

MINORITIES, HUMAN RIGHTS AND SECULARISM IN INDIA

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“ Human Rights are more than legal concepts they are the essence of man. They are what make man humanDeny them and you deny man's humanity”.

(Jose W. Diokono Phillippines)

Undoubtedly, human rights is a topic of global concern that cuts across major ideological, Political and cultural boundaries knowledge and awareness of human rights is essential as a tool for the observance and protection of human right and for creation of a climate of public opinion in which gross abuses of human rights can be checked.

CONSTITUTIONAL MEASURES :

CONSTITUTIONAL LAW OF INDIA (ARTICLES 25-28)

Article 25 (1) guarantees to every person the freedom of conscience and the right to profess, Practice and propagate religion. This right is also subject to restrictions.

Therefore under Article 25 (1) a person has a two fold freedom.

- (1) Freedom of conscience
- (2) Freedom to profess, Practice and propagate religion.

constitution Law of India, therefore reveals that it fulfill the aspirations of international obligation of freedom of conscience and religion.

The constitution has unequivocally defined India as a secular state. It means that the state has no official religion, but is bound to respect and protect the rights of all religions communist to preach and propagate their religious beliefs and practices. This fundamental freedom of religion contained in the Indian constitution is also reflected in the united nation's universal Declaration of Human Rights which among other things strongly appeals to all member states to ensure it. India being a signatory to this universal declaration is bound to implement It in letter and spirit.

India is a land of diversities Diversities in terms of socio-Cultural patterns, economics formations, language- dialect groups, religious communities etc. apart from religious and cultural variations there are geographical, ecological and metrological variations as well. India's existence as a plural society has been institutionalized with the promulgation of the constitution of India in 1950. To reinforce cultural linguistic, religious and tribal identities, the constitution enshrines a frame work of safeguards to protect. Fundamental, individual and group rights of minorities.

The constitution of India guaranties rights to religious as well as linguistic minorities. Even though the constitution guarantees considerable rights to the minorities in India in recent times these safeguards have been immensely threatened due to sustained violence aimed against them. Conflict between minority majority is getting aggravated.

ATTACK ON COMMUNITY INSTITUTIONS/PROPERTY AND PERSONNEL IN COMMUNITY SERVICE :

During the year 200 a considerable number of churches, mosques were attacked in different parts of India. More specifically such incidents were reported in Andra Pradesh, Karntaka, Goa, Tamil Nadiu, Uttar Pradesh Gujarat or Orissa. In addition to this a number of educational institution were also attacked in Uttar Pradesh Madhy Pradesh, Bihar and Orissa.

INITIATIVES TO CONTROL COMMUNITY INSTITUTIONS:

There is a pronounced dislike and opposition from dominant interest groups for activities promoting equality and human dignity by the minorities in India through their community institutions. The opposition and dislike is taking the form of new initiatives and legislation to control the community institutions. Minority communities such as Christians have made is a way of life to enter into service sector such as education and health. The Christian missionaries have been credited with pioneering the cause of education in the country where the convent educated youth are always miles ahead in discipline and etiquette. The yeomen service for the betterment of the advises and the downtrodden in the society as is evident by the works of the missionaries of charity and others speak volumes for their spirit of selfless service to the society. But in recent years one of the prime target of human right violations has been the schools and community service centers particularly in the rural areas. This is the case in most backward areas of states like Gujarat Orissa, Madhya Pradesh Bihar and U.P.

freedom of press, the right to be free from arbitrary invasion of privacy, family or home, and legal rights such as the right to due process of law and the presumption of innocence until proven guilty. Thus human rights are based on the respect for the dignity and worth of all human beings and seek to insure freedom from fear, want, etc. Human rights are essential to well being of every man, woman and child. They are fundamental, inviolable, universal and inalienable.

Some say that this traditional view is too limited in scope and that a more multidimensional and holistic approach taken. Thus to basic civil and political rights are added the more crucial the right to an adequate standard of living, the right to education, the right to work and to equal pay for equal work, and the right of minorities to enjoy their own culture, religion and language of particular importance to this view is the protection and advancement of the rights of disadvantaged and minority groups including women, children and indigenous people.

The test of rights is not whether the prosperous ones with access to the law courts, are well protected, or whether the prosperous ones with access to the law courts, are well protected or whether living standards of the majority are improving, but whether the weak are helped by the strong. Paul Sieghart pointed out that the ultimate measure of whether a society can properly be called civilized is how it treats those who are near the bottom of the human heap. The basic principle is that all human beings are born free and equal in dignity and rights. The United Nations has adopted this holistic approach in determining what human rights are, and the international community has repeatedly affirmed the interdependence of both sets of rights".....

to the debate- " the most certain test by which we judge whether a country is really free is the amount of security enjoyed by minorities. Nehru's remark on minorities "How shall we promote the unity of India and yet preserve the rich diversity of our inheritance ? In India fifty seven years after the enforcement of the constitution. The issue of minority rights has become all the more a complicated discourse. The objectives Resolution adopted by the constituent Assembly affirmed the resolve of the constituent Assembly, inter alia, to provide for adequate safeguards for minorities in the constitution. The drafting of the constitution was guided by the objective resolution which declared equality of citizens and their right to freedom of thought, expression, belief faith and worship to be integral to the constitution. Provisions the objectives resolutions have been duly incorporated in the constitution where Equality remains to be the overriding principle. Thus the very preamble to the constitution proclaims that every citizen of India is to be secured every citizen of India is to be secured equality of status and of opportunity.

