Chapter 1

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Winston Churchill had eloquently defended democracy by saying ‘Democracy is the worst form of government except all the other forms that have been tried from time to time’. As a matter of fact, democracy based on liberty, equality, justice and rule of law has been universally accepted as the best form of governance in our times. This emboldened Francis Fukuyama to pronounce the demise of all rival ideologies and advance his ‘end of ideology’ thesis. However there are many who believe that despite having many positive features liberal democracy suffers from some cardinal contradictions. One of such contradictions is that it claims to be the government of the people promoting common good but in practice it establishes what J. S. Mill calls the ‘tyranny of majority’. Thus in a democracy based on numbers it is quite obvious that minorities will feel insecure and fear domination by the majority. In a heterogeneous society, therefore, it is but natural that minorities would demand constitutional safeguards and effective institutional arrangements for their protection.

There is no denying the fact that democracy has created a space for individual liberty and human rights. It has envisaged a political system in which liberty and rights of individuals are valued more than anything else. But democracy based on individual freedom and equality (emphasizing non-discrimination) has an additional responsibility of maintaining a balance between individual freedom and group rights. In fact, people interact in a democracy more as a group than as individuals. Therefore, providing opportunities to groups to maintain their distinct and peculiar identities is as important as giving space to individuals to develop their personalities to the fullest extent.
The groups that are less in number and markedly distinct from the majority who also wish to maintain their distinctiveness are generally called minorities. Since these groups are mostly in a non-dominant position in a democracy, they tend to develop a sort of minority consciousness and demand constitutionally guaranteed rights and safeguards. According to Louis Wirth:

"A minority is a group of people who because of their physical or cultural characteristics, are singled out from others in the society in which they live for differential and unequal treatment and who, therefore, regard themselves as objects of collective discrimination. Further, minority status carries with it an exclusion from full participation in the life of the society".

In response to the persistence of minority claims in even the developed liberal-democratic societies, and the connection between minority problems and gross violation of human rights around the world, a number of liberal-democratic theorists have reviewed the relations between politics and culture and between majorities and minorities. Thus 'multiculturalism' has come to occupy a central place in liberal-democratic theory. The liberal theorists have started developing scholarly arguments in favour of special rights and safeguards of minorities to enable them to preserve their distinct identities based on religion, language and culture etc.

It is also important to mention here that democracy and minorities are supplementary and complementary to each other as 'we cannot have a democracy without minorities', and where there is no democracy the question of minorities as such cannot arise. The interdependence of minorities and democracy can be understood by the fact that the amount of confidence and security enjoyed by minorities is considered as the real test of success of a democracy.
Franklin Roosevelt emphasizes this fact and warns that 'no democracy can long survive which does not accept as fundamental to its very existence the recognition of the rights of minorities'.

The rights of minorities assume a unique and distinct position in India as it has been rightly described as a 'confederation of minorities'. In fact, every conceivable type of minority is found here. As a minority community is generally determined and identified in relation to the majority community of the population which is in a dominant position, the majority in this sense is very difficult to identify in India. The Hindus [followers of the Vedic religion] who constitute the majority are themselves not a monolith. There are horizontal as well as vertical divisions amongst them with a very rigid caste system drawing sanction from the religious scriptures. Discrimination based on birth is inherent in the hierarchical social order of the Hindus. Hence there are voices from within the community itself challenging the caste-based discrimination perpetuated by the dominant upper castes or more specifically the Brahminical elite. This is the reason why the Hindus as a community do not qualify to be called as a majority in the real sense of the term as there are many 'minorities by force' (read various sections of Hindu community mentioned as the Scheduled Castes) among them. The sharp differences of castes and competing social interests make them a highly fragmented and dispersed community. Nevertheless, this is not to deny the existence of minority-majority problem in India. The Hindus as a whole constitute 80.5 percent of the total population of the country therefore they are rightly treated as majority at the national level.

