-British stand of the older seniors and started building new political linkages. This was seen in their collaboration with the Ulama (Muslim clerks) and consequently the masses. They also turned towards the Congress Party and became active Congressmen. By this, the Muslim entered into the wave of freedom and nationalism and supported Mr. Gandhi’s Non-Co-operation Movement in 1921-22, by which their unity against the British had strengthened.

As promises of independence were planned, the unity between the different religious groups started to disappear, and each community began to strengthen its position and possibilities for power. Thus, the religious harmony turned into a sharp communal tension. Muslims were aiming at retaining their ruling and upper hand position prior to the British period, i.e. during the Islamic Rule of Mughul India, while the Christians preferred a Christian rule that restored missionaries and preserved Christian rights. The Sikhs, on another side, were dreaming of their own independent Khalistan, and the restoration of their extinct rulers and elites. The Hindus also were aiming at an independent Hindu Country, where the Vedic golden ages could be revived and restored. Thus each party in its own way was concentrating at some level of political prestige, legislative seats and maximum governmental posts.

Communal division had eventually started to manifest in the elections of 1926, whereby the Legislative Assembly was sharply established on communal
lines. Then the communal partition on all the important levels followed that election. The appointment of the Indian Statutory Commission in November 1927 so as to deal with communal violence, and the organization of different conferences after that, not only delayed the maximization of the communal and religious problem, but did not cure it. The Conference in Simla headed by Mr. M.A. Jinnah in September 1927, the Unity Conference in October 1927, the annual meetings of the Congress, the Liberal Federation and the All-India Muslim League did not come out with any general agreement.

A factor which can be combined as a positive attempt in this regard was the All-Parties Conference (the Congress, the All-India Muslim League and the Liberal Federation) in Delhi, and then in Bombay, in May 1928. Yet, the Nehru Report which represents the major outcome of this Conference could not be regarded a big step. This Report, which included several positive points presented by Moti Lal Nehru, the head of the Conference Committee and the Congress leader, did not find great response from either the Hindus or the Muslims. The recommendations of the Report concerning minorities stated:

a) The Committee considered the Country as an organic whole and not one composed of heterogeneous and independent elements as the linguistic and religious minorities.

b) India was to be a secular state with no state religion.

c) It embodied safeguards for Muslims and other minorities in the form of fundamental rights, which guaranteed social and religious liberty to all sections of the Country’s population.

d) It repudiated separate electorates and suggested joint electorates with reservation of seats for Muslims where they were in minority and for non-Muslims likewise. The principle of weightage was wholly condemned as unworthy of adoption.  

---

Muslims in the 'Delhi Proposals' or 'Muslim Proposals' presented by Mr. Jinnah had proposed to give up the separate electorates subject. This was to be done in return for the separation of Sind from Bombay and the introduction of constitutional reforms in the North-West Frontier Province and Baluchistan.

In addition to that the Proposal demanded the provision for Muslim representation in the Legislative Councils of Punjab and Bengal in proportion of the Muslim share in the population; and the guarantee of a share in the Central legislature being not less than one-third of its total strength. Yet all these requests were not accepted as a compromise for a communal solution.

The results of all these efforts increased the communal problem. The Hindus had welcomed replacing separate electorates for mixed ones, but they did not accept the idea of Muslim dominance in the provinces where they represented a majority population. Muslims, on the other hand, did not fully agree to the idea of replacing the separate electorates and their independent rights, for mixed ones. The Nehru Committee, assigned for that purpose, came out with a proposal for mixed adult franchise with reservation of seats for minorities on the basis of population and the right to contest additional seats, and for a division of powers between the central and provincial governments. Again the mass population in the Country did not accept this step.

The outcome of these attempts was the widening of the gap between Hindus, Muslims and other religious minorities. This was directly reflected in the conflicts that developed between Muslim and Hindu nationalism. The Muslims then held an All-Muslim Conference in Delhi on December 31st 1928, with representatives from all parts of India. This Conference aimed at formulating a United Muslim Policy and demands, which confirmed their earlier proposals.

The extent of the magnitude of the problems of religious minorities became apparent with the emergence of the All-British Statutory Commission (Simon Commission). This Commission, together with the efforts (or challenge) of the Secretary of State for India, Lord Birkenhead suggested the framing of a new
Constitution for India. The divergent stands of the Hindu, Muslim and Sikh interests made consensus an extremely difficult goal.

The role played by political leaders like M.A. Jinnah was mainly to build a bridge between Indian nationalism and Muslim nationalism, but did not fully succeed. The Muslim League itself was split over the attitude towards the Simon Commission. The 1929 Jinnah’s ‘Fourteen Points’ with its call for a Federal Constitution with guaranteed power for Muslims in majority provinces, and safeguards in minority ones, were again rejected by the Congress. The situation became that whatever step was undertaken by one side towards solution was rejected by the others. The British then came out with the India Act of 1935, and its plan for federation, but this was again met by Muslim hesitation and fear of a Hindu domination.

