

Human Rights of Vulnerable Minority Groups in India: An Overview

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ABSTRACT

Human rights are the conditions of life that allow us to fully develop and use our human qualities of intelligence and conscience, and to satisfy our spiritual needs. We cannot develop our personality in the absence of rights. Certain groups in society often encounter discriminatory treatment and need special attention to avoid potential exploitation. This population constitutes what is referred to as vulnerable groups. The vulnerable groups are discriminated against on the grounds of being economically weaker sections of society. In the case of women and children, it is much greater since society treats them as biologically weak. The tendency to take undue advantage of the weaker sections of society results in exploitation, which in turn leads to anti-social behavior. India is a multilingual and multi-religious country. Indian society is pluralistic in character from religious and other points of view. For a long time, people belonging to various religious communities have been living together in this country. However, there are some problems that minorities normally face where we can say that the rights of minorities are being violated. These problems include the preservation of their distinct social and cultural life, where several customs and cultures are under scrutiny at times and lead to controversies of all types, giving opportunities to aggravate the problems of minorities; the need for security and protection, which is very often felt by minorities, especially in times of communal violence, caste conflicts, and observance of festivals and religious functions on a mass scale; and communal tensions and riots, which threaten minority interests whenever they take place for whatever reason, leading to widespread fears and anxieties.

Keywords: *Human Rights, Minorities, Constitution, Commission*

Introduction:

Every nation in the world has a minority population, which adds to the diversity of cultures. It is believed that both subjective and objective components contribute to minority identification. The individual's self-identification is assumed to be conclusive. Four categories - national,

ethnic, religious, and linguistic - are the main focus of UN definitions, which were outlined in a 1992 Declaration. It is well-known that these are frequently not absolute groups but rather ones that could overlap.

Human rights were created to safeguard an individual's rights in relation to the state. People who are most in need of protection are frequently members of groups or minorities that stand out from the majority of society in some manner, such as through language, religion, ethnicity, or culture. Throughout history, oppressive majorities have abused minorities, subjecting them to discrimination, land seizures, expulsion, forced assimilation, and even genocide. Active suppression by governments seeking to promote cultural unification has frequently led to the loss of identity and culture. Striking a balance between the valid concerns of marginalized minorities and those of the ruling majority is one of the challenging tasks that governments must undertake in a world that is becoming more homogeneous (Chapman & Carbonetti, 2011).

There are many different minority circumstances, but one thing they all have in common is that they frequently experience multiple forms of discrimination that lead to marginalization and exclusion. To ensure the effective involvement of minorities and end their exclusion, we must embrace diversity through the promotion and implementation of international human rights standards.

Objectives of the study

This study aims to:

1. Preserve the distinct social and cultural life, as well as several customs and cultures of minorities.
2. Protect minorities, especially during times of communal violence, caste conflicts, observance of festivals, and religious functions on a mass scale.
3. Explore the importance of human rights in India.
4. Examine the significance of minority rights.

Methodology:

This is a descriptive study based on secondary sources, including published and unpublished books, government records, reports, and journals from the government of India and the Assam government, as well as internet sources. The study aims to investigate the importance of human rights in India, with a focus on protecting the distinct social and cultural life, customs, and traditions of minority communities. Additionally, it seeks to examine the significance of safeguarding the liberties of these communities, especially during times of communal violence, caste conflicts, and mass observance of festivals and religious functions.

Limitation of the Study

This study has certain limitations. Due to constraints on time and resources, the research was solely based on secondary data sources. Therefore, the findings may be limited by the quality and scope of the available data. Primary data sources, such as surveys and interviews with individuals from minority groups, could provide more in-depth and nuanced insights into their experiences and perspectives. Additionally, the study may not account for regional or local

variations in the experiences of minority groups, as the research was based on national-level data sources. These limitations should be taken into consideration when interpreting the results of this study.

Importance of Human Rights

The importance of human rights lies in the fact that they guarantee access to basic necessities like food, shelter, and schooling for everyone. Human rights also protect the most vulnerable members of society and ensure the freedom of opinion and expression. Additionally, human rights safeguard the right to practice any religion, and provide everyone with the right to education. Furthermore, human rights protect the environment for the benefit of society and its people, and serve as a universal standard for safeguarding people's rights.

Current Situation in India Related to Human Rights

The judiciary has a crucial part to play in preserving a person's dignity and freedom. Because it not only defends but also defines the parameters of basic rights, it is the champion of individual human rights. The scope of human rights in India has expanded in a few notable cases where court rulings or interpretations have changed over time.