Similarly, liberty of thought, expression, belief, faith and worship is to be secured to all of them. Besides, dignity of the individual is to be assured and fraternity to be promoted amongst all citizens. In reaffirming the national commitment for a secular outlook, the Preamble was amended to include the term 'Secular' as one of the most critical constitutional values. Equality, as one of the most fundamental tenets of the constitution, guarantees all the rights to minorities on par, as are available to the majority community.

RIGHT TO FREEDOM OF RELIGION

Although, in religious matters, the characteristic of the Indian State remains to be secular, the constitution, nevertheless, provides for the right to freedom of religion, on the basis of equality. Thus all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion. The exercise of this right, however, is subject to public order, morality and health. This right is available to citizens as well as non-citizens who are in the territory of India. The right to freedom of religion as is worded is a larger right which is not restricted to individual domain itself but also entitles the individual to profess and propagate his/her religion by reaching out to the people at large.

Every religious denomination also has the right to establish and maintain institutions for religious and charitable purposes and certain other rights to manage the concerned religious affairs subject to public order etc.

CULTURAL AND EDUCATIONALRIGHTS OF MINORITIES

Inducting the need to let any section of citizen's culture distinct language and script be diluted or overshadowed or extinct by the dominance of majority, the constitution gives due importance to the protection and promotion of educational and cultural rights of such people included minorities. Accordingly, "any section of the citizens residing in the territory of India or any part there of having a distinct language, script or culture of its own shall have the right to conserve the same." This provision has a wider connotation as it extends to any section of citizens.

The issue is not just of defense of minorities, the issue is the overall system of democracy and its accompanying values. The erosion of rule of law in the state machinery, affecting all its wings is what has to be addressed to urgently. The misuse of religious identity for political purpose by the RSS and its affiliates has to be countered properly, if we want to bring back the ethos of freedom movement. The argument that minorities should forget the past and get on with life is too simplistic. Cum there be peace withered justice. "If we don't maintain Justice, justice will not maintain us." (Francis Bacon).

When a section of minorities start saying that they no longer want to look back at the past, it is not that they have overcome the grief and sense of injustice, it only means that they are surrendering to the politics of the dominant sections, they are realizing that they can not live here as equal citizens. The test of democracy is that even the tiniest minority can live here with as much dignity and honour as any one else.

The religious minorities in India constituted 18.6% of the total population as per 2001 census. They face serious discrimination from majority Hindus. They face persecution, stigmatization, and marginalization in economics, Social, and political spheres. The justice Rejendra Sachar committee in 2007 has highlighted the same. Freedom of faith is violated under the ironically named freedom of religion Acts. Religious minorities cannot control their places of worship. "The test of courage comes when we are in the minority, the test of tolerance comes when we are in the majority (Ralph. W. Sockman)

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CONCLUSION

Human rights and fundamental freedoms are the birth right of all the human beings their protection and promotion is the first responsibility of the government.

Minority can be threat to the huge majority. There is a need to deal with these violations of human rights firmly, there is a need to curb the hate propaganda in these areas and of course the need to promote modern education, Human Right education and other welfare schemes in these areas.

Why is Human Rights Education important today? : There are two strong sets of forces operative in the country. On the one hand there is the capitalist market economy, caste communalism, religious fundamentalism, patriarchy and eco-sensitiveness. On the other hand there prevails assertion of humanism, sense of equitable justice, sense of freedom and equality, gender sensitivity, secularism, people's democracy, sense of respect for nature, cultural and religious pluralism.

The former violates the fundamental rights of citizens, specifically those who are marginalized – women, children, dalits, tribals, unorganized labourers, refugees- and also ecology and environment. They are being marginalized through double process of exclusion and alienation – exclusion from the mainstream life, and alienation from life itself. In other words, the human dignity and human rights of these people are heavily at stake today, more than ever.

The latter set of forces have the inherent capacity to transform a society that is fair, humane, egalitarian, secular and democratic as envisioned by the Indian

END NOTES /REFERENCE

- (1) For the text of the objective Resolution, see D.D. Basu, Introduction to the constitution of India, 19th edition wadhava, New Delhi 2003, P.20.
- (2) The Preamble to the constitution of India reads : We THE PEOPLE OF INDIA having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and secure to its citizens, Justice Social, economic and political liberty of thought expression belief faith and worship EQUALITY of status and opportunity and to promote among them all FRATERNITY assuring the dignity of the individual and unity and integrity of the nation IN PIR CONSTITUENT Assembly, this twenty sixth day of November 1949 do HERE BY ADOPT ENACT AND GIVE TO OVERSELVES THIS CONSTITUTION.
- (3) The term 'SECULAR' was added in the preamble to the constitution of India by the constitution (forty second Amendment) Act, 1976.
- (4) Article 14 of the constitution.
- (5) Article 15 (1)
- (6) Id
- (7) Ibid Article 15 (2)
- (8) Article 15 (3 & 4)
- (9) Ibid. Article 15 (4) This provision was added in the constitution by the constitution (First Amendment) Act. 1951, Sec 2.

(25) BAJWA G.S. (1997) "Human Rights in India Implementation and violations
pp. 29.