At this stage, the Muslim youth and intelligentsia, particularly in the Punjab, appealed for a separate sovereign Muslim State consisting of the Muslim majority areas of India. This had been in support for the idea advocated by Chaudhuri Rahmat Ali in 1933 for the creation of Pakistan. In March 1940 Jinnah adopted the idea and declared that the Muslims of India were ‘a nation needing a homeland’. Thus the League passed the ‘Pakistan Resolution supporting the same idea. Consequently, and after long negotiations with the British, severe communal violence, strong emotional identity consciousness and persistent appeals the British Viceroy Mountbatten agreed to the transfer of power to two separate Dominions, India and Pakistan. Hence, Pakistan took in its territory the Punjab, the Frontier Province, Baluchistan and part of Kashmir, which was regarded as ‘not’ part of India (by Muslims).

---

88 It worth mention here that the idea of a separate Muslim State had emerged earlier than 1933 among the Muslim intelligentsia and youth, i.e. in the mid 1920s.
The problem of religious minorities and communal tension among them, and with the majorities was seen in the reaction of the different groups and intellectuals to the partition of the Nation. The Congress was not completely hostile towards the idea but was in preference for the One-Nation Theory. Yet when partition was applied they accepted the plan. Gandhi stated that although he would oppose partition non-violently, yet he would not forcibly resist upon it. For the British the different communities in India could not coexist to their mutual benefit. The incorporation of the Muslim majority areas in an undivided Indian nation would have created difficult and extremely complicated problems of social and political natures. For pro-Pakistan Scholars partition was an inevitable result of the historical developments. It represented a solution, which was ultimately difficult—if not impossible—to avoid.

For the Indian Muslims the granting of a sovereign state had represented a fulfillment of the slogans of Muslim liberty and independence. The Muslim groups in fact had been in a state of fear and great tension from the emergence of Hindu fanatic communalists who had openly and strongly supported the Hindu domination over India in supreme bases. These fanatic groups had openly called for a Hindu restoration of rule over their own theocratic state. They declared the attempts and intentions of taking revenge on the Muslims and Christian groups for their historical overtaking of the Hindus land. The Hindus were not able to rule India for a continuous seven hundred and fifty years. From 1192 to 1857, the Muslim Rule dominated the Country, and from 1857 the British Christians took power over Delhi. Extravagant talks of Hindu communalist came like in the book of M.S. Golwalkar 'We' which was published in 1939 to increase the fear of religious minorities. He stated for example,

"Minorities must live by the grace of the majority; only a Hindu could be a true Indian; those whose faith did not originate on this subcontinent were 'foreigners'. Muslims, Christians, Jews and Parsis would have to adopt the Hindu Culture and language, must learn to respect and hold in reverence Hindu religion, must entertain no idea
but the glorification of the Hindu race and culture.... (they) may stay in the Country, wholly subordinated to the Hindu nation, claiming nothing, deserving no privileges far less any preferential treatment – not even citizen’s rights... In this country Hindus alone are the nation and the Muslims and others, if not actually anti-national, are at least outside the body of the nation.\textsuperscript{89}

The religious minorities could observe that actual and serious steps were taken in this regard, and that is by the formation of the Rashtriya Swayamsevak Sangh (RSS) and other organizations so as to adopt Hindu Communalism. This Party, headed by Golwalkar himself, inspired the assassination of the Mahatma Gandhi and is still calling for Hindu domination over the Subcontinent.

This tense social situation had been favored by the British who intensified their efforts to join the Muslim endeavors for independent Muslims, and the Hindu work for Hindus. This had been an outcome of the persistent British fear of a Hindu-Muslim co-operation against them similar to that of 1857. Hence, partition had come as the culmination of the efforts of several groups and as an ultimate success of the British goals in India. Akbar stated,

\textit{“It took more than five decades of struggle, sacrifice and determination to persuade the British to grant Indians their freedom. It took just seven years to create the country called Pakistan.”}\textsuperscript{90}

From the British behavior throughout their period of rule, it can be deduced that although all social groups had participated in the nationalist struggle of 1857, yet it seems that the British problem and suspicion had concentrated on the Muslim groups.

The main reason for this could be the fear of the British from the persistent Muslim attempts to reclaim the power that they had lost to the Raj. Thus, the British policies were against them, and in fact, their situation deteriorated after they lost power, and their notables and community in general were thought to be purposely deprived of state patronage. They lost their

\textsuperscript{89} Quoted in A.J. Akbar, \textit{India: The Siege Within: Challenges To A Nation’s Unity}, New Delhi, 1996, pp.9-10.

\textsuperscript{90} \textit{Ibid.}, p.7.
chances in Government jobs, civil services and most of the important positions. In Madras, for example, the proportion of Muslims to Hindus in the Government services had been only 1:10 in 1871. 91

The Muslims had also found it extremely difficult to reconcile with the new circumstances. They were not able to develop their commercial and trading skills after five hundred years of rule, as they thought to be left out of capital or help. The Hindus, in fact, dominated all professions and fields of independent work. The Persian script used by the Muslims was replaced by the Devangari one, particularly in the courts of Bihar, though both Muslims and Hindus resented this particular change.

The problem of education is another important side from which the Muslims had suffered under the British Rule. Persian and Arabic were totally prohibited at schools and English language was imposed on education. The Muslims were extremely backward in this regard, mainly due to their severe poverty, ignorance and depravity from which they were suffering. Hence the Muslims found themselves at a state of disadvantage with the Hindus. With the direction of the ulama (Muslim clergymen) the Muslims decided to boycott Western education, and started to pursue religious education. As a result of this the Hindus were blessed and favored by the British.