A US study (2021) claims that India suffers from a number of significant violations of human rights, such as arbitrary and unlawful killings, restrictions on press and expression freedom, corruption, and tolerance of such violations. However, a number of groups in India are working to advance human rights, and one of them is the National Human Rights Commission, which assists Indians who have experienced human rights violations.

By virtue of the Public Health Reform Act of 1993, the committee was established in 1993. In order to advance and defend human rights, the Paris Principles were approved. This had an impact on national institutions and prompted India to create the National Human Rights Commission. The NHRC emphasizes the rights of those who are marginalized and poor. Therefore, it takes all required measures to prevent any violations of a person's human rights.

The National Human Rights Commission (NHRC) works on all human rights-related issues, including raising awareness of human rights laws and processes, defending the right to health care, and protecting the environment. Not only the NHRC, but numerous other NGOs and organizations that work in this area have as their primary goal educating people about their rights and encouraging them to speak up if anything occurs or if someone abuses their rights (Dabas, n.d.).

Minorities in India

The Indian Constitution uses the term "minority," but it does not provide a clear definition. Instead, it uses the terms "linguistic minorities" or "religious minorities" in Article 30(1). The use of the preposition "or" indicates that a minority can be either linguistic or religious. However, if a state law applies to the entire state, then for the purposes of Article 30(1), the minority must be determined with reference to the entire population.

Although there is no clear definition of what constitutes a minority in India, the National Commission for Minorities Act of 1992 recognizes Muslim, Sikh, Christian, Buddhist, Jain, and Zoroastrian (Parsi) groups as minorities under Section 2(c). According to the 2011 Census,

minorities make up around 19.3% of India's total population. Of these, 14.2% identify as Muslims, 2.3% as Christians, 1.7% as Sikhs, 0.7% as Buddhists, 0.7% as Jain, and 0.006% as Parsis.

In addition to these recognized minorities, there are also underrepresented and indigenous communities, such as the 201 million Dalits (also known as "scheduled castes") and the 104.3 million Adivasis (also known as "scheduled tribes") (8.6 per cent) [Census of 2011], as well as Andaman Islanders and Anglo-Indians. The rigid caste system that exists in India is a pervasive marker of social stratification and identity. The scheduled castes, which include "Dalits," also known as Harijans or "Untouchables," make up 16.6% of India's overall population. The Indian Constitution mandates that the government establish a list or schedule of the lowest classes in need of compensatory programs. The Adivasis, who make up a significant proportion of India's 8.6% indigenous population, are referred to as "scheduled groups" in the constitution.

While Buddhists do not experience severe levels of discrimination and are not particularly targeted as minorities, unlike the sizable Muslim and Christian minorities, many groups have faced prejudice and repression, even within the wider Hindu faith. The situation of the Dalits serves as a clear example of the systemic discrimination that a group may experience within Hinduism. As previously mentioned, the term "Dalit," which translates to "the oppressed," is an assertive term of self-identification that refers to what are known as the "scheduled castes" in strict legal and constitutional terminology (Haque, 2018).

Minority Issues

Social divisions exist within minority groups themselves. For instance, Sunni and Shia Islam are separated, with the latter primarily found in Bangalore, Mysore, and Bijapur, while the former is present all over India. Among Muslims, two social groups can be distinguished: the elite educated groups and the Dalit Muslims, who work in low-caste jobs. Christians also fall into two categories, with elite Christians living in Bengaluru and Mangalore, while so-called Dalit Christians, who mostly hail from low Hindu castes, are found in the southern region of Karnataka near Tamil Nadu and Andhra Pradesh (Mondal, n.d.).

Similarly, there are two Jain groups: Svetambar and Digambar. Fortunately, there are no conflicts between them. Buddhists and Parsis, both of whom originated from Hindu-Dalit castes, have their roots in India and Iran, respectively.

Both universal and minority-specific issues confront these minority groups. High rates of poverty, unemployment, and discrimination in society and in government offices where people apply for government benefits are among the most prevalent issues. Low levels and inadequate access to municipal services, including those for housing, health, and education, are additional problems.

To get to the particular issue, Muslims are specifically targeted as terrorist suspects and labeled as "deshdrohi." Their mother tongue is Urdu, their Dargah flag resembles the Pakistani flag, and their eating habits and gender-specific attire make them socially isolated. Hindu right-wing organizations in coastal Karnataka exercise social control to prevent interaction with Hindu females, leading to social exclusion. As a result, they reside in distinct residential areas that the government discriminates against when it comes to offering municipal services.

