PREFACE
This study focuses on the politics of minority safeguards in India with special reference to the role of the National Commission for Minorities (NCM). The irony is that the Constitution of India neither defines the term "minority" nor identifies any particular groups or communities as minorities. Nevertheless, it recognizes vaguely the existence of minorities based on religion, language and culture and, accordingly, provides certain rights and special safeguards for them. As the NCM is a statutory body created to deal with the problems of religious minorities only this thesis is confined to a study of politics surrounding the safeguards for religious minorities and the constitution and functioning of the NCM.

Although liberal democracy may be credited for providing space for human rights and civil liberties of individuals, its failure to address the collective rights of religious, cultural, ethnic and linguistic minorities cannot be ignored. In fact, historically it was not designed to address the specific problems of such groups. John Locke, the father of liberalism, envisaged a government based on the consent of the majority which should be committed to the protection of natural rights of individuals. Rousseau subordinated the differences and distinctions that might exist in any society to an infallible general will. J.S. Mill cautioned against the threat of the tyranny of majority in liberal democratic societies but the problem of cultural or ethnic minorities as such was not his concern. Thus we find that the liberal individualist theory does not address the claims of religious, linguistic, ethnic and cultural minorities. However, first the League of Nations and then belatedly the United Nations dealt with minority rights. Of late a lot of academic discourse and theoretical work in this sphere has come to the
fore. The ideas like pluralism and multiculturalism in relation to minority rights are getting wider acceptance in liberal democracies.

India is the largest democracy of the world and a home to a variety of minorities. It has been facing serious problem arising from religious pluralism for the last many decades. This had culminated into the partition of the country in August 1947 and continues to be the major cause of communal disturbances and social unrest in independent India. This study is thus confined to the rights and status of religious minorities in India. It traces the history of origin of various religious communities in India and demolishes the myth of minorities being foreigners or aliens as projected by the rightist majoritarian forces. It not only discusses the rights and safeguards of minorities as explicitly mentioned in the Constitution but also investigates into all relevant provisions and laws influencing the rights and status of religious minorities in India. The constitutional rights and safeguards have been analysed in the light of their pre-natal history and the debates in the Constituent Assembly. Thus textual and contextual understanding of these provisions has been attempted at.

Besides the NCM, the role of the judiciary in protecting the rights of minorities has been analysed on the basis of the study of select cases. It is found that despite many anti-minority judgements, the judiciary commands the trust and respect of the Indian minorities at large. The history of circumstances leading to the establishment of the Minorities Commission by the first non-Congress Government at the Centre and according to it a statutory status by the Congress-led Government has been discussed in the light of primary sources like Parliamentary Debates and documents published by the Government of India. The *Annual Reports* of the NCM from 1978 to 2006 and other publications form the original and primary sources of this study.
While investigating into the rights and status of the religious minorities in India, one faces many difficulties as the government and its various agencies conceal the facts and figures, data and statistics relating to them. Thus guided by a misconceived notion of secularism and national integration, the government is not making public the community wise data on socio-economic and educational status that it has been collecting since the first Census (1951) in independent India. The government does not deem it necessary to conduct studies and make public the conditions of its minorities and simultaneously the majoritarian and rightist forces keep on attacking the government for its policy of the appeasement of the minorities. The NGOs and the individuals, on the other hand, find it extremely difficult to carry out such studies without the active support and encouragement by the government. Thus a few studies like the Gopal Singh Panel Report and the High Level Committee to study the Social, Economic and Educational Status of Minorities of India appointed by the Prime Minister of India, headed by Justice Rajender Sachar (retired) known as the [Sachar Committee] are the only official documents available for an empirical research. However, such studies are quite limited in their scope and they neither cover all the minorities nor all the problems of a particular minority.

The present study assesses and analyses the rights and status of religious minorities in India on the basis of all available relevant primary and secondary sources. A historical-analytical and comparative method has been adopted for the present study.

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This study is divided into seven chapters including the Introduction and the Conclusions. Chapter I provides an outline of this study and introduces the general theme of the topic. Chapter II traces the history of origin of various religious communities and discusses the evolution of the rights of minorities in India. Chapter III investigates into the constitutional and legal safeguards of Minorities. Chapter IV makes a critical evaluation of the role of Judiciary in protection of the rights of minorities. Chapters V and VI investigate into the circumstances leading to the establishment of the Minorities Commission and its role as an institutional mechanism to protect the rights and interests of religious minorities respectively. Chapter VII is the concluding part which also highlights the main findings of this study.

I hope and trust this thesis makes a substantive and original contribution to this area of study.

Aligarh

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