During the period 1858-78, out of 3,155 graduates of the Calcutta University only 57 were Muslims; and during 1850-76 out of 226 engineers from the Roorkee Civil Engineering College, only 3 were Muslims. Thus, the percentage of literacy was considered much higher among the Hindus rather than the Muslims, and this continued to be the situation till the present day.

Movements of social reform were also directed towards the Hindu groups rather than any other religious minority. B. Bhattacharya relates this particular problem to the peculiar development of the Indian social economy under the British Rule, and this led to a sharp and an uneven development in the

---

economic and cultural status among the different communities. Hence, social rivalry and competition increased among and within the different groups.

Scholars like Ameer Ali opined that all the other Indian identities had prospered under the British Rule, while the Muslim alone have declined. They were considered as a population with great tradition but without a career. The feeling of the uniqueness of Muslims came out clear also when they insisted to create the All-India Muslim League in 1906, and to participate in the Indian National Congress Party as it had been established on purely non-communal bases. Hence, the disparity between religious and communal groups became very wide, and the Muslims had the feeling that whatever they had lost, the Hindus gained.

The British are believed to have exploited the diversity of the Indian society by using the religious differences as strong tools, and by manipulating the internal contradictions and the socio-economic conflicts. Professor Wadhwa opined in explaining the view of many Muslims,

"... Since the capture of power by the British Government to the transfer of power into Indian hands, it is concluded that the problem of minorities in India was mainly created by the foreign rulers."

The British policies were deep and serious, and the Muslim League itself was created and supported by the British, so as to check back the growing strength of the Congress Party. The British policies are also accused of working towards the partition of the Country. Mr. Plowden, an English officer was quoted writing,

---

92 Ameer Ali Writings, number 6, pp-165-166.
"Since Hindu capitalism was asserting itself in trade and commerce at the cost of the British interests, the only remedy against this disappointing situation was the division of the Country. If the Hindus were unwilling to have trade relations with the British, Karachi would serve the same purpose as Bombay at that time."  

The British Rule in India had been highly expensive. This is the reason why the resources of the Country had to be approached and utilized to the maximum level possible. The rule of two hundred years had been accomplished by using a small force of British administrators. The local and native leaders, through the policy of 'Divide and Rule', took most of the burden of the job. It had been estimated that for every 4,000 Indians there had been one British directly ruling them. To compensate for this weakness in number, the British had allowed as many Western missionaries in the Country as possible. The main direct aim was the spread of Christianity, which was believed to neutralize the anti-British feelings and the Indian nationalist incentives. Other aims were like the direct assistance in the expansion of the Anglo-Indian Empire. The work of these missionaries had been highly organized and supportive to the trends of 'Divide and Rule'. To compensate for their limited resources, harmony was preserved among the various organizations, and each missionary had been allocated an area to focus its efforts and to keep a strong control upon.

Larger urban centers were regarded as common property, but the rules had imposed that each missionary should respect and refrain from entering the territory of the other. Hence, the denominational affiliation of the population had been attributed to the missionary's territorial efforts and not to personal choice.

As a result of these efforts, the Christian community in India had grown to be of several divisions within itself. South India was the focus of intensive missionary work, and the Protestants, for example, started living and mixing with persons from other missionary (Christian) backgrounds. With the rise and

94 Ibid., p.28.
increase of the divergent interests, the differences and social divisions deepened among the different Christian groups. This was due to the increase of competition over the same resources.

Differences and hostility started by the late Nineteenth Century due to the injustices in treatment of the missionaries themselves. Since the burden of sustaining this unity was big, the missionaries were only capable of affording a limited amount of expenses, and hence benefits to the several united groups. This had been combined with the frequent absence of competent personnel. This status of scarcity had enforced a condition of inequality of education, skills and opportunities, and created a great feeling of uneasiness towards the missionaries and their work. The situation developed to an extent that affected the Congregation of the missionaries themselves. Further intensification of the problem could be seen in the gradual expansion and activities in the administration, trade industry and commercial interactions in South India as a whole.

The direct result of this economic expansion had been the intensive rural-urban migration movements, and from smaller urban centres to larger cities. This factor has greatly increased the burden on the metropolises and deepened the differences. A small number of the Christian migrants started seeking to acquire advanced education, better qualifications, and to pursue professional careers and higher positions and posts. Larger numbers shifted to the Capital seeking the filling of the vacancies of skilled or semi-skilled labourers in all the new establishments of the British. This was particularly sought in the fields of teaching in the several new schools, working as clerks and assistants, in the administrative and commercial fields, or joining the growing industries of the time.

Although the British considered the Christians a favored group, yet these huge movements affected the economy negatively and the missionary institution became incapable of meeting the big demand. Thus the internal competition and social tension had increased, and harmony started to weaken.
The direct outcome of this was that one group became that of elites with English-education and worshipping in the European churches with all rites conducted in English, while the others of lower classes attended smaller churches and possessed no qualification, responsibility or position.95

The internal differences among the Christian groups could also be seen in the rivalry over the leadership and its commitment to the 'Social gospel'. This rivalry was encouraged by the British, and represented a legacy of the dominant liberal theological group within the missionaries themselves.

