

Revisiting Article 30: Exclusive Rights for Minorities in a Secular Nation

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Introduction

Modern India was created in 1947 but Bharat as one of the world's most ancient civilization was acknowledged as "Vishwaguru" for its immense contribution to humanity throughout history.

Knowledge, as ordained in ancient Indian texts, has endowed the human race with copious philosophies and ideas for peace and harmony. The land of *Bharat* and its ancient wisdom has insisted on mankind traversing across the dark to realize what is *eternal* or *Sanatan*. Enriched with philosophical heritage, India has been native to contrasting schools of thought who have held conflicting views but culminated unto the realisation of the "Brahma" or the "Supreme being" and hence every single living entity according to the interpretations of its scriptures is acknowledged as the manifestation of the Eternal or Paramatman. Such belief has led the people of the subcontinent to welcome and accept dissent.

Indian philosophers did not seek to justify religious faith; philosophic wisdom itself is accorded the dignity of religious truth. The theory is not subordinated to practice, but the theory itself, as theory, is regarded as being supremely worthy and efficacious¹.

Ekam Sat Vipra Bahudha Vadanti is one Sutra quote picked from over one hundred Upanishads which are ancient Sanskrit texts of spiritual teaching and ideas of Hinduism. This

aphorism means: That which exists is One, sages call it by various names. This idea from Upanishads is deeply ingrained into the Indian civilisation ethos for thousands of years, resulting in acceptability of any religious community into this country. Furthering the traditions, Jains & Buddhists further capitalise on the idea of co-existence and inclusiveness. The Indian traditions are pluralistic and have always offered freedom of worshipping the Divine in the name and form of one's choice and according to one's sanskaras making it is pluralistic both at the level of religious practices as well as philosophical teachings. For this reason, we find more sects inside Hinduism than among all of the world's religions put together.

Who is Hindu

India is considered as one of the most ancient civilizations of the world. According to the scriptural description of the Brahman, the entire earth planet is called Bharatvarsh.

Vishnu Puran defines Bharath as-

उत्तरं यत्समुद्रस्यः हिमाद्रेश्चैव दक्षिणम् ।

वर्षं तद् भारतं नामः भारती यत्र संततिः ।।

(Vishnu Puran)

The country (varc am) that lies north of the ocean and south of the snowy mountains is called Bhâratam; there dwell the descendants of Bharata. It is also called as Aryavart. According to Rigveda, the inhabitant of Aryavart are referred as Aryans or Bhartiya².

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Unlike other major religions like Islam and Christianity which are associated with one God, Hindus do not claim any one prophet, god, or one religious book, believing in multiple philosophical concepts and variety of customs and traditions. “Bharat”—the Hindi name for India—means “The Land of Knowledge”. Over thousands of years, Hinduism has continuously assimilated ideas and thoughts of people.

In the year 1995, in the case of Bramchari Sidheswar Shai and others vs State of West Bengal, Honourable Supreme Court tried to define the term ‘Hindu’. In this judgment, the court identified **seven defining characteristics** of Hinduism and by extension Hindus:

1. Acceptance of the Vedas³ with reverence as the highest authority in religious and philosophic matters and acceptance with reverence of Vedas by Hindu thinkers and philosophers as the sole foundation of Hindu philosophy.
2. Spirit of tolerance and willingness to understand and appreciate the opponent’s point of view based on the realisation that truth was many-sided.
3. Acceptance of great world rhythm, a vast period of creation, maintenance and dissolution follow each other in endless succession, by all six systems of Hindu philosophy⁴.
4. Acceptance by all systems of Hindu philosophy, the belief in rebirth and pre-existence.
5. Recognition of the fact that the means or ways to salvation are many.
6. The realisation of the truth that Gods to be

worshipped may be large, yet there being Hindus who do not believe in the worshipping of idols.

7. Unlike other religions or religious creeds Hindu religion not being tied-down to any definite set of philosophic concepts, as such.

