



AN CRITICAL ANALYSIS OF LINGUISTIC MINORITY IN INDIA WITH CONSTITUTIONAL SAFEGUARDS AND SCHEMES

WRITTEN BY

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ABSTRACT –

In the current period, in India religion and language are most perceptible issues in our country because on this basis the people take over other society. The Constitution of India used the word ‘Minority’ in the Articles No. 29 and 30 and 350A and 350 B. It means the people of the leading group or community are numerically high (which is called as majority) and the other group is called as minority. The concept of minority has been escalating ahead of the boundaries of the state and nation. It basically speaks about two kinds of minorities in India which are religious and linguistic. This point of view has created various problems related to the Minority and their rights. Many high courts and Supreme Court judgments have discussed the concept and criteria of minority status and their rights. An analysis of the identification of the Linguistic Minorities problems and rights and government schemes reflected in the peer-reviewed validly published literature has been done in this study reviewing the individual studies and methods of several articles or papers or books. Three broad artificial categories namely - Linguistic Minority, socio-culture and identity crisis historical precept have been constructed for systematic addressing of the relevant problems identified by the researchers of those studies. Together, the propositions provide a scheme for understanding and categorizing what is known and still needs to be known about the problems of the linguistic minorities, a framework for probing the significant theoretical and substantive issues underlying the findings that emerge from the various angles of study already performed. It has been found that culture

is communicated and transmitted through the educator's approach to teaching and how learner experiences it. It can contribute either positively or negatively as far as ethics and linguistic minorities are concerned. Educators then have a liability to consult local culture while being conscious of individual context and humanity in an effort to avoid oppression. Culture, cultural identity, language , status and population are required to be strictly interpreted in order to understand the problems of Linguistic Minorities.

Keywords: Concept, Minority, linguistic. Rights. Religious , educator, problem, status, india , culture.

INTRODUCTION:-

“Truth always rests with the minority, and the minority is always stronger than the majority, because the minority is generally formed by those who really have an opinion, while the strength of a majority is illusory, formed by the gangs who have no opinion — and who, therefore, in the next instant (when it is evident that the minority is the stronger) assume its opinion... while truth again reverts to a new minority.”

India has given the world an incredible legacy. In teaching the world the ways of non-violence, Gandhi and others disrupted traditional power dynamics and taught people that they did not have to resort to violence to see the world and their lives change. This legacy has influenced many, from Martin Luther King and the civil rights movement in the United States, to Nelson Mandela and the anti-apartheid movement in South Africa, to the music of John Lennon and the Beatles – the nonviolence movement is one of the most exceptional stories of the 20th century.

But there's another side to India's 21st century. Religious minorities in India are experiencing escalating human rights violations as Hindu extremism gains ground; a situation fuelled by an environment of impunity and, in certain instances, complicity from state actors. This complicity ranges from participatory violence, to inciting violence through hate speech, and refusing to investigate incidents properly after they have occurred.

Minorities protection an issue still evolving legally is being enforced mostly by bilateral or multilateral international agreements. Under international and domestic law minorities indulge the opportunity for equal rights or even special protection in proportion to the majority. As the years go by, minorities' protection issues have succeeded in gaining constant attention and progress at least at theoretical level.

Rights of minorities have always been one of the most complex and debatable issue and dilemma of human civilization from the beginning of history and especially from the start of this century. In spite of media boom, globalization, widespread education, enlightenment and constitutional guarantees which are written practically in every constitution of the world, ethnic, religious, linguistic and cultural minorities are not yet free from harassment, discrimination and persecution in every corner of this world India, brought into being in 1947, was created not just by deeds, instead of by words. The fierce imaginations of its leading political actors were also literary, as their writings set out a vision of modern India.

In some way, India represents the whole world because of its vast diversity. India is the arrival of numerous dialects and different religions, and it could be a great illustration of a pluralistic society. The Government of India perceived six distinctive religious minorities, namely; Muslims (11%), Christians (2.32%), Jains (0.41%), Sikhs (2%), Buddhists (0.77%), and Zoroastrians (0.006%). The majority is Hindu (82%). By ideals of their numerical quality, the Hindus constitute the lion's share whereas, the rest of the religious communities come beneath what is known as "religious minorities."

The recent complexity of the state in the targeted killings in Gujarat has underlined the need for a new constructive policy of multiculturalism for developing societies like India. Post-Gujarat, there is a general feeling that the minimalist conceptions of democracy based on the principle of free and fair elections have failed to guarantee the basic cultural rights of the minorities in the country. As the Gujarat case has aptly demonstrated, the negative images of the 'other in this case the Muslim population living in Gujarat and elsewhere, has figures prominently into the political narrative of the nation-state, making it impossible for the minorities to defend their own cultural identity. The recent violence in Gujarat has only reinforced the notion that the state is no longer a politically neutral entity and widespread discrimination exists within its shifting political boundaries. The discrimination is both overt and covert, ranging from a more subtle bias towards certain sections of society, institutionalised forms of discrimination to overt targeted killings of innocent people based on their religious and cultural identity.¹ In India Jammu & Kashmir issue is a perennial problem which creates lot of tension always.

Review of Literature:-

Hasnain (2007) advocates for abolishing of Eighth schedule or inclusion of all languages in the Eighth Schedule. Access to Urdu must be made available to all Indian citizens irrespective of their ethnicity. The author opines for incorporating all tribal languages into mainstream education in order to remove the alienation of Urdu speakers or other linguistic groups. The author recommends that Mother-tongue teaching should be seriously conducted in order to maintain constitutional safeguards.

NCLM (2013) advised Government of West Bengal to implement the Three Language Formula up to class XII to enable the linguistic minority students to learn their languages as a subject at the Secondary stage of education and with a view to encouraging multilingualism and national integration. It also recommends not to make knowledge of Bengali as a prerequisite for recruitment to the State Services. The commission recommends that the state govt should ensure that a local MP belonging to a Linguistic minority group must represent in the state level Committee for linguistic minority groups. It is the duty of the government to make the people aware of the facility and safeguards available for linguistic minorities.

Benedikter (2009) opinion that India not only was concerned with inevitable multilingualism but also with the rights of many millions of speakers of minority languages. As the political and cultural context privileges some major languages, linguistic minorities often feel discriminated against by the current language policy of the Union and the States. They experience on a daily basis that their mother tongues are deemed worthless dialects

that have little utility in modern life. Many such languages have definitively disappeared, and several more are on the brink of extinction. Is this the inevitable price to be paid for economic modernization, cultural homogenisation and the multilingual fabric of India's society at large? This book is an effort to map India's linguistic minorities and to assess the language policy towards these communities.

Statement Of The Problem

Human Rights being essential for all-round development of the personality of the individual in the society by necessarily protected and be made available to all the individuals. They must be preserved, cherished, and defended if peace and prosperity are to be achieved. Rights of minorities have always been one of the most complex and debatable issue and dilemma of human civilization from the beginning of history and especially from the start of this century.

Despite dilemma, still minorities owe every human rights that majority owes and the promotion and protection of the rights of minorities require particular attention to be paid to issues such as the recognition of minorities' existence; efforts to guarantee their rights to non-discrimination and equality; the promotion of multicultural and intercultural education, nationally and locally; the promotion of their participation in all aspects of public life; the inclusion of their concerns in development and poverty-reduction processes; disparities in social indicators such as employment, health and housing; the situation of women and the special concerns of children belonging to minorities.

