
Status of Minorities: A Comparative Study of India and Pakistan

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Abstract

This research article titled “Status of Minorities: A Comparative Study of India and Pakistan”, is an attempt to understand the status of minorities e.g., economic, political, social and constitutional rights that has been underestimated for decades. Comparative analysis research method has been used to comprehend the rights of minorities and their violations by India and Pakistan. To understand the status of minorities in India and Pakistan the liberalism theory is being used. The data supported my research hypothesis “Violations of Rights of Minorities in Pakistan is the outcome of individual actions whereas in India the violation of minority rights is backed by government machinery” Pakistan’s stance on protection of constitutional, socio economic and political rights of minorities from day first is very clear. Rights of minorities have been protected under objective resolution 1949 and then in constitution of 1973. While Indian constitution is a secular one, the majority Hindus are using this secular constitution to exploit rights of the minorities. Off and on the communal violence is been witnessed. Gujrat massacre under the Chief Minister ship of Modi current Prime Minister of India can be termed as state sponsored massacre of Muslims. When Modi took office as PM, the radical Hindus become more hostile towards minorities living in India. On governmental level many unilateral legislations have been made against minorities’ religious rituals e.g., Muslim marriage Act of Tripple Talaq. Beside this unlawful Citizenship amendment bill and abrogation of article 370 from Kashmir and Farmers Agricultural Acts without consulting Sikh community led to an uncertainty. The liberalist theory advocates the rights of every individual must be ensured as it is the basic principle of democratic system of government. But it has been observed that serious violations of minority rights at state level in India and individual level in Pakistan.

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Introduction

Minority groups in terms of religious, ethnic, cultural, linguistic or religious identities that distinctly differ from the majority group are living in all states. For peaceful coexistence, religious harmony is very important. The largest minority group in the world is hosted by India are millions in numbers. This study explores the status of minorities living in India especially three major religious groups e.g. Muslims, Christians and Sikhs. A considerable minority groups living in Pakistan, this study focuses on Hindu, Sikh and Christian community from Pakistan. Due to the rights of minorities that have been threatened in the pre partition era of sub continent, a state named Pakistan came into its existence to ensure the liberty , security and religious freedom to the minority Muslims living in the united India. This was purely a minority issue and movement. This study aims to find status of minorities e.g. political, constitutional, economic and social rights of minority groups living in both states post partition. History of both states tells us that, both countries are facing multiple minority issues such as discrimination, communal violence and religious prejudices across the border and it has to a large extent impact on Pak-India relations.

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According to Louis Wirth, a renowned Sociologist, minority group is; *"A group of people who, because of their physical or cultural characteristics, are singled out from the others in the society in which they live for differential and unequal treatment and who therefore regard themselves as objects of collective discrimination."*

India and Pakistan emerged as the democratic states and even India is known as the largest democracy in the world. Both states tried to incorporate the rights of minorities in their constitution as per the nature of their state system. This study elaborates the secular constitution of India and its effectiveness with reference to minority rights, while it is working in the greater interest of minority groups or not, whether this secular constitution is ensuring the rights of the minorities or not. The theory of liberalism well explains the phenomenon of rights of minorities across the border. Due to the lack of resources while collecting data from India mostly secondary sources have been used. While in Pakistan interviews have been conducted in different areas, Islamabad, Rawalpindi and Peshawar.

If we look at Pakistan's stance for seeking independence from the United India was to secure minorities rights in separate homeland. Thus, a topic of minorities is taken up with serious concerns on both sides of border. In case of India, the safeguard of minority groups in India particularly attracts the attention of the world community due to its complicated social fabric that is characterized by social ostracism on the grounds of caste, ethnicity and religion while for Pakistan the scenario is opposite.

Research Methodology

Mixed method has been used to conduct this research. The qualitative research involves when the research is to be made on human behaviors, attitudes, cultures and experiences, on the bases of observation and interpretation the research is said to be qualitative. The qualitative data can be in form of texts, pictures words etc. The qualitative research is conducted to find out underlying motives and desires through in-depth interviews. The quantitative data is measureable in the form of numeric data, charts, graphs etc. In quantitative research empirical or measurable data is used to reach any conclusion. Close ended interviews are conducted in quantitative research method. The organized study of available documents with comparative study design provided grounds for the discussion on this subject.

Status of Minorities in India

India is hosting biggest minority population nearly 311 million Muslims, other minority groups such as Sikh and Christians are also occupying up to 4 percent of the total population. Historically, after the war of independence 1957 Hindu nationalism emerged as a political thought, which soon given birth to the Hindu extremists. These Hindu extremists soon attracted other Hindus especially youngsters. This led to spread hatred for non Hindus in the united India. Resultantly, the biggest majority groups Muslims felt insecure, and this sense of insecurity and survival led to partition of the United India. This study is focusing on the behavior of majority Hindus post partition towards minorities.