Other Christian groups directly became opponents to this trend and considered it a threat to the Christian youth. This enmity has been manifested in their colleges and schools. They had also accused this trend of working towards an enforcement of 'unbelief in the word of God', and turning the denominational churches into 'moral and spiritual graveyards.' 96

Being a privileged community by the British, the Christians had developed a positive attitude towards the other communal groups. They considered other religious groups as acceptable to learn from, and even incorporate some of their acceptable qualities. They called for dialogue as a way to knowledge of other religions. Other religious groups, on the other hand, viewed the Christians as favored by the British Government, and were therefore agents of colonialism. Consequently, these groups came to develop a strong feeling of mistrust and suspicion towards the Christians, and therefore, all their efforts towards establishing friendly relations with other religious groups were met with uneasiness.

In fact many factors had combined to diminish the outcome of the Christians good attempts. The Hindus in their monopoly positions placed by the British Government were not ready for competition or to share their privileges and influence with other groups. The Muslims from another side were too involved in their own social problems and were not in a status to

96 Ibid., p.368
welcome co-operation when their goals and interests were touched. The situation of the Christians itself led to the increase of their discontent. The vast majority of Christians, who were left outside the privileged elites, were not enjoying any kind of benefit or involved in any welfare programmes. The popular Protestants were against the liberal doctrines supported by the British Government and the CSI leaders, as they were believed to threaten pietism.

The British were thus believed to enforce their own views, and to neglect the spiritual needs of the Christian majority. Hence, the Colonial Government replaced the notions of ‘Salvation through Faith’ by ‘Salvation through Social Concern’. The Christians believed that this behavior would harm their message to the other religious groups so as to enable them to see the light of the Christian truth. The beliefs and practices of the majority Christians and the status of the ordinary people were deliberately left behind.

The other problem for Christians was that the European missionaries, supported by the British, were hostile to the social performances and traditional rituals of the majority normal people. This could be seen in concepts like the axiology of affliction, which were essential for the masses, but were generally overlooked by the missionaries. The local prophets had constantly been ridiculed, stigmatized, and accused. They were also prevented the CSI pulpits and the use of Church for their meetings.

The outcome of the British policies towards the Christian groups was the creation of a rich, well-educated and well-employed group. On the other hand a middle class clerks emerged who looked at the masses with scarce jobs and no property as ignorant, uneducated, superstitious and continuously failing to comprehend the rational religious world-view. Their misfortune destined them to be backward and subordinate.

One of the positive factors for the Christian community was that with the rise of the nationalist tendencies the notions of differences among the Christian groups started to disappear. In 1908 the Presbyterian and the

---

97 Ibid., p.370.
Congregational Churches came together to form The South India United Church (SIUC). In 1947 the Church of South India (CSI), with its two factions of Anglicans and Methodists, decided to federate with the SIUC. It thus became the largest protestant body in the Country, up to this day.

The process of amalgamation had imposed several compromises for the different groups in order to bring together the Western and Orthodox Protestants under one unit. Several conflict issues like the synods and dioceses hierarchic orders, ordained bishops, and trained male clergymen were all compromised and agreed upon. Furthermore, social concessions were reached in the formal rites of child baptism, marriage and death. Procedures for all other rituals, feasts and occasions including social and economic fields were all agreed upon as a manifestation of complete unity and collaboration. Yet the standpoint of majority Hindus could be observed from expressions like that of Professor George Mores as,

"The fact stands in bold relief that if Christianity survived at all... it is because of the large-heartedness and spirit of tolerance of our Hindu brethren. Apart from the unique service to the community which the Christians render, it is a tribute to the sense of justice, fairness and magnanimity of the Hindus that they appreciated the loyalty and efficiency of the Christians and permitted them to rise to the highest posts in the State."

Concerning the Sikhs as a religious minority, it can be stated that the finalization of the partition of the Country in 1947 gave immediate rise to the question of Sikh identity and problems. The British took hold of Lahore and the Punjab - the two provinces of the Sikh majority population - by helping the conflicting Punjab rulers against each other. They supported and protected Sandhawlia against the other competing rulers of his family, and after the Sikh uprising in March 1849, the British formally declared the end of the Sikh Empire and its annexation to the British Empire.

The 1857 Mutiny was a manifestation of the Sikh attitude towards the British colonialism as well as towards the other religious minorities. The Mutiny had been inspired by the anger of the Hindus and Muslims together and was also joined by the Christian factions against the British behaviour and attitude towards the different social and religious groups. The Sikhs supported the British, as many of the mutineers were the soldiers of the East India Company who had destroyed the Sikh Punjabi Sogra Empire.

The attitude of the Sikhs in the mutiny was, therefore, in support of neither the Hindu nor the Muslim causes for mutiny, i.e. the restoration of a Maratha Emperor in Delhi and the Mughul Rule respectively. The two goals were harmful to the social and political interests of the Sikhs. Hence, they decided to side the British, in the regions of the centres of revolt in North India. This support had been given in return for the British creation of an Anglo-Sikh Government in Delhi. After suppressing the Revolt, the British got the overwhelming power, while the Sikhs got only the encouragement and much of the loot won after the capture of Delhi.