OBJECTIVES OF THE STUDY:-

To examine scope of the right of minorities to establish and administer the educational institutions.

- To study the importance of minorities rights
- To understand the various kind of minorities human rights
- To examine whether minorities right to establish and administer educational institutions is autonomous right or subject to state regulations.
- To examine the scope of minorities fundamental right to property in the back ground of deletion of right to property from fundamental rights chapter.
- To study individual as community interest in cultural and minority rights.
- To study the problems faced by secular India due to religious fundamentalism and linguistic fanaticism..
- To study whether non minorities have the right to establish and administer educational institutions under Article 21 and 29(1) read with Art. 14 and 15(1) in the same manner and to the same extent as minority institutions.

HYPOTHESES:-

1. Minorities feel insecurity and alienation due to communal politics more at present than that of pre-independence and partition time.

2. Majority Hindu community feel they are discriminated by giving special protection to minorities. Even though they are situated in similar circumstances their interests were not looked into.
3. State regulation of minority educational institutions is inadequate. In the name of minority education, mismanagement by unscrupulous managers of minority educational institutions is rampant.
4. Minorities want more protection where as nonminority's want the same benefits should be extended to them.
5. There is no effective policy regarding permission and regulation of minority educational institutions.
6. Judicial approach is also inconsistent and recent judgement strikes the confusion with confusion without settling all the issues.

METHODOLOGY:-

This analysis was carried out using a desk review research and doctrinal method to find out the fact situations and grounds related to the topic of the research. The methodology adopted in the research report is mainly based on secondary sources such as books, journals, newspaper articles, online sources, research articles, statutes etc which are available relating to the concerned study. The proposed research follows an Analytical Methodology.

As the present study is confined to a Doctrinaire approach concentrating on "An analysis of linguistic minority in India along with constitutional safeguard", the researcher has consulted different judgements of Supreme Court and various High Courts, books, journals, magazines, papers presented in seminars, covering rights and interests of Religious and Linguistic Minorities in India. The researcher has consulted the constituent assembly debates, recommendations of the National Commission to Review the Working of Indian Constitution and some original books by reputed authors who also have the rare distinction of framing the fundamental law of our country. It is felt that the empirical research may not be of much avail particularly for this kind of research. Hence doctrinaire approach is adopted.

HISTORICAL BACKGROUND:-

Minority issue was one of the most unambiguous issues going up against before the Constituent Assembly. The issue of minority-majority uncertainty was at the surface even at the time well known Nehru Report of 1928 and it assumed a crucial part in the development of essential rights. The issue of minority was intense; however, there was contention with respect to the reasons empowering minority awareness. The tale of giving protected safeguards for the different minorities in India can be followed back to the discussion over the rationality of the Constitution which occurred in the Constituent Assembly. It started from the primary determination concerning points and protests of the Constitution, drawn up for future administration. It was moved by Jawaharlal Nehru on Thirteenth December, 1946 only four days after the initial meeting of the Assembly expressing that it should be ensured and secured to all individuals of India justice, cultural, financial and political justice of status, of chance what's more, under the watchful eye of the law; flexibility of thought, articulation, conviction, confidence, venerate, occupation, affiliation and activity, subject of law and open

profound quality; and sufficient safeguards might be provided for minorities, in backward and ancestral zones, and discouraged and other in backward classes. This Objective and Resolution at last discovered articulation in the 'Preamble' of the Constitution which declares in unequivocal terms justice, liberty, equality and fraternity as the unavoidable rights of man. Offering thanks to this determination

M.R. Masani- the delegate of the Parsi people group stated-

While welcoming the clause in this Resolution which promises adequate safeguards for the minorities, I would say that it is a good thing that we have this judiciary and constitutional safeguards.

Again the majority of noticeable Assembly member imagined that title of minority issue was altogether a making of the British Government following from the presentation of isolated collective electorates, as an individual from the gap and lead approach, in the expressions of ***Dr. K. M. Munshi***

The most important task before the Constituent Assembly is to secure political consolidation of the Nation. Its basis has been destroyed by the British by statutorily fragmenting political idea into religious communities under the guise of protecting the minorities.

To others, minority based troublesome inclination was generally the after effect of an essential hostility between the Hindu against Muslim societies. The Muslim minority was, obviously, an extraordinary danger which rose as the detailing of new nation viz. Pakistan yet Muslims were not the single minority gathering. There were minority bunches other than Muslims, the Scheduled Castes, the Sikhs, the Indian Christians, the Anglo-Indians and the Parsees Throughout the open deliberations, the endeavors of patriot pioneers were to motivate a sentiment of expansive mindedness and shared certainty among all areas of the Indian culture. Calling attention to the uselessness of the paper safeguards given to Eastern European nations, Pandit Govind Ballabh Pant spoke to the individuals at the season of moving the determination for the race of the Advisory Committee.

The Advisory Committee named by the Constituent Assembly comprised of individuals drawn from Muslims, Sikhs, Anglo-Indians, Parsees, Scheduled Castes and delegates of Tribal Areas.

The protection proclaimed by minorities fell into various classes and there was astounding strain to guarantee straight out established safeguards for them.

Under unavoidable and convincing conditions Assembly needed to surrender certain protections for minorities by endeavouring to limit, beyond what many would consider possible, the adverse impact of minority cognizance. ***When Nehru remarked-***

So far as India is concerned, we have very clearly stated that both as Government and otherwise that we cannot think of any State which might be called a communal or religious State. We can only think of a secular, non-communal, democratic State, in which every individual to whatever religion he may belong has equal rights and opportunities.

This was a confirmation given to the minorities the entire level-headed discussion in the Constituent Assembly on Article 23 of the Draft Constitution which later expected the state of the present Articles 29 and 30, revolved around this issue. What rights could or ought to be surrendered to minorities? At long last, the protection of minorities took two structures. To start with was the consideration of non-oppressive treatment, a flexibility of religion and exceptional arrangements identifying with cultural and instructive rights of minorities in the form of Fundamental Rights. The second mode to ensure minority intrigue was the incorporation of specific arrangements in the Constitution yet not inside the Fundamental Rights. Such arrangements included sufficient minority representation in Parliament and State legislatures, Civil Services and so forth. I might be presented that the authors yielded minority rights, as it was basic in the cultural and national premium, however, their sincere want was that the established protections will empower the majority and minorities to consolidate sometime into one. To cite *Dr. B.R. Ambedkar* -

Speaking for myself, I have no doubt that the Constituent Assembly has done wisely in providing such safeguards for minorities as it has done In this country both the minorities and the majorities have followed a wrong path. It is wrong for the majority to deny the existence of minorities. It is equally wrong for the minorities to perpetuate themselves. A solution must be found which will serve a double purpose. It must recognize the existence of minorities to start with. It must also be such that it will enable majorities and minorities to merge someday into one.

As indicated by the terms of the Cabinet Mission's announcement of May 16, 1946, the decision to the Constituent Assembly was held in the mid-year of 1946 and the Assembly was atlast gathered on December 9 that year. Practically all through the period for which Assembly met the subject of protection of minorities remained an essential and disputable issue and kept on connecting with the consideration of the individuals till the Assembly had finished the draft of the whole constitution in November 1949.

