INTRODUCTION
Introduction

Minority issue was one of the unambiguous issues being introduced to the Constituent Assembly. The issue of ‘minority-majority uncertainty’ was at the surface, even at that time well known Nehru Report of 1928 assumed a crucial part in the development of essential rights. The issue of the minority was intense; however, there was contention with respect to the factors empowering minority awareness. The tale of granting protected safeguards for the different minorities in India can be followed back to the discussion associated the rationality of the Constitution which occurred in the Constituent Assembly. It was started from the primary determination concerning points and protects of the Constitution, drawn up for future administration. It was moved by Jawaharlal Nehru on thirteenth December, 1946 only four days after the initial meeting of the Assembly expressing that it should be ensured and secured to all individuals of India justice, cultural, economic and political, justice of status under the watchful eye of the law; freedom of thought, articulation, conviction, confidence, venerate, occupation, affiliation and activity, subject of law and open profound quality; and sufficient safeguards might be provided for minorities, in backward and ancestral zones, and discouraged and other in backward classes.¹

This Objective Resolution at last discovered articulation in the ‘Preamble’ of the Constitution which declares in unequivocal terms justice, liberty, equality and fraternity as the unavoidable rights of man. Offering thanks to this determination M.R. Masani - the delegates of the Parsi people group stated,-

“While welcoming the clause in this Resolution which promises adequate safeguards for the minorities, I would say that it is a good thing that we have this judiciary and constitutional safeguards.”²

Again the majority of noticeable Assembly individuals imagined that title minority issue was altogether a making of the British Government following from the presentation of

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¹. Constituent Assembly Debates Vol. I, 42
². Ibid. 91
isolated collective electorates, as an individual from gap and lead approach, in the expressions of Dr. K. M. Munshi,

“The most important task before the Constituent Assembly is to secure political consolidation of the Nation. Its basis has been destroyed by the British by statutorily fragmenting political idea into religious communities under the guise of protecting the minorities.”

The protection proclaimed by minorities fell into various classes and there was awesome strain to guarantee straight out established safeguards for them.

Under unavoidable and convincing conditions Assembly needed to surrender certain protections for minorities by endeavouring to limit, beyond what many would consider possible, the adverse impact of minority cognizance. When Nehru remarked,

“So far as India is concerned, we have very clearly stated that both as Government and otherwise that we cannot think of any State which might be called a ‘Communal or Religious State’. We can only think of a secular, non-communal, democratic State, in which every individual to whatever religion he may belong has equal rights and opportunities.”

It might be presented that the framers hailed the minority rights, as it was basic in the cultural and national premium, however their sincere desire was that the established protections will empower majority and minorities to consolidate into one. To cite Dr. B.R. Ambedkar,

“Speaking for myself, I have no doubt that the Constituent Assembly has done wisely in providing such safeguards for minorities as it has done in this country both the minorities and the majorities have followed a wrong path. It is wrong for the majority to deny the existence of minorities. It is equally wrong for the minorities to perpetuate themselves. A solution must be found which will serve a double purpose. It must recognize the

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5. After Partition, *Modem India Series - 7* (1948)
existence of minorities to start with. It must also be such that it will enable majorities and minorities to merge someday into one.”

Illuminating up a bit the real foundation of the assurance of minorities, we may look toward to the start of the twentieth century to give a few motivating factors to the need of recognition of minorities and absence of tending to the definition and legitimately restricting rights of the minorities. It can be contended, that one reason has been among others that the feebleness of the League of Nations at the season of a flare-up of the World War II to make Germany responsible for the minority insurance that influenced states to approach on the minority issue. It has been contended that the episode of World War II which lead additionally to the crumble of the League and consequently to the foundation of the United Nations, demonstrated the affectability of the minority issue and influenced it to remain as such from that point onward.