As a result of these actions the Sikhs became a favoured group by the British. The Sikh princes were given part of the land which was seized from the anti-British feudalists, and they were raised above other groups and given exceptional permissions to build canals in the Punjab, on the basis that they were Aryan or sub-Aryan races who were originally Europeans. The Sikhs also became the British martial soldiers, hence turning into a stable community involved in the building of the Imperial army. The result of these policies was that the disintegration of Sikhism and the attempts at its return to Hinduism were stopped, and the Sikh numbers began to rise. They were kept away from the politics of decision-making but were supplemented by being appointed as army commanders and administrators of the Punjab. As a result of this favoring by the Colonial Government, the Sikhs came to represent about 20% of the Imperial army of India.
The network of the erected canals together with the British deliberate offers and grants of the best plots to Sikh farmers, had helped in turning the vast waste lands into green fields. The Chenab Canal alone turned about 2.25 million acres of arid land into cultivable regions, and brought as an annual revenue more than 78 million rupees. This sum constituted a profit as much as three times the cost of the Canal. The poorer Sikh settlers were given from 14 to 16 acres of land free, and the middle categories got from 111 to 139 acres on payment of 6 to 9 rupees per acre. The rich classes got from 167 to 556 acres on payment of 10 to 20 rupees per acre.\footnote{M.J. Akbar, \textit{op.cit.}, p.124.}

Although the Sikhs at that time had represented only about 12% of the Punjab population, yet, they benefited the most from the canalization programs. The piece of land, which used to be for 10 rupees per acre rose to 400 rupees per acre. The export of wheat rose to more than a million tons per year. The Sikh community, thus, became distinguished over all the other groups, due to the high economic standards of its people. It can therefore be concluded that the relationship between the Sikhs and the British Rulers had greatly supported the community, and had restored its privileges. The relationship between the Sikhs and Hindus was a close one based on their common religious bases. Their amity was strengthened by their common feelings of enmity towards the Muslim Community, but as a consequence on this closeness the Hindus purposely kept their relationship in friendly terms with the Sikh.

The mixing of the two groups led to a Sikh confusion and attempts to return to Hinduism. Many sects started to appear calling for a middle way belief between the Sikhism of Nanak and the Hinduism of the Brahmins. New notions were introduced to the Sikh faith like ‘casteism’, which was initially prohibited. Added to that, the gurdwaras became centres for gambling, prostitution, theft, rape, drunkenness and idol worship places. The holy places including the Golden Temple at Amritsar were touched by the wave of elecadence, due to the great openness of relationship with other groups. This
situation led to great resentment among the Sikh masses who accused their manhunts or priests of encouraging corruption and declaring the temple lands as their personal hereditary property when the British resettlement project took place in the Punjab.

The Sikh Status deteriorated and movements began to call for religious revivalism and spreading of modern education. In 1893 the Khalsa College was established in Amritsar and had been utilized to spread the Western education as well as to promote knowledge of the Sikh literature and faith. Educational prosperity led to the creation of separate political views, and the young Sikhs started joining the freedom movement and spreading notion of independence and nationalism, and the College turned into a Centre for inspiration of national feelings. Resentment increased when the peasants joined the Movement as a reaction to the Colonization Bill of 1907, by which land revenue was increased. This step led to increasing the impoverishment of the peasants who represented the mass majority. The number of money-lenders increased from 52,263 in the 1868 Census to 193,890 in the 1911 Census. The rise in the poverty status was seen in the increase of land sales from an average of 88,000 acres annually in the 1870s to 338,000 acres in 1910-1920.

Although the Sikhs supported the British with their 20% of the army, yet rebellion against Colonialism spread; and by the Second World War the Sikhs joined the rebel Indian National Army. This extreme turn was enhanced by several incidents like the 1949 Fallianwala Bagh massacre of 379 unarmed civilians and the wounding of over 2,000 Sikhs.

The visit of the Mahatma Gandhi to Punjab was another reason that encouraged the anti-British feelings and led to the formation of the Central Sikh League in 1919 with the purpose of countering the pro-British formations in the area. The League co-operated with the Congress and declared in 1921 that its major objective was the freedom of the Country from the British domination. Consequent to that the Gurdwara Reform Movement was formed between 1920 and 1925 in order to check back the corrupted mahants and the
wave of apostasy. To face this the British started to support the *mahants* and hence the feelings of resentment against them increased. Thus the Sikh attitude became tending towards supporting Gandhi’s call of fearless resentment.

Consequent to this awakening of the Sikh nationalist feelings the Gurdwara Management Committee or the SGPC was formed for organizing the religious affairs and the Akali Dal Party to supervise the political side of the community. After several internal conflicts and clashes inside the SGPC between the Akalis and the *mahants* on the control over the gurdwaras. The Muslims and Hindus declared support for the Sikh (Akalis) against the others and against the British forces. This conflict continued till 1925 when The Sikh Gurdwaras Act was legitimized. This Act had stipulated that the elected representatives would replace the *mahants* in the temples. On May 1921 the Akali leaders had decided to support the freedom movement openly, and consequently passed a resolution by which it had committed itself to Gandhi’s call for non-cooperation with the British Rulers.