So far as the minority question was concerned, the meeting of the Assembly had placed the Congress at an exceptionally fragile position. It needed to secure the agreement of minorities while as yet fulfilling the greater part. All through the period amid which the Congress party had battled for recognition of rights and protection of interests, it had kept before it the perfect of Indian national unity as a fundamental premise. Hence, in securing the assertions of minorities in the event that it yielded excessively for assurance of minority interests, it would serve to sustain the awareness of particular personalities among the minorities. However, in the event that it produced too little, it would open itself to the difference in having practically no concerns for minority's interests. For a very long while in the past, it had been a potent weapon in the hands of the Muslim League.

They upheld that minority interests were not protected in the hands of 'brute' Hindu majority and the English ruler had always remembered to attest that they had an uncommon commitment to secure the minorities'.² The Congress excessively had reliably pronounced in the past that it was its essential obligation as well as its principal strategy to ensure the religious, linguistic, cultural and different rights of minorities to guarantee for

them in any plan of government to which Congress would be a gathering. The most extensive degree for their advancement and their full investment in the political financial and cultural existence of the country would be ensured. Congress was in this way put on trial and had needed to show its greater purpose.

The Advisory Committee met on February 27, 1947, under the chairmanship of *Sardar Patel* and separated itself into four sub-committees, two of them being Sub Committees on Minorities and Sub-Committees on Fundamental Rights. It was in these two sub-boards that the issues of defending the minorities were bit by bit settled.

The Sub-Committee on Minorities was named on 27 February 1947 alongside Fundamental Rights Sub-Committee. The Sub Committee on Minorities under the chairmanship of H.C. Mukherjee, a Christian pioneer from West Bengal met that day it was made i.e. on February 27, 1947. It held an aggregate of three sittings. At its initially sitting on Feb 27 and 28, 1947 after the race of H.C Mukherjee as Chairman, it talked about a general proportion of work and methodology. With a specific end goal to find out the perspectives of its individuals, the Sub Committee additionally received a poll arranged by K.M. Munshi.

M. Ruthnaswamy contended that the inclination of a larger part is to make little of the rights and freedoms of a minority. For national religious and cultural minorities (in which class is incorporated Muslims, Sikhs, Indian Christians, and Anglo-Indians), he felt that there ought to be a two-crease shield. They ought to be permitted to maintain, lecture and spread their religion; and satisfactory arrangement ought to be made for the advancement of their religious and common culture. This arrangement ought to incorporate foundations kept up by these religious groups; unique stipends for the advancement of instruction of in backward minorities; and the arrangement by the State of schools for minority groups, where their religion and culture would be educated. He additionally upheld representation of such minorities in the Central, commonplace and state Ministries and all divisions of the organisation as per population. With a specific end goal to guarantee that they ought to be put under the insurance of the government court; he imagined that by virtue of the high eminence for biasedness delighted in by official courtrooms in India, minorities like people would discover in them the best barrier of their rights and freedoms, and all together that this government justice may be effortlessly accessible and available, he recommended the across the board foundation of nearby units of the elected court in each region, substantial state and in gatherings of little states.

It was against the foundation of these disparate perspectives that the Minorities Sub-Committee met on April 17, 18 and 19, 1947, to think about this imperative issue. At these gatherings, the Sub-Committee considered the interval recommendations of the Fundamental Rights Sub-Committee in so far as these had an orientation on minority rights. These dialogs secured such imperative issues as the disallowance of segregation on grounds of race, religion, station and so on.; the abolishment of untouchability and the compulsory prerequisite that the authorization of any incapacity emerging out of untouchability ought to be made an offense culpable as indicated by law; opportunity of claiming, honing and spreading one's religion; the privilege to build up and keep up foundations for religious and magnanimous reason; the privilege to be administered by one's close to

home law; the privilege to utilize one's mother tongue and set up denominational, public or language school, etc.

Having managed question of central rights for minorities, the Minorities Sub- Committee met again on July 21, 1947, to contemplate about the political protections for minorities and their representation in people in general services. At this point, the subject of parcel had been chosen and the Muslim association was likewise spoken to in the Sub Committee The issues for the thought of the Sub - Committees were figured as takes after:-

1. Representation in the legislatures; joint and separate electorates and weight;
2. Reservation of seats in the cabinets;
3. Reservation in public services
4. Administrative machinery to ensure the protection of minority rights partly covered by making certain fundamental right justiciable.

The Sub Committee decided by an extensive majority against discrete collective electorates for decisions to the governing bodies. It was comprehended that in landing at this choice it was available to the Sub-Committee to express its inclination for any of a few types of joint electorates that could be formulated. Yet, the Sub-Committee picked not to make any such recommendation.

Report of the Advisory Committee

At the point when the report of the Sub-Committee came up for thought before the Advisory Committee in July 1947, they embraced every one of the conclusions advanced by the Sub Committee aside from with respect to Anglo Indians for which it selected a sub-board of trustees to cover the position of the group in specific services and the current instructive offices for them.

The report of the Minorities Sub-Committee was examined by the Advisory Committee for four days, from July 28 to 31. Khaliqzaman, a prominent Muslim group pioneer, set forward the proposal that the subject of protections for minorities ought to be chosen by the lower legislature of people having a place with the lion's share group approved by the Congress high order to make choices. He imagined this would be a superior technique than dialogue in a sub-advisory group. The proposition was however did not acknowledge.

The general disposition of the Advisory Committee on the subject of established protections was set out as follows in its report:

We have felt bound to dismiss a portion of the recommendations put before us halfway in light of the fact that as, on account of reservation of seats in cabinets, we felt that an unbending established arrangement would have made parliamentary vote based system unworkable and halfway since, as on account of the discretionary courses of action, we thought of it as important to orchestrate the exceptional cases of minorities with the improvement of a sound national life. We wish to influence it to clear, in any case, that our general way to deal with the entire issue of minorities is that the state ought to be run to the point that they should quit feeling

abused by the unimportant certainty that they are minorities also, that, despite what might be expected, they should feel that they have as good a section to play in the national life as some other area of the group. Specifically, we think it is a principal obligation of the state to take uncommon strides to raise those minorities which are in backward to the level of the general community. The Committee completely dismissed separate electorates of any sort, as having in the past honed common contrasts and turned out to be one of the principal hindrances to the advancement of a sound national life. All races to Central and common lawmaking bodies were to be hung on the premise of Joint Electorates. Altogether, be that as it may, that the minorities ought not to feel troubled about the arrangement of unlimited joint electorates or the quantum of their representation, the Advisory Committee prescribed when in doubt that seats for various perceived minorities ought to be held in different assemblies on the premise of their population. No weightage was to be given to any group; however, individuals from a minority group would be qualified for challenge open seats notwithstanding caste the seats saved for them. The Committee was likewise restricted to any sort of total voting or to any necessity that an individual from a minority group challenging a saved seat should survey a base number of votes of his own group. In their view, a mix of these two would have all the malicious impacts of partitioned electorates.

Who is a minority?