The adjustment and accommodation of claims of different groups has been the most difficult problem of the Indian democracy. The history of freedom struggle against British colonialism culminating
into Partition quite convincingly established that minority - majority problem existed in India right from the beginning of democratic experiment by the British. However, it cannot be denied that the problem exists even today. The minorities in India are facing many challenges - some old (borrowed as colonial heritage) and some new (created due to emergence of majoritarian Hindutva forces). The rightist majoritarian ideology represented by the Sangh brigade does not believe in the presence of permanent minorities in India. It believes in the assimilation of minorities into the fold of Hinduism. The message of the Sangh is clear - 'one people, one culture, one nation'. Thus, minorities are supposed to surrender the right of adherence to their religion and culture. They have to destroy their distinct identity and assimilate themselves into what the Sangh brigade deliberately prefer to call as the Indian culture and ethos:

"All those...can have no place in the national life, unless they abandon their differences, adopt the religion, culture and language of the Nation and completely merge themselves into National Race. So long, however, as they maintain their racial, religious and cultural differences, they cannot but be only foreigners... the strangers have to acknowledge the National religion as the State Religion and in every other respect inseparably merge in the National community".14

It is quite obvious from the foregoing discussion on the rise of the majoritarian forces that there cannot be any space for the minorities or their special rights in the scheme envisaged by the ultra-right Sangh brigade. Under such circumstances as the nation has witnessed the formation of governments at the centre and in many states by these rightist forces, the problem of the rights of minorities with institutional
mechanisms to enforce them assumes crucial urgency in contemporary India. Neera Chandhoke observes:

“Cast in the mould of cultural nationalism, majoritarianism calls for the erasure of all specific identities and demands the constitution of a culturally homogeneous nation. And this is cause for concern, for cultural or organic nationalism as history shows us, is constructed on a ritualized and systematic suspicion of strangers – read minority groups upon the privileging of one ethnic, linguistic or religious community, and on calls to exterminate ‘impurities’ in the organic nation. In India the project of Hindutva does all this. It appeals to the mythic unity of the Hindu people, invokes an ahistorical version of a glorious Hindu Past, disparages minority identities and demands conformity and homogeneity in order to accomplish two tasks. Both tasks have serious implications for the future of a plural India and for the rights of minorities”.

Pluralism and Minorities in India

India is not a country but a civilization. The beauty and the strength of this great civilization has been its ability to accommodate diversities. This is the reason perhaps that many great religions, rich languages, strong philosophical traditions, and intellectual movements owe their origin to India. There are 4635 identifiable communities diverse in biological traits, dress, language, forms of worship, occupation, food habits and kinship patterns in India. These communities derive roots from a mixed ancestry that includes the Proto-Austratoid, Paleo-Mediterranean, Caucasian, Negroid and Mangoloid. The racial components of Indians are the Aryan, Greek, Hun, Arab, Turk, African, Mongol and European. There are 325 languages and scripts in use deriving from various linguistic families- the Indo-Aryan, Tibeto-Burman, Dravidian, Austro-Asiatic, Andamanese, Semitic, Indo-Iranian, Sino-Tibetan, Indo-European, apart from thousands of dialects. Thus it is
established beyond any doubt that pluralism and unity with diversity has been and continues to be the most prominent feature of the Indian civilization.

The presence and celebration of diversities may be an appreciable feature of a society but it has to be kept in mind that maintaining unity in such a society becomes a daunting task. The political system in such society is always overburdened by the day-to-day conflicts and disputes arising from the interplay of the competing interests of the different communities. It has been rightly observed:

“It is important to note that the accommodation of diversities in a plural society is a complex process, inextricably interwoven with the value premises and ideological preferences of the process of state-society building. The problematic is doubly compounded in the context specific situation of India. Firstly, India represents a unique civilizational context, derived from different sources and experiences. It has its own dynamics of social structure and political processes; its own logic of construction and development, having bearing on the process of accommodation of pluralism; and secondly, it has to address the challenges and pull and pressures of the colonial construction of exclusive boundaries put into a confrontationist mould”.\(^{19}\)

The social and religious pluralism of the country was preserved by prudent rulers in ancient and medieval India. At the same time there are several instances of rulers providing patronage to their own religion. Sometimes this resulted in persecution of people from other religious persuasions. But the recorded history of India outlines large-hearted religious tolerance as the basic feature of Indian civilization. However, it cannot be denied that ‘domination and inequalities of power and wealth are perennial facts of human society.\(^ {20}\) The Indian civilization has also witnessed this crude reality of human
society. Thus, it is quite evident from the perusal of history of India that those who were in power tried to establish their domination to such extent that led to subordination of others.21

The British who are known for unleashing a reign in India under which the religious and caste consciousness (already existing in India) were deliberately nurtured and promoted, in fact provided space for independent and special claim of minorities and other marginalized groups. This was effected also because of the political reforms and representative government introduced by the British. For the first time India was going to witness a system of government in which heads were going to be counted for providing representation to the people. Thus under a system in which the numbers were important, the development of consciousness of groups along religious and caste lines was obvious. Also, this consciousness found encouragement as it was serving the British colonial interest. By keeping the masses divided they could weaken the movement against the colonial exploitation.

