Chapter II

EVOLUTION OF MINORITY SAFEGUARDS IN INDIA
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The presence of minorities in almost every part of the globe has been established as a permanent and undisputed fact. Minorities of one kind or another are found in every political community of the world. They not only prefer to live as a distinct group but also try to preserve their distinctiveness and resist every attempt at assimilation and homogenization. The countries even with fixed boundaries and stable composition of the people have seldom been successful in homogenising religion, language and culture. Mazzini’s idealistic view of a culturally homogeneous nation-state exists nowhere in the world.\(^1\)

It has been acknowledged and asserted that minorities based on religion, culture, language or race should in no case be persecuted. They should be allowed to develop and cherish their peculiar and particular characteristic features without any hindrance. But contrary to it, we find that those who are in power try to enforce their ideas of religion and culture or ideology on those who are in a non-dominant position. Persecution of minorities and attempts to assimilate them into the culture or ethos of dominant majority has led to many problems. The suppression and victimization of minorities have culminated into bloody wars in the past. The rise of xenophobic nationalism and counter-ethnic nationalism has created serious conflicts in various parts of the contemporary world, which reminds us of Jawaharlal Nehru’s note of caution that there can be no stable equilibrium in any country so long as an attempt is made to crush a minority or to force it to conform to the ways of the majority.\(^2\)
The minority problem assumes special significance in India as every conceivable type of minority can be found here. Minorities based on culture, language, race, religion, caste, clan, tribe, ideology etc have shown determination to preserve their distinct identity. Any attempt at assimilation has brought forth dangerous implications in this highly fragmented society. The minority problem deserves special attention in India also because the mishandling of this issue culminated into the bloody partition in August 1947 and brought untold misery to the people of this subcontinent. Even today the minority problem is one of the most complicated and baffling problems faced by the Indian polity and society.

The question of minority rights and minority problem today should be analysed keeping in view the historical circumstances under which India witnessed the minority formation. The geo-political position and economic prosperity of India had made it a centre of attraction for many races and groups in the past which were not indigenous. They came either as invaders or traders and got settled here and constantly maintained the process of minority formation. Right from the invasion of Aryans and subsequent subjugation of Dravidians to the arrival of Europeans (British, Dutch, Portuguese, French), India had been constantly witnessing changes in demographic composition, power-structure and patterns of dominance. The exodus of people from outside to India should be understood in the context of domination and subjugation. In fact, the minority (in terms of number) coming from outside was in a dominant position and the indigenous majority was subjugated and non-dominant. Since the ruler and ruled relations during those days were maintained on the basis of coercion and subjugation and the people in general were considered as subjects, the question of rights of minorities did not arise at all. The concept of rights
in modern sense of the term itself was not in vogue during those days. The subjects did not possess any right and the ruler was not accountable to anyone. The rights of minorities came in currency only with the emergence of modern democracies. But the arrival of various groups and people with different race, culture, language and religion etc and their subsequent settlement in this subcontinent significantly determined the course of polity and society in this region. Thus tracing the history of minority rights in India one can not afford to deliberately ignore the above mentioned facts.

Although India is a multi-religious, multi-cultural, multi-lingual and multi-ethnic country yet it is religion which has been the most tangible basis of determination of groups and communities. Historically also, the basis of determination of majority or minorities in India has been the religion and therefore only religious minorities are recognised at national level today. The Constitution of India does not define minorities at all but it accords recognition to religious and linguistic minorities both. In fact, the aspirations and claims of both the kinds of minorities have posed serious threat to unity and integrity of India. However, the reorganisation of states on the basis of language in 1956, minimized the problem of linguistic minorities to a considerable extent and now they are recognised generally at state level. The problem of religious minorities on the other hand, not only exists even today despite a painful Partition of the country in 1947 but it is becoming more complicated day by day. Thus it is observed that

"The problem of religious pluralism has never developed in acute form in most of the countries of this region except perhaps in India which is a land over flowing with religion and with religious spirit."
Samuel P. Huntington in his misadventure to show the inevitability of the clash of civilizations (identified with the world's great religions) says that people who share ethnicity and language but differ in religion may slaughter each other. Some events in the recent past of the Indian subcontinent like the bloody Partition and thousands of communal riots in independent India may mislead some to agree with Huntington. But the history of living together of various religious communities and sharing many things in common by them in India for centuries prove him wrong.

The most remarkable feature of Indian society has been its multiplicity and diversity in terms of religion. It has always been the major factor in determining and defining identities in India. This is the reason perhaps that India is described as 'confederation of minorities' as is evident from these lines:

"India has had religious minorities within her territories for many centuries. It is a confederation of minorities where the Hindus, Buddhists, Jains, Muslims, Christians, Sikhs and the Parsis have been present for ages."

Amartya Sen highlights this feature of the Indian society in these words:

"India has been a multi-religious country for a very long time. Aside from the obvious and prominent presence of Muslims in India for well over a millennium (Muslim Arab traders started settling in what is now Kerala from the eighth century) India has had Christians from at least the fourth century (two hundred years before the British Isles had any Christian at all) Jews from the time of the fall of Jerusalem, Parsees from the seventh century and Sikhs from the time their religion was born. Also pre-Muslim India was not, as it is sometimes claimed, mainly a Hindu country, since Buddhism was the dominant religion in India for many hundreds
of years and Jainism has also had an equally long history and in fact a large continuing presence.”

From a reading of history one finds that religion has played an important role in group formation in this country and the impact of it in day-to-day life of Indians has been profound. In many cases we find that people develop a religious approach to problems which are socio-economic, political and cultural in nature. This is the reason that Indian history scientifically and logically divided into three periods-Ancient, Medieval and Modern is also described as Hindu, Muslim and Christian periods respectively. The formation of minority and majority during all three periods of history presents a very complex picture.

**Minorities in Ancient India**

According to known history the Dravidians are the original inhabitants of this country or at least it can be safely said that they are the oldest people inhabiting this great land. But in the ancient period (around 1500 B.C.) the Aryans invaded and conquered North India. With the Aryan conquest the problem of minority-majority relation first came into light. The Aryan invaders were numerically inferior but they were in a dominant position and a conquered race (Dravidians) was on their mercy. Manju Subhash writes:

“The Aryan attitude towards non-Aryan in India was truly imperialistic. The non-Aryans were treated as serfs or Sudras i.e., fourth class citizens in the social structure.”

However, as it was difficult to run the administration without the help of indigenous majority, the Aryans tried to consolidate their power and position and integrated the indigenous Dravidians with them. But they were conscious of their superior position and wanted to perpetuate that status quo—a relation based on ruler and the ruled. Thus the conquered Dravidians were not allowed to share political
power and they were made to engage themselves in physical labour and production activities. Over the years, the Dravidians became the indispensable backbone of Aryan economic machinery. The interaction between these two groups led to the development of the Hindu religion which is a product of Indo-Aryan civilization.

Hinduism gave birth to *Varnashrama* (caste system) based on inequality. The inequality and the hierarchical order got sanctity and justification from the religion itself. In the very beginning the caste system was based on occupation nevertheless the people from the lower castes were forced to adopt those occupations which were seen with contempt. Slowly and gradually the caste system based on occupation degenerated to become hereditary. The religion itself started discriminating people on the basis of birth and even the inhuman practice of untouchability was started. The shadow of a *Sudra* was considered as polluting and impious. Power and knowledge was now monopolised by the two upper castes—*Brahmins* and *Kshatriyas*. Thus the majority-minority problem did not crop up at that time but this hierarchical and exploitative caste system with increasing Brahminical domination gave birth to protest movements and these movements later on took the shape of well-established religions. For instance, Buddhism and Jainism were the movements against Brahminical domination. Incidentally the founders of these two great religious traditions were from *Kshatriya* clan. However, these two religions should not be seen only as protest movements against Brahminical domination as these traditions have their independent existence which is being continuously maintained for the last many centuries. The emergence of these two religions in ancient India has a bearing on minority-majority relations and subsequent problems thereof. Later on these two persuasions also suffered from their inner
contradictions and many sects developed out of them, which hampered their growth and development. Also, the followers of these religions faced persecution at the hands of predominantly Hindu rulers and a time came that Buddhism could survive and flourish in exile in East Asian Countries. Jainism became the victim of assimilation and its followers are still struggling to be recognised as an independent community different from Hindus. Since Hinduism is more a way of life than a religion, and with immense amount of flexibility, it has an ability to assimilate and adjust other ways of life in its all encompassing fold, the movements directed against this way of life themselves became a part and parcel of its ethos.