The phrase minority as mentioned under the constitution, or more specifically, under Article 30 has not been defined clearly. However, the Indian judiciary has taken a proactive role by considering the same likewise in Kerala Education Bill, 1957. However, the Supreme Court observed and decided the case on the basis of referring any community which is numerically less than 50 percent of the populace of a specific state as an entirety, then the law which is enacted to address the minority rights shall be a state law.

Furthermore, the court has opinionated that a community that may be a minority in a particular area of the state, despite the fact it is a majority within that state as an entirety, would not be treated as a minority for Article 30 of the Indian constitution.

An eleven judge bench in T.M.A Pai Foundation & Ors v. State of Karnataka & Ors 2002 clearly has said that states have been organized on linguistic lines, minority status might be decided on state and not entire India, this applies to both linguistic as well as religious minorities.

WHO IS MINORITY IN INDIA?

There is no precise definition who is minorities in India but Muslims, Sikhs, Christians, Buddhists, Jain and Zorastrians (Parsis) have been notified as minority communities under Section 2 (c) of the National Commission for Minorities Act, 1992. As per the Census 2011, the percentage of minorities in the country is about 19.3% of the total population of the country. The population of Muslims are 14.2%; Christians 2.3%; Sikhs 1.7%, Buddhists 0.7%, Jain 0.4% and Parsis 0.006%.

Other minority and indigenous groups include Dalits ('scheduled castes') 201 million (16.6 per cent), Adivasis ('scheduled tribes') 104.3 million (8.6 per cent) [2011 Census] Anglo-Indians, Andaman Islanders. Amidst India's cultural traditions is a rigid caste structure, a continuing symbol of identification and social

stratification. 16.6 per cent of the total population of India consists of the scheduled castes which includes 'Dalits' also known as Harijans, or 'Untouchables'. The Indian Constitution requires the government to define a list or schedule of the lowest castes in need of compensatory programmes. There are also within India, a significant population of 8.6 per cent indigenous peoples, the Adivasis, who are constitutionally described as 'scheduled tribes'.

Unlike the large Muslim minority, besides Christians, Buddhists do not suffer high levels of discrimination and are not specifically targeted as minorities. Even within the broader Hindu tradition however, many groups have suffered discrimination and persecution. A prime example of the systematic discrimination to which a group may be subjected within Hinduism is evident from the case of the Dalits. The term Dalit, which means 'the oppressed', is an assertive term of self-identification, and as noted above, refers to what in strict legal and constitutional terms are known as the 'scheduled castes'.

India's indigenous peoples, Adivasis, like many other indigenous communities, might, with justification, claim that they remain victims under alien and colonial domination, even after the departure of the white colonizers. Adivasis of India do not represent a homogenous or unified community. There is a huge amount of diversity amongst the Adivasis: Nagas, although having indigenous claims, have nonetheless a distinct existence and differing political and constitutional aspirations from other Adivasi peoples, as do Boros of Assam (1.5 million, 2011 Census), given the fact that their control over land and natural resources, as well as their culture, is protected under special constitutional and administrative measures specific to tribes in north-eastern India (under the 6th Schedule of the Constitution that create 'autonomous' political territories). Adivasis in the rest of India are governed by the 5th Schedule of the Constitution that allows only very limited protection for them.

DEFINITION OF LINGUISTIC MINORITY IN INDIA:-

There are over 1,369 different languages in India but many face the real threat of disappearing in the near future. P Avinash Reddy looks at the available constitutional protections as well as the institutional threats that minority languages face and how affirmative action might hold the key to protecting them.

Language is a crucial and defining aspect in the life of every individual. Not only a medium of effective communication, it is a harbour of culture and systems of knowledge. Various activities and elements of life stem from ones' own mother tongue. Language acclimatizes the individual and the community to the surrounding environment by equipping them with the necessary knowledge, which has been accumulating and evolving together for centuries. In India, the data collected about mother tongues through the 2011 census showed 19,569 languages, which after linguistic scrutiny and categorisation resulted in 1,369 'rationalised' mother tongues. Nearly 400 of these languages however are facing the threat of extinction in the coming 50 years. While this data speaks volumes about the linguistic diversity in India, it also highlights the continued need to protect and nurture the languages spoken by the minorities.

The protection of linguistic minorities: the constitution

Article 30 (1) of the Constitution of India provides a fundamental right to linguistic minorities to establish and administer educational institutes of their choice. The Constitution however, under Article 351, provides a directive to the Union to promote the usage of Hindi across India, so that it can serve as a medium of expression among the diverse population. This provision has an imperialising effect on the speakers of languages other than Hindi, and linguistic minorities are the ones who face the blunt of it, especially when English is also promoted across the country at the cost of local and regional languages.

The Constitution of India (Article 350 A) provides that every state must provide primary education in a mother tongue and also provide for the appointment of a ‘Special Officer’ for linguistic minorities (Article 350 B), who is responsible to investigate matters relating to linguistic minorities and report them to the President. Neither the constitution nor any piece of legislation however defines linguistic minority. It was in 1971, in the case of *DAV College etc. v/s State of Punjab*, and other cases, that the Supreme Court of India defined a linguistic minority as a minority that at least has a spoken language, regardless of having a script or not. In the case of *TMA Pai Foundation and Others vs State of Karnataka*, it further held that the status of linguistic minority is to be determined in the context of states and not India as a whole.

The protection of linguistic minorities: commissions

According to the Report of the National Commission for Religious and Linguistic Minorities however linguistic minority status of a community is determined by numerical inferiority, non-dominant status in a state, and possessing a distinct identity. The report states that “exclusive adherence to a minority language is a leading factor that contributes to socio-economic backwardness, and that this backwardness can be addressed only by teaching the majority language”.

The Commission should have rather emphasised the need to develop mechanisms and institutional structures to accommodate linguistic minorities so that they do not fall into the traps of socio-economic backwardness merely because of the language they speak. Instead of addressing the gaps in the education system which makes invisible the language of the linguistic minorities, the commission recommends that such individuals and communities learn the majority language to survive. This is a clear acknowledgement of systematic state discrimination emanating on the basis of the language that an individual and community speaks. The state is responsible to create equal opportunities for everyone regardless of whether they belong to the majority or the minority but is clearly fails to do so.

A workshop on linguistic minorities, held in 2006 by the National Commission for Religious and Linguistic Minorities, lead to the recommendations that the term linguistic minority must be defined properly and that such a definition should then be used while framing a law to provide affirmative action based on socio-economic backwardness. Even though the criteria suggested for identifying socio-economic backwardness among linguistic minorities is the same as that applied while identifying backward communities in India, to be regarded as more backward, the individuals among the linguistic minority must not have the knowledge of the

majority language. This again is problematic as the additional criteria to determine the backwardness of a linguistic minority group should not be the lack of knowledge of the majority language. Instead it should be the vulnerability of the particular language to extinction, lack of institutional support to develop, sustain and promote a language.

It is necessary to emphasise that the mere knowledge of the majority language does not alleviate the backwardness of the linguistic minorities and that it can only be achieved by integrating the minority languages into the education system. This will help in preserving such languages and the associated knowledge systems while also easing the process of learning for students belonging to linguistic minorities. The recommendations of the workshop can only be aptly referred to as half-hearted attempts to integrate the minority languages into the education system. While it does provide that the teachers in schools with sizable linguistic minority must know the minority language, it does not suggest any steps to ensure that the medium of education should be in the minority language for students belonging to the particular linguistic minority. It only means that the state is trying to impose assimilation on linguistic minorities by not providing them adequate support to integrate their language in the education system.