Thus, by definition, being Hindu means a person who accepts the authority of Vedas and who strives to live following Dharma—God’s divine laws as revealed in the Vedic scriptures, which prescribe good for all beings, whether animate or inanimate.⁵

Expressing the inclusivity of Hindu or Sanatan culture, Swami Vivekananda said in his famous speech in Chicago, “I feel proud to belong to a faith which, in its ancient Sanskrit language, has no equivalent or substitute for the word exclusion”. He further stated, “India, as a nation, has sheltered the persecuted and the refugees of all religions and all nations of the earth.”⁶

In the entire available history of pre-independent India, the term ‘minority’ (on any basis) has never been used or recognized. It is also a matter of historical record that Hindus have not been hostile to other faiths. Jews lived peaceably in India before they did anywhere else. Muslim traders from Arab countries practiced their faith undisturbed in Kerala, more than a thousand years ago. Parsis came in the seventh century and Christians in the fourth, unsupported by armies⁷.

India always believed in oneness according to its Vedic and Upanishadic preachings. According to Maha Upanishad (6.71–75), अयं निजः परो वेत्ति गणना लघुचेतसाम् । उदारचरितानां तु वसुधैव कुटुम्बकम् । । This is mine, that is his, says the small-minded, The wise believe that the entire world is a family.

Thus, it is proved based on historical records that the Hindu view is not exclusivist and it does not believe in *othering*.

Divide and Rule Policy

The 1857 War of Independence came as a major setback for British rulers, with the realisation sets in that a united India will not allow them to rule over this land for long. This led to a change of strategy and by 1858, the strategy began playing out by pitting Indians against each other—princes against people; Hindu against Muslim; caste against caste; and provinces against provinces.⁸ In western philosophy, diversity is always understood in terms of differences. Earlier they used to construct their territory with a sense of othering⁹.

The partition of Bengal in 1905, between the largely Muslim eastern areas from the largely Hindu western areas, is an example of this divisive politics. In another case, the Miller Committee in 1918, recommended Mysore Government to look into the question of reservation, recommending all communities as backward, other than Brahmins. To divide Hindus further, the Census Commission suggested for 1911 Census, to exclude untouchables, (comprising about 24% of Hindu population and 16% of the total population in 1908) from Hinduism.

The Communal Award was announced by the British Prime Minister, Ramsay MacDonald, in August 1932. This was yet another expression of the British policy of divide and rule. Communal Award was to grant separate electorates in British India for the Forward Castes, Lower Castes, Muslims, Buddhists, Sikhs, Indian Christians, Anglo-

Indians, Europeans and Untouchables (now known as the Dalits). Creation of the Muslim League as a political party in 1906 was the result of such divisive politics, which subsequently led to the advocacy for the establishment of a separate Muslim-majority nation-state, in the form of Pakistan in 1947. The British government's three points divisive agenda involved encouraging Muslim League/Muslim Separatists, projecting diversities among Hindus as differences to break them into small communities and creating a sense of insecurity among princely states about their existence.

Trail of Constituent Assembly

To address the rising pressure of the nationalist movement, the British government in 1927 constituted the Simon Commission. The Indian leadership, while rejecting the Commission as it had no Indian member, attempted to develop a framework for an Indian Constitution. A committee was constituted under Motilal Nehru which submitted its report in 1928. This report was accepted by the Congress but was rejected by Jinnah. In the meantime, talks for the Constituent Assembly were ongoing between the British government, Congress and the Muslim League. Gandhi Ji, who in 1922 supported the idea of Swaraj (Self-Governance) but was against the imperialist concept of constitution, had by 1931, agreed to accept the path of electoral politics.