Minorities in Medieval India

The Arabs came to India as traders even before the birth of Prophet Mohammad. The Arab coins have been found in Southern India which are supposed to be of pre-Islamic age. However, it was not before 712 A.D that the Arabs led by Muhammad Bin Qasim invaded India. They were welcomed by Buddhist minority of Southern Sind and ultimately got success against Dahir. The conquest of Sind is a very significant event in the history of India as it opened the gate for the establishment of the so-called Muslim rule in India which lasted for approximately seven centuries. The Muslim conquest at this juncture proved good for socially stagnant and decadent Indian society. Swami Vivekanananda points to this aspect of Muslim invasion when he says:

"The Mohammedan conquest of India came as a salvation to downtrodden, to the poor. That is why one fifth of our people have become Mohammedans. It was not the sword that did it all."

The famous dynasties like Ghulam, Tuglaq, Khiljis, Syeds, Mughals etc., ruled with grandeur and strength. Most of the rulers of these dynasties gave religious freedom to their subjects predominantly
non-Muslims. Alauddin Khilji of Delhi Sultanate is reported to tell the ulema or clergy of his time to mind their own business and not to intervene in the matters, which were political in nature hinting thereby towards separation of religion and politics, what we call in modern times as secularism.

Much rabble has been roused against the traditional Islamic tax of jizya. Originally it was levied as a compensatory tax upon non-Muslims under Muslim rule who did not want to fight their co-religionists e.g. the Christians along with their Muslim rulers. Non-Muslims had an option of either joining the military service and get exempted from payment of jizya or pay jizya and get exempted from military service. However, in later periods this tax came to be branded as discriminatory by European Orientalists. In medieval India its occurrence was due more to the pressures exerted by the orthodox mullas than to any definite state policy of humiliating the non-Muslims who by the time of Shahjahan came to dominate both the Court and the military service.

Historians have established that during the reign of Muslim rulers, jizya was charged on non-Muslims. This tax was no doubt not charged on Muslims which does not mean that it was a discriminatory tax. It must be mentioned here that Zakat [welfare tax] was charged on Muslims alone. It was not charged on non-Muslims and the amount of Zakat was higher than that of jizya. Despite this, Akbar the great who is known for his large-hearted tolerance abolished the practice of jizya on the ground that it was discriminatory. Akbar also introduced a civil religion and established Ibadat khana (place of worship) and opened the same to people of all religions—Muslims, Christian, Zoroastrians, Hindus, Jains, even the atheists.

Thus it becomes clear that the non-Muslims or Hindus enjoyed religious freedom during Muslim rule. They were not forced to abandon
their religious practices or belief. The constant interaction between the Muslims and the non-Muslims developed Sufi\textsuperscript{20} and Bhakti\textsuperscript{21} traditions in India which further bridged the gap between various communities. The Sufi and Bhakti teachings of love, compassion, sympathy and universal brotherhood contributed a lot to religious and social pluralism in India. During this period the minority was ruling but the majority community could not be called as the non-dominant religious community as they also occupied important positions. In fact, the dominant and non-dominant religious communities cannot be identified in those days as in an authoritarian and hereditary system of monarchy which centralized and monopolised power, the persecution and suppression depended on the relations of groups or communities with the ruler. For example the Afghans faced the wrath of Mughal rulers as faced by many Rajput chieftains.

"The most conspicuous feature of life in medieval India is that there were no communal riots and outbursts. Muslims even fought against Muslims under the leadership of Hindu Rajas and Chieftains. The Hindus on the other hand fought for the glory of the Mughal crown. In short, there was no communal and racial feeling, to a great extent, accounted for the absence of religious minority problems in those days."\textsuperscript{22}

With the decline of Mughal Empire in 18\textsuperscript{th} century, the Muslim rule in India came to an end. But the indelible impression left by them became ever lasting. Muslims retained the basic principles and identity of their religions and culture but their long associations and interactions with rest of the population influenced them in many ways. They became Indianized in their customs, rituals and ceremonies. The most remarkable change can be noticed in their language. Their interaction with the local populace developed a beautiful language
which is called as Urdu, or Hindwi or Hindustani. They also enriched Indian civilization. They built beautiful monuments like Taj Mahal, Qutub Minar, Red Fort, Charminar, Gol Gumbad etc. Poets like Meer, Ghalib, Zauq, Iqbal, Faiz became the pride of this civilization. Thus a composite Indian culture was developed.

"The two different but forceful currents – Islam and Hinduism gave birth to a synthetic society and culture which may be termed Indian or Hindustani."  

After the decline of Mughal Empire, the British East India Company took over as the political master of India. But it would be wrong to assume that Christianity came to India with the arrival of Europeans on Indian soil in 16th and 17th centuries. In fact Christianity came to India immediately after Jesus. The discovery of Roman Coins in Malabar of the Roman emperors Eupaus, Caligula, Claudius and Nero who ruled in first century A.D. establishes the fact that there were trade relations between the South India and Romans at around the time of Jesus. St. Thomas is believed to have come to India (Kerala) in 52 A.D. There exist churches even today which are supposed to be of 1500 years old. Thus Christianity can be regarded as one of the ancient religions practiced in some parts of India. Also it demolishes the myth of perceived coercion and inducement by the Christian missionaries to convert the native Indians to Christianity, under the patronage of European colonialist powers.

The discovery of sea route to India (Cape of Good Hope) in 1498 by Vasco da Gama opened the door of this country for European colonialists. Soon therefore, the Portuguese set up trading posts along the Indian Coasts from Bombay (now Mumbai) to Tuticorin. In 1600 A.D. the Dutch followed the Portuguese. After the Dutch, the French and British came to India. Christianity spread in other parts of India.
with the arrival of these colonialists. However, it cannot be assumed that the colonialists came to India to propagate Christianity. Their aim was the economic exploitation of India but as they gained political control over the country, the Christian missionaries found space and encouragement for their missionary activities. In fact, the good services rendered by the Christian missionaries and the social evils in Indian society like untouchability, forced widowhood, sati etc. attracted the victims especially Dalits to embrace Christianity which was giving the teaching of equality and universal brotherhood. There is less substance in the propaganda of the rightist Hindu organisations that Hindus were and are being lured or forced to convert by the missionaries. The valuable contributions made by the Christian community in nation-building should not be ignored. They have done commendable job in the field of education and social services. They are maintaining best schools, colleges and hospitals and the door of these denominations are open to all the people of this country.\textsuperscript{25}

The Parsis, the smallest minority in India came to this country in as back as seventh century A.D.\textsuperscript{26} They came to India from Persia to escape the persecution by the Muslim Arab conquerors. They were welcomed by the local population and got settled in this country with ease. Since then they too have given valuable contribution to our nation in the field of economy and social services. By dint of hard labour and their merit, the Parsis have established themselves as one of the most prosperous communities of India. Thus, despite their small and stagnant rather declining population,\textsuperscript{27} they have made their presence felt in this country.