Protection of rights of minorities after commencement of the constitution:-

In the Constitution all provision for citizens as well as aliens but some provisions provided specifically for the citizens only like Articles 15, 16, 19, 29,& 30. These provisions give protection to the Indian citizens only; there is no discrimination on the basis of caste, creed, sex, religion, or place of birth and give the freedom to enjoy their fundamental rights peacefully. Similarly, the framers of the Constitution have given some of these provisions for the protection of the interest of minorities under Article 29 & 30 of the Constitution of India.

Rather nowhere, Minorities defines in the Constitution the framers mentioned the protective rights of the minorities by which the minorities can protect themselves and enjoy their Fundamental rights constitutionally.

Article 29 provides that, Protection of interests of minorities.(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Article 30 provides that

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 guarantee 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.

Articles 29 and 30 guarantees cultural and educational rights. While, Article 29(1) secures to each Section of natives, dwelling in the region of India, the right to save its own particular language, script or culture, and Article 30(1) assurances to each religious or linguistic minority, the right to build up and to manage educational organisations of their decision.

The question behind Articles 29 and 30 is the recognition and protection of the distinctive sorts of individuals, with assorted languages and different beliefs, which constitute the pith of Secularism.

The Supreme Court in *T.M.A. Pai Foundation v. State of Karnataka*¹⁰⁴ said that, Article 29 and 30 do not more than seeking to preserve the differences that exist, and at the same time, unite the people to form one strong nation.

The Supreme Court decision in some important case was:

The provision, as we interpret it, is for the promotion of Punjabi studies and innovative work of the Punjabi language, script, and culture which is a long way from saying that the college can under that arrangement propel the partnered schools especially those of the minority to give direction in the Punjabi language, or in any capacity block the right to monitor their language, script, and culture.¶ The judiciary provisions of University that were tested on the ground that the schools controlled by different religious minorities, i.e., Arya Samaj, and subsidiary to the University would be constrained to consider the religious educating of Guru Nanak and such arrangements added up to infringement of major directly under Article 29(1). The Supreme Court dismissed the contention saying that there is no order in the arrangement convincing affiliated colleges either to consider the religious lessons of Guru Nanak, or to receive in any capacity the way of life of the Sikhs. On the off chance that the University makes arrangement for a scholarly and philosophical investigation and research on the life and lessons of a holy person, it can't be said that the partnered schools are being required to necessarily contemplate his life and lessons.

Clause (2) of Article 29 Right of the citizen not to be denied admission into any State maintained or State-aided educational institution.

The right guaranteed under this Article isn't limited to minorities yet reaches out to all residents in the case of having a place with majority or minority. In *State of Bombay v. Bombay Education Society's Case* held that constraining this right just to minority gatherings will add up to holding that the subjects of the majority population have no right to be conceded into an educational organisation for the upkeep of which they contribute by the method for charges. In *Ravneet Kaur v. Christian Medical College, Ludhiana's Case*, the Court held that a private organisation receiving aid from the State can't discriminate on grounds of religion, caste, race language or any of them.

Domain of Article 29(2)

In State of Madras v. Champakam Dorairajan Case, for the first time, the question of application of Article 29(2) was challenged. The communal Government Order of the State of Madras dispensed seats in medical and engineering colleges in the State proportionately to the few groups, viz, non- Brahmin Hindus, Backward Hindus, Brahmins, Harijans, Anglo Indians, Christians, and Muslims. A Brahmin hopeful who couldn't be admitted to an engineering college challenged the Government Order as being conflicting to Article 29(2). The Supreme Court held that the grouping in the Government order depended on religion, race, and caste which were conflicting with Article 29(2). Despite the fact that the candidate had got significantly higher marks than secured by numerous non-Brahmins who were admitted in the seats dispensed to them, he couldn't be admitted into any other institution. The main purpose of the dissent of admission to him was that he was a Brahmin and not a non-Brahmin.

In re Kerala Education Bill case, the Supreme Court held that Article 30(1) covers foundations conferring general secular education. The question of Article 30(1) is to enable children of linguistic and religious minorities to go out on the planet completely prepared. Protection guaranteed to the minority under Article 30 is to protect and reinforce the trustworthiness and unity of the nation. The circle of general secular education will build up the ordinariness among the students of the nation. This is in the true spirit of liberty, equality, and fraternity through the medium of education. The minorities will feel separated and separated if they are not given the protection under Article 30.

In D. A. V. School Jullunder v. State of Punjab the Court held that a linguistic minority with the end goal of Article 30(1) is one which has separate spoken language. It isn't important that language ought to likewise have a separate script. India has the number of languages which don't have a script of its own yet in any case, people speaking such a language will constitute a linguistic minority to guarantee assurance of Article 30(1).

Current scenario and possible future

As of late, the preeminent court held that the state has the right to introduce an administrative administration or regulatory regime within the purview of national interest to supply minority educational institutions with well-qualified instructors to accomplish brilliance in education. The Supreme court said that the new regulatory regime shall ensure a balance between:

Excellence in education and Rights of minorities to establish and administer.

In the said case, the Supreme court further divided education into two categories, namely:

Secular education, which is common to all or

Education is aimed at conserving, preserving, and protecting the heritage, culture, etc., of religion or linguistic community.

The Supreme court supported the maxim “Maximum latitude” when we talk about minority education, and hence administration or the management shall be granted the power to appoint instructors or teachers.

Moreover, in 2016 the central government of India filed a novel petition before the Supreme court to revoke the minority status of central universities. Hence, the law ministry has recommended revoking the National Commission for Minority Education Institution (NCMEI) status of Jamia Millia Islamia (In 2011). Even in 2006, the minority status of Aligarh Muslim University was revoked.

Hence, more autonomy shall be granted to these institutions or universities, and the Supreme court shall consider exemption upon all minority institutions regarding the RTE Act; along with this, all the administrative irregularities shall be removed.

Ecological linguistics and socialist theories

Eco-linguistics, a burgeoning discipline formed by the combination of ecology and linguistics, has kept an upward developing trend in recent decades. Haugen mode and Halliday mode are the two main research paradigm which are generally recognized and widespreadly applied in this field, the former focuses on the correlation between language and the context while the latter emphasizes the influence of language use on the natural environment. (He Wei, Zhang Ruijie, 2017, p.56) According to Halliday (2007), human beings recognize the world and understand the experience through language, and at the same time use language to create meaning and construct the world. The words and deeds conducted by human are determined by human themselves and their relationship with other species in the ecosystem, and even with nature. Halliday (2001) believes that language is the means of intervening society, and linguists should take the social and ecological responsibility and contribute to use language to wake up the awareness of protecting natural environment of human beings.

FACTORS FOR BACKWARDNESS OF THE MINORITIES:-

In this context, I am trying to say about the condition of the minorities getting backward day by day especially Muslims yielding more backwardness than the other minority communities, and there are many factors due to which minorities can not improve their status in the society are mentioned below:

Lack of Education- As we know well that education plays a very vital role to become a powerful nation, state and also a community whether based on religious or linguistic or on any other based community all these communities cannot improve their social and educational status with education in the society because education is the only way to resolve the problem of the any community, for which concerned government, state as well as union must take preventive measures and provide economic and educational support to the minority community for the development of these communities and create some checks and balances for the authorities who will work for the development of the minority communities and also responsible for the backwardness after assigned work and time completed if the minorities remain backward in any field in the society.