In August 1935, the Government of India passed the Government of India Act 1935 under the British Act of Parliament. The introduction of the Act ended the diarchy system by giving more freedom to British India for better governance in

the form of Provincial Autonomy and established a diarchy at the Centre. This Act extended the principle of communal representation by providing separate electorates for minorities, depressed classes (scheduled castes), women and labour (workers)¹⁰. This GoI Act, 1935, was rejected by the Congress in a Conference of Elected Representatives in 1937 on the ground that it nourished the roots of exploitation and slavery of India and re-enforced the foundation of British Imperialism in India.¹¹

In 1936 and 1939 Congress Working Committee passed the resolution for the Constituent Assembly. Under the Cabinet Mission Plan of 1946, for the first time, elections were held for the Constituent Assembly. The Constitution of India was drafted by the Constituent Assembly, and it was implemented under the Cabinet Mission Plan on 16 May 1946. The members of the Constituent Assembly were elected through the indirect election, where the members were chosen by the Provincial Assemblies elected through the restricted franchise.¹²

The elections for the 296 seats assigned to the British Indian provinces were completed by August 1946. Congress won 208 seats, and the Muslim League 73.¹³ After this election, the Muslim League refused to cooperate with the Congress and the political situation deteriorated. Hindu-Muslim riots began, and the Muslim League demanded a separate Constituent Assembly for Muslims in India. In 1946, expressing his view on Constituent Assembly, Gandhi Ji stated that the Constituent Assembly was the creation of the British government. Absence of Muslim League and Provincial Representatives violated the

conditions the government had put for it. He suggested that Congress should stay away from the Constituent Assembly.

From 1946 to 1949 the Constituent assembly worked in three phases. The first phase (9 December 1946 to 2 June 1947) was tied up with the conditions laid down by the British government. The second phase (03 June 1947 to 14 August 1947) was the phase of Indian Partition. The third phase, was post-partition, beginning from 15 August 1947, when the Constituent Assembly became the sovereign authority and continued its work till 26 November 1949. As a result of the partition, under the Mountbatten Plan, a separate Constituent Assembly of Pakistan was established on 3 June 1947. The representatives of the areas incorporated into Pakistan ceased to be members of the Constituent Assembly of India.¹⁴

It is amply clear that the period in which the Constituent Assembly was drafting the Constitution, the country was facing the trauma of division and riots in which millions of people were brutally killed. Efforts to bring the Muslim League to Constituent Assembly were futile. Post partition Pakistan became a Muslim country but India remained secular. It seems that post-partition a pressure was working on Constituent Assembly, where the Assembly was trying to project its face as more secular in the absence of Muslim League. A point to be noted is that the Constituent Assembly adopted the Government of India Act, 1935 as its base document though the same was rejected by Congress in the year 1937. As India's Constitution was created at a time of great upheaval, it was bound to have imperfections—a fact recognised by Nehru, who stated, "Today, especially when

the world is in turmoil and we are in the process of very swift transition, what we see today may not be wholly applicable tomorrow. Therefore when we make a Constitution which is as sound and as basic as we can make it, it should also be flexible and for a period we should be in a position to change it with relative facility.”¹⁵

Constituent Assembly and Religious Minority

Minorities were given special protection in the Indian Constitution. As discussed earlier, the term religious minorities was propagated by the British to divide India based on religion for their ends. During the Constituent Assembly debate, the House rejected the idea of minorities as a rule. The bitter feeling of the partition created a strong feeling of resentment in Constituent Assembly and the members preferred to use the term “certain classes” rather than using the term minorities.

In the Constituent Assembly, few members like Qazi Karimuddin, Z.H. Lari and D.H. Chandrasekhariya supported the idea of proportional representation but the Assembly scrapped all suggestions and provisions discussed for the political representation of minorities to discourage the tendency of separatism through separate electorate based upon quota in proportion to their population.¹⁶ Even while discussing the right to worship or practice, the Constituent Assembly agreed that all Indian citizens should be identified as citizens of India. The prominent argument for rejection of such a demand was based upon the consideration of nationhood and national unity.

Begum Aizaz Rasul (United Provinces: Muslim) raised valid points. She supported the idea

of integration of all communities in one nation irrespective of giving preference to their religious orientation. She said that it is in the interests of the minorities to try to merge themselves into the majority community, as in the long run, it will help them to win the goodwill of the majority. She further said that the Muslims living in this country should throw themselves entirely upon the goodwill of the majority community, should give up separatist tendencies and throw their full weight in building up a truly secular state. She further stated that those Muslims who wanted to go to Pakistan have done so. Those who decided to stay here, she said, should be on amicable terms with the majority community and realise that they must develop their lives according to the environments and circumstances existing here¹⁷.

