

## MINORITY QUESTION IN INDIA: CONSTITUTIONAL, SOCIAL AND HUMAN RIGHTS PERSPECTIVES

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### Abstract

The minority question in India is closely connected with the country's plural social structure, constitutional democracy, and human-rights framework. India consists of diverse religious, linguistic and cultural communities, and therefore the issue of minority protection cannot be understood only through population size. It also includes questions of identity, equality, dignity, participation, educational opportunity, freedom of religion and protection from discrimination. The Indian Constitution recognizes this diversity through provisions such as Articles 29 and 30, which protect the language, culture and educational rights of minorities. Along with constitutional safeguards, institutions such as the Ministry of Minority Affairs and the National Commission for Minorities also play an important role in addressing minority welfare and protection. This paper examines the minority question in India from constitutional, social and human-rights perspectives. It highlights that minority rights are not separate from national unity, but are part of equal citizenship and democratic justice. The study also discusses how minority protection is linked with dignity, non-discrimination, participation and institutional fairness. The paper concludes that effective protection of minorities requires not only legal recognition but also practical implementation through fair policies, responsive institutions and respect for human rights in everyday life.

### Keywords

Minority Question, Minority Rights, Human Rights, Constitutional Safeguards, Articles 29 and 30, Indian Democracy, Social Justice, Equality, National Commission for Minorities, Cultural Rights

### INTRODUCTION

India is a plural and diverse society where different religious, linguistic, cultural and social communities live within one constitutional framework. This diversity makes the minority question an important part of Indian democracy. The issue of minorities in India is not limited to numerical strength alone. It is also related to identity, dignity, equality, educational opportunity, religious freedom, cultural preservation and protection from discrimination.

The Constitution of India recognizes the importance of protecting minority identity. Articles 29 and 30 provide protection to minorities in matters of language, script, culture and educational institutions. These provisions show that Indian democracy does not aim to remove diversity, but to protect diversity within the larger framework of equal citizenship. Minority rights are therefore not special privileges; they are necessary safeguards for ensuring justice, equality and participation in a plural society.

The minority question also has a social dimension. Minority communities may face problems such as prejudice, underrepresentation, insecurity, unequal access to institutions and lack of confidence in public systems. Therefore, the protection of minorities cannot depend only on constitutional promises. It also requires effective institutions, fair governance and practical implementation of rights.

In India, institutions such as the Ministry of Minority Affairs and the National Commission for Minorities reflect the State's effort to address minority welfare and protection. These institutions help in monitoring safeguards, promoting welfare schemes and responding to concerns related to minority communities. At the same time, the human-rights perspective makes it clear that minority protection is linked with dignity, equality, freedom, non-discrimination and participation. Thus, the minority question in India must be studied through constitutional, social and human-rights perspectives together.

### **Objectives of the Study**

1. To examine the minority question in India from constitutional, social and human-rights perspectives.
2. To study the role of Articles 29 and 30 in protecting minority language, culture and educational rights.
3. To analyze the social challenges faced by minority communities in relation to equality, dignity and participation.
4. To understand the role of institutional mechanisms in protecting and promoting minority rights in India.

### **MINORITY QUESTION IN INDIA**

The minority question in India is deeply connected with the country's plural social structure, constitutional democracy, and historical experience. India is not a culturally uniform society; it is a civilization marked by multiple religions, languages, customs, and traditions living within one constitutional framework. For this reason, the minority question in India has never been limited to population size alone. It has always involved broader concerns such as identity, equality, dignity, participation, educational opportunity, freedom of religion, and protection from discrimination. The constitutional structure recognizes this diversity and seeks to balance national unity with cultural and religious plurality through guarantees such as Articles 29 and 30, which protect the interests of minorities in matters of language, culture, and education (Constitution of India, 1950).

At the same time, the minority question in India has practical and institutional dimensions. It concerns not only the formal recognition of minority rights but also their actual enjoyment in public life. The Ministry of Minority Affairs and the National Commission for Minorities reflect the State's recognition that minority welfare, representation, and protection require focused institutional attention. At the Union level, six religious communities—Muslims, Christians, Sikhs, Buddhists, Parsis, and Jains—are officially recognized for the purposes of minority-related administration and safeguards (National Commission for Minorities, n.d.).