“Education is the single most important instrument for social and economic transformation. A well-educated population, adequately equipped with knowledge and skill is not only essential to support economic growth, but is also a precondition for growth to be inclusive since it is the educated and skilled person who can stand to benefit most from the employment opportunities which growth will provide.”

Economic condition: According to the data provided by the Sachar Committee and Ranganath Mishra Commission reports shows that the economic status and educational conditions of the different communities living in India or in the different parts of the Indian Territory in which only most of the ratio of the total population of the Muslim minority community is on the marginalized level. It has not even basic necessity to serve their life most of the Muslim community lives in remote areas or areas far from the urban locality due to which among the Muslim minority community lacking of education just because of economic conditions of the Muslims they have no resources to earn enough amount of money, they are mostly daily wage earners and connected with the small scale occupations like farmers, craftsmen, artisans. Especially in rural areas and in lesser amount these people live in urban areas rather they are still connected with small professions like blacksmiths, barbers, vendors, and in some other labour class works in factories and small industries; from these professions they earn a lesser amount of money by which they only serve their life devoid of most humble comforts of life. In most of the Muslim Families number of children are more than 5 and only the father is the sole earner, then how these families can provide better education to their children due to which the dropout rate from the primary education among Muslims is very high as they live hand to mouth, and they have no more resources to earn extra money. Another important aspect presented by the Committee for the in low proportion the achievement of education among the children of the Muslim communities was the lack of the Urdu teaching and different subject teachings facility through the Urdu medium stream in primary level classes.

Illiteracy or unawareness:

Illiteracy is a state whereby a person is not able to read and write any of the languages. In its most straightforward form, it can be characterised by the absence of any or adequate education. At times individuals who have had exceptionally fundamental education also give an experience to people of the community challenges regarding reading and writing of the language. Illiteracy or absence of education can likewise mean ignorance of the education or the lack of knowledge in any of the specific subject. For instance, a person may have gone to school but it does not mean that he or she must have known how to operate a computer system because possible from that got their education there would have been lack of computer educational facilities and such individuals have not computer knowledge is known as computer illiterate individuals. Almost every occupation publicised expects one to have computer education because of the digitisation of most procedures in the work environment. An oversight in reading or writing of any of the language that supposedly is normal for an uneducated or illiterate individual has likewise alluded to a lack of education or illiteracy.

Religious limitations: In the past decades, it might be the factor for the backwardness of the minorities and other communities" lives in India because there were so-called restrictions imposed by the clerics or by religious preachers to their communities just because of illiteracy or lack of awareness about knowledge of education of their religious books. As we have known that not one religion prohibit their followers to get knowledge and education on the basis of gender both male and female are entitled to get education and there is no religious restriction on any individual or any specified community. All are free to attend schools and enrolled in educational institutions to become literate and educated; because with education we cannot justify that whether the act committed by any community or individual is correct or not according to their religion. On the other hand, if we remain illiterate or uneducated then follow the religious preachers blindly.

Until the advent of Islam in India, there was the monopoly of the Brahmins, who did not want to impart the knowledge and education to the lower caste-class people of the community. The Brahmins did not allow to the lower class communities like as shudra, scheduled caste, and scheduled tribes to join their educational schools and institutes to get an education. When Muslims rule started in India "education became the birth-right of every citizen - Muslim and Hindus, man and women, rich and poor". Those schools which were started by the Muslim communities at that time in India, the Hindu community people who had been previously deprived from education due to monopoly of the Brahmins in India, started to get education during Muslims rule side by side with their Muslim class-fellows, and they people were realised that there were no existence of feelings of prejudice, ill-will or enmity between the two community in so far as the education was concerned in India.

Poverty and isolation: In India now a days, poverty is a significant issue, in spite of that India is having one of the fastest growing economies on this planet of the earth, in 2015 the growth rate of India was 7.6% and a generous consumer economy. The World Bank audited and proposed updates in May 2014, to its poverty figuring methodology and purchasing power parity (PPP) reason for estimating poverty around the world, including India. As indicated by this changed approach, the world had 87.23 crores of the population of the world lived below the new poverty line, in which 17.96 crores peoples lived in India. We can say, India is having 17.5% population of the total population of the world, and it had 20.6% share of the world"s poorest population in the world in 2011.16, As of 2014, 58% of the total populations were living on less than \$3.10 per day. According to the Modified Mixed Reference Period (MMRP) concept proposed by World Bank in 2015, the rate of poverty of India for the period of 2011-12 remained at 12.4% of the total population of around 17.2 crores individuals; taking the revised poverty line as \$1.90.19,20,

The World Bank has been re-examining its definition and benchmarks to measure up the poverty since 1990, with per day income as \$2 on the basis of purchasing power parity as this definition being used from 2005 to 2013. Some semi- economic and non-economic files have likewise been proposed to measure the level of poverty in India; for instance, the Multi-dimensional Poverty Index put 33% weight on the number of years spent in school education and 6.25% weight on the finance-related status of a person, keeping in mind the end goal to decide whether that a man is poor. From the late nineteenth century through the mid-twentieth century, under British rule, poverty in India heightened, cresting in the 1920s. Famines and sicknesses killed millions each time. After India gained its independence in 1947, the mass level of deaths from famines were prevented.

Rapid economic growth since 1991, has prompted sharp decreases in extraordinary poverties in India. However, those above poverty lines carry on a delicate economic life.

Lack of Family Planning: In terms of population, India is the second largest country in the world with the rate of the growth of the population rapidly at 1.6 crores each year and the Muslims are the second biggest minority community in India constituting around 14.23 percent of the total population of the country. In India, if we see the censuses of the 30 years then we will find that the growth rate of the Muslim population is higher than the other religious communities of India in the last three decades. Although the use of modern family planning strategies has been expanded in a number of the Muslim families the rate of fertility among Muslims is still higher than the other religious communities and contraceptive predominance is lower as compared to the different other religious communities of India.

Islam does not confine the utilization of contraceptives. In any case, there exist misconceptions in regards to the utilization of family planning techniques in Islam, with numerous holding the view that Islam restricts family planning system rather it is not true and that is why families of the Muslims community do not prefer to use the preventive measures for reducing the rate of population. Apart from religious restrictions there exist a few different elements prompting rate of high fertility among the Muslim population in India. As per Quraishi and Jeffery and Jeffery separated from religious limitation cultural backwardness and other socio-economic factors particularly lack of education overwhelmingly among Muslim ladies in India is one of the significant reason behind rate of high fertility among Muslims community in India; and also due to the lack of education and some other religious restrictions or misconception spread in Muslims communities by some people of the same community the Muslim women do not pay heed towards the modern family planning methods.