The sympathy of the majority Hindus with the *mahants* led to the deterioration of the relationship between the Sikh and Hindu groups and hence, the insistence of the Sikh on their identity and separate entity. The Akali politics led to the resurgence of Sikh consciousness and protection of the faith. The new claim became that faith could not be protected without an independent area with majority to form a Sikh homeland.

Although at that time the question had been whether the homeland would be founded within Hindu-majority boundaries or outside it, the partition of the Country & upon Muslims request created firm claims for an independent Sikh State called Khalistan. The Boundary Commissions for Punjab and Bengal during the partition played a role to increase the communal tension in the region. The Sikhs resented that their historic homeland be divided. In the huge movement of Hindus and Sikh from West Pakistan to India, and Muslims from India to West Pakistan, many massacres took place from and by all groups, and the Punjab became the worst area affected by the process of
partition. The formed boundaries cut across the communication lines, separated the heads of canals from the irrigated lands and led to the evolution of the Kashmir conflict.

Another Sikh problem was their claim for similar rights as those given to Muslims concerning separate electorates issue. They demanded equal treatment in their majority province. They also participated in different nationalist activities and in the Committee created by the All-parties Conference, which came out with the Nehru Report.

The relationship of the Sikhs with Christians had mainly been concentrated on checking the fast spreading Christian conversion among low level Sikhs. The great influence of Christian missionaries and Christian proselytizing began with the establishment of an American Presbyterian Mission in Ludhiana in 1835. After that the work of missionaries increased and concentrated on the North Indian untouchables and elites as well.

The Hindus from the other side intensified preaching in North India for a return to ‘vedantism’, and concentrated on the land where the Vedas were composed. Attacks were intensified on the Sikh faith, and calls for purification and return to Hinduism were intensified on the Sikh community. All these factors urged the Sikh on the establishment of their own homeland whereby their faith would dominate and their religious beliefs prevail.

So, the British Rule in India introduced modern technology, construction of railways, roads, irrigation work and industries. It enforced a framework of law and administration, which was beneficial for controlling and running the affairs of the Subcontinent. Added to that modern education was introduced, schools, universities and colleges established and illiteracy fought.

Concerning religious minorities, the British Rule was working and issuing policies towards the utilization of religious differences in order to exploit the situation and mobilize the people to achieve their ultimate goals. The great interference, the ‘Divide and Rule’ policy in the army, the civil services, native administration and the religious tendencies aimed at
maintaining the British economic and political domination. To serve the goals of imperialism the Colonial policies towards religious minorities resulted in more social, religious and economic tensions, misallocation of resources and inequalities. The colonized people were left with a social reality of westernized, well-educated and well-off elites who are privileged above the others in most regards, and this can still be seen in the contemporary time.
THE CONSTITUTIONAL STATUS OF RELIGIOUS MINORITIES IN INDIA

The philosophy of the Indian Constitution concerning the issue of the minority groups in the Subcontinent concentrated on providing Constitutional safeguards for all the varieties of minorities in India. The setting of the objectives of the Constitution had started from the time of discussion of the Assembly about formulating the earliest bases. It was moved forward and encouraged by Jawaharlal Nehru on 13 December 1946. Some of the points of the first Resolution concerning the aims and objectives of the Constitution stated:100

1. Wherein shall be guaranteed and secured to all the people of India justice, social, economic and political; equality of status of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action; subject to law and public morality.

2. Wherein adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes.

In order to implement these objectives, an 'Advisory Committee on the Rights of Citizens, Minorities and Tribal and Excluded Areas'101 had been formed by the Constituent Assembly with five Sub-Committees:

1. Fundamental Right Sub-Committee.
2. Minorities Sub-Committee.
3. North East Frontier Tribal Areas Sub-Committee.
4. North West Frontier Tribal Areas Sub-Committee.
5. Excluded Areas Sub-Committee.

---

chairman was the Christian leader Dr. H.C. Mookherjee. The Sub-Committee received several memoranda and notes from the representatives of all the minority groups, like the one submitted by Dr. B.R. Ambedkar the leader of the Scheduled Castes concerning their political and social safeguards.

Another memorandum was the one received by the Sub-Committee on behalf of the Sikh community, asking for political protection, and demanding the recognition of the Punjab as their holy land. A third memorandum was submitted by Frank Anthony and another by S.H. Prater in favor of the Anglo-Indians and their educational, religious, cultural and linguistic rights, and the preservation of their uniqueness.

The final Report of the Sub-Committee had decided a system of reservation of seats in the Central as well as provincial legislatures for the Indian Christians, Muslims and Scheduled Castes. This was to be undertaken on the basis of their population proportion. The members of any minority group, who would have reserved seats, would also have the right to contest unreserved seats as well. Concerning the Sikh Community their question was suspended due to the pending problem of the Boundary Commission in the Punjab. Regarding the Cabinet level, there was in fact no reservation of seats for minorities, but appointments were supposed to take place according to the Government of India Act of 1935.

The Draft Constitution of India in which the problems and demands of minorities were presented and discussed, was set by the Drafting Committee, headed by Dr. Ambedkar. This Draft was submitted to the President of the Constituent Assembly on 21st February 1948.