The affectability of the issue has appeared to have pushed minority rights insurance towards the approach of general use of equivalent individual rights, as opposed to protection of particularities of people and culturally assorted variety. The affectability can be found in the reality, that the absence of correspondence between various gatherings was at that point comprehended when drafting the universal declaration of human rights (UDHR) and the resulting the International Covenant on Civil, Political and Social Rights (ICCPSR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) prompting a proposition of including an unequivocal Article on minorities to the UDHR. Be that as it may, political contemplations exceeded the purported “compassionate optimism” and the proposed provision was avoided from the report and coordinated to ideal to religion, flexibility of articulation and other comparable rights in the UDHR which were thought to be comprehended to incorporate protection of minorities in the light of Article 2 on rule of non-discrimination.7 It was chosen that the unequivocal assurance of minorities would be exchanged to the plan of ECOSOC and the Commission of Human Rights, that were intended to draft a Convention on rights of minorities close by with the ICCPSR and ICESCR, yet which was however pulled back as a result of the questionable issue of self-assurance. The

6. Constituent Assembly Debates Vol. VIII, 39
7. Ibid.
Introduction

approach of justice and non-segregation in the UDHR turned out later to be inadequate in securing the minority rights and the development of the Article 27 focused on unequivocally on minorities was in this way at last added to the ICCPSR, regardless of whether cautiously.\(^8\)

It was just toward the finish of 80’s with the re-development of brutality amongst ethnic and religious gatherings took after by the fall of Soviet Union and the end of cold war notwithstanding caste the quickened globalization which prompt a re-assessment of the significance of tending to the minority issue expressly and to the production of instruments and systems ensuring minority rights.\(^9\) Initially, non-restricting Organization for Security and Co-operation in Europe (OSCE’s) Copenhagen Document in 1989 gave an extensive variety of minority rights, trailed by UN General Assembly receiving a Declaration on Rights of Persons Belonging to a National or Ethnic, Religious or Linguistic Minorities in 1992 and that year Legislature of Europe embracing European Charter for Regional or Minority Languages took after by the legitimately restricting Framework Convention in Europe in 1994. The Working Group on Minorities by the Sub-Commission of the Commission on Human Rights was made in 1995 to survey the advancement and recognition of the Declaration and held sessions until the point when 2006 when it was supplanted by the Forum on Minority Issues in 2007, which, guided by the Independent Expert on minority issues made by command from the Commission on Human Rights in 2005, addresses the most critical parts of minority rights protection,\(^10\) including inside the UN improvement objective plans.

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8. Ibid.
The rights of the minorities have in this manner been given some consideration in late decades, in any case, the absence of restrictions, legitimate commitments still exists and the hesitance to perceive minority populace still remains.

It appears that services fear to perceive a minority for the reason of cases for self-assurance and independence through free statehood\(^\text{11}\) regardless of whether the HRC among others has built up that the individual rights of the minorities gave by Article 27 of ICCPSR ought not to be mistaken for the Article 3 on self-determination.\(^\text{12}\)

Despite the advancements in respect to the idea of minority rights, mindfulness can be distinguished towards minority issues on account of the very political undertones of issues. The sort of minority instruments; the vast majority of them being non-restricting assertions and political records, and the extended edge of prudence inside the execution of the instruments taken by the states to the legitimately restricting instruments demonstrate the hesitance to be lawfully bound in respect the issue.\(^\text{13}\) Also, the advised

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11. Throughout the history minorities have been at the most at risk of gross violations such as crime against humanity, war crimes and genocide. It must be however noted that minority groups are highly diverse and divergent possessing different characteristics, status, capabilities and aims, and even though generalizations should be avoided some had to be made within this thesis in order to keep the text as clear as possible. Minorities are also not always a numerical minority compared to the majority group and for example in Nepal the power holding “majority” is smaller in number compared to sum of various minorities. For more information on different formation of minority groups, see more e.g.: Li-ann Thio, *Managing Babel: The International Legal Protection of Minorities in the Twentieth Century*, 1 (Leiden: Marnitus Nijhoff Publishers, 2005.)


in the money related side and in setting up supervisory hardware for the checking the usage of instruments has been scrutinized for being avoided.\textsuperscript{14}

In the Constitution all provisions are available for citizens as well as aliens but some provisions are provided specifically for the citizens only like Articles 15, 16, 19, 29, & 30. These provisions give protection to the Indian citizens only, there is no discrimination on the basis of caste, creed, sex, religion, or place of birth and give the freedom to enjoy their fundamental rights completely. Similarly, the framers of the Constitution have given some of these provisions for the protection of the interest of minorities under Article 29 & 30 of the Constitution of India.