The Sikhs, another minority community is believed to be born in India in 16th century. Many historians believe that Sikhism is the product of Politico-religious persecution of the Mughal rulers of India.
There are many theologians who see Sikhism as a product of Indian multi-religious synthesis. The devotional leaders like Kabir, Baba Farid and Shaikh Moinuddin Chishti of Ajmer inspired Guru Nanak the founder of the Sikh Panth. *Adi Granth* compiled by the fifth Guru Arjun is the sacred book handed over directly to the followers of Sikhism by its founder and succeeding apostles of the religion. It includes hymns of Hindu and Muslim saints also. Thus the holy book of the Sikhs represent the classic example of composite culture of India.

Besides these religious communities, there are Jains, Bahai's and others also. But they are not officially recognised as religious minorities at national level. Thus they hardly influence the socio-political system of this country. However, the fact that microscopic minorities like Bahai’s enjoy full religious freedom highlights the culture of tolerance inherent in great Indian civilization.

It becomes clear from the above discussion on origin and development of various religious communities in India that this is home to all the major religions of the world. Many religions were born here and many came from outside and found a friendly and favourable conditions for their growth. Thus besides Hinduism, Jainism, Buddhism and Sikhism all the Abrahamic/Semitic religions (Judaism, Christianity and Islam) have their followers in India. The Zoroastrians and Bahai’s have their places of religious worship and in spite of being in a numerically inferior position; they never faced any persecution by the major communities. In fact, India from time immemorial has been a very hospitable country. The tolerance and hospitality inherent in the culture of India has attracted the people from the different and divergent religious persuasions. Thus various religious communities came, developed and even ruled over this country. The communities that came from outside got settled and mixed into the Indian population.
The most conspicuous feature of the various religious communities coming to India has been their Indianisation. Thus when we study India and its people we find that the country is a confederation of various minorities. Even the Hindus, the majority community at the national level is in fact an amalgam of various minorities based on castes.

**Religious Minorities under British Rule**

The disintegration of the Mughal Empire, the decline of central authority and mutual feuds and struggles among native rulers provided an opportunity to European colonizers to establish and strengthen their position in India. In the beginning they came as traders, started taking interest in local matters afterwards, gave support to various warring factions or rulers and gradually penetrated deep into the political and military affairs of the rulers and finally established their own colonial rule. The colonialist powers fought on Indian soil for the possession and control over India as a colony and finally the British colonizers were successful. The French, Dutch and Portuguese were considerably marginalized and ultimately British supremacy was established on Indian soil. A handful of Englishmen governed the country but not without deliberately creating caste, class and communal consciousness. However, it will be wrong to assume that the British were responsible for dividing the Indian society for it has been a fragmented society from the beginning. Hindu society was based on Varna (caste) system and the Sudras who were at the lowest rung were leading a life, which was no better than animals. They were considered as untouchables and worst kinds of atrocities were committed against them. The Muslims too under the influence of Hinduism had divided themselves into Ashraf and Ajlaf and they had developed caste system like that of Hindus. As the religious sentiments were very strong among all the communities of India, it was not possible for a handful of
British to rule this country without encouraging segregation and division of Indian society. They divided Indian society because it was ready to be divided. However, it cannot be denied that it was they who developed the terms "majority and minority" in India. Iqbal Ansari writes:

"With the arrival of the British the religious, caste, linguistic and regional ethnic tribal entities that had existed in India for millennia started getting a new attention and configuration. What the British scholars, administrators and census reporters did was to study this vertically, horizontally and diagonally divided heterogeneous Indian human scene. They did not create the divisions, but record it. They must have done it with mixed motives of adequately understanding the Indian society in order to properly govern it, for which the divisions and the conflicts came in handy which on occasions they exploited for promoting their imperial interests. To read the history of the British period actively in terms of Machiavellian divide and rule policy is to falsify and distort a complex empirical reality and equally complex process of socio-political change."\(^\text{31}\)

In fact, under the repressive and exploitative rule of the East India Company the question of minority and majority did not arise. The East India Company was ruling over the country by playing one ruler against another. In this sense the East India Company followed the policy of divide and rule. However the revolt of 1857 which witnessed the exemplary unity of Hindus and Muslims convinced the colonial masters that unless this unity was broken they would not be able to maintain their rule over India. In 1858, when the British Crown started ruling through its representatives and many reforms were brought about then the question of minority and majority came into light. There were many Indian leaders and intellectuals of
that time who shared the view that India is not one nation rather many nations constituted India. Interestingly, Sir Syed Ahmad Khan, who was a member of the Imperial Legislative Council (1878-1882), emphasized the social and political diversities of India while speaking on the occasion of introduction of the local-self government bill in the Council. He argued that in the states and districts, there are various groups with divergent interests and status and therefore all the members of Municipalities and District Councils should not be elected. The Government should do something to give representation to those who are numerically or otherwise inferior to others.32

The British Government also encouraged the consciousness of distinctiveness found among the Muslims, Hindus and various other groups in India. They did not create this consciousness but encouraged it, which was already in existence. Thus it is wrong to squarely blame British for inventing something, new in this direction. In fact, they should be given credit for developing a sense of national unity in India. They for reasons of political stability and convenience set in motion centralizing and secularizing forces which developed this new sense of national unity in suppression of the old parochial local or communal loyalties.33

As far as the development of the minority consciousness, during British rule is concerned it was also due to political rights given by them. This consciousness was the necessary fall out of the gradual but guarded democratization of India. In fact, the recognition of minorities and their rights is a perennial feature of democracy and it is simply not possible without democracy.34 As the individuals in a democracy interact as group and try to influence the decision-making process, the mobilization of people along religious, caste, ethnic lines are inevitable.
Thus we see that with every step towards responsible government the consciousness of various groups increased and these groups tried to assert politically in whatever space was provided to them by the colonial masters. However, it is alleged that the shift from minority consciousness to minority communalism was the result of malicious policy of divide and rule followed by the British Government. It has been observed that:

"Knowing well that division always weaken a nation and render it easier to hold in subjection, the British sowed the seeds of hatred, fear and distrust in the hearts of the people of India. A major method used by the British to keep Indians apart was religious differences."³⁵

But it remains to be investigated and analysed whether the British Government recognised the religious differences or created them. Thus if the British Government accorded recognition to Dalits, Tribals, Muslims and other religious minorities as separate and distinct groups it may not be termed as something very negative and repulsive. Iqbal A. Ansari writes:

"It goes to the credit of enlightened sections of British Policy framers that they recognized the need of affirmative action for deprived and depressed castes much before considering religious communal quota. The Act of 1935 reversed seats not only for religious communities but also for Depressed classes Backward Areas, Tribes and women."³⁶

Since Muslims, Dalits, Tribals were backward due to historical circumstances and were marginalized, there was a need to recognise and distinguish them from those who were in an advantageous position.

The British took advantage of the conspicuous religious divisions of the Indians largely into Hindus and Muslims to maintain their
imperialistic rule in India. In the beginning they supported Hindus against the dominant Muslim ruling class. Since the British were very less in number, they found it difficult to rule without the help of native Indians. They found that Muslims were very hostile towards them. So, they tried to win over the Hindus. The Revolt of 1857 which was finally led by a Muslim ruler Bahadur Shah Zafar who was installed as the emperor of India, made British more suspicious and hostile to the Muslims. The Muslim ulema (religious scholars) had issued fatwa (religious decree) of *jihad* (holy war) against the British and their active participation in the revolt had convinced British Government that Muslims were to be taught a lesson. Thus the post 1857 period was very tough on the Muslims. They were publicly executed. Delhi which was the main centre of revolt was evacuated from the Muslims. The Muslim Zamindars and landlords were reduced to the status of beggars. Their lands and properties were confiscated. Graham writes:

“During and long after the Mutiny, the Mohammedans were under a cloud. To them were attributed all the norms and calamities of that terrible time.”37

The suppression by the British further alienated the Muslims from the British Government. They were not ready to accept anything which was British or foreign in nature be it modern education or science and technology. On the other hand, Hindus embraced and welcomed modern education introduced by the British Government and then seized the opportunities and professional reward.