During freedom struggle also the problem of adjustment of claims of minorities (especially Muslims - the largest minority) haunted the leaders. Under a proposed representative government based on the model of western liberal democracy, the minorities were apprehensive of their rights. Thus they started demanding some special guarantees for the protection of their rights. The main demands included separate electorates and weightage,22 reservation of seats in the cabinet and legislatures, reservation in public employment and institutional arrangement to ensure protection of minority rights.23 It is desirable to mention that there was no uniformity in the demands put forward by different minorities but the two significant minorities the Muslims and the Sikhs were very firm in asking for the special safeguards relating to their political representation and economic security besides rights
relating to preservation of their identity. However, the subsequent developments in early 20th century culminating into partition of India in August 1947 changed the political scenario with far reaching implications for minority rights.

The Constitution-Making in India and the Minority Rights

When the Constituent Assembly met in December 1946 to frame the Constitution of India, the Muslim league was conspicuously absent from the Assembly. The Muslim League was the main political rival of the Indian National Congress. The bone of contention between the two was the question of minority rights. The Congress envisaged a united secular India with certain special safeguards for minorities except separate electorates whereas the League was not ready to compromise with separate electorates. The two different rather divergent approaches to minority rights consequently led to Muslim League’s uncompromising demand for Pakistan. Consequently, its demand for creation of Pakistan was accepted by the British government which led to Partition in August 1947. Thus, the voices of minority rights became very week in the Constituent Assembly due to changed circumstances after Partition. A perusal of incorporation of minority rights in the Constitution of India as it passed through different stages in the Assembly reveals that minorities did not get their desired rights and safeguards. The provisions of rights of minorities were changed at different stages in the Assembly. All these changes however tell the story of gradual (in stages) denial of minorities’ rights by the Constituent Assembly. Perhaps this was the reason that led Sir Ivor Jennings to conclude:

“Indeed the most complete disregard of minority claims is one of the most remarkable features of Indian federalism. The existence of competing claims on religious and ethnic grounds was one of the
reasons given for the refusal of Indian independence before 1940. By reaction the Congress politicians, who were above all nationalists, tended to minimize the importance of minority interests and emotions."  

The Constitution of India as finally adopted by the Constituent Assembly did not concede any special political right to any religious minority except the Anglo-Indian community. The other religious minorities were denied reservation even in services or educational institutions. They were made to compete with the majority on equal footing. Indeed, the minorities were not deprived of the rights available to others (read majority) in the Constitution. The country was declared as Secular ensuring neutrality of the state in the matters of religion. Equality of opportunity and equal protection of law has been provided to all by the Constitution and it has been ensured that State shall not discriminate against any citizen on the basis of religion, caste, creed, sex, place of birth etc. Thus the Constitution does not provide any special right to minorities except certain rights relating to their culture, language and education.

The Constitution of India, through various provisions has created a space for the uplift of the weaker sections of citizens. The constitutional amendments brought from time to time have also made it possible for the State to adopt special measures for ameliorating the pathetic conditions of these weaker sections. We find in the Constitution the various groups mentioned as Religious and Linguistic Minorities, Scheduled Castes, Scheduled Tribes and Backward Classes. These groups can legally avail special rights by dint of their backwardness and non-dominant position. It is interesting to mention here that by Constitutional Order of 1950 and its subsequent judicial interpretations, it has been ensured that only a Hindu can enjoy the
status of a Scheduled Caste.\textsuperscript{35} Subsequently, the Order was amended and now besides a Hindu, a Buddhist or a Sikh can also be a scheduled caste.\textsuperscript{36} However, if these Scheduled Castes convert to Islam or Christianity, they cannot continue to enjoy the attending benefit of a scheduled caste. This discriminatory law is in fact in complete disregard to the social reality of India:

"The caste system is indeed an Indian social phenomenon common to all religions. Castes are generally identified by their vocations and are favored with protective discrimination due to their social backwardness. Their essential linkage with three chosen faiths of the country has, however, turned the so-called Scheduled Castes into a religion based class".\textsuperscript{37}

\textbf{Minority Rights in a Secular State}

Like most of the concepts of social sciences, there is no universally accepted definition of secularism. It is a term that is to be understood in the context of a particular country, its people, culture and history. In the context of India it means equal respect for all religions—an idea that derives legitimacy and acceptability from the glorious past of Indian civilization in the form of \textit{Sarva Dharma Sambhava} (equality of all religions).