The word minority has not been defined at any place but the Constitution of India refers to minorities under various provisions (Articles 29, 30, 350A and 350B) of the Constitution where the minority means a group of population less than half of the total population of the state or country where they have less power than majority population or the people of the society who are lesser in strength than another major group of people of the society. As per the Indian constitution the people can be classified on the basis of religious or linguistic minorities like Muslims, Christians, Sikhs, Buddhists, Parsees (Zoroastrians), and Jains. These communities having the small amount of strength in comparison with the majority population, the Muslims are the highest number of minorities among all other minorities in India. There are different divergence of minority at different places in some states Muslims, Christians, Sikhs, Buddhists, Parsees (Zoroastrians), and Jains are considered as minorities or at some places Hindus are considered as minority like Jammu & Kashmir and Punjab where Hindus are in lesser strength or less than the 50\% of the total population of the state so, they consider as the minority in that state. The word ‘minority’ has been derived from the French word \textit{minorité} or Medieval Latin \textit{minoritas} and from Latin \textit{minor} which stands for ‘smaller’.

Rather nowhere, the term Minorities has been defined in the Constitution; the framers mentioned the protective rights of the minorities by which the minorities can protect themselves and enjoy their Fundamental rights constitutionally.

\textsuperscript{14} \textit{Ibid.}
Article 29 provides that,-

**Protection of interests of minorities.**—(1) 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.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Article 30 provides that-

**Right of minorities to establish and administer educational institutions.**—(1) all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall guarantee that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.

(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.\(^{15}\)

Articles 29 and 30 guarantee cultural and educational rights. While, Article 29(1) secures to each Section of natives, dwelling in the region of India, the right to save its own particular language, script or culture, and Article 30(1) assurances to each religious or linguistic minority, the right to build up and to manage educational organizations of their decision.

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Introduction

The question behind Articles 29 and 30 is the recognition and protection of the distinctive sorts of individuals, with assorted languages and different beliefs, which constitute the pith of Secularism.\footnote{16. Prof. Narendra Kumar, \textit{Constitutional law of India}, 396, VII (Ed. 2008 Allahabad Law Agency, Faridabad, Haryana).}

The Supreme Court in \textit{T.M.A. Pai Foundation v. state of Karnataka}\footnote{17. \textit{Ibid.}} said that, Article 29 and 30 do not more than seek to preserve the differences that exits, and at the same time, unite the people to form one strong nation.

In \textit{Bal Patil v. Union of India},\footnote{18. AIR 2005 SC 3172}

The court said that, Protection under Articles 29 and 30, is not a right, but is protection to the religious or linguistic minority communities, to attain equality with other religious or linguistic groups of India.

\textbf{Statement of Problem:}

Statement of the problem of this research work is that if the rights of the minorities are protected by the Constitution of India, then what are the factors and reasons for the backwardness and the marginalisation of the communities of the minorities and among all the specified minority communities, which community is more marginalized and backward and who is responsible for the same, either Government is responsible or the community itself. The concept of minorities has been a very controversial aspect right from the time such provisions relating to them were mooted to be introduced in the \textit{Constitution of India}. Maulana Abul Kalam Azad did not espouse the concept of minorities as he believed in the singularity of the Indian nation and polity. This was at a time when the Constituent Assembly of which he was a member was debating the prospects of having the concrete provisions for the minorities in India. The initial position of the Advisory Committee in the Constituent Assembly was to protect the minorities with respect to their language, script, and culture. The terminological reference to the now identified class of minorities was ‘sections of citizens’. \textit{The Motilal Nehru Commission or the Sapru Commission} never tried to define the term minority.
The *National Minority Commission* in Section 2 (c) defines minorities as those communities which are notified by the central government; and which as per the central government notification includes Muslims, Christians, Sikhs, Buddhists and Parsees (Zoroastrians) and it further goes on to clarify that any reference to the Hindus as that which would essentially include the Sikhs, Jains or Buddhists.

As a matter of fact, the term ‘minority’ has not been defined in the Indian Constitution. Even the National Commission for Minorities Act 1992 does not define the word minority- and merely says that ‘minority’ for the purposes of this Act means “a community notified as such by the Central Government”. Nevertheless, the Constitution uses the term ‘minority/minorities’ only in four Articles, namely Articles 29 (1), 30, 350-A and 350-B.

