



Human Rights of vulnerable groups specially the Minorities in India

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ABSTRACT

Human Rights are those conditions of life that allow us to fully develop and use our human qualities of intelligence and conscience and to satisfy our spiritual needs. We cannot develop our personality in the absence of rights. Certain social groups frequently experience discrimination, and they require special care to prevent possible exploitation. These individuals make up what are known as vulnerable categories. The vulnerable groups are discriminated on the ground of being economically weaker sections of the society. In case of women and children it is much greater since the society treats them as biologically weak. The attribute of taking undue advantage of the weaker sections in the society results in exploitation which in turn leads to anti-social behavior. India is a multi-lingual and multi-religious country. Indian society is pluralistic in character from the religious and other point of view. Since a very long time people belonging to various religious communities has been living together in this country. But there are some problems which the minorities normally face where we can say the violation of rights of minorities. Such problems can be categorized viz. problem of preserving their distinct social and cultural life, problem of protection and problem of communal tensions and riots.

Keywords:

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INTRODUCTION

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

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

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

There are many different minority circumstances, but one thing they all have in common is that they all too frequently experience multiple forms of discrimination that lead to marginalization and exclusion.

We must embrace diversity through the promotion and execution of international human rights standards in order to ensure the effective involvement of minorities and to end their exclusion.



Importance of Human Rights

- Everyone is guaranteed access to basic necessities like food, shelter, and schooling thanks to human rights.
- The most defenseless people of society will be protected by human rights.
- Human rights law guarantees the freedom of opinion and expression.
- Human rights safeguard the right to practice any religion one wishes.
- In accordance with human rights, everyone has a right to education.
- To benefit society and the people who reside there, human rights protect the environment.
- For the purpose of guaranteeing that people's rights are safeguarded, human rights serve as a common benchmark.

OBJECTIVES OF THE STUDY

- 1) To know about the importance of human rights in India.
- 2) To investigate the significance of minorities' liberties.

RESEARCH QUESTIONS

- 1) What is the need of preservation of the distinct social and cultural life and several customs and cultures of the minorities?
- 2) What is the need to protect the minorities especially in times of communal violence, caste conflicts, observance of festivals and religious functions on a mass scale?

METHODOLOGY

The study is of descriptive type based on secondary sources. The data obtained from various published and unpublished books, records, reports and journals of the government of India, various records of Assam government, internet surfing etc.



CURRENT SITUATION IN INDIA RELATED TO HUMAN RIGHTS

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

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

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

The National Human Rights Commission (NHRC) is responsible for addressing all matters relating to human rights, including promoting knowledge of human rights principles and legislation, defending the right to healthcare, and safeguarding the environment. The primary goals of the NHRC and a sizable number of other NGOs and organisations working in this area are to inform people of their rights and to encourage them to speak up if something occurs or if someone abuses those rights.

MINORITY IN INDIA

The Indian Constitution used the word "minority" but did not define it; instead, it used the terms "linguistic minorities" or "religious minorities" in Article 30 (1). The preposition or indicates that a minority can be either linguistic or religious; it is adequate if it is just one of them. However, for the purposes of article 30(1) of the Indian Constitution, the



minority must be decided with reference to the entire population if a state law that applies to the entire state is in issue.

There is no clear definition of what constitutes a minority in India, but under Section 2(c) of the National Commission for Minorities Act of 1992, Muslim, Sikh, Christian, Buddhist, Jain, and Zoroastrian (Parsi) groups have been recognized as minorities. According to the Census of 2011, minorities make up about 19.3% of the overall population of the nation. 14.2% of people identify as Muslims, 2.3% as Christians, 1.7% as Sikhs, 0.7% as Buddhists, 0.7% as Jain, and 0.006% as Parsis.