Under these circumstances, W.W. Hunter and Sir Syed Ahmad Khan tried to change the hostile British policy towards Muslims. Hunter highlighted the awesome and deplorable conditions of Muslims in his book *Our Indian Musalmans*. Sir Syed through his writings and speeches convinced the British that Muslims were not inherently the enemies of
the British. Soon afterwards, the British also realized that in their own interest they should follow their traditional policy of balancing of forces and counterpoise of the natives by the natives. Moreover, the obvious threat of political struggle and agitation by the westernized Hindus who were exposed to the ideas of freedom and democracy compelled the British Government to review the policy towards the Muslims. Thus to counteract this challenge the British Government in India began to cultivate the feeling of minority and majority which in the beginning was minority and majority consciousness but later became the extreme form of communalism.

**Rise and Growth of Communalism in India**

Bipin Chandra cautions that communalism is basically an ideology with which the Indians have lived so long that it appears to be a simple, easily understood notion. But this is not true as it is a very complex phenomenon which is to be understood in its proper historical perspective. Thus any simplistic approach to study this complex phenomenon may lead us to wrong conclusion. While discussing communalism in India one finds that the concept itself gets communalised and is often discussed in biased manner. At the outset of any discussion the leaders of our freedom struggle are exonerated by saying that the problem of communalism in India was deliberately created and strengthened by the British Government.

Secondly, it is argued that the Muslim minority alone fell prey to British malicious design of divide and rule and thus Muslim communalism came first. It is implied in this conceptualisation that majority communalism is a reaction to minority communalism.

Thirdly, the assertion of different religious minorities for the preservation of their distinct identity which includes language, culture,
religious practices and management of their denominations is also branded as a communalism.

The rise and growth of communalism in India should not be understood in isolation from the historical circumstances it has passed through. In this connection, the nature of British colonialism and challenges it faced in India should be first of all kept in mind. A united and strong population was obviously not in the best interest of British colonialism, thus division and fragmentation must have been their aim. Also the social and religious reform movements of the 19th century deserve our special consideration and attention. The nature of these movements itself showed the deep rooted communal division of Indian society. Raja Ram Mohan Roy, Swami Dayananda Sarswati, Sir Syed Ahmad Khan, Qasim Nanotvi, they all tried to reform the society or the community they belonged. They neither tried nor were acceptable to the people from both the communities as far as their reformist zeal was concerned. In fact they did not do anything for all the Indians. The reform movements amongst Hindus as well as amongst Muslim had already established that both the communities had their own distinct and peculiar problems. However, there were many common problems also which could have been solved with common efforts of both the major communities of India. But this was never done or even attempted at. Thus a socially and culturally divided society could not place political homogeneity. The leaders of the nationalist movement including Gandhi also could not devise means and methods, which could appeal to all the segments of the Indian society. The use of religious symbols drawn from Hinduism also led to alienation and subsequent communalization of other religious minorities. The British government took advantage of the situation and deliberately encouraged political division. Consequently the communalism came
first and the nationalism later in India. These historical facts and developments influenced and guided the course of Indian freedom struggle which has a bearing not only on minority rights but majority-minority relations today.

**Legislative Development of Minority Rights during British Rule**

*The Simla Deputation*

The Simla Deputation, headed by Sir Aga Khan, waited upon Lord Minto, the Viceroy, in October 1906, with an address for safeguarding the Muslim interests in the coming constitutional reforms. The Government promised to consider the minority demands sympathetically. Subsequently, the Muslim leaders formed the All-India Muslim League in December 1906 to strive for the protection of minority rights while cultivating good relations with the government and other communities of India. Hitherto the Muslims had followed the advice of Sir Syed Ahmad and kept away from active politics but now a political platform of their own became necessary to take part in the new political setup and the new political process, as ushered in by the Morley-Minto Reforms of 1909. The most important demands presented in the 1906 address to the government were (i) introduction of separate electorates for the Muslims to ensure their representation in legislative bodies, and (ii) reservation of jobs for Muslims in government services in proportion to their numbers in the population.

*Morley-Minto Reforms 1909*

The Indian Councils Act, 1909, also known as Morley-Minto Reforms, is a landmark in Indian constitutional history. In fact, the Morley-Minto Reforms were the fruit of the efforts of the moderates in the Indian National Congress for the introduction of responsible government in India. Although the British government dithered on the
question of introducing full-fledged responsible self-government it
nevertheless brought into full play its policy of increasing association of
the Indians in the political and administrative process. A by-product of
these constitutional reforms was the acceptance of separate electorates
for the Muslims (and the pro-British landlord class) along with reserved
quota and weightage, as the means for safeguarding Muslim minority
interests in the new political setup.

The Imperial Legislative Council consisted of 68 members
(36 were to be officials and 32 non-officials). Of the 32 non-officials,
5 were to be nominated. Of the total 27 elected non-officials 8 seats were
reserved for the Muslims under the separate electorates. Thus, only the
Muslims were allowed to vote here for the Muslim candidates.
Also 6 seats were reserved for the British capitalists, 2 for the land lords
and 13 seats came under general electorate. It is interesting to mention
that besides separate electorates the income qualification for Muslim
voters was kept lower than that for Hindus.

In this way the Indian Councils Act of 1909 accorded a special
status to the Muslim minority in British India. By ensuring their
representation through separate electorates the British Government had
recognised them as a separate and distinct religious community which
was quite conscious of its distinctiveness and also wanted to preserve
the same. Subsequently, the Government extended separate electorates
to such other communities as the Sikhs, the Depressed Classes and
other minority groups.

The Government of India Act 1919

The Act, also known as the Montague-Chelmsford Reforms,
further expanded and consolidated the system of communal and class
electorates. A bicameral central legislature was introduced by this Act.
The Lower House or Central Legislative Assembly consisted of 144
members (41 nominated and 103 elected, 52 General, 30 Muslims, 2 Sikhs, 20 Special). The Upper House or the Council of States had 60 members (26 nominated and 34 elected 20 General, 10 Muslims, 3 Europeans and 1 Sikh).43

The Congress-League Pact, 1916

We should not miss here a very important development as the Muslim League and the Congress came together in 1916 and presented common demands to the Government as a follow-up to their mutual pact signed to launch a joint struggle to bring about self-government in India. The League had agreed to work with Congress and the Congress had accepted the separate electorate for the Muslims as their legitimate political safeguard. The importance of the Lucknow Pact is that, the Indian National Congress for the first time accepted the principle of separate electorates for the Muslims, which was tantamount to giving recognition to Muslims as separate political community and accepting the Muslim League as the sole representative of the Muslims.