I have tried to propose to deal with the emergence of the minority problems and minority safeguards in the country in the twentieth and twenty first century as viewed by the national leadership and their solution of it as revealed by the various stages through which the drafting of the Articles of the Constitution passed, which deal with special rights of various minority groups and the political safeguards granted to them. This will enable us to see the changes that occurred in the perception of this problem on the part of the framers of the Constitution as a result of the then changing political situation.

**Objectives of the study:**

The present study is undertaken keeping in view of the following broad objectives:

1. To assess the Rights of Minorities under the Indian constitution;
2. To analyse the effects of the various laws to protect the interest of minority communities in India;
3. To assess the role of Minority Commission related to the problems of minorities in India;
4. To enquire into the causes and measures for diminishing or upgrading the status of minorities in India; and
5. To draw inferences, recommendations and to put forward suggestions in order to protect minority rights.
Hypothesis:
At the beginning of the study, the researcher has formulated some important assumptions to be tested throughout the study. These are given as under:

- To review correlation between socio-economic backwardness and marginalization of minorities in India.
- To analyse why the various Institutions who were sought to protect the rights of minorities have failed miserably to do so and thus they have proved to be paper tigers.
- Extending no heed on the part of Government to ameliorate the marginalization of minorities in India.

Research Methodology:
Methodology has been followed for conducting present research based on mainly doctrinal or analytical. Each problem has its own technique. The study is conducted by using doctrinal or analytical methodology on the basis of several National and International legal materials and data have been collected from different secondary sources.

Review of the Literature:
Literature review played a vital role to complete a qualitative research that is why the researcher have gone through several research papers, articles, journals, books, judicial decisions, juristic works and some other important committees and commission’s reports of Indian Government which researcher have accessed from different libraries of different institutions on the concerned research topic have been reviewed and studied all the material and then conclusion has been drawn.

_Minorities & the Constitution_ by P. Jaganmohan Reddy (Former Judge, Supreme Court of India) (University of Bombay 1981). This book contains literature about the minorities of India, particularly to the Muslims compatriots and to the wisdom and sagacity of the leaders of India who guaranteed the rights of the minorities believing in the unity of its people which they fondly and sincerely hoped, can more fully and completely be attained by the adoption of a common civil code for all, as a step in achieving and strengthening secularism in fact and in reality.
**Introduction**

*Minorities commission, Minor Role in Major Affairs* by Tahir Mahmood 2001, Pharos Media & Publishing (P) ltd, P.O. Box 9701, D-84 Abul Fazal Enclave –I, Jamia Nagar, New Delhi-110025 India; This book introduces the religious minorities of India and the work of the Central Minorities Commissions for the minorities and the origination and formative growth of the Central Minority Commissions.

*We, the Minorities of India* by Z.M. Khan & S.N. Yadav (First Edition 2001) - The inquiry in this book have been done in six chapters and the author tried to express chapter wise the conceptual framework of the Minorities. Constitutional and Legal protection of the minorities which is provided specifically for the minority communities of India and also provides the institutional structure, & furthermore provides minority’s situation the hardships and results of marginalisation are evident and manifested regarding to the minorities of India.

*Protection of minorities and scheduled castes* by S.K. Ghosh, Forward by Justice V.R. Krishna Iyer (second ed. 1984):- This edition provides the handicaps of the weaker sections, the suppressions of the minorities’ especially religious and linguistic minorities and terrible economic conditions of the outnumbered/marginalised make job opportunities disproportionately important. Likewise, the eruption of slums, the exploitation of the lower segments of the society and the glorious potential which is unable to blossom, are items of the weaker section of the society and the minorities.

*Minority Protection and International Bill of Human Rights* by Urmila Haskar (1974) this book confined itself exclusively to the problem of the minority protection in its relation to the International Bill of Human Rights which has been a subject of the considerable debates and discussions in the Human Rights Commission and its Sub-commission and measures proposed or contemplated for the protection of minorities under the aegis of the United Nations. This book is to show that a “minority” is not a numerical concept but means a “non-dominant” group in a State be it “national, religious or linguistic”.