### **Historical and Social Background of the Minority Question**

The minority question in India must be understood against a broad historical background. Indian society has long been characterized by coexistence among diverse communities, yet this coexistence has not always been free from hierarchy, conflict, or insecurity. During the colonial period, issues of representation, communal identity, and separate political recognition became more pronounced, and these debates continued into the period of constitution-making. After independence, the constitutional founders adopted an inclusive framework that did not treat minorities as separate from the nation but sought to secure their rights within equal citizenship. This was a

significant choice, because it established that the Indian state would not be based on homogeneity but on pluralism under law (Constitution of India, 1950).

The social background of the minority question is equally important. Minority communities in India are often shaped by differences in religion, language, education, economic opportunity, and access to institutions. In some regions, they have maintained strong cultural continuity and rich institutional life, while in others they have experienced marginalization, communal tension, or underrepresentation. Therefore, the minority question in India is not merely an abstract constitutional issue; it is a lived social issue. It concerns whether citizens belonging to minority communities feel secure, respected, and fairly treated in everyday life. This has direct relevance for the present study, because the synopsis itself places emphasis on public faith in the law-and-order machinery and on the role of police in protecting minority human rights in Meerut district.

### Constitutional and Institutional Response in India

India's response to the minority question is rooted strongly in constitutionalism. Articles 29 and 30 protect distinct language, script, culture, and minority educational rights, thereby recognizing that democracy requires more than formal equality; it also requires the preservation of diversity within the framework of citizenship. These constitutional provisions do not place minorities outside the national mainstream. Instead, they acknowledge that equal citizenship in a plural society must include space for different communities to preserve and develop their identity (Constitution of India, 1950).

Beyond the Constitution, India has created institutions specifically concerned with minority affairs. The Ministry of Minority Affairs was established to ensure a focused approach to policy and programmes relating to notified minority communities, while the National Commission for Minorities performs functions related to monitoring safeguards and addressing minority concerns (Ministry of Minority Affairs, n.d.; National Commission for Minorities, n.d.). These arrangements show that the minority question in India is not treated as a temporary or peripheral issue. It is recognized as an ongoing matter of governance, welfare, equality, and rights protection.

- **Constitutional dimension** – The minority question in India is closely tied to constitutional guarantees relating to culture, language, religion, and education. Articles 29 and 30 provide the central legal foundation for this protection (Constitution of India, 1950).
- **Social dimension** – It also has a social dimension because minority communities may face prejudice, exclusion, insecurity, or unequal treatment in public life. Thus, the issue is linked with everyday dignity and participation, not only with legal texts.
- **Institutional dimension** – The minority question involves institutions such as the Ministry of Minority Affairs, the National Commission for Minorities, educational bodies, courts, and the police. These institutions translate legal safeguards into practical protection (Ministry of Minority Affairs, n.d.; National Commission for Minorities, n.d.).
- **Human-rights dimension** – The question is also a human-rights issue because it concerns equality, dignity, non-discrimination, participation, and freedom of religion, language, and culture. Minority protection is therefore part of the broader framework of human rights (OHCHR, 2010).

### Relevance to the Present Study

For the present research, the minority question in India provides the wider national framework within which the situation of Meerut district must be understood. The study is not merely about minorities as abstract constitutional subjects; it is about whether minorities experience actual protection through the police and the law-and-order system. Therefore, the Indian minority question becomes directly relevant because it connects constitutional guarantees, institutional arrangements, and field realities.

In this sense, the minority question in India helps locate the present study within a broader democratic concern: whether a plural constitutional state is able to ensure equal security, dignity, and trust for minority communities through its public institutions. This is why the role of police in minority human-rights protection becomes such an important area of inquiry in a district marked by social diversity and communal sensitivity.

