

Issues and Constitutional Safeguards of Muslim Minorities in India: Special Reference to Minorities of Kollegal G.K. Venugopal

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ABSTRACT:

Being the second-largest country in terms of population, India is a assembly of various religious communities. The Supreme Court has clarified that minority status is determined at the state level, not nationally, and the term refers to a non-dominant group numerically less than 50% within that state. According to 2011 Census Report Hindus cover nearly 80% of India's total population, with an estimated 172. 2 million Muslims, 27. 8 million Christians, 20. 8 million Sikhs, 4. 5 million Jains, etc. The controversial term "minority" or "minorities" is used in the Constitution in some articles like Article 29, Article 30, Article 350(A), and 350(B) but a concrete definition is not given in the Constitution. The Union government, under the National Commission on Minorities Act 1992 has recognized 6 minority communities that is Muslims, Christians, Sikhs, Buddhists, Parsis, and Jains. (Jains were added later in 2014). Currently, only those communities notified under section 2(c) of the NCM (National Commission for Minorities) Act, 1992, by the central government are regarded as minorities. Despite the Supreme Court's 11-judge bench judgment in the T. M. A Pai case, which clearly determined that linguistic and religious minorities must be identified at the state level rather than at the national level, Section 2(c) of the National Commission for Minorities (NCM) Act 1992 gave the Centre "unbridled power" to inform minorities. In 1992, with the enactment of the NCM Act, 1992, the MC became a statutory body and was renamed the NCM. In 1993, the first Statutory National Commission was set up and five religious communities viz. The Muslims, Christians, Sikhs, Buddhists, and Zoroastrians i. e, Parsis were notified as minority communities. In 2014, Jains were also notified as a minority community.

KEYWORDS:

Minorities, Atrocities, Constitution, National Commission, Communal Riots.

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Introduction

Being one of the world's largest democracies, India glorifies the principles of secularism and pluralism and the Indian constitution promotes the prohibition of discrimination on grounds of religion, race, caste, sex or place of birth but this type of cultural, religious, and social diversity leads to varying forms of intersectional discrimination for the minority communities, for example, Dalits, Muslims, and Christians, or religious minorities who are also linguistic minorities or belong to indigenous communities that is Adivasis and such challenges are intensified when it comes to women of the minority community. Recent political developments have put the issues of minority appeasement and minority harassment back into the forefront. The recent increase in hate crimes has also triggered debates about the need for separate legislation to protect minorities against lynching and hate crimes.

Definition of Minorities:

The Indian Constitution does not provide a formal definition for "minority" but recognizes religious and linguistic minorities. The Supreme Court has clarified that minority status is determined at the state level, not nationally, and the term refers to a non-dominant group numerically less than 50% within that state. Key articles like Article 29 and Article 30 provide safeguards for these groups to conserve their distinct culture, language, and script, and to establish educational institutions.

Characteristics of Religious minorities in India

There are five major religious minorities in India. There are Muslim, Christian, Sikh, Buddhist, Jain and Parsi. The following is more information on religion-wise data of the Indian population as per the Census 2001 and 2011.

- Muslims are the largest religious minority in India. They are in majority in Jammu and Kashmir and good size in Kerala, West Bengal, Uttar Pradesh, Andhra Pradesh, Karnataka, and Rajasthan
- Christians are the second-largest minority in India. They are in the majority in Nagaland (88%), Mizoram (87%), and Meghalaya (74%). They are in sizable numbers in Goa (25%) and Kerala(18. 4%).
- Sikhs are the third-largest minority in India and they are in Majority in Punjab (58%).
- Buddhism communities in India have a sizable number in Sikkim (

27%), Arunachal Pradesh (12%), and Maharashtra (6%).

- Jains minority are largely in Maharashtra (1.3 %), Gujarat (1%), and Delhi (1%).