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*Maulana Azad Library, Aligarh Muslim University*
India’s Minority, A Bibliographical study by Jagdish Saran Sharma (1975). The work in this book is done as a Bibliographical study of the minority communities. Though members of the minority communities form only about at least 20 percent of India’s population, their contribution to India’s culture and civilisation is still tremendous. Rather some of the minorities were hold high positions or offices during British regime and played a prominent role in the freedom struggle and made great sacrifices. This book also classified the different minority communities as are Anglo-Indians, Buddhists, Christians, Jains, Jews, Muslims, Parsees, and Sikhs.

Minorities and the Law, Edited by Mohammed Imam, ILI, New Delhi (Ed. 1972) is a well-known volume. The edition is provides that the essential task of the law in a democratic set up is to ensure that social relationship between the dominant group and the minorities is smooth and is not suffering from fear, suspicion, anger and hate. This book also provides the Constitutional safeguards to the minorities and its principles and policies to implement the safeguards and tried to focus on the conditions of the minority communities in the Indian democracy.

Minorities in India- Protection and Welfare by Rajendra Pandey (1997):- This volume made an effort to understand the ethnicity and perils of ethnicity in India. The most challenging problem of the contemporary India at the far end of the twentieth Century is ethnicity and its perils. This book contains five chapters and attempts have been made to understand ethnicity in international and national perspective, ethnic group relations that are found in India today, quest of ethnics or national identity and perils of ethnicity that the country confront.

International protection of Minorities, Edited by Satish Chandra (1986) and forward by Dr. Nagendra Singh (President, ICJ):- This book has comprised that History bears evidence to the facts that the minority problem can poison international relations. However, with the new standards set up by United Nations in the framework of Human Rights, minority groups can now play a positive role in building & shaping of international relations. When their rights are guaranteed and fully respected, minority can serve as a link between States which have among their population persons belonging to the same ethnic and linguistic groups, and thus help strengthen co-operations and
promote peaceful and friendly relations between States concerned. Also focusing on the continuing existence of the principle of International Minority Protection is testimony to the fact that minority rights, when left with the States concerned have been persistently violated rather it is the duty of the States to take steps appropriately, including legislative and Constitutional measures to ensure to enjoy the basic human rights and fundamental freedoms to the minority community members on the basis of the equality and without discrimination.

*Prevention of Discrimination and protection of Minorities* by R.C. Rajan (2004) This book discussed about the many aspects of the discrimination, prevention of discrimination and protection of the minorities and in the eleven chapters of the book author tried to focus on the discrimination in a stratified society; forms of languages, religious educational discrimination, racial discrimination; minority and the world; language, literacy and minorities; education and minority rights, theory and practices in the protection of the rights of the minorities and statutory safeguards of the minority rights in India.

*Socio-legal study of cultural and educational rights of the minorities* by B.N. Pandey (2000) This book contains exhaustive commentary on the rights of the minority communities which have been protected by the Constitution of India, and give a detailed analysis regarding cultural and educational rights of the minorities.

*Shorter Constitution of India* by Durga Das Basu, 14th Ed. 2009. The author has been done tremendous work. This volume is divided Article wise and contains Articles 1 to 151, and in Articles 29 & 30 it tried to focus on the cultural and educational rights of the minorities, noted recent case laws relating to the minorities and protection to their minority educational institutions either aided or unaided minority educational institutions. It also highlights the minority and non-minority institutions.

*Constitutional law of India* by Prof. Narender Kumar (7th Ed. 2008). This book has attempted the subject a thorough treatment and sought to express complicated ideas with clarity and accuracy. The work incorporates all the important judgments of the Supreme Court and the High Courts reported unto June, 2008. It has accommodated the increased
attention which has been given to the human rights as well as the growing importance of the Constitutional law. This book contains thirty nine chapters and there is a detailed study about the minorities and their cultural and educational rights which are protected by the Constitution in the twelfth chapter.

*The constitution of India* by Dr. B.L. Fadia. There are twenty Seven chapters in the book and covers all the chapters of the Constitution of India including historical background of the Constitution, the Constituent Assembly of India and the philosophy of the Constitution of India. It also elaborates all the parts of the Constitution. Chapter four of this volume talks about minorities and their rights.