The secular democratic character of the Constitution has tried to maintain a delicate balance between individual and group rights of citizens. Thus the state gives freedom to an individual to follow or not to follow any religion, and to adopt or not to adopt any culture. At the same time, the groups (based on religion, language, culture, etc) have been given liberty to work for preservation and promotion of their group identity. The minorities in particular have been given special rights under Articles 29 and 30 of the Constitution to preserve their language and culture through autonomous educational institutions
established and administered by them. It means the Constitution has recognized education as an important tool of preservation of culture and language of minorities. Thus the Constitution has sought to envisage a state which is not supposed to bulldoze the different and distinct identities of the various communities to achieve homogeneity. Any such attempt by the state even in the name of secularism has not been successful. Even the microscopic minorities like Parsis, Bahais and Jews, therefore, enjoy autonomy in matters like marriage, divorce and property etc. The system of maintaining unity and integrity of the nation with accommodation of diversities has quite successfully worked in India whereas the attempt of building a homogeneous nation has failed in our neighbourhood.

The Rights of Minorities versus Non-Discrimination

In a society where the relations between minority and majority is significantly marked by historical legacy of conflicts, it is quite a difficult task for the state to strike a balance between the special claims of minorities and the principle of non-discrimination which ultimately favour the majority. It has given birth to a debate on minority rights.

Some scholars have argued that the rights of minorities are naturally protected in a liberal democratic setup under which the individuals enjoy autonomy and freedom to choose their own way of life (which includes culture, language, religion, etc). As the equality of opportunity is guaranteed to all without any discrimination there is no need to provide any special right to persons belonging to any community or group. In fact, any special favour to any group will be against the principle of procedural republic envisaged by the liberal democracy.

"The procedural republic is considered to be neutral as it is not committed to the pursuit of any given purpose.... It gives to each
citizen the freedom to live in accordance with his own beliefs and norms. Thus seen from the liberal perspective, the procedural republic provides space for differences of perspectives, outlook and taste. Most of all, it respects and shelters epistemic differences among individuals.41

The basic assumption in this regard is that rules and laws in a procedural republic are value-free and therefore, ensure neutrality of the state in matters of morality and ethical commitments. However, it should be kept in mind that laws in any society or state cannot be value-free. The laws dealing with lesbianism and homosexuality, abortion, marriages and divorce etc reflect the civilizational and societal values of the people living in a given territory. Thus in a multicultural society, the non-dominant minority may feel quite unconformable with the laws framed and implemented by the procedural republic. The demand of minorities in such a society for exception against the universal application of laws seriously affecting their cultural identity cannot be pushed under the carpet.

“What is perhaps equally important is that in a multi-cultural society, laws of the state may embody values which contradict practices of some communities while being closer to the practices of other communities. Consequently laws may be perceived differently by members of different communities; and these laws are likely to affect the life of different communities in different ways”.42

There are proponents of special rights for the minorities. They argue that the non-dominant minorities cannot protect their distinct identity in a society dominated by the majority. The domination of the majority in the society is bound to be reflected in the policies and programmes of the state. Thus, the vulnerability of the minorities is increased and therefore some special measures must be adopted for the
protection of the interest of minorities. The equality based on the principle of non-discrimination even in a secular democratic polity cannot ensure the protection of interest of minorities without special measures. This realization is found in one of the most authentic studies conducted under the aegis of the United Nations on the implementation of Article 27 of the International Covenant on Civil and Political Rights. Thus it has been accepted and asserted in the study that:

"Respect for the uniqueness and individuality of person with different cultural, religious and linguistic backgrounds is closely linked to a strict application of the principle of equality and non-discrimination. It must be emphasized that while the two concepts are distinct in the sense that equality and non-discrimination imply a formal guarantee of uniform treatment for all individuals, whereas protection of minorities implies special measures in favour of members of a minority group – the purpose of these measures nonetheless is to institute factual equality between the members of such groups and other individuals. This shows that prevention of discrimination, on the one hand, and the implementation of special measures to protect minorities, on the other, is merely two aspects of the same problem. That of fully ensuring equal rights to all persons".43