## **CONCEPT AND MEANING OF HUMAN RIGHTS**

The concept of human rights is one of the foundational ideas of modern legal, moral, and democratic thought. Human rights are generally understood as those rights which belong to every person simply because he or she is a human being. They are not granted by the State as a matter of favour; rather, they are inherent in human dignity and are meant to protect life, liberty, equality, and the full development of personality. The Office of the United Nations High Commissioner for Human Rights explains that human rights are rights inherent to all human beings, regardless of nationality, sex, religion, language, ethnicity, or any other status, and emphasizes that these rights are universal, interrelated, interdependent, and indivisible (OHCHR, n.d.). The Universal Declaration of Human Rights also begins with the idea that all human beings are born free and equal in dignity and rights, thereby placing dignity at the centre of the human-rights framework (United Nations, 1948).

In India, the meaning of human rights is closely connected with constitutional values and institutional protection. The National Human Rights Commission of India traces its mandate to the Protection of Human Rights Act, 1993, and presents human rights as linked with life, liberty, equality, and dignity. This Indian understanding is important because it shows that human rights are not merely international ideals; they are also part of the national legal and administrative framework through which citizens can claim protection against injustice, abuse, and discrimination (NHRC, n.d.). For the present study, the concept of human rights is especially significant because the protection of minorities by the police cannot be properly examined unless human rights are understood as enforceable claims rooted in dignity, equality, and lawful treatment.

### **Meaning and Essential Character of Human Rights**

Human rights mean those minimum rights and freedoms without which a human being cannot live with dignity as a full member of society. These rights include protection of life, personal liberty, equality before law, freedom of conscience, freedom from discrimination, and access to justice. The essential character of human rights lies in the fact that they are inherent, universal, and inalienable. They are inherent because they arise from the very nature of human existence; they are universal because they belong to all persons without distinction; and they are inalienable because they cannot be arbitrarily taken away by the State or any authority except under lawful and just conditions. OHCHR's official explanation of human rights stresses precisely these features and further notes that human rights are interrelated and indivisible, meaning that denial of one right often affects the enjoyment of others (OHCHR, n.d.).

The meaning of human rights is therefore much broader than mere legal entitlement. Human rights also have a moral dimension because they express the value of the human person. When a person is denied dignity, equality, or freedom, the issue is not simply technical or administrative; it becomes a human-rights issue. This is why modern democracies treat human rights as the basis of legitimate governance. In the context of the present study, this understanding is very important because minority insecurity, unfair treatment, discriminatory policing, or denial of equal protection are not only administrative failures; they are violations of human rights in the deeper sense of dignity and justice.

### **Human Rights in International and Indian Context**

The modern international understanding of human rights was strongly shaped by the Universal Declaration of Human Rights, 1948. The UDHR is widely regarded by the UN Human Rights Office as a milestone document

because it set out, for the first time, fundamental human rights to be universally protected. Its provisions extend across civil, political, economic, social, and cultural rights, thereby showing that human dignity requires more than mere survival; it also requires liberty, equality, work, education, participation, and security under law (United Nations, 1948; OHCHR, n.d.). International human-rights law has since developed through treaties and mechanisms that require States to respect, protect, and fulfil human rights. OHCHR's overview of international human-rights law clearly states that by becoming parties to treaties, States assume obligations to respect, protect, and fulfil these rights (OHCHR, n.d.). In India, the idea of human rights is closely tied to the Constitution and to institutions like the NHRC. Fundamental Rights under the Constitution protect equality, liberty, religious freedom, and constitutional remedies, thereby giving practical shape to human-rights principles in domestic law. The NHRC, established on 12 October 1993 under the Protection of Human Rights Act, further institutionalizes the protection and promotion of human rights within India's governance framework (NHRC, n.d.). Thus, the Indian context shows that human rights operate at two levels: first, as constitutional guarantees available to citizens and persons; and second, as part of a broader administrative and institutional system meant to address violations and ensure accountability.

- **Civil rights** – These include rights relating to life, liberty, personal security, equality before law, and protection from arbitrary action. Such rights are essential for legal protection and individual freedom (United Nations, 1948).
- **Political rights** – These relate to participation in public life, freedom of expression, association, and the ability to take part in governance. Political rights ensure that people are not merely subjects of power but participants in democracy (United Nations, 1948).
- **Economic and social rights** – These include rights connected with work, education, health, social security, and an adequate standard of living. They show that human dignity requires supportive social conditions and not only formal liberty (United Nations, 1948).
- **Cultural rights** – These refer to the right to participate in cultural life, preserve identity, and enjoy one's heritage, language, and traditions. Such rights are especially important for minorities and distinct communities (OHCHR, 2010).