Jai Prakash Narayan and Damodar Seth argued that if any protection is required to be given to minorities, then that should be only linguistic. To Seth, if religious minorities were allowed to run their educational institutions, it would “promote communalism and anti-national outlook.”¹⁸ Mr H.C.Mukerjee, Chairman of the Minorities Subcommittee in the Advisory Panel, expressed his disapproval, stating on 11 May 1949, “there are certain people who feel alarmed over the future of their communities and want to come to the legislature to safeguard the interests of the groups they belong. But once fundamental rights have guaranteed religious, cultural and educational safeguard, presence of people belonging to certain groups is not necessary.”¹⁹ While the Indian Constitution through Article 30 recognizes minorities based on religion, the Constituent Assembly had discussed that cultural rights should

be provided for linguistic groups alone and not for religious groups. Mr.Swaroop Seth suggested recognition of minorities based on religion or community was not in keeping with the secular character of the state. If such minorities were granted the right to establish and administer educational institution of their own, it would not only block the way to national unity but also promote communalism and anti-national outlook²⁰.”

Leaders like G.B. Pant and Rajkumari Amrit Kaur had similar concerns. They opposed the idea of establishing separate educational institutions or state aid to these institutions. Article 23 of the draft constitution, which later assumed the shape of Articles 29 and 30 were discussed rigorously in the Constituent Assembly to resolve what rights should be exclusively conceded to minorities. The original draft of the fundamental rights submitted to the Constituent Assembly on 16 April 1947 by the Sub-committee on Fundamental Rights did not contain any provision corresponding to Article 30(1) and did not even refer to the word minority. The letter submitted by K.M. Munshi to the Minorities Sub-committee on the same date when, along with some other rights, the rights now forming part of Article 30(1) was proposed, referred to the term “national minorities”. The drafting committee, however, sought, to make a distinction between the rights of any section of the citizen to conserve its language, script or culture and the right of the minorities based on religion or language to establish and administer educational institutions of their choice and for this, the committee omitted the word “minority” in the earlier part of the draft Article 23 corresponding to Article 29, while it retained the

word in the latter part of the draft Article 23 which now forms part of Article 30(1)²¹.

B.R.Ambedkar sought to explain the reason for substitution in the Draft Constitution of the word minority by the words “any section” observing: It will be noted that the term minority was used therein not in the technical sense of the word “minority” as we have been accustomed to using it for certain political safeguards, such as representation in the legislature, representation in the service and so on. The word is used not merely to indicate the minority in the technical sense of the word, it is also used to cover minorities which are not minorities in the technical sense, but which are nonetheless minorities in the culture and linguistic sense. That is the reason why the word “minority” was dropped because it was felt that the word might be interpreted in the narrow sense of the term when the intention of this House... was to use the word “Minority” in a much wider sense to give cultural protection to those who were technically not minorities but minorities nonetheless.²²

It is important to mention that the Constituent Assembly never tried to define religious minorities. We should not forget that the purpose of the British government to encourage religious minorities was to enhance the concept of sectarianism and separatism. The boycott of Constituent Assembly by Muslim League put an unknown pressure on the members of Constituent Assembly and to develop the feeling of security among those who preferred to stay in India, the term ‘religious minority’ was used in Articles 29 and 30 of the Indian Constitution.

Religious Minority in Constitution & Post Independent India

It is unfortunate that neither in pre-independence India nor in post-independent India, the term religious minority has been defined. Even the Moti Lal Nehru Report (1928) which talks about the strong desire of protecting minorities did not define the term. Similarly, the Sapru Report (1945), which proposes the Minority Commission, is silent over the term. In its practical application, we appear to be following the idea of minority created by the British to divide India.