SOCIOECONOMIC CONDITION:

The population of India is made out of different communities of the peoples with various religious, racial, socio-cultural and ethnic communities. Since time immemorial, these communities of the people arrived in India from various far or near territories at a different time and for various purposes. Amid the long stretch of their affiliation, which spread more than a great many years, there has been a veritable admixture in the normal living space. A portion of the community of the people experienced sub-divisions and disintegrations and some different community of the people have retained their particular identity, keeping up a specific measure of their predictable elegance, mostly through socio-cultural institutions and their religious belief systems. Minorities' community of India has considered being the latter category people of India. The minorities substantiated themselves as an Asset, as they expanded and enhanced Indian culture and human advancement, and when all is said in done, assumed a critical part in the improvement of the Indian cultural society as a whole. They are scattered along the area of the nation from the greater Himalayas to the Indian Ocean and from the Arabian Sea toward the eastern frontiers.

Today the community of Minorities in India are the potential substance for the development of the country. They are almost 20% in numbers of the total population of the country and played the vital role in the progress of India,55 which might be more than of 20 crores in numbers so, we can say the minority communities are also the integral part of this country. The educational and economic advancement of the minority communities is very important for the progress of the country as a whole, which will be heading towards a progress from a developing country to be a developed country in the world. In all the respect whether in educational, economic and political the conditions of the Muslim community is more backward among all the minority communities in India, if we have seen the results of the 16thLok Sabha elections held in 2014 then we found that only Twenty-Three members of the parliament were elected from the Muslim community and constitutes approximately 4.22% of the total strength

Census of India, 2001 (estimates)of the Lok Sabha, while the Muslim community representation was highest that was 49 members were elected in the election of 1980 so, we can see the decline of the Muslims representation in parliament, rather total population of the Muslim minority community is 14.23%; according to the religious data released by Census of India 2011.

EXECUTIVE MEASURES FOR THE PROTECTION OF RIGHTS OF MINORITIES:-

The Indian Constitution is focused on the equality of citizens and the responsibility of the State to preserve, protect and assure the rights of minorities in matters of language, religion, and culture. That is the reason our founding fathers while framing the Constitution, underscored the doctrine of unity in diversity.

The United Nations Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities says that the promotion and protection of the rights of persons having a place with such minorities add to the political and social security of the nations in which they live. Meeting their aspirations and guaranteeing their rights recognizes the nobility and balance of all people and encourages participatory improvement. This thus helps in reducing of the strains among groups and people. All developed countries and most developing ones give suitable accentuation for caring for the interests of minorities. In this way, in any nation, the confidence and certainty of the minorities in the working of the State in an unprejudiced way is a basic analysis of its being a secular State. As the procedures of economic development unfold, pressures are probably going to develop and intensify when there are unequal developments and a few gatherings or minorities linger behind in the development procedure.

Since the Independence, India has accomplished significant growth and development. It has therefore been effective in lessening poverty and enhancing essential human development indicators, for example, levels of literacy, education, and health. There are signs, in any case, that not every single religious group and social congregation (from this time forward socio-religious communities– SRCs) have shared similarly the advantages of the development procedure

The Central Government recognized 72 suggestions out of the 76 proposals recorded from the Sachar Committee Report. Three proposals were not recognized and one suggestion was put off. The Government has taken 43 choices in respect to the 72 suggestions, which have been acknowledged. A part of the suggestions were combined together to take get swift and timely action. The commitment of usage of the choices taken by the Government on the proposals of the Sachar Committee has been given to the concerned Ministries/Departments of Government of India. Service of Minority Affairs screens the advance of usage of the choices of the Government on the suggestions of the Sachar Committee. The alternatives taken by the Government on the proposals of the Sachar Committee have been collected under the noteworthy regions specifically (I) Education; (ii) Skill Development; (iii) Access to bank credit; (iv) Special improvement activities; (v) Measures for governmental policy regarding minorities in society,(vi) Wakfs; and (vii) Miscellaneous. Utilisation of a noteworthy number of these choices of the Government is persistent in nature and no time period has been settled in such way. The status of execution of choices is recorded here - The Government took 43 choices on the 72 suggestions acknowledged by it. A bit of the proposal was clubbed together.

RECOMMENDATIONS OF JUSTICE RANGANATH MISHRA COMMISSION:-

Justice Ranganath Mishra Commission suggests the Criteria for perceiving socially and monetarily economically backward classes among the linguistic and religious minorities. It suggests that in the issue criteria for recognizing backward classes there ought to be positively no separation at all between the dominant community and the minorities; and, in this way, the criteria now connected for this reason to the majority community whatever that model might be should unreservedly apply to every one of the minorities. As a characteristic end product to the previously mentioned suggestion we prescribe that every one of those classes, areas, and groups among the minorities should be managed as backward whose partners in the majority community are viewed as backward under the present arrangement. To be more particular, it suggests that every one of those social and professional groups among the minorities who however for their religious character would have been secured by the present net of Scheduled Castes ought to be obviously regarded as socially backward, independent of whether the religion of those distinctive groups perceives the caste system or not. It additionally prescribes that those groups among the minorities whose partners in the majority community are at exhibit secured by the net of Scheduled Tribes should moreover be fused into that net; and besides, more particularly, individuals from the minority groups living in any Tribal Area from pre-autonomy days ought to be so included regardless of their ethnic attributes.

Measurement of minorities on educational basis

Economical measurement for the minorities

Measurement of status of minorities on the basis of Reservation

Para 3 of the Constitution (Scheduled Castes) Order 1950. It recommends that as the Constitution of India guarantees freedom of conscience and religious freedom as a Fundamental Right, once a person has

been incorporated into a Scheduled Caste list a wilful change of religion on his part should not impact adversely his or her Scheduled Caste status.

Modalities for implementing our recommendations

The commission recommends that —all Central and State Acts, Statutory Rules and Regulations be appropriately revised to execute those of our recommendations which in the opinion of the Ministry of Law and Justice or any another concerned authority may require such alterations. It recommends the accompanying legislative actions which in our opinion are required either for the enactment of some of our proposals or generally in the interest of the welfare of minorities.

Interlinking and equal opportunity and Diversity

A General Duty to reduce Inequality: The objective of reducing socio-economic deprivation should be considered by every open body while framing policy in their particular fields of activity.

Scope of protection against discrimination

Enforcement Mechanism

GOVERNMENT SCHEME FOR MINORITIES:-

Maulana Azad National Fellowship (MANF) Scheme.

Naya Savera – Free Coaching and Allied Scheme for the candidates / students belonging to Minority Communities.

Padho Pardesh – Scheme of Interest Subsidy on Educational Loans for Overseas Studies for the Student belonging to Minority Communities.

Nai Udaan – Support for Minority Students clearing Prelims conducted by UPSC, State Public Service Commissions (PSCs) and Staff Selection Commission.

Seekho aur Kamao (Learn & Earn).

USTTAD (Upgrading the Skills and Training in Traditional Arts/ Crafts for Development).

Nai Manzil – A scheme to provide education and skill training to the youth from Minority Communities.

Concessional credit through National Minorities Development and Finance Corporation (NMDFC).

Nai Roshni – The scheme for leadership development of Minority Women.

Hamari Dharohar – A scheme to preserve rich heritage of minority communities of India under the overall concept of Indian culture.

Jiyo Parsi – Scheme for Containing Population Decline of Parsis in India.