Other underrepresented and indigenous communities include the 201 million Dalits (also known as "scheduled castes") and the 104.3 million Adivasis (also known as "scheduled tribes") (8.6 per cent) [Census of 2011] Andaman Islanders and Anglo-Indians. The rigid caste system that exists in India is a pervasive marker of social stratification and identity. The scheduled castes, which include "Dalits," also known as Harijans or "Untouchables," make up 16.6% of India's overall population. According to the Indian Constitution, the government must compile a roster or schedule of the lowest classes that require compensatory programmes. The Adivasis, who make up a sizable portion of India's 8.6% indigenous population and are referred to as "scheduled groups" in the constitution.

- 1) Buddhists do not experience severe levels of discrimination and are not particularly targeted as minorities, in contrast to the sizable Muslim minority and Christians. But many groups have faced prejudice and repression, even within the wider Hindu faith. The Dalit situation serves as a clear illustration of the systemic discrimination that a group may experience within Hinduism. As previously mentioned, the word Dalit, which literally translates to "the oppressed," is an assertive term of self-identification that refers to what are known as the "scheduled castes" in terms of strict legal and constitutional terminology.

PROBLEMS OF MINORITIES

Social divides exist among minorities within themselves. Sunni and Shia Islam are



separated. While the latter can be found in Bangalore, Mysore, and Bijapur, the former can be found all over India. Two social groups can be distinguished among Muslims: the elite educated groups and the Dalit Muslims, who work in low caste jobs. Christians also fall into two categories, with the elite Christians—who are also, coincidentally, wealthy—living in Bengaluru and Mangalore. However, the so-called Dalit Christians, the majority of whom are turned members of low Hindu castes, are mainly found in the southern region of Karnataka, close to the states of Tamil Nadu and Andhra Pradesh.

There are two Jain groups: Svetambar and Digambar. Fortunately, there don't seem to be any conflicts between them because both the Buddhists and Parsis originated from Hindu-Dalit castes, with the Parsi having their origins in Iran.

Both universal and minority-specific issues are faced by the minority groups. High rates of poverty, unemployment, and discrimination in society and in government offices where people apply for government benefits are among the prevalent issues. Low levels and insufficient access to municipal services, including those for housing, health, and education, are another issue.

To get to the particular issue, Muslims are singled out as terrorist targets and given the moniker deshdrohi. Their mother language is Urdu, their Dargah flag is similar to the Pakistani flag⁸, and their eating habits and gender-specific attire make them socially isolated. Another instance of social exclusion is the social control exercised by Hindu right-wing organizations in coastal Karnataka to prevent interaction with Hindu females. They live in distinct residential areas as a result of social exclusion, which are discriminated against by the government when it comes to offering municipal services.

Due to their unique socio cultural backgrounds, some minority groups—most notably Muslims and Christians—have different eating habits from the rest of the population. In particular, the two communities prefer to consume beef. Some Islamists sell beef and slather themselves on cows. Since the majority community members revere and venerate cows, they view them as undesirable and criminal people.

In reality, some states, like Maharashtra, completely forbid the slaughter of cows. It is

controlled in Karnataka. Since beef is a source of high protein and is less expensive than mutton, it is a practical method to provide nourishing food to the underprivileged who cannot afford mutton. Any move to outlaw cow-slaughtering and the selling of beef would put these people out of business because some members of the Muslim community are involved in these industries.

RIGHTS OF MINORITIES AS HUMAN RIGHTS IN INDIA

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

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

CONSTITUTIONAL PROVISIONS

- The State is described as being "Secular" in the Preamble to the Constitution, and all Indian citizens are guaranteed "liberty of thought, speech, belief, faith, and worship" as well as "equality of position and of opportunity."
- The Indian Constitution is distinctive in that it mandates affirmative action and positive prejudice for minorities. The following is stated in Section III of the Constitution, which addresses fundamental rights:

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

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

Article 16(1) & 16(2): citizens' right to 'equality of opportunity' in matters relating to employment or appointment to any office under the State – and prohibition in this



regard of discrimination on grounds of religion, race, caste, sex or place of birth.