The Draft Constitution was divided into eighteen parts. Part Three considered the fundamental rights of minorities like the right to equality, the rights that are related to religion, as well as the educational and cultural

---

102 Draft Constitution of India, Articles 9 and 10.
103 ibid., Article 19.
Part Fourteen, which included Articles 292 to 301, had totally been devoted to the minorities and their questions.

On another section, Articles 292 to 294 of the Draft Constitution provided the right of reservation of seats for minorities in the House of Peoples and the Legislative Assemblies of the States. Concerning the claims of the minority people to services and posts, Article 296 provided the maintenance of efficiency of administration in the making of appointments to the different services and posts in the Union or the States.

Furthermore, Article 299 provided a 'Special Officer for Minorities', for the Union, to be appointed directly by the President. In addition to that, a Special Officer for Minorities for the Union, to be appointed directly by the President, and a Special Officer for Minorities for each State were to be established. These officers would be responsible for investigating all the matters that are related to the safeguards provided for the minority communities in the Constitution, regarding both levels of the Union and the States.

After the partition of the Country on Communal bases the Constitutional right of reservation granted to the religious minorities, i.e., Muslims, Christians and Sikhs was amended. On 26th May 1949 the system of reservation (except for Scheduled Castes) was completely abolished.

The Constitution itself had recognized and officially protected the minority groups. This was preserved as part of its general procedure of achieving the high objectives of its founding fathers. These objectives can be summed up in the claims for equality and social justice, which are considered as the keynotes of the establishment of democratic institutions. The General safeguards, which were provided for minorities, together with other majority people, are the rights preserved in Articles 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 (2), 44, 325 and 326 as follows:

\[104\] *ibid.*, Article 23.
Article 14: Provides for equality before the law.
15: Guarantees prohibition of discrimination on grounds of religion, race, caste, sex, birth.
16: Guarantees equality of opportunity in matters of public employment.
19: Guarantees protection of certain rights regarding speech, expression, etc.
20: Guarantees protection in respect of conviction for offences.
21: Deal with protection of life and personal liberty.
22: Guarantees protection against arrest and detention in certain cases.
23: Prohibits traffic in human beings and forced labor
24: Prohibits employment of children in factories, etc.
25: Deals with freedom of conscience and free profession, practice and propagation of religion.
26: Freedom to manage religious affairs.
27: Freedom as to payment of taxes for promotion of any particular religion.
28: Freedom as to attendance at religious instruction or religious worship in certain educational institutions.
29(2): Provides equality of educational opportunity
44: Provides a uniform civil code for the citizens.
325 and 326: Deal with universal adult suffrage.

Specific rights for minorities have been mentioned in the Constitution in Articles 29 and 30. These two articles were particularly concerned with the cultural as well as educational rights of minorities, and the protection of their different interests.

Article 29(2) states:
“No citizen shall be denied admission into any educational institution maintained by the state or receiving aid of state funds on grounds only of religion, race, caste, language or any of them.”

Article 30 states:

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 educational institution on the ground that it is under the management of a minority, whether based on religion or language.

The provisions of minority rights were approached through three dimensions:

(a): ‘The Right to Conserve’: This is provided according to Article 29(1) of the Indian Constitution. It reads as:

“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.”

The Right of Conservation includes:

i. The right to profess, practice and preach its own religion, if it is a religious minority.

ii. The rights to follow its own social, moral and intellectual ways of life.

iii. The right to impart instruction in its tradition and culture.

iv. The right to perform any other lawful act or to adopt any other lawful measure for the purpose of preserving its culture. 105

(b): ‘The Right to Freedom of Education’: This is based on Article 30. According to this Article the rights of minorities are protected in matters

like having their own educational institutions without any kind of Government interference. It also guarantees subsidization of the minority schools by the government and assuming the financial burden of teaching the minority language at the schools of each State. The importance of this procedure can be grasped in remarks like J.A. Laponce,

"The school is to a language what the church is to a religion the condition of survival."\(^{106}\)

(c) : ‘The Right to State Aid’: This is guaranteed by Clause 2 of Article 30. This Clause implies that the religious and linguistic minorities have the right to claim State aid for their educational institutions. Hence, the State should not discriminate in granting aid to the educational institutions that are placed in the hands of the minority groups. The conditions under which the granting of the aid to a minority educational institution, should be the same as for all the other groups.

It can therefore be concluded that when putting Articles 29 and 30 together to complement each other, we would come out with a complete account of the Constitutional provision for the specific rights granted for the safeguards of the minority groups. These rights are given beside the general Constitutional guarantees that the minority groups are sharing with the majority community.

RELIGIOUS MINORITIES:

India, being a secular State, recognizes the importance of the acknowledgement and protection for all religions equally. The place of Hinduism as the religion of the vast majority of the population is not expected

to give it any special place in the society. The Constitution, under Article 25 states:

"Freedom of conscience and free profession, practice and propagation of religion... The State or government cannot aid one religion or give preference to one religion against another. Therefore, it is obliged to be absolutely secular in character."

It can therefore be understood that Article 25 of the Indian Constitution has guaranteed freedom of religion and religious faith to all the citizens as well as foreigners. It deals with the individual aspect of religious liberty, which includes freedom of an individual to choose a faith and manifest his belief as prescribed by his religion. Thus, the freedom to practice and to propagate religion supplemented the earlier parts.