*Waqf Management –**Qaumi Waqf Board Taraqqiati- Scheme (Scheme of Computerization of Records and Strengthening of State Waqf Boards)**Shahari Waqf Sampatti Vikas Yojana (Scheme for Grants-in-Aid to Waqf – Development of Urban Waqf Properties)**Haj Management*

Ministry of Minority Affairs specifically implements various schemes across the country for socio-economic and educational empowerment of the six (6) centrally notified minority communities.

CONCLUSION:-

Minority Institutions in India play a major role to fulfil the objectives of the state and minorities. However, woefully, minority institutions are not up to the mark as they were anticipated. But, now is the appropriate time or chance for the minority institutions to examine/analyze the RTE Act and its Amendments to keep themselves upgraded and updated. Further, it shall fulfil the purpose or objective of the state to ensure or assure quality education or instructions to minorities. The rights, as enshrined under Article 30 in favour of the minority, are to ensure equality with that of the majority, and hence, it is not intended to put them in any favourable or advantageous position against the majority.

The Indian judiciary is considered to be the guarantor and protector of the citizens' rights. The performance of the judiciary of India has been all around agreeable by the public at large. However, there are various cases and examples involved of the public importance in which majority community people are involved where even Indian judiciary is unable to provide protection to the minority community, the delay in the decision of the cases in which judiciary failed up to some extent, Supreme Court judgment in St. Stephen's College case can be taken into consideration. Despite the fact that it mightily maintained the right of the minority community especially admission of the students of the minority community, however, it additionally put the commitment on the institutions of the minority community to provide admission at least 50 percent to the students belongs to the non-minority community for accomplishing the goal of national integration and all the other institutions are exempted from any such commitment for having even a small minority percentage. Some underprivileged people have noticed this with concern.

In any case, the social, economic, cultural and political substances prevailing in this country that is India for a long time since freedom of India have been to such an extent that adds up to a disloyalty of the guarantee of justice, liberty and equality to the population of this country as enshrined in the preamble of the constitution of India. It cannot be considered the failure of the behaviour of the political class of the people. The blame lies additionally with the framers of the Indian constitution and imperfections left in it that makes insurrection of justice conceivable by the political administration. For instance, in the Parliament and legislative Assemblies the representation of the minorities specifically Muslim community representation and non-availing the

benefits of the government policies to the minority communities have been caused due to non-protection of the economic and political rights of the minority communities and insufficient protection of their cultural, educational and linguistic rights as provided in the constitution of India. These rights of the minority community have been in perilous danger without the help of the judicial interpretation and executive measure to protect the rights of the minority community.

Remembering this the concerned citizens of the nation in May 1998 on the event of the celebration of the 50th anniversary of the Independence of India and Universal Declaration of Human Rights (UDHR) called upon Indian Parliament “to constitute a Constitution Review Commission comprising eminent persons with commitment to human rights in which representation is given to all political opinions and sections of society”. By conferring it to national constitution and international agreement the Government of India is under commitment to make the state of its minority communities known so as to ascertain the degree of practical realization of the underlying principles of non-discrimination, justice, and fair treatment. But under the garb of secularism, it continued suppressing community wise information on educational conditions and socio-economic conditions of the minority community that it had gathered during evaluation of the census tasks since 1951. During every one of these periods“ similar secular contemplations, be that as it may, did not deter the Government to distribute to show the differential rate of development of the religious communities, particularly Muslims. However, the data released by the government on the poverty, literacy and different determiners of backwardness and cultural deprivation of a similar group of people was kept secret for nearly 50 years after cross-classification which would have generally empowered people to correspond higher rate of Muslim development in the population with its educational backwardness and also poverty.

It is urging to take note of that the Government of India has now not just made public such data as accessible with the Registrar General of the government of India, however, has additionally selected a few committees to determine the degree and reasons that minority communities not represented in proper share in all spheres of national life. The investigation of bias and oppression proved against the minority communities and needs the consideration of the commissions and the Government and the academic group for the improvement of the conditions and status of the minority communities. The reasonable practices in work have shockingly not been offered an opportunity in India. Just by accommodating or the rights of the citizens to non-discrimination, it is accepted that in this country meritocracy has already been prevailing. While the reality remains that traditional Indian social ethos has been more segregationist, discriminatory and non-egalitarian than in most different other societies. Besides, subgroup loyalties in India are more grounded than some other devotion or responsibility. There is, along these lines, a requirement for reasonable practices of the commission to guarantee for application of reasonableness in all appointments, employment, and distribution of benefits among all the people of the country equally.

There is an agency to take care of the interests of minority communities of India; that is the National Commission for Minorities has barely possessed the capacity to do any of its allocated capacities in a fruitful and effective manner. The Commission, which has been set up and engaged to examine and report of the state or conditions of minority communities and the working for providing the protections of the rights of the

communities of minorities, has severely flopped in this essential reason. It has neither attempted any investigation of communities of the minority under-representation and its causes including discrimination and prejudices against them nor has it urged the Government of India to publish such kind of studies and data in public at large. A more critical take a glance at the historical background of its development and consequent change that it experienced and its working conditions since its final establishment under the act of Parliament of India in 1992 say a lot for the Commission. The same issue was raised during pre-partition times when Congress confirmation and under Article

299 of the draft of the Constituent Assembly talked about an observing establishment, which was however discarded in the constitution finally framed and passed by the framers of the constitution of India. The idea for the minority commission was restored in the late sixties and seventies centuries and the Commission for the betterment of the minority community was first established under the government of Janta Party just as the Home ministries and Welfare ministries under the government of India. A quotation which is suitable for this situation that *“God helps those who help themselves”* means to say with this quotation that among all the six specified minority communities only Muslims are politically, socially and educationally more backward because of lack of awareness regarding all these rights.

Suggestions:-

- The government should bind to the authorities of the commissions working for the betterment of the minority communities and imposed check and balance responsibility in the collection of the data regarding the minorities.
- There should be proper data collection and the same must be district wise to show the conditions of the minorities politically, socially, culturally and educationally by which it has to be clearly recognised that the communities are more backward and the grounds of their backwardness.
- These data should be properly scrutinised by the authorities and some constructive measures have to be taken for the betterment of the conditions of the minority communities.
- The data released by the census 2011 shows that the conditions of the Muslim minority community is more backward than the scheduled castes and scheduled tribes and also other communities, so the government should provide some better relieving measures for the improvement of the conditions of the minorities specifically Muslims.
- The living standard of the Muslim community should be improved with the help of the government policies and provide better opportunities by which Muslims would be capable to improve themselves educationally because education is the only method which can bring back any community from the darkness of backwardness and despair.
- There reservation should be provided to the minorities to an amount at least ten percent for the Muslim community and five percent for the other minority communities in the employments of central and state governments as recommended by the Justice Ranganath Mishra commission report.

- The economic conditions of most of the Muslim minority groups are very poor and it is also a reason for the educational backwardness of the Muslim minorities, while the government is continuously trying to create equal educational opportunities for minorities and introducing new programmes and schemes for the financial assistance of these groups but due to the lack of education, communication and information it does not reach in to the proper needy hands, the government should start some other schemes like awareness programmes specifically for the Muslim community of India.
- The government should increase employment opportunities for the minorities, especially Muslim communities in public dealing offices due to which minority can avail the opportunities of the employment properly and easily.

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