The geographic spread of minorities in India

- Notified minorities constitute about 19% population of the country.
- In rural India during 2009–10, 11 percent of households followed Islam with about 12 percent of the population.
- Christianity was followed by around 2 percent of the households constituting about 2 per cent of the population.
- In urban areas, the percentages of households and population following Islam were about 13 and 16 and those following Christianity were about 3 and 3, respectively.

Communal Riots in India

India is a secular nation where many different religions coexist. However, there are times when a person's religious belief comes to dominate them, leading to their emergence as the dominant religion.

Anti-Sikh riots (1984) India's majority of the Sikh population lives in the state of Punjab. After the formation of India and Pakistan based on religion, Sikhs also demanded their separate nation, In 1970, Sikhs protested against the Indian government for their sovereign nation. At the time of the Indian Emergency, the administration of Indira Gandhi imprisoned a large number of Sikhs for their protests and demands. 13 During Indira Gandhi's Emergency, which she used to "save democracy," the Indian constitution was suspended and 140, 000 people, including 40, 000 Sikhs, were detained without cause.

The Exodus of Kashmiri Hindus 300 Kashmiri Pandits were killed in the Kashmir region between September 1989 and 1990 as a result of various occurrences. The periodicals Aftab and Al Safa commanded the eviction of all Hindus who chose to live in Kashmir and encouraged the Kashmiri Muslims to conduct jihad against Hindus at the beginning of 1990. The Hindus who refused to leave were killed in the streets the following days by masked men carrying AK-47s. Notices warning all Hindus to leave within 24 hours or perish were posted on their homes. According to estimates, between 300, 000 and 500, 000 pandits have left Kashmir since March 1990 because of oppression by Islamic

fundamentalists, the worst instance of ethnic cleansing as seen by Indians since independence.

Methodology of the Study

The present study is based on both Primary and Secondary data. For the paper a brief research was conducted in the month of September 2025. In order to collect primary data 50 Muslims were selected on the basis of Random Sampling method. In order to elicit information from them Interview Schedule and Questionnaire method was used. Most of the Muslim minority respondents were from the local traders and small time businessmen's. Secondary data were collected by the help of newspapers, magazines and internet.

Objectives of the Study

1. To understand the identity problems of the minorities.
2. To analyze the security situation of the minorities.
3. To apprehend the poor economic status of the minorities.
4. To evaluate the constitutional provisions for the minorities.
5. To appreciate the Government Schemes for the minorities.

Problems and concerns with minorities in India

Problems generate a trust discrepancy between the Minorities, which is harmful to the Unity and integrity of India. It in fact tears the fabric of brotherhood. The problems of the minorities are as follows:

The problem of identity: Because of the differences in socio-cultural practices, history, and backgrounds, minorities have to grapple with the issue of identity everywhere which gives rise to the problem of adjustment with the majority community. Out of 50 Muslim minorities, 42 of them consisting of 84 % of them responded that even though they are staying in India, they are looked upon with suspicion. They also responded that whenever they walk in front of the majority community people, they are commented that they are belongs to outside neighboring countries.

The problem of Insecurity: Different identity and their small number relative to the rest of society develops a feeling of insecurity about their life, assets, and well-being. Out of 50 minority respondents, 38 of them consisting of 76 % of them complained that during majority Hindus Ganesha festival and Holi festivals they feel insecure. They

assured that they never interfere in the religious festivals of the Hindus. The respondents alleged that some miscreant create problem throwing one or the things at the hindus procession. This is leading to the communal clash between the minority and majority communities. They also said aftermath of the communal riots for a period of six months to one year they feel insecure, hatred simmers between them but they said they won't keep anything in their mind. They mainly concentrate on their business and trade.

The Issue of Inequality: The minority community in society may remain deprived of the benefit of opportunities for development as a result of discrimination. Out of 50 minority respondents 44 of them consisting of 88% of them answered that in their minority community most of them are less educated hence they feel they are not equal on par with majority community members. Due to their less education they are not getting enough opportunities and representation in political sphere. At the same time, due to the less education majority of the community members are involving in petty business and trades like selling scrap materials, fruit vending, plastic disposal etc. The less political opportunities and unequal economic stability minorities are feeling insecure in political and economic sphere. As majority of them are involved in petty business their income is drastically reduced. The muslim respondents said, because of this low standard of work they are poor and facing lots of financial crunch.