The Indian Constitution at several places uses the term minority/religious minority. Under Article 30, the term is specifically used to provide specific protection,²³ but here too, it remains undefined. The National Commission for Minorities Act, 1992, enabled the Centre to notify minorities for the limited purposes only and in the exercise of that power, the government had notified five communities as minorities. So the usage of the term is largely at the disposal of the Centre. Inclusion of word 'secular' during the emergency proclaimed by then Prime Minister Indira Gandhi, in the Preamble (42nd Amendment 1976) of the Constitution has further extended the scope for the misuse of term religion and religious minorities. It became more divisive, blurring the line between protection and promotion of religious minorities.

In Kerala Education Bill (1957 [1958] INSC 20) the issue of interpreting the term minority was raised before the court. The Apex Court held that any community having less than 50 per cent of the total population should be identified as a religious minority. But this definition is extremely vague and gives more discretion to the executive to play with

the term 'religious minority' for political purposes.

Indian democracy is based upon 'Representative Government' and gives the right to cast vote to every adult belonging to any religion or caste. As the democracy in India is procedural any political party winning a maximum number of seats (even by receiving merely 23 to 32 per cent of votes cast) will be capable of forming the government. Today, around 1800 political parties are registered with the Election Commission of India. Regional parties with regional interest are playing an instrumental role in national politics. Most of the time they have segmented and consolidated vote bank, either belonging to certain castes or communities or based upon certain caste and community combinations. It encourages political parties to be the representative of that segment to play divisive games to keep their vote bank intact.

The political history of independent India makes it clear that political parties, their agenda to rule and the spirit of Constitution are not properly aligned. While the Preamble to the Indian Constitution has lofty goals of promoting 'Equality and Fraternity,' but in reality, differences are promoted. We still have an anomalous situation where people belonging to different religions are governed by different personal laws. As of date, Muslim Law is still un-codified. While Hindu temples are under governmental control, mosques and churches are completely autonomous. The Hindu Religious and Charitable Endowment Act, allows state governments to take over temples and control their vast properties and assets. The State government has the right to divert this money collected from temples for any purposes which have nothing to do with a temple or religious activities of Hindus.

Article 30 gives protection only to religious minorities and they can receive funds from the government for running their educational institutions. Any legislation made for social justice is not applicable on minority educational institutions, so they are outside the ambit of the Right to Education Act under which 25 per cent seats are reserved for weaker sections (Article 21A) and also are not under the obligation to make reservations for SC/CT/OBC in educational institutions whether aided or unaided by the government (Article 15(5)). But no such privilege is available to the non-minority community. Even if they are not receiving aid from the government they are bound to implement Article 21A,²⁴ and Article 15(5)²⁵. It is discriminatory and indirectly lures the majority to convert into the minority to avail the benefits of these exclusionary clauses, thus violating the very provisions of the Constitution which declare that encouragement or lure for the conversion is illegal.

In the case of Kerala Education Bill, the Supreme Court held that the religious minorities should be identified at the state level to avail the protection of Articles 19 and 30. But, very recently, the National Commission for Minorities has refused to consider a plea on the ground of lack of jurisdiction filed by Ashwini Upadhyay, a Supreme Court advocate, who sought to declare Hindus as a minority community in eight states. In all these states and union territories, (Jammu & Kashmir, Lakshadweep and six states of Northeast India), Hindus are in a minority but they are not receiving any benefit which other minorities are receiving in Hindu majority states. This is sufficient to raise concerns over the concept of Constitutional equality.

It is important to mention here that the Ministry of Minority Affairs which was carved out from the Ministry of Social Justice has a tentative annual budget of 4,500 crores, but the ministry has no criteria to define and identify minorities²⁶. The National Commission for Minority Educational Institutions Act, 2004 as amended time and again in 2006 and 2010, has been enacted to safeguard the educational rights of the minorities enshrined in Article 30(1) of the Constitution. The Act defines “minority” under Section 2 (f) as for this Act, means a community notified as such by the Central Government. Furthermore, as regards the indicia to be prescribed for grant of minority status certificate, a reference to Section 2(g) of the Act has become inevitable as it defines a Minority Educational Institutions. Section 2 (g) is as under: “Minority Educational Institution” means a college or an educational institution established and administered by a minority or minorities.