If the Lucknow Pact is known for the coming together of the Indian National Congress and the All-India Muslim League, the Khilafat Movement44 (1919-22) is acknowledged as the high watermark of Hindu-Muslim unity. Because of the tactfulness of Mahatma Gandhi the Khilafat Movement had now gathered the Indian National Congress, the All-India Muslim League, the Khilafat Committee and the Jamiatul-Ulama-i-Hind on a single platform against British imperialism. The movement brought many Muslim leaders into the mainstream of Indian nationalist politics. Interestingly, a big chunk of Muslim theologians of the Deoband School aligned themselves with the Congress and the leaders like Maulana Hussain Ahmad Madni45 and Maulana Abul Kalam Azad,46 remained with the Congress all through their life.
The Nehru Report 1928

Responding to the constant demand for reform by the leaders and parties of the freedom struggle the British Government agreed to give a chance to the leaders to frame a constitution which could be acceptable to all the significant parties. The Indian leaders met at all-party conference, which appointed a committee presided over by Pandit Motilal Nehru to frame a constitution. The outcome of the exercise of the committee was Nehru Report, which laid down the principles for framing a constitution for India. The Nehru Committee Report recommended not only a list of guaranteed fundamental rights but also it laid great emphasis on the safeguards for minorities, which included the right to freedom of conscience and free profession and practice of religion, elementary education for the members of minorities, reservation of seats for Muslims where they were in minority and for non-Muslims in NWFP. The Report did not satisfy the aspirations of the Muslim League as the committee rejected the separate electorates for the Muslims. However, at a meeting of the Muslim League convened to consider the Report, amendments to the Report were proposed and forwarded to the Nehru Committee. The amendments provided for separate electorates for the Muslims, for weightage in the legislatures in excess of the Muslim population and demanded for residuary powers being conferred on the Provinces and not on the central Government. It is interesting to note that the Congress had accepted the Muslim League's demand of separate electorates at Lucknow in 1916 which was reflected in jointly agreed Lucknow Pact. But just after a decade the Congress rejected the separate electorates for Muslims. Nehru Report suggested that if communal protection was necessary for any group in India it was not for the two major communities— the Hindus and the Muslims. It might have been
necessary for the small communities which together form not more than 10% of the total population. Thus at an All Party Conference at which the Report and the Muslim League’s Amendments were considered, the League’s proposals and Amendments were rejected. The rejection of the proposals of the League was the event which shaped the course of future politics in India. Thus Nehru Report proved to be an unsuccessful endeavour made by Indians to frame a constitution which could be acceptable to all.

Jinnah’s Fourteen Points

As the Nehru Report did not satisfy the aspirations of the Muslim League, Jinnah rejected the report and moved a resolution containing his famous Fourteen Points at the meeting of the All India Muslim League on 28 March 1929. While rejecting the Nehru Report and putting forward his Fourteen Points Jinnah warned unless his proposals were given effect to, no scheme for the future constitution would be acceptable to the Muslim League. The main principles of Jinnah's Fourteen Points included one third representation of Muslims in Central Legislature, Central and Provincial Cabinets; representation of communal groups by means of separate electorates, maintenance of Muslim majority in Punjab, Bengal and North-West Frontier Province.

Thus we find that the deadlock continued between the Congress and the League on issues relating to rights and safeguards for Muslims. The most contentious issue was what should be the basis and means of representation in various legislatures and governing bodies. The Muslim League was not ready to give up the means of separate electorates for Muslims whereas the Congress was unwilling to compromise on the principle of joint electorates for all. The Muslim League was claiming to be the sole representative of the Muslim cause and the Congress was projecting itself as an organisation which was
taking care of the interest of all communities irrespective of caste, religion or creed. Thus Congress gave assurance to Minorities in its Lahore Session of 1929 in the following words:

“In view of the lapse of the Nehru Report it is necessary to declare the policy of the Congress regarding communal questions. The Congress believes that in an independent India communal questions can only be solved on strictly national lines. But as the Sikhs in particular, and the Muslims and the other minorities in general had expressed dissatisfaction over the solution of communal questions proposed in the Nehru Report, the Congress assures the Sikhs, the Muslims and other minorities, that no solution thereof in any future constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned”.

To appreciate the policy of Congress regarding minorities, its Resolution on Fundamental Rights as amended by the All-India Congress Committee 6-8 August 1931 can be cited here. In this resolution the Congress provided guarantee to the rights of minorities for any future arrangement. The guarantee included the protection of culture, language and script of the minorities and of the different linguistic areas, equality before the law irrespective of religion, caste, creed or sex, no disability attached to ‘any citizen by reason of his or her religion, caste, creed or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling, neutrality of state in regard to all religions and universal adult suffrage.

Despite all these assurances made by the Congress the various minority groups were actively engaged in lobbying for the protection of their rights. In this regard ‘provisions for a settlement of the communal problem, put forward jointly by Muslims, Depressed classes, Indian Christians, Anglo-Indians and Europeans for consideration by the
Minorities Committee of the Second Session of the Indian Round Table Conference 1931 is very significant. In fact, various significant minority groups except Sikhs jointly submitted their demands in the form of Memorandum. Interestingly, all these groups agreed upon and emphasized their representation through separate electorates. They also called for Statutory Departments under the central and provincial governments to protect minority communities and to promote their welfare. Besides adequate safeguards for the protection of religion, culture and personal law, and the promotion of education, language, charitable institutions of the minority communities and for their due share in grants-in-aid given by the state and by the self governing bodies, these groups also wanted inclusion of adequate number of Muslims and other minorities in the cabinets of the centre and provincial governments.53

Thus we find that various smaller minorities were also trying to assert and persuade the parties concerned to adequately protect the rights of minorities. However, it cannot be denied that the issue of minority rights and safeguards was mainly contested between the two major communities of India- Hindu and Muslims represented mainly by the Congress and the Muslim League.

The Communal Award 1932

The Communal Award is generally seen as another expression of sinister British policy of divide and rule. The Muslims, Sikhs and Christians had already been recognised as minorities. Depressed Classes under the leadership of Dr. B.R. Ambedkar were demanding preferential treatment as minority. Thus the Communal Award declared the Depressed Classes also to be minority and entitled them to separate electorates. The inclusion of Depressed Classes in the list of minorities was vehemently opposed by the Indian National Congress.
Mahatma Gandhi got upset on this issue. He strongly opposed the separate electorates for the Depressed Classes through his speeches and writings. Instead he demanded that the Depressed Classes be elected through universal franchise while expressing no objection to the demand for a longer number of reserved seats for them. He unequivocally declared that the move was harmful to both Hinduism and to the Depressed Classes. He even went on indefinite fast on September 20, 1932 to press for his demand. The Charisma of Gandhi worked and consequently Dr. B.R. Ambedkar on behalf of the Depressed Classes reluctantly signed Poona Pact and abandoned the demand for the separate electorates for the community. However, the seats reserved for them were increased from 71 to 147 in provincial legislatures and 18 percent of the total seats in the central legislature. This was not a bad bargain anyway. The British Government reluctantly accepted the Poona Pact as an amendment to the Communal Award.

The Government of India Act 1935

The Government of India Act 1935 was another milestone in the direction of responsible government in British India. The Act continued the provision of separate electorates for all recognised religious minorities. However, in regard to Depressed Classes the electoral provisions were governed by the Communal Award of the British Government as modified by the Poona Pact. Thus the Act did not extend separate electorates to Depressed Classes but gave them separate recognition and at the same time kept them with Hindus in the general constituency with reservation of seats for them.

Election to the Provincial legislatures under the Government of India Act 1935 was held in 1937. The elections exposed the popularity of Muslim League as it got only 4.8 percent of the total Muslim
votes and won 109 out of the 482 seats allotted to Muslims under separate electorates, but Congress's refusal to incorporate Muslim League members in the Government of U.P. despite tacit electoral understanding between the two, revived the Muslim League. Brecher declared this move as Himalayan blunder committed by the Congress.\footnote{55} Maulana Azad wrote about the event in these words:

"If the UP league's offer of cooperation had been accepted the Muslim League Party would for all practical purposes have merged with Congress. Jawaharlal's action gave the Muslim League in the UP a new lease of life".\footnote{56}

The August Offer 1940

The Second World War and the British Government declaring India a belligerent state in September 1939 added a new dimension to freedom struggle. The Congress protested against the move and mounted pressure for assurance from the government about the future of India after the War. In 1940, the Viceroy, Lord Linlithgow came with the declaration that giving India the "Dominion status of the Westminster variety as soon as possible after the war" was the set goal of British policy in India.