Article 26 provides the freedom to manage the religious affairs of each community by itself. It stated that:

Subject to public order, morality and health, every religious denomination or any section thereof shall have the right:
(a) To establish and maintain institutions for religious and charitable purposes.
(b) To manage its own affairs in matters of religion.
(c) To own and acquire movable and immovable property.
(d) To administer such property in accordance with law.

Religious denomination here is an indication that the different sects and sub-sects of the same religion can legitimately be included under this Article. The Article further indicates that each religious denomination is allowed to enjoy complete autonomy in matters like that of deciding what rites and ceremonies are essential according to the tenets of the religion it holds.

In spite of these provisions of the Indian Constitution to religious and linguistic minorities yet, Articles 25 and 26 have some limitations. Part III of the Constitution, Clause 2(e) stated:

Nothing in this Article shall affect the operation of any existing law or prevent the State from making any law:
(a) Regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice.
(b) Providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

All these clarifications indicate that the freedom of religion guaranteed by the Constitution is not limitless. Any religious behavior prohibited by the law becomes unacceptable, like the Hindu religious habit of human sacrifice, for example.

Chapter XV, Sections 295 to 298 of the Indian Penal Code preserved the religious dignity and dealt with offences connected with religion like the defiling of holy places or worship sites with the intention of religious insult.

Concerning the relationship between the State and religion, Article 27 of the Constitution stated:

_No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination._

This Article clearly forbids the State to compel people to pay taxes so as to maintain any religion. The State is allowed to give financial aid to the promotion of religion and religious activities, but on conditions that this aid would be non-discriminatory. It therefore stresses the equality of the State support and aid to all religions, rather than the complete separation between the two.

Clause 3 of Article 28 allows and encourages the state to provide financial aid to the denominational schools and colleges. Any community that wanted to provide religious education to its children is allowed to establish its own educational institutions for this purpose, and is also allowed to seek any financial aid from the State for that cause.

Article 28 further provided the right of the propaganda of any religion through any means, particularly through religious instruction and the establishment of religious institutions. The Article further stated that the role of
supervision of the State over such activities should be maintained and observed in different respects:

1. No religious instruction shall be provided in any educational institution wholly maintained out of State funds.

2. Nothing in clause (1) shall apply to an educational institution, which is administered by the State but has been established under any endowment or trust, which requires that religious instruction shall be imparted in such a situation.

3. No person attending any educational institution recognized by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such persons or, if such person is a minor, his guardian has given his consent thereto.

The conducting of religious instruction is, therefore, encouraged by the State and Government of India as an essential type of moral education. Yet, the appointment of religious teachers of the different faiths is undertaken by the Government of India, namely, the Ministry of Defense. It can also be stated here that the State is not absolutely secular. It has no established church or religious base as in Britain, yet it can clearly be concluded that its role in religious life of the community is remarkable. Professor Dorret of the Oriental Laws in the University of London stated that,

"Secularism... means in India, the co-existence of various religions under the benevolent supervision of the State."

For the implementation of these several Articles of the Constitution the State and Government of India initiated a number of measures. The most important of these were the formation of the National Commission for


108
Minorities (NCM) in 1978, and subsequently, the National Minorities Development and Finance Corporation (NMDFC) in 1994.

The NCM was created by the Central Government, and in 1992 it was given full authority over the minorities’ affairs, after the Parliament has passed the National Commission for Minorities Act. The functions of this Commission were specified as:
(a) Evaluate the progress of the development of minorities under the Union and the States
(b) Monitor the working of the safeguards provided in the Constitution and in the laws enacted by the Parliament and the State Legislatures.
(c) Make recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the Central Government or State Governments.
(d) Look into specific complaints regarding the 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.
(h) Make periodicals or special reports to the Central Government on any matter pertaining to minorities and in particular difficulties confronted by them.
(i) Any other matter which may be referred to by the Central Government.  

Moreover, the powers given to the Commission are similar to those of a Civil Court. It is concerned with the following matters:

(a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath.
(b) Requiring the discovery and production of any document.
(c) Receiving evidence on affidavits.
(d) Requisitioning any public record or copy thereof from any court or office.
(e) Issuing commissions for the examination of witnesses and documents.
(f) Any other matter which may be prescribed. 109

The significance of the work of this Commission can be seen in the magnitude of response that it had received, and the hundreds of complaints submitted annually from the different minority groups. These complaints include different levels of life fields and were performed by different levels of people. Examples of these charges include harassment cases by administrators or by members of the majority population in the different States, the encroachments of property, and the several direct or indirect threats to life and dignity. In the educational field several problems were also registered like the severe cases of inequality in the granting of State aid, the ill treatments and the dilemma of social injustices faced by the minority groups.

The Commission reports, which reflect clearly the huge numbers of these protests could be taken as a proof that the minorities, and in spite of all the safeguards and measures provided to them by the Constitution, still they suffer and survive a lot of social and political complications. It can also be taken as a measurement of the magnitude of the suffering of these communities, and which directly raises questions as to the degree of the unbiased decisiveness of the application and implementation of the theoretical provisions of minority rights.

109 ibid., p. 4 (Column Two).