### **Relevance to the Present Study**

The concept and meaning of human rights provide the normative base of the present research. Since this study examines the role of police in protecting the human rights of minorities in Meerut district, the analysis cannot be limited to crime control or law-and-order maintenance alone. It must also examine whether minorities enjoy dignity, equality, fair treatment, religious freedom, and equal protection of law in practice. Thus, the concept of human rights directly links the present study with the broader democratic question of how state institutions, especially the police, treat vulnerable and distinct communities. If police conduct protects life, liberty, equality, and dignity without discrimination, it strengthens human rights; if it fails to do so, the failure becomes both an institutional and a human-rights concern.

### **NATURE AND SCOPE OF HUMAN RIGHTS**

The nature and scope of human rights explain why these rights occupy such a central position in democratic societies and legal systems. Human rights are not ordinary claims that depend merely upon the goodwill of governments; they arise from the inherent dignity of the human person and are intended to ensure conditions necessary for a life of freedom, equality, justice, and security. The United Nations human-rights framework describes these rights as universal, interrelated, interdependent, and indivisible, meaning that no category of rights can be treated as isolated from the others (OHCHR, n.d.). Similarly, the Universal Declaration of Human Rights presents human rights as a common standard of achievement for all peoples and all nations, thereby extending their reach beyond national boundaries and making them applicable to every individual without discrimination (United Nations, 1948).

In the Indian context, the nature and scope of human rights are also reflected in the Protection of Human Rights Act, 1993, which defines human rights as rights relating to life, liberty, equality, and dignity of the individual guaranteed by the Constitution or embodied in international covenants and enforceable by courts in India (Protection of Human Rights Act, 1993). This definition is especially important because it shows that human rights are not merely philosophical ideals but legally recognized claims tied to enforceability, institutional protection, and constitutional governance in India. For the present study, this understanding is crucial because the role of police in protecting minority rights must be examined within the wider scope of life, liberty, equality, dignity, and lawful treatment.

### Nature of Human Rights

The nature of human rights may be understood through a few essential characteristics. First, they are universal, which means that they belong to all human beings without distinction of religion, race, caste, sex, language, nationality, or social background. Second, they are inherent, because they flow from the mere fact of being human and are not created by the State as a gift or privilege. Third, they are inalienable, meaning that they cannot be arbitrarily taken away, except under lawful and narrowly justified circumstances. Fourth, they are indivisible and interdependent, so that the denial of one right often weakens the enjoyment of other rights. OHCHR repeatedly emphasizes this indivisible and interdependent character, noting that civil and political rights cannot be fully enjoyed without economic, social, and cultural rights, and vice versa (OHCHR, n.d.).

This nature of human rights gives them a moral as well as legal force. They are moral because they arise from dignity, and they are legal because modern constitutions and international instruments recognize them as enforceable norms. In practical terms, this means that human rights shape the conduct expected from the State and its institutions, including the police. A police system that protects life but ignores equality, or enforces order but neglects dignity, cannot be said to uphold human rights in their full nature. In the context of the present study, this point is highly relevant because minority protection requires not only security from violence but also equal treatment, fairness, and respect for human dignity.

### CONCLUSION

The minority question in India is an important issue of constitutional democracy, social justice and human rights. India's plural society requires a system where different religious, linguistic and cultural communities can preserve their identity while participating equally in national life. Articles 29 and 30 of the Constitution provide a strong legal foundation for the protection of minority language, culture and educational rights. However, legal safeguards alone are not sufficient unless they are supported by fair institutions, effective policies and equal treatment in public life. Minority rights should be understood as part of the broader human-rights framework because they are linked with dignity, equality, non-discrimination, freedom of religion, cultural identity and participation. The role of institutions such as the Ministry of Minority Affairs and the National Commission for Minorities is important in translating constitutional promises into practical protection. The study concludes that the protection of minorities strengthens democracy, promotes social harmony and supports national unity. Therefore, minority protection must be treated not as a temporary administrative concern, but as a continuous constitutional and human-rights responsibility.

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