It is a universally accepted proposition now that minorities need special care and attention by the society. Thus Narang argues:

"Common civil rights are not enough and that, without specific provisions obligating state not only to abstain from interfering with the collective rights of minorities but also to provide active support for the enjoyment of such rights, minority groups will always be disadvantaged within the wider society. It is pointed out that universal individual-human rights even when fully effective do not necessarily ensure the full enjoyment of rights by collectivities".44
Thus the political dispensation in any part of the world must adopt some special measures (besides general) for the protection of rights of minorities as it is rightly pointed out:

“In societies and states where equality and non-discrimination is guaranteed under law, minorities face discriminatory treatment in reality. Even in the absence of any prejudice and hostility from the dominant majority, smaller non-dominant groups would face neglect and marginalization”.

Conclusion

The foregoing discussion thus establishes that the apprehension of marginalization, assimilation and subordination is the common feature of minority behaviour in every society. The minorities therefore claim special legal and constitutional safeguards for the protection of their culture, language, religion etc which make them distinct from the majority. To ensure the effective implementation of the legal safeguards, the minorities also assert for the establishment of institutional mechanism. India provides its minorities the rights which are available to all its citizens without any discrimination on the basis of religion, caste, creed, sex, place of birth etc. These are the general rights available to all. Besides these, the Constitution also provides certain special or specific rights to its various minorities. The creation of the central Minorities Commission in 1978 and according it a statutory status in 1992-93 is a step towards the institutional arrangement for the enforcement of legal and constitutional safeguards to minorities. The enjoyment of these safeguards by minorities and the performance of institutional arrangements will determine the qualitative achievements of Indian democracy.
NOTES


2. See Francis Fukuyama, *The End of History and the Last Man*, Penguin, Harmondsworth, 1992. Fukuyama argues that the liberal democracy as an ideology had triumphed over all its rivals (read Marxism/Socialism) and that it has been accepted as an ideal by all societies. He goes to the extent of suggesting that with the victory of Western liberal democracy the political imagination of man has come to an end as there is no need of any other ideology. This West-centric approach of Fukuyama has been criticized by many see. Abid Ullah Jan, *The End of Democracy*, Pragmatic Publishing, Canada, 2003.


11. Dalit movements in India have been directed against the caste-based discrimination under Hindu social order. Dr. B.R. Ambedkar was the pioneer of Dalit movement in India. He challenged the hegemony and domination of the upper castes and contemptuously abandoned Hinduism. He along with thousands of Dalits converted to Buddhism. Since then the Dalit movements have adopted two ways of emancipation from the centuries old exploitation and discrimination — one, remaining in the fold of Hinduism and asserting social, political and religious rights including entry into temples wherein they were not allowed to enter. Second, converting to Buddhism, Islam or Christianity and coming out of hierarchical
social order. There are many instances of mass conversion of Dalits to Islam, Christianity and Buddhism in India.

It is also important to mention here that there were many powerful social reform movements led by Hindu Social reformers in 19th and 20th Century. Mahatma Gandhi also started a strong movement against untouchability and Casteism. Under his influence and as a result of Dalit consciousness the Constitution of India declared untouchability as a punishable crime. See Article 17 of the Indian Constitution which reads as: “Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law.

12. The Census 2001 provides the following percentage of various religious communities in India: - Hindus: 80.5, Muslims: 13.4, Christians: 2.3, Sikhs: 1.9, Buddhists: 0.8, Jains: 0.4, Others: 0.7. The total population of Parsis was recorded as 69,601.

13. The Sangh brigade is a group of communal Hindu organizations like Rashtriya Swayamsevak Sangh (R.S.S.), Vishwa Hindu Parishad (VHP), Bajrang Dal, etc. The Sangh brigade is politically represented by the Bharatiya Janata Party (BJP) and the Shiv Sena.

14. M. S. Golwalkar, We or Our Nationhood Defined, Bharat Prakashan, Nagpur, 1939, pp.45-46.


17. Ibid.

18. Ibid., p.14


21. Subordination of Dravidians by the dominant Aryans led to the development of a hierarchical social order under which the subjugated groups were relegated to the position of animals during ancient times. In medieval period, the caste system was maintained and kept intact by the Muslim rulers. The dominant Muslims were called as Ashraf and the non-dominant as Ajlaq. The British rulers also believed in racial superiority and a kind of apartheid practiced by them was one of the negative features of British administration in India.