In 23.10.1993, vide a gazette notification issued by the Ministry of Welfare, Government of India, five religious communities viz; the Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) were notified as minority communities²⁷. The percentage of these religious minorities in Indian population reflects a sharp contrast. As per 2011 census their population percentage is Muslims-14-15%, Christians-2.96%, Sikhs-1.57%, Jain-0.945 Buddhist-0.96%, other religion-0.66%. Thus Muslims, with the largest proportion of the minority population is the most favoured community, as a vote bank by most of the prominent political parties. It is presumed that the community votes en masse as Fatwas (religious edicts) are issued by the religious leaders of the

community in favour of particular parties.

Opposition of political parties to *Triple Talaq* and Common Civil Code are few examples to show the minority appeasement which is against the fundamental ethos of equality and fraternity of Indian Constitution. NRC (National Register of Citizens) and Citizenship Amendment Bill are other examples where a few political parties are trying to establish that there is no difference between refugees and infiltrators and are deliberately ignoring the mass infiltration from neighbouring countries to India's border area which is gradually changing the demography of certain border states and also causing serious threats to national security.

There is debate over recognising minority groups and their privileges. One view is that the application of special rights to minority groups may harm some countries, such as new states in Africa or Latin America not founded on the European nation-state model, since minority recognition may interfere with establishing a national identity. It may hamper the integration of the minority into mainstream society, perhaps leading to separatism or supremacism. The same concern was shown by the Supreme Court in the case of Bal Patil (2005) where petitioner demanded to give the status of religious minority to Jain Community. The Apex Court agreed with TMA Pai judgment that linguistic minorities are to be identified based on their population within a particular state of India since the states were originally reorganised on linguistic lines. On the other hand, the Court observed that calibrating religious minority status based on their population at the state level would militate against the integrity and secular fabric of India.²⁸

Encouraging religious ideologies and gradual

demand of minority status by different communities (Now Sindhi and Jats) is not a good sign for national unity. Religion has always remained a bone of contention among people belonging to different religious communities and even in the 21st century, violence in the name of religion is undergoing a revival. The past decade has witnessed a sharp increase in violent sectarian or religious tensions. These range from Islamic extremists waging global Jihad to the persecution of Rohingyas in Myanmar and outbreaks of violence between Christians and Muslims across Africa. According to Pew Research Centre, in 2018 more than a quarter of the world's countries experienced a high incidence of hostilities motivated by religious hatred²⁹.

In a country like India full of religious and cultural diversity, promoting religious divides can give disastrous results and create hurdles in proper integration of religious minorities with the rest of the country. The idea of a minority was an imperialistic scheme to perpetuate rule over India and this led to the division of the country. Today, under the garb of minority, the politics of 'minority' is creating havoc for national unity and integrity.

India's unity and integrity would be strengthened if we avoid concepts of religious minority in the Indian Constitution. When the Constitution is secular and secularism is a part of the basic structure of the Constitution, and in the absence of any persecution history of any minority religion in the country, giving special rights to religious minorities does not seem logical. It is not good even for religious minorities who then become victims of vote bank politics. It is hence time to seek Constitutional Amendment and to abrogate Article 30 of the Constitution.

References:

- 1 Mohanty, Jitendra N. "Indian Philosophy." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., 11 June 2019, www.britannica.com/topic/Indian-philosophy.
- 2 *Bhartiya History - Definition of Bharatvarsh*, www.thevedicfoundation.org/bhartiya_history/definition.htm.
- 3 *The Vedas are the most ancient Hindu and yogic texts. Written in Sanskrit, they are considered to have no author. Rather, it is believed that the texts were revealed to the ancient sages who passed them on orally for many years until they were written down on palm leaves around 500 BCE. Because of this supposed link with the Divine, the Vedas are also called Sruti in Sanskrit, which means "what is heard" (as opposed to Smriti, meaning "what is remembered"). Some sources state that Brahma is the creator of the Vedas.*
- 4 NYAYA-SHASTRAS, VAISHESHKA – SHASTRA, SANKHYA – SHASTRA, YOGA-SHASTRAS of PATANJALI, MIMANSA-SHASTRAS, VEDANTA-SHASTRAS
- 5 Das, Subhamoy. "What Are the Legally Accepted Features of a Hindu?" *Learn Religions*, Jun. 25, 2019, learnreligions.com/who-is-a-hindu-1770060
- 6 Home Page: Press Information Bureau, pib.nic.in/vivekananda/SpeechesatChicago.htm.
- 7 *Our Common Religion: Jews, Muslims, Parsis, Christians have thrived in India because of a liberal Hinduism available at <https://timesofindia.indiatimes.com/blogs/toi-edit-page/our-common-religion-jews-muslims-parsis-christians-have-thrived-in-india-because-of-a-liberal-hinduism/> 17th Jan, 2015.*
- 8 *Administrative Changes in India after 1858 | Indian History by Monica Roy available at <http://www.historydiscussion.net/history-of-india/administrative-changes-in-india-after-1858-indian-history/6321>*
- 9 *The Problem of Othering: Towards Inclusiveness and Belonging by John A. Powell and Stephen Menendian by <http://www.otheringandbelonging.org/the-problem-of-othering/>*
- 10 *Government of India Act, 2nd August 1935 https://www.constitutionofindia.net/historical_constitutions/government_of_india_act_1935_2nd%20August%201935*
- 11 *The resolution is available in Jawaharlal Nehru Vangmay, Vol.8,p.63*
- 12 *The Framing of Indian Constitution: Select Documents, Ed.B.Shivarao, Vol.1.Part1,p.81.*
- 13 <http://www.historydiscussion.net/essay/constituent-indian-assembly-between-the-years-1946-to-1950/2115>
- 14 https://rajyasabha.nic.in/rsnew/constituent_assembly/constituent_assembly_mem.asp
- 15 *The Constituent Assembly of India Debates (Proceedings), 4th Nov.1948 and 17-26 Nov.1949, Vol.7, Book-3,p.314*
- 16 *Constituent Assembly Debates On 4 January 1949*
- 17 *Constituent Assembly Debates On 25 May 1949 Part Ii*
- 18 Ahmad, Irfan. "Are India's Muslims a Minority?" *India | Al Jazeera*, Al Jazeera, 5 June 2014, www.aljazeera.com/indepth/opinion/2014/06/are-india-muslims-minority-201463122145787274.html.
- 19 *The minority in Indian Constitution by Ashutosh Kumar Jha, Revisiting Our Constitution, Ed. Ram Bahadur Rai & Dr Mahesh Chandra Sharma, pg.153-154, 2019*
- 20 *Ibid*
- 21 *(Shukla " Constituent Assembly Debate" p 890)*

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- 22 (Shukla “ Constituent Assembly Debate” pg 924)
- 23 Article 30. Right of minorities to establish and administer educational institutions
- (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
- (1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause
- (2) The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.
- 24 Article 21(A) in Indian constitution provides ‘free and compulsory education of all children in the age group of six to fourteen years (6–14) as a Fundamental Right in such a manner as the State may by law, determine.’
- 25 “Nothing in this article or sub-clause (g) of clause (1) of Article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of Article 30.]”
- 26 <https://timesofindia.indiatimes.com/business/india-business/62-increase-in-funding-for-minority-affairs-in-union-budget/articleshow/62742314.cms>
- 27 http://ncm.nic.in/Genesis_of_NCM.html
- 28 31, March, et al. “Who Is Minority in India?” *Matters India*, 31 Mar. 2019, mattersindia.com/2019/03/who-is-minority-in-india/.
- 29 Muggah, Robert, et al. “Religious Violence Is on the Rise. What Can Faith-Based Communities Do about It?” *World Economic Forum*, www.weforum.org/agenda/2019/02/how-should-faith-communities-halt-the-rise-in-religious-violence/.