Article 25(1): people's freedom of conscience and right to freely profess, practice and propagate religion – subject to public order, morality and other Fundamental Rights.

Article 26: The ability of "every religious group or any part thereof" to "manage its own affairs in matters of religion," own and acquire real estate, including both movable and immovable property, and govern it "in accordance with law," subject to public order, morality, and health.

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

Article 28: people's 'freedom as to attendance at religious instruction or religious worship in educational institutions' wholly maintained, recognized, or aided by the State.

Article 29 (2): restriction on denial of admission to any citizen, to any educational institution maintained or aided by the State, 'on grounds only of religion, race, caste, language or any of them'.

Article 30(1): right of all Religious and Linguistic Minorities to establish and administer educational institutions of their choice.

Article 30(2): freedom of Minority-managed educational institutions from discrimination in the matter of receiving aid from the State.

National Commission for Minorities

- A National Commission for Minorities has been created as a statutory entity under the National Commission for Minorities Act, 1992, in addition to these protections offered by the Constitution and the applicable laws. According to Section 9(1) of the Act, the Commission must carry out duties that include, among other things, monitoring the operation of the safeguards for minorities provided in the Constitution and in laws enacted by Parliament and the State Legislatures; making



recommendations for the effective implementation of safeguards for the protection of minorities' interests by the Central Government or the State Governments; and investigating specific complaints regarding discrimination.¹¹

- The Protection of Human Rights Act of 1993 established the NHRC, India, as a statutory, autonomous body with the following mandates: investigating human rights violations on its own initiative or in response to a petition submitted to it; reviewing the protections offered by the Constitution and domestic laws; studying international human rights treaties; promoting research in the field of human rights; promoting human rights literacy among various sections of society; and coordinating the efforts of other organizations. Additionally, it has the power to recommend the payment of compensation or damages, give temporary relief, and start legal or disciplinary proceedings against negligent public officials.¹²

FINDINGS, CONCLUSION AND SUGGESTIONS

India is a country of diversity, home to a wide range of ethnic groups and cultures, language, caste, race, tribes, customs, food habits, way of living, standard of living etc. Within this diversity, Hinduism is the majority religion in India with its 79.80% population. India has minority religions like Islam, Christianity, Jainism, Buddhism, Parsi, Sikhism etc. This numeral difference is a fertile ground for communal violence and riots. Additionally, because of this, minorities are more open to persecution from followers of the dominant faith. India has a disgraceful past marked by violent and numerous inter-communal conflicts. The partition of India serves as a prominent illustration of how intolerant religious emotions can be used to defend India's fading heritage. The founding fathers and framers of the Indian Constitution were very careful and cautious to include such provisions in the Indian Constitution, which can halt the communal violence and safeguard the rights of minorities, keeping in mind the recent memories of bloody communal riots and mutinies. Though the various measures were adopted to safeguard and protect the interest of the Indian minorities still their rights could not be protected. In many ways their rights are violated till today. There should be provision of equal rights to every citizen of India regardless of their caste, race, religion, language,



script, or other socio-cultural factors. There should be provision of certain number of seats reservation in the parliament and every government polity at every level of the federal structure. To strengthen the minorities, the measures should be taken for equitable share in economic activities and employment. For this purpose, provisions should be made such as up gradation of skills through technical training, enhanced credit support for economic activities, recruitment to state and central services, improvement in condition of slums etc. for minority communities.

REFERENCES

1. The Constitution of India, Govt. of India.
2. Vijapur, Abdulrahim P. (2010). Human Rights in International Relations. Manak Publications Pvt. LTD, New Delhi.
3. Introducing Human Rights (2006). South Asia Human Rights Documentation Centre, , Oxford University Press, New Delhi.
4. Paul, Sonatan (2022). Human Rights in India. Ashok Book Stall Publications, New Delhi.