22. There is a good deal of controversy on the minorities' demand for separate electorates in India. The Indian National Congress
considered this system as a cardinal sin capable of breaking the unity and integrity of India. However, it is desirable to mention that to provide representation to minorities in a liberal democracy, various methods of elections have been suggested by the liberal scholars. These methods include: Proportional Representation (with Single Transferable Vote System or List System); Limited Vote System; Cumulative Vote System; Separate Electorate System; Joint Electorate with Reservation of Seats. See Andrew Heywood, *op. cit.*, pp. 205-228.


24. The politics of the Muslim League revolved around these four demands before it demanded a separate sovereign state for Muslims. Even after the creation of Pakistan, the remaining members of Muslim League in India showed their determination to fight for these demands. See the speeches of two members of the Muslim League, Pocker Saheb and Mohammad Ismail in *Constituent Assembly Debates*, Vol. VII, p.332-364. However, there were many Muslims who opposed separate electorates and communal representation (all the nationalist Muslim Leaders had opposed it) and a few of them demonstrated lack of political insight and any understanding of democratic political theory by opposing any sort of special rights for minorities. Begum Aizaz Rasul and Tajammul Hussain Khan were the members of the Constituent Assembly of India who quite naively opposed any special privilege for the Muslims and even went to the extent of saying that there is nothing like majority and minority in a secular democratic state. Sardar Ujjal Singh and Harnam Singh, Members of the Sub-Committee, proposed the safeguards they thought should be provided for the Sikhs. These safeguards included:

i) demand for retaining Punjab as the homeland and holy land of the Sikhs;

ii) reservation and privileges for the three backward Communities among the Sikhs on the same lines as were to be provided for Scheduled Castes;

iii) reservation of Six percent of Seats in the Central Legislature;

iv) reservation of five percent of posts in the Central Cabinet; and

v) the representation of Sikhs in the defense services should not be reduced.


As most of the demands of the Sikhs were rejected under the changed circumstance, a Sikh member of the Constituent
Assembly Hukam Singh showed his outrage and said on October 14, 1949 during the debates on reservation in services:

"The Sikhs are told, when they remind the Congress of their past pledges in 1929, 1944 and again 1947 that circumstance has changed. The Sikhs were recognized as one of the three main communities in the Cabinet Mission Plan of which the Constituent Assembly is the creature. The only changed circumstance is that the Muslims have got Pakistan. Does it stand to reason that because the Muslims have secured Pakistan, therefore the Sikhs have ceased to be minority?"


No specific communal demands were made by the Indian Christians. The Parsis represented by Homi Mody observed that they had never asked for any special privileges but if other minorities were provided special representation, the Parsis being the smaller minorities, should not be ignored.


25. Changed circumstances in the wake of Partition were stated as the main reason for denying many claims of minorities including communal reservation by the Advisory Committee in its meeting of December 30, 1948. See B. Shiva Rao, The Framing of India's Constitution, A Study, op. cit., p. 770.

26. Adamant on its demand for Pakistan, the Muslim League boycotted the meetings of the Constituent Assembly.


29. Articles 331 and 333 of the Constitution deal with the special provisions relating to the political representation of the Anglo-Indian community in the House of the People and State Assemblies.

30. Inserted by the Constitution (Forty-Second Amendment) Act, 1976.

31. The provisions have been discussed in Chapter III of this study.

32. See Articles 29 and 30 of the Constitution (A detailed discussion on the provision of Articles 29 and 30 has been made in chapters III and IV of this study.

33. Articles 15 (4) (5) and 16 (4) provide space for affirmative action or special measures for weaker sections. A discussion on these provisions follows in chapter III of the thesis.

34. See clauses 4 and 5 of Article 15, inserted by the First and Ninety-Third Amendment Acts respectively.


38. In spite of the many rulings by the Supreme Court for the implementation of Uniform Civil Code in India, the government has not been able to do so. Contrary to it, the Parliament of India has enacted laws for the preservation of Personal laws in the country.

39. The creation of Pakistan in August 1947 as the homeland for Muslims was an important event in the history of Indian sub-continent. However, the sovereign state of Pakistan could not keep intact its integrity and within 24 years of its establishment it was divided into two. The creation of Bangladesh in 1971 was in fact, the result of the failure of Pakistan to accommodate the cultural and linguistic diversity of the land. It also established that the religion may be an integrating force but the language and culture are equally important factor which cannot be ignored by a responsible polity.


42. *Ibid.*