*Constitutional law of India* by Dr. J.N. Pandey (49th Ed. 2012). This is one of the most prominent books on the Constitution. Fifteenth Chapter of this book expresses about Article 29 and 30 of the Indian Constitution and case laws in which the rights of the minorities, i.e. to be the cultural and educational rights mentioned and tried to focus on the minorities under the purview of the Constitution.

*Indian Constitutional law* by M.P. Jain (5th Ed.2008). This book is the revised and enlarged edition of the Indian Constitutional law in the hands of Judges, lawyers, teachers, students, scholars and those who are related to the field of Constitutional law. This edition contains exhaustive commentary and judicial decisions on the different aspects of the Constitution. Chapter thirty of this edition mentions about the cultural and educational rights of the minorities that is to be considered as the fundamental rights of the citizens of India; and also elaborate the important judicial decisions of the protection of the minorities like T.M.A. Pai case and some other most important decisions.

*Introduction to the Constitution of India* by D.D. Basu (21st Ed. 2013). This edition has been thoroughly updated and revised with all of the recent amendments, case laws and tables including exclusive coverage of topics of the Constitution. In the Chapter Thirty two of this book clearly mentions about the minorities, scheduled castes and scheduled tribes. It also tries to focus on the provisions for protection of minorities as permanent and temporary provisions related to the protection of the minorities like religious freedom, linguistic and cultural rights; facilities for instructions in mother tongue, special
officers for the linguistic minorities; rights to establish educational institutions of their choice; no discrimination of State towards aided or unaided educational institutions etc. These are the some important topic covered in this book.

Chapter Plan
The instant research venture is captioned “Protection of Rights of Minorities under Constitution: An Evaluation”. To facilitate the study the research is designed to contain five chapters apart from introduction and conclusion & suggestions.

The researcher has divided the research work into three sections, I Section that is introductory part of the Protection of rights of minorities under Constitution.

II Section that is chapters plan and the last section of the research work is concluding remarks with findings of the research work and some suggestions.

Section I consists of introductory parts of the research work in which an attempt is made to elucidate the minorities and their rights with the help of some of the Constitutional provisions as provided in Articles 29, 30, 350A & 350B and UDHR, ICCPR, ICCPSR, and also ICESCR.

Section II Chapters plan: This section is divided into five chapters, namely, 1) Meaning and Concept of Rights of Minorities, 2) Historical Background, 3) Factors for Backwardness of the minorities, 4) Executive Measures for the Protection of Rights of Minorities, 5) Judicial Approach.

First Chapter deals with the meaning and concept of the minorities, that as the term minority has not been defined at any place in the constitution of India, so with the help of different reference books, dictionaries and Encyclopaedias where meanings of the minority mentioned in many different ways, - like as Oxford dictionary defines minority means “a small group of people within a community or country, differing from the main population in race, religion, language, or political persuasion.”19 On the premise of the

19. Available at: https://en.oxforddictionaries.com/definition/minoritydated07/06/2017
examination of the meaning of minority mentioned in chapter first, it can be obviously settled that separated from the measurable or numerical size, there might be situations where language or religion, alone can control appropriation – whether social or political – might be found as the genuine premise to learn the “minority” status of a specific gathering of individuals. In some different cases, the particular check might be the homogeneity of physical or social characteristics of the gathering. Once more, there may likewise be situations when differential treatment alone is the pointer that may decide the minority status. As some other different dictionaries give some other definition of the minority and mentioned of those provisions provided in constitution for the protection of the rights of minority communities in India, and express the classification of the minorities in India like as (a) Religious minority, (b) Linguistic minority, and (c) Cultural minorities.