The Muslim League after studying the situation passed its famous Lahore Resolution\footnote{57} on 22-24 March 1940 which eventually became the basis of Pakistan. The resolution called for territorial readjustment in such a way that the areas in which the Muslims are numerically in a majority as in the North-Western and Eastern Zones of India should be grouped to constitute "Independent states" in which the constituent units shall be autonomous and sovereign. The Resolution also resolved to provide effective and mandatory safeguards for minorities in these units for the protection of their religious, cultural,
economic, political, administrative and other rights and the same set of rights for the Muslims in the regions where they were in minority.

Meanwhile, the British Government came out with a new declaration of policy called the August Offer. Besides many assurances the Government reaffirmed its faith towards the fulfilment of its obligation to minority rights. The Government also assured no future constitution would be adopted by the British Government without the approval of the Muslim League and other principal elements in India's national life. The Congress rejected the offer and the League welcomed that part of the offer which gave assurance of its involvement, consent and approval for future constitution.

The Cripps Mission 1942

To allay the growing discontent over the British Policy of war, a Mission headed by Stafford Cripps was sent to India in March 1942. The Mission came with constitutional proposals to seek Indian's support for the war. The main proposals of the Mission included dominion status for India with freedom to secede from the commonwealth, after the war a constituent assembly would be convened to frame a new constitution. Members of this assembly would be partly elected by the provincial assemblies through proportional representation and partly nominated by the Princes.

The Mission also made it clear that the British Government would accept the new constitution subject to two conditions:

(i) any province not willing to join the Union could have a separate constitution and form a separate Union, and

(ii) the new constitution-making body and the British Government would negotiate a treaty to effect the transfer of power and to safeguard racial and religious minorities.
The Cripps Mission could satisfy none of the major actors of national movement. The Muslim League asserted that the proposal denied to the Muslims the right to self-determination and the creation of Pakistan. The Hindu Maha Sabha criticised the basis of the right to secede. The Sikhs objected that the Partition would take away Punjab and the Depressed Classes argued that the proposed partition would leave them at the mercy of the Hindus.

The Cripps Mission failed and Mahatma Gandhi started the famous Quit-India Movement on 8 August 1942 and demanded immediate end to colonial rule in India. He gave clarion call to masses ‘do or die’.

The Muslim League observed the Pakistan Day on March 23, 1943 and stressed on Pakistan proposal.

Thus we see that the minority problem was pulling the cart in opposite direction. The national energy was not channelised properly to fight against the yoke of slavery. The two major communities of India-- Hindus and Muslims were divided on the issue of rights and safeguards to minorities. The smaller minorities like the Sikhs, Christians and others were in a very difficult situation. Under these circumstances, the British Government was also not in a position to satisfy the aspiration of all parties.

*Rajagopalachari Formula*

British Government suppressed the Quit-India Movement with iron hand, which left around ten thousand people killed. Meanwhile on 2 July 1943 Lord Wavell was sent as the Viceroy of India. He tried to resolve political deadlock and even made efforts ‘to transfer Power to a United India under a constitution which would be joint both to the Hindus and to the Muslims’.58 Appreciating Lord Wavell’s endeavours
for a joint settlement of Hindu-Muslim problem in India noted jurist H.M. Seervai argues:

"Had he been supported by the British Government in his efforts to find a just solution, it is more than arguable that the Partition of India might have been averted, or at any rate, it would have been carried out without the holocaust which followed Partition."59

With the purpose of achieving a solution to Hindu-Muslim problem C. Rajagopalachari, the veteran Congress leader came up with a formula for Congress-League cooperation. The main points of the formula were:

(i) League to cooperate with Congress in forming a provisional government at centre.

(ii) After the end of the war, the entire population of Muslim majority areas in the North-West and North-East India to decide by a Plebiscite, whether or not to form a separate sovereign state.60

Gandhi supported the formula but Jinnah objected to it as he wanted Congress to accept the two- nation theory. He wanted only the Muslims of North-West and North-East to vote in the Plebiscite. He was also critical of the idea of a common centre.

*The Sapru Committee Report 1945*

The Sapru Committee Report was another attempt to bring about Hindu-Muslim unity and end the deadlock between Congress and the league. The Committee consisted of persons of eminence and integrity. They were also unconnected with the Congress or with the League.

The Committee came up with the idea of parity. It rejected the Partition formula and suggested that in the constitution-making body the representation of Hindus (other than depressed classes) and Muslims should be equal and there should be parity between
Hindus and the Muslims in the central legislature on the condition that the elections were to be through joint and not separate electorate. Interestingly, Sapru Committee also recommended for the establishment at the centre and in each of the provinces an Independent Minority Commission. H.M. Seervai observed:

"The Sapru Committee's recommendations and Sapru's own views emphasize the fact that the fears of the Muslim community about its future in a free and united India were genuine, and it was necessary to enact effective constitutional, provisions which would quiet, those fears if the unity of India was to be preserved."

The Sapru Committee also failed in achieving desired objective. The rejection of separate electorates for Muslims and creation of Pakistan was not acceptable to League and many Hindu leaders were not ready to digest the recommendation of parity. Thus efforts made with good intention by the concerned citizens failed and Partition looked inevitable.

*The Wavell Plan 1945*

As the political deadlock and confusion prevailed, the Governor General, Lord Wavell convened a conference at Simla on 25 July 1945. The purpose of the Conference was to reconstruct the Governor General's Executive Council pending the preparation of a new constitution. The Wavell Plan tried to solve political deadlock by providing for a balanced representation of the main communities including equal proportions of Muslims and Hindus (other than Depressed Classes). However, the plan failed as the Muslim League and the Congress both objected the Plan. The Muslim League wanted to be recognised as the sole representative of Indian Muslims, thus, it was firmly opposed to the inclusion of any non-Leaguer Muslim in the Viceroy's list and insisted that the Muslim should nominate all the five
Muslim members of the Council. Neither Congress nor Viceroy agreed to this stand of the League. The Congress objected to the plan as it was against the Principles and objectives of the Indian National Congress.

Keeping in view the opposite stands taken by the two main contenders of Indian politics the Congress and the Leagues, Lord Wavell announced a breakdown of talks and assumed responsibility for the failure of the talk.

**The Elections of 1945-1946**

The failure of the Simla Conference added to political deadlock. Meanwhile the victory of the Labour Party in the Parliamentary elections in England, and the surrender of Japan and the eventual end of the World War II had recharged the political atmosphere in India. The political parties in India demanded elections for the central and provincial legislatures as the War had come to an end and time was ripe for conducting elections. Lord Wavell responded positively to the demand and the elections were held in winter of 1945-46.