Problem of Secularism: Religion is a complex phenomenon in India. Though India is declared a 'secular' state, the problem of secularism looms large here. Out of 50 respondents 32 of them consisting 64% per cent of them said, that they are feeling insecure in residing in the Hindu Dominated areas. They replied when some unwanted incidents took place in some parts of India or Karnataka, the majority community people blame and targets heap of abuses on them. Even there are some incidents in which majority community people threw stones at them. The respondents replied that due to this attitude of the majority community hurts them more. They feel some where the fabric of secularism is tearing. Conversion to Islam and Christianity has been a controversial issue over the last couple of decades. They respondents agreed that incidents of conversation took place in some secluded parts of India, but they consider it is a minor incidents considering the huge geographical area of India. The

Because of the difference in identity, the minority community develops the perception of the sense of inequity

Economic reasons: Indian socio-economic fabric is very complex because it is much affected by caste, religion, and the more regional/linguistic differentials. Out of 50 respondents 44 of them consisting of 88 per cent of replied majority of the respondents belongs to lower middle class. Their main business is running vegetable shops, carts, selling fruits on the streets, scrap merchants, involving in meant business. They feel their business yields very less income compare to other good business. Less education, inferior jobs fetch them very poor status in the society. They also answered that very few members are in the Government jobs and other respected professors. Adding to that they have more number of kids compared to other community members. Hence, they say their earnings are less but expenditure is manifold. These driving them in to economic distress. Whatever they earn it goes to feed their big families.

Issue of Backwardness: Minority communities are unable to join the mainstream of society. Sachar Committee which was constituted in 2005 has placed Muslims below the scheduled castes, and scheduled tribes.

The problem of Representation: In terms of religious composition, 90. 4% of MPs in Loksabha are Hindus. 5. 2% are Muslims and another religious community represents 4% MPS. Muslims contribute only 2. 5% of the Indian bureaucracy. Out of 50 respondents 46 of the respondents consisting of 92 per cent of them replied that Muslim community members that all the major and minor political parties are using them as chess pawns. They feel whenever the political parties wants to win or to get majority they celebrate their religious festivals and they involve with them. After getting political mileage and required seats they just neglect them like used plantain leaf. They are wondering how the political leaders involve in Ed Mubarak, Ramzan and Urus festivals. They say they trust everyone with utmost brotherhood, but at last they will be ditched by the political parties. At the same time, all the political parties, never offer party ticket to contest elections, but they use them for all political skirmishes. They claim still their community members are facing lots of FIRs in the respected police station while defending their leaders. The respondents gave the example of the cabinet ministers details that only Shri Zameere Ahmed is the one who is the state ministerial berth

remaining one or two MLAs are mute spectators in the state assembly.

Constitutional Provisions for Minorities in India

The Constitution of India lists down a few important mandates with regard to Minorities in India. Discussed below are the same in brief:

Protection under Fundamental Rights:

- Article 15 (1) & (2) – Prohibition of discrimination against citizens on grounds of religion, race, caste, sex or place of birth
- Article 16(1)&(2) – Citizens’ right to equality of opportunity in matters relating to employment or appointment to any office under the State
- Article 25(1) – People’s freedom of conscience and right to freely profess, practice and propagate religion – subject to public order, morality and other Fundamental Rights
- Article 28 – People’s freedom to attend religious instruction or religious worship in educational institutions is wholly maintained
- Article 30(1) – Right of all religious and linguistic minorities to establish and administer educational institutions of their choice
- Article 30(2) – Freedom of minority-managed educational institutions from discrimination in the matter of receiving aid from the State

Legislative protection:

- The National Commission of Minority Act 1992–this act led to the foundation of the National Commission on Minorities by the Union Government. It consists of a chairperson and 6 members, provided at least 5, including the chairperson, should belong to the minority community.
- Waqf Act–This act deals with donations in the Muslim community. The central waqf council, a statutory body, manages the administration of waqfs in India. Waqf is the permanent dedication of movable or immovable properties given by Muslim philanthropists for a religious, pious, or charitable purpose. The grant is known as Musrat–Ul–Khidmat and the person who makes such dedication is known as Waqif.
- Citizenship Amendment Act–This act gives citizenship to persecuted minorities from Pakistan, Bangladesh, and Afghanistan within 6 years in place of 12 years. Hindus, Christians, Sikhs, Jains, Buddhists, and

Parsis (all are minorities in India excluding Hindus) who migrated before 2014 are eligible.

International Norms:

The protection of the rights of minorities is provided under Article 27 of the International Convention on civil and Political Rights. Further “United Nations declaration on the Rights of persons belonging to National, Ethnic, Religious, and Linguistic Minorities” is a document that sets essential standards and offers guidance to states in adopting appropriate legislative and other measures to secure the Rights of Minorities.

Government Schemes for the Minorities in India

Some schemes related to minorities include the following.

Educational Empowerment:

- Scholarship Schemes– Pre–Matric Scholarship, Post–Matric Scholarship, and Merit–cum–Means based Scholarship. During the last 7 years, more than 4. 52 crore beneficiaries have been provided different scholarships.
- Maulana Azad National Fellowship Scheme provides financial assistance to students from notified minority communities whose annual income is below Rs. 6. 0 lakh per annum from all sources, to pursue higher education such as M. Phil and PhD.
- The Maulana Azad Education Foundation implements the scheme viz. Begum Hazrat Mahal National Scholarship for meritorious girls belonging to notified minority communities studying in Classes IX to XII.

Economic Empowerment:

- Seekho Aur Kamao (Learn & Earn): It is a skill development initiative for minorities and aims to upgrade the skills of minority youth in various modern/traditional skills depending upon their qualification, present economic trends, and market potential, which can earn them employment or make them suitably skilled to go for self–employment. Since 2014–15 approx. 3. 92 lakh persons have benefitted from this employment–oriented program.
- A mission has been launched by the Ministry of Minority Affairs under the “Upgrading the Skill and Training in Traditional Arts/ Crafts for Development (USTTAD)” scheme to give an effective

platform to minority artisans and culinary experts from across the country to showcase and market their finest handicraft and exquisitely crafted products through “Hunar Haats” organized by the Ministry.

- Ministry has engaged institutions of national repute namely, the National Institute of Fashion Technology (NIFT), National Institute of Design (NID), and Indian Institute of Packaging (IIP) to work in various craft clusters for design intervention, product range development, packaging, exhibitions and brand building, etc. So far, the Ministry has organized 28 “Hunar Haats” in which more than 5.5 lakh artisans and people associated with them have been provided employment and employment opportunities, out of which more than 50% beneficiaries are women.
- Nai Manzil – A scheme to provide education and skill training to the youth from minority communities.
- Gharib Nawaz Employment Training Programme provides short-term job-oriented skill development courses to youths belonging to minority communities.
- National Minorities Development Finance Corporation (NMDFC) Loan Schemes provide concessional loans for self-employment and income-generating activities for the socio-economic development of the “backward sections” amongst the notified minorities.

Conclusion

India is a nation of diversity and unity. All Indian people are granted equal rights under the country’s Constitution, regardless of their linguistic, ethnic, cultural, and religious backgrounds. Indian constitution guarantees its citizens prevention from any kind of discrimination against residents based on their birthplace, ethnicity, caste, religion, or gender is prohibited. " It also provides its citizens’ right to "equality of opportunity" in the workplace and the outlawing of discrimination based on one’s place of birth, ethnicity, caste, or religion.

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The Authors have no conflict of interest to declare that they are relevant to the content of this article.

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