Under the second chapter ‘Historical Background’ of the rights of minorities provides in depth study which has been made to discuss in detail regarding the protection of the rights of minorities before the commencement of the constitution of India that whether the rights of the minorities were protected in India or not with respect to Article 27 of the ‘International Covenant on Civil, Political and Social Rights’ (ICCPSR). The minority sub-committee and advisory committee played an important role before the commencement of the constitution for the protection of the rights of minorities. In second phase of the second chapter, the researcher took the protection of the rights of minorities in India after the enforcement of the constitution of India, as we took the reference of Articles of 29, 30, 350A, and Article 350B these are some important provisions to protect specifically the minority rights in India, rather all other fundamental rights gave privileges to all the people in India whether citizens or aliens, but Article 29 and 30 talks specifically about for the minority communities of India these provisions provide special privilege on Muslims, Sikhs, Christians, Buddhists, Parsees and recently Jain communities.
In third chapter heading of ‘Factors for Backwardness of the minorities’, it is tried to focus on all the probable factors which might be more responsible for the backwardness of the minority communities in India. Specifically Muslim community is much more backward than any other minority communities. i) Lack of education is one of the most important factor for backwardness of the minority communities, there are many other reasons like (a) economic conditions of the minority communities is not unsatisfactory and therefore the rate of literacy among minority communities especially among Muslims is very low, (b) illiteracy and ignorance is the second important reason of the backwardness of minorities because ignorance regarding educational importance in the society is more predominant amongst the minorities, and is increasing day by day, (c) religious restrictions rather a single religion restrict to any of the community not to attend go to schools and educational institutes to avail education but it is a myth among the communities that education is not for all is it for specific communities, Muslim community for whom it is mentioned in the holy Quran ‘seeking Knowledge is obligatory for every male and female’ and also ‘seeking knowledge from cradle to grave’ thereafter rate of literacy among Muslims is at the bottom level in comparison with other minority communities not even below than other minorities, and is further diminishing time to time, (d) Poverty and Inaccessibility, - it shows the status of the minority communities that due to lack of earning resources most of the Muslim minorities live their life the blow poverty line index.

These groups of people does not possess enough money and not adequate earning resources to earn more money because most of the population among the minority communities specifically Muslims lives in remote or backward areas where most of the government schemes and plans does not reach to help them for further development of their life style, due to which minorities are facing the lack of education or government aided educational facilities. ii) Lack of family planning, - It is the major problem among the minorities in India that most of the communities especially Muslims have no family planning format due to which the population of this community is very high in comparison with other minority communities. Just because of this absence of any family planning format only Muslim minority community is more backward than other minority communities. So the Muslims have to control their population graph if they want to
improve their socio-economic conditions in the society and by which they can remove backwardness from the community.

In the fourth chapter an attempt is made to discuss about the ‘Executive Measures for the Protection of Rights of Minorities’ in which detailed study on the committee and commissions reports like ‘Sachar Committee Report’, ‘Ranganathan Mishra Commission Report’, and ‘Equal opportunity Commission Report’. All of these reports has given approximately the same results regarding the conditions of the minority communities in India, in which the conditions of the Muslim minority community is more backward than any other minority as well as majority communities in India in all the respects, either educational status, poverty level, in government jobs parlance, small scale industries, etc. and provides the recommendations for the betterment of these minority communities especially Muslims because condition of the Muslims community is not satisfactorily even more considerable community in India. India is the pluralistic state in which all the religious as well as linguistic-based communities’ lives together happily; and therefore without collective development no nation can become a developed nation. So, government should implement some other government policies for the development of the nation and welfare of the people especially for Muslims by which Muslims can improve their condition as Muslim community consists as the first largest minority population of this country and without development of any of the single community country cannot be considered as the developed country.

The chapter fifth of the thesis heading as ‘Judicial Approach’ disclosed as an endeavour to have a thin analysis of the judicial activism in developing the law relating to the protection of the rights of minority community in India and tried to examine the approach of the Indian judicial system about the religious, cultural and educational rights of the minority communities and also mentioned the cases decided by the honourable courts on the concerned issues of the minority communities. Judicial analysis with regards to the (i) Protection in aided educational institutions of the minority communities if they are established by (a) Regulations by way of recognition or aid, then judicial approach relating with these educational institutions of the minority communities, and (b) Regulations by way of Affiliation only then protected or not by the constitution of India and the judicial approach regarding such educational Institutions of the minority
Introduction

communities. In second part of fifth chapter the researcher tried to pivot on those educational institutions, (ii) un-aided educational institutions, whether protected by the constitution of India or not or other preventive measures for such kind of educational institutes.

The last portion of this research work expresses conclusion and suggestions and further is concerned with the concluding remarks and specific and strong suggestions on the thrust area of the research work.