The Elections were contested on the basis of separate electorates. The Congress contested elections on the issue of Indian unity and the Muslim League on the demand of Pakistan and the right of the League solely to represent Muslims. Thus the elections were in a sense, referendum for Pakistan or unity of India. The Congress secured 91.3% of the votes cast in non-Muslim constituencies and the Muslim League 86.6% of the total votes cast in Muslim constituencies. The Congress captured 57 out of 102 seats in the central assembly and it got majority in most provinces except in Bengal, Sindh and Punjab. Interestingly the Congress got majority, in North West Frontier Province and Assam, which were being claimed, for Pakistan. The Muslim League captured 30 reserved seats in the central assembly and it got clear-cut majority only in Bengal and Sindh. In Punjab, the Muslim League was the single
largest party but it could not form government there. A Coalition Government consisting of Akali Sikhs and Unionist Hindus and Muslims minus Muslim League was formed under Malik Khizar Hayat of the Unionist Party.64

The Cabinet Mission Plan 1946

As the agreement between the Congress and Muslim League or any political settlement seemed impossible, the Attlee Government sent a special mission of Cabinet Ministers to India to seek in association with the Viceroy the ways and means for an agreed negotiated settlement and peaceful transfer of power to India. It is worth mentioning here that during debates on the issue the British Prime Minister Attlee declared in House of Commons:

"We are very mindful of the right of minorities and minorities should be able to live free from fear. On the other hand, we cannot allow a minority to place a veto on the advance of the majority."65

After prolonged discussions with all groups the Cabinet Mission observed in its statement of 16 May 1946:

"Since we are greatly impressed by the very genuine and acute anxiety of the Muslims lest, they should find themselves subjected to a perpetual Hindu-majority rule. This feeling has become so strong and widespread amongst the Muslims that mere paper safeguards cannot allay it. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion and economic or other interests".66

The prolonged discussions with the Indian leaders did not yield any result as the Congress and the League were not ready for any workable solution. Thus the Cabinet Mission decided to put forward its own plan to enable parties to secure a peaceful transfer of power.
The Cabinet Mission Plan besides other things proposed that immediate arrangement would be made by which Indians could decide the future constitution of India and formation of Interim Government till the new constitution came into force. An important point worth mentioning here is that the Cabinet Mission rejected the demand of the Muslim League for a separate sovereign state of Pakistan as impracticable and thus tried to give Indians a “United India.” Thus if the tragic Partition took place the Indians themselves are to be blamed at that point of time and not the divide and rule policy of British Government.

The Plan was not accepted by the important political actors-- the Congress and the Muslim League. Both the Parties objected to the Plan on different points. The objection of the Congress to the Plan was mainly its provisions of compulsory groupings whereas the League was perturbed by the rejection of its demand for a sovereign state of Pakistan. Nevertheless, both the Parties (Muslim league and the Congress) in the end accepted the long-term plan proposed by the Cabinet Mission. Thus in July 1946, elections were held in provincial assemblies for the all important Constituent Assembly in accordance with the Cabinet Mission Plan. This Constituent Assembly was going to be entrusted with the power to frame the future constitution of India. Elections results to the Constituent Assembly were to the delight of the Congress as it secured 205 seats including all the General seats except 9 and the League captured 73 out of 78 Muslims seats, Sikhs got 4 seats and decided to go with the Congress. Thus in the Assembly of 296 members the Congress enjoyed the brutal majority of 209. The League had lost the battle, as it was completely marginalised thanks to the polarisation in the Assembly. JawaharLal Nehru stated on July 1946, ‘we are not bound by a single thing except that we have decided to go
into the Constituent Assembly. In response to Nehru's statement Jinnah withdrew the acceptance of the long-term plan and gave call for "Direct Action" from August 16 for the realisation of the dream of Pakistan. The Direct Action led to large-scale communal riots. Meanwhile, Jawaharlal Nehru, as the President of the Congress was invited to form the Interim Government. The Muslim League did not join the Interim Government in the beginning but later it was persuaded by the Viceroy to join. The participation of League in the Interim Government made it unworkable. The Muslim League decided to boycott the Constituent Assembly.

When the Constituent Assembly was debating and discussing the proposed constitution for free India, the Muslim League was absent from the House. But by remaining aloof from the Constituent Assembly, the Muslim League was carefully creating a situation in which the partition of the country looked inevitable. Meanwhile, on February 10, 1947 the British Prime Minister Clement Attlee issued a statement and fixed June 30, 1948 as a deadline for transfer of power to Indians. The statement implicitly contained the plan of creation of Pakistan. Lord Mountbatten was appointed as the new Viceroy who declared that India would be freed on August 15, 1947. The Mountbatten Plan for transfer of power also, included that if the parties did not agree on United India, then the country would be divided into two dominions and two Constituent Assemblies would be created. Also a Boundary Commission was to be set up for drawing a line of demarcation between the two dominions. The Mount Batten Plan, after ratification by the British Parliament on July 18, 1947 came to be known as Indian Independence Act 1947. The Act created two dominions India and Pakistan in August 1947. The inevitable but ill conceived plan of partition led to one of the worst massacres in the history of mankind.
Conclusion

Thus we find that the present day minorities and the so-called majority in India are the product of a long historical process that started long ago in ancient times. The origin and development of the Hinduism, Buddhism, Jainism and Sikhism in India and arrival of other religious communities from outside continuously maintained the process of minority formation. The constant interaction between the followers of diverse persuasions led to large scale religious conversion into Islam and Christianity and as a result a composite Indian culture was developed. The minority-majority relations never became a serious problem in ancient and medieval times. But with the introduction of representative government by the British rulers, it assumed the status of a major problem of Indian society.

We also observed that the minority problem coupled with communalism led to a sharp division of Indian society. It was already divided horizontally and vertically even before the arrival of British. But as there was kingship and landlordism, these divisions did not affect the polity and state during those days. With the usurpation of power by the British Parliament, the process of massification of politics was started. The reforms introduced by the British Government, recognised various groups in India on the basis of their religion and caste. It was useful for the continuation of the British rule in India that the various groups remained divided and assert accordingly. Perhaps this was the reason that the mighty British Empire did not try to bulldoze the parochial, loyalties but encouraged and promoted them. Hence, the minority consciousness naturally developed under the circumstances, got patronage from the Government. However it soon degenerated into communalism. We find that communalism proved fatal for Indian nationalism during British rule. It was responsible for
political deadlock which delayed freedom to India and when the country became independent, it was at the cost of a bloody and painful Partition of the country. It was the result of the failure of the major political actors of the nationalist movement to find an acceptable solution to the majority-minority problem in a united and undivided India. The Partition was accepted with the hope that it would solve the communal problem in India. But the post-independence events have proved beyond doubt that partition is not always a viable and lasting solution to ethnic or communal problem. It is by the recognition of pluralism and allaying the genuine apprehensions of the minorities through the institutionalisation of their rights with effective institutional arrangements that the people belonging to diverse persuasions can live together.\textsuperscript{68}
NOTES


3. See H. M. Seervai, *Partition of India: Legend and Reality*, Bombay, 1994. Jaswant Singh, *Jinnah: India—Partition—Independence*, Rupa & Company, 2009, New Delhi. The underlying message of these books is a pointer to the fact that the Partition could have been avoided if the genuine concerns of minorities were shared by the major political actors (particularly the Indian National Congress) of the national movement.

4. The Constitution of India does not define minority but it is evident from the Constituent Assembly Debates that the religious minorities were initially considered as minorities in technical sense of the term. But at the final stage of the drafting of the Constitution linguistic minorities were accorded recognition along with the religious minorities. Thus Article 30(1) of the Constitution reads as: All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

5. The reorganisation of states on the basis of the language has proved an important administrative decision to solve the problem of linguism in India. However it should be kept in mind that the language alone is not the basis of creation of several states (provinces) in India.


8. The Partition of India led to the transfer of population on a very large scale and was accompanied by communal holocaust and the problem of refugees. The two religious minorities (Muslims and Sikhs) were the worst victim of the Partition. The exact number of the casualties during the riots and transfer of population is not available and the tragedy is often downplayed by the imperialist writers. However, it is estimated that more than two million people died during those fateful days.