Due to their unique socio-cultural backgrounds, some minority groups, particularly Muslims and Christians, have different eating habits from the rest of the population. Beef is a preferred food item in these communities, which is a source of tension as cows are revered and venerated by the majority community. In some states, like Maharashtra, cow slaughter is completely prohibited, whereas it is regulated in Karnataka. Beef is a cheap source of high protein and is an essential source of nourishment for the underprivileged who cannot afford mutton. Outlawing cow slaughter and the sale of beef would put those who work in the industry, including some members of the Muslim community, out of business.

Rights of Minorities as Human Rights in India:

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The shared thread of national integration and communal harmony runs through the multi-religious, multi-cultural, multi-lingual, and multi-racial nation of India, tying it together into an inherent unity.

The distinctive constitutional concept of secularism and the constitutionally required protection and promotion of the rights of all minority groups strengthen India's social pluralism. In its Preamble, the Indian Constitution enshrines equality and provides all of its minorities with basic rights. These rights are protected and promoted by independent organizations such as the judiciary, the minorities commission, and the human rights commission.

Constitutional Provisions

The State is described as "Secular" in the Preamble to the Constitution, and all Indian citizens are guaranteed "liberty of thought, speech, belief, faith, and worship," as well as "equality of position and of opportunity."

The Indian Constitution is distinctive in that it mandates affirmative action and positive discrimination for minorities. Section III of the Constitution, which addresses fundamental rights, states the following:

Article 14: people's right to 'equality before the law' and 'equal protection of the laws'.

Article 15(1) & 15(2): prohibition of discrimination against citizens on grounds of religion, race, caste, sex or place of birth.

Article 16(1) & 16(2): citizens' right to 'equality of opportunity' in matters relating to employment or appointment to any office under the State – and prohibition in this regard of discrimination on grounds of religion, race, caste, sex or place of birth.

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 26 : right of 'every religious denomination or any section thereof – subject to public order, morality and health – to establish and maintain institutions for religious and charitable purposes, 'manage its

own affairs in matters of religion', and own and acquire movable immovable property and administer it 'in accordance with law.

Article 27: prohibition against compelling any person to pay taxes for promotion of any particular religion.

Article 28: people's 'freedom of attendance at religious instruction or religious worship in educational institutions' wholly maintained, recognized, or aided by the State Article 29 (2): restriction on denial of admission to any citizen, to any educational institution maintained or aided by the State, 'on grounds only of religion, race, caste, language or any of them'.

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.

National Commission for Minorities

A National Commission for Minorities has been created as a statutory entity under the National Commission for Minorities Act, 1992, in addition to the protections offered by the Constitution and the applicable laws. According to Section 9(1) of the Act, the Commission must carry out duties that include, among other things, monitoring the operation of the safeguards for minorities provided in the Constitution and in laws enacted by Parliament and the State Legislatures; making recommendations for the effective implementation of safeguards for the protection of minorities' interests by the Central Government or the State Governments; and investigating specific complaints regarding discrimination.

The Protection of Human Rights Act of 1993 established the NHRC, India, as a statutory, autonomous body with the following mandates: investigating human rights violations on its own initiative or in response to a petition submitted to it; reviewing the protections offered by the Constitution and domestic laws; studying international human rights treaties; promoting research in the field of human rights; promoting human rights literacy among various sections of society; and coordinating the efforts of other organizations. Additionally, it has the power to recommend the payment of compensation or damages, provide temporary relief, and initiate legal or disciplinary proceedings against negligent public officials.

Conclusion

India is a land of diversity, housing a large variety of people with different cultures, languages, castes, races, tribes, customs, food habits, ways of living, and standards of living. Hinduism is the majority religion in India with 79.80% of the population, while minority religions include Islam, Christianity, Jainism, Buddhism, Parsi, Sikhism, and others. This numerical difference can be a fertile ground for communal violence and riots, making minorities vulnerable to attacks by the majority religion and its followers. India has an inglorious history of communal

clashes and violence, with the Partition of India being a prominent example of intolerant religious sentiments.

In light of the memories of bloodshed, communal riots, and mutinies, the founding fathers and framers of the Indian Constitution were very particular and cautious about including provisions in the Constitution that could prevent communal violence and safeguard the rights of minorities. However, despite various measures adopted to protect the interests of Indian minorities, their rights are still violated in many ways.

Therefore, there should be provisions for equal rights for every citizen of India, regardless of their caste, race, religion, language, script, or other socio-cultural factors. A certain number of seats in the parliament and every government policy at every level of the federal structure should be reserved for minorities. To strengthen minorities, measures should be taken to provide an equitable share in economic activities and employment. This can include provisions for upgrading skills through technical training, enhanced credit support for economic activities, recruitment to state and central services, and improving the conditions of slums for minority communities.

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