11. Manju Subhash, *op. cit.*, p. 21

12. Religion and Philosophy founded in North Eastern India in the 5th century BC based on teachings of Siddharta Gautama called the
Buddha. One of the major world religions, Buddhism takes as its goal the escape from suffering and the cycle of rebirth and the attainment of nirvana, and emphasizes meditation and the observance of moral precepts. The Buddha's teachings were transmitted orally by his disciples; during his life time he established the Buddhist Monastic order (SANGHA). He adopted some ideas from the Hinduism of his time, notably the doctrine of karma but also rejected many of its doctrines and of all its Gods. Buddhism's main teachings are summarized in the four noble truths, of which the fourth is the eightfold path. Buddhism's two major branches, Mahayana and Theravada, have developed distinctive practices. In India, the emperor Ashoka promoted Buddhism during the 3rd century BC, but it declined in succeeding centuries and was nearly extinct there by the 13th century. It spread south and flourished in Sri Lanka and Southeast Asia, as well as moving through Central Asia and Tibet to China, Korea, and Japan. Today the various traditions of Buddhism have about 400 million followers, *Britannica Ready Reference Encyclopaedia*, Vol. II, New Delhi, 2004, p. 98.

13. Religion of India established in the 6th century BC by Vardhamana, who was called Mahavira. Jainism's core belief is ahimsa, or non-injury to all living things. It was founded as a reaction against the Vedic religion, which required animal sacrifices. Jainism has no belief in a creator god, though there are a number of lesser deities for various aspects of life. Jains believe their religion is eternal and hold that it was revealed in stages by a number of Conquerors, of whom Mahavira was the 24th. Living as an ascetic, Mahavira preached the need for rigorous penance and self-denial as the means of perfecting human nature, escaping the cycle of rebirth, and attaining Moksha, or liberation. Jains view KARMA as an invisible material substance that interferes with liberation and can only be dissolved through asceticism. By the end of the 1st century AD the Jains had split into two sects, each of which later developed its own canon of sacred writings: the Digambaras, who held that an adherent should own nothing, not even clothes and that women must be reborn as men before they can attain Moksha; and the more moderate Svetambaras. In keeping with their principle of reverence for life, Jains are known for their charitable works, including building shelters for animals. Jainism preaches universal tolerance and does not seek to make converts. *Britannica, Ready Reference Encyclopaedia*, Vol. V, New Delhi, 2004, p. 167.

14. The National Commission for Minorities Act, 1992 does not include Jains in the list of minorities. Section 2 (c) of the Act includes Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsees) as minorities for the purposes of the Act. The Jain community has been consistently impressing upon the Central Government to notify Jains as a minority community under section 2 (c) of the NCM Act, 1992. It is desirable to mention that the Supreme Court has declined to recognise the Jains as a religious minority by observing that ‘Hinduism can be called a


18. Jizya was a tax imposed by many Muslim rulers on non-Muslim subjects living under them in India. The imposition of Jizya in a country like India where the Muslims were in minority proved counterproductive and became a major cause of animosity between the ruling community and the non-Muslim subjects.

19. Akbar’s Ibadat Khana was perhaps the first example of promotion of inter-faith dialogue by a medieval Muslim ruler.

20. Sufis or saints like Khwaja Moinuddin Chishti of Ajmer, Hazrat Nizamuddin Aulia of Delhi and many others played an important role in the integration of Muslims with the local population. Interestingly, these saints were fond of devotional music and songs. Thus Qawwali (devotional songs with music) became one of the main means of communication and dissemination of message of Islam amongst the masses. Sufi tradition is largely responsible for mass conversion to Islam in India. The Sufi tradition has been criticised by many orthodox Muslim theologians as they see a conflict between the Shariat and Tariqat (preached and practised by the Sufis) See Rafiq Zakaria, The Struggle Within Islam, The Conflict Between Religion and Politics, Viking, New Delhi, 1988.

21. One of the significant features of the Bhakti tradition was that the great saints of the tradition like Narasing Mehta, Mirabai, kabir, Guru Nanak, Tulsidas, Surdas, and Malik Mohammad Jaisi used ordinary language to reach the common folk. Large-hearted tolerance and mutual respect was another important feature of the Bhakti movement. See for Bhakti tradition, Shahabuddin Iraqi, Bhakti Movement in Medieval India, Manohar Publication, New Delhi, 2006.


25. The Christian community of India has given valuable contributions in nation-building through their network of institutions. The Catholic
Church in India maintains 1514 Technical & Training Schools, 1765 Hostels & Boarding House, 1085 Orphanages, 228 Creches, 704 Hospitals, 1792 Dispensaries & Health Centres, 111 Leprosaria, 102 Rehabilitation Centres, and 455 Homes for Aged, Destitute, and Handicapped. [Source: The Catholic Dictionary of India, CBCI Centre, New Delhi, 1998, p.49].


27. The population of Parsi community in India according to 1991 Census is a little over 76000. The alarmingly low birth rate among the Parsis has been a cause of concern for the relevant bodies like the National Commission for Minorities (NCM). See Annual Reports of the NCM, 1980-1985.


29. Varna System among the Hindus refers to the hierarchical social order based on birth.


33. Iqbal A. Ansari, op. cit., Vol. II, p. XX.


35. Manju Subhash, op. cit., p.3

36. Iqbal A. Ansari, op. cit., Vol. II, p. XX.


38. Sir Syed wrote Asbab-e-Baghawat-e-Hind (The Causes of the Indian Revolt) and tried to prove that the Muslims were not solely responsible for the mutiny. Also he tried to bridge the gap between the British and Muslim subjects through his speeches, organisations and incomplete interpretation of Quran.


40. The Social reform movements of the 19th Century were inspired by religious beliefs. Many such movements either among the Hindus or among the Muslims were revivalist as well as reformist in nature. The movements like Arya Samaj (emphasizing Shudhi) were responsible for communal division.


44. It is interesting to note that the Khilafat Movement was launched by the Indian Muslims to pressurize the British Government in England to respect the institution of Khilafat in Turkey. The movement was later joined by Gandhi and other leaders of the Congress. The movement ended in a fiasco as the Khilafat was abolished in Turkey by Kamal Ata Turk.

45. Maulana Hussain Ahmad Madni was the founder of the Jamiat-ul-ulema-e-Hind. He also developed the concept of composite nationalism to bring the Muslims into the freedom struggle. See Maulana Hussain Ahmad Madni, Composite Nationalism and Islam, (translated by Mohammad Anwer Hussain and Hasan Imam), Manohar, New Delhi, 2005.

46. Maulana Abul Kalam Azad was the first Education Minister of India and the Muslim face of the Indian National Congress. He was a religious scholar by training.


51. Iqbal A. Ansari, Ibid., p.130

52. Ibid., p. 137.


54. See for the text of the Communal Award and the Poona Pact, Ibid., pp.151-58.


56. Ibid.

57. The Lahore Resolution of 1940 which later became the basis of Pakistan read as: It is the considered view of this session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles, viz., that geographically contiguous units
are demarcated into regions which should be so constituted with such territorial readjustments as may be necessary that the areas in which the Muslims are numerically in a majority, as in the North-Western and Eastern Zones of India, should be grouped to constitute independent States in which the constituent units shall be autonomous and sovereign. Adequate, effective and mandatory safeguards should be specifically provided in the constitution for minorities in the units and in the regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them and in other parts of India where the Mussalmans are in minority, adequate, effective and mandatory safeguards shall be specifically provided in the Constitution for them and other minorities, for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them. The session further authorizes the Working Committee to frame a scheme of Constitution in accordance with these basic principles, providing for the assumption finally by the respective regions of all powers such as defence, external affairs, communications, customs and such other matters as may be necessary. (As cited in H. M. Seervai, op. cit., p. xxxviii)


59. Ibid., p. 30.

60. Rajagopalachari Formula had in reality accepted the Partition plan. The Formula was severely opposed by reactionary Hindu leader and the Sangh ideologue Vir Savarkar on various grounds.


62. The Labour party had indicated to grant freedom to India if voted to power. See H. M. Seervai, op. cit., p. 33.

63. Ibid., pp. 36-40.

64. Ibid.