Indian population is 79.8% Hindu, 14.2% Muslim, 2.3% Christian, 1.7% Sikh, 0.7% Buddhist and the remaining 1.3% made up of Parsis (Zoroastrians) and Jains according to the 2011 census. The Indian constitution declared no state religion and according to a 1972 amendment, it is technically a "secular, socialist republic." Moreover, the constitution does not define the term minority and simply treats it as an open term which may be applied to a religious or linguistic or any other distinct group. It was in 1993 that the government recognized five religious minorities in the light of the Babri Mosque incident (Muslims, Sikhs, Buddhists, Parsis, Christians; Jains were added to the list in 2006) and a National Commission for Minorities was set up along with establishment of a Ministry of Minority Affairs in 2006. According to recent census 2016, in numerical terms of India, Muslims consist of 13.4% cent of the population, Christians 2.3%, Sikhs 1.6 %, Buddhists 0.8%, Jains 0.3% and Parses a few thousands. According to a geographical survey suggests that majority of the Muslim population lives in four Indian states namely: Bihar, West Bengal, Uttar Pradesh and Assam.

Indian Muslims

The poor Muslims families are facing lot of challenges and suffering most among the other minority groups living in India. These poor Muslims often lose their loved ones the only source of earning that led to making them

destitute. The poor families also lose their homes as well head of the family. It is observed that the law enforcement agencies favor Hindu culprits, and dealing Muslims with biasness. The law enforcement institutions usually arrests innocent Muslims youth, and send them behind bars, that disturbs the family concerned and it creates a sense of alienation and insecurity among the poor Muslims.

According to the expected rate of growth, the population of the World's Hindus in India is to grow till 1.3 billion individuals. As of 2010, 94% of the World's Hindus reside within India, and this concentration of Hindus does not seem to be moving elsewhere, with an increase of 33% in their population. However, this is also expected to coincide with a boom in the largest minority in the world. The Muslim Minority within India is the largest minority in the world, and it is expected to grow furthermore with a 76% increase in population. This will lead it to being the largest population of Muslims in the world, with a total population of 311 million individuals. So having such a huge minority population it has gained more attention and importance in the 21st century. A country having more than 300 millions Muslim population must be used as tool to reshape the relations between India and Pakistan. fundamental rights are applicable to all citizens regardless of their socio-politico-economic status while separate domain rights are especially reserved for minorities of all kinds. Constitutionally, minorities in India have freedom of expression, faith and belief. But in practical, situation is totally different. The state institutions are mishandling the affairs of minority groups. Especially, soon after Modi's step into power corridors. The law enforcement agencies are biased towards minority Muslims and Sikhs. So, these minority groups live in fear.

Indian Constitution and Minority Rights

It is being observed after the studying the Indian constitution, there is still no clear definition of the minority living in India. In the first constitution 1950, India declared as a secular state, but in the preamble the word secular was not mentioned, the notion of secularism more proclaimed in second constitution of 1976. Which in other words state that *"all religions in our country (irrespective of their strength) have the same status and support from the state under this constitution, with article 36 to 56"*. Directive Principles of State Policy" is enshrined in the constitution to keep in mind the minorities rights and security before any legislation or decisions-making. However, under national commission act 1992 five religious minorities have been identified in the constitution. Lately in 2014, Janes also have been identified as minority groups. This shows the involvement of minority group identification rights and status in the period of time. In which Indian constitutional article-29, Article-30 and Article 350 grant the freedom of religion, freedom of speech, expression, basic fundamental rights along with the securitization of educational and social security dynamics.

But it is observed that in the recent past while making legislation regarding minority groups, no consultation with minority groups being carried out, that led to a sense of alienation among the minority groups of India. Important legislation e.g. Trippl Talaq, Citizenship Amendment Bill, abrogation of article 370 and the Indian agricultural act led to unrest in the society. These laws are directly dealing with the minority groups' e.g. Muslims and Sikhs.

In India, there is no reserved representation for religious minorities in Parliament of legislative bodies. It is so because there is no explicit definition of minorities in India. The term minority have a range of connotations for Indians which include religious, ethnic, lingual and so on. However, there are reserved seats in Indian Parliament for Scheduled Castes and Scheduled Tribes. The notion of secular India is being used to exploit the rights of minority groups, as in democratic system the minority is at the mercy of majority.

Due to the lack of reserved seats for Muslims, Sikhs and Christians they are underrepresented in the upper and lower houses. They don't have the role in the law making process. As the result they are unable to contain Hindu majority to legislate against minorities as mentioned above. The rights ensured by the constitution of India to Indian minorities, are not fully enjoyed by the minorities in India. The importance of minorities has not been recognized or another words less recognized. India is masking its real face of Hindu extremism, by using secularism as a political tool showing to the world. In so-called secular country it's harder for minorities to live a dignified life under the Modi government specially.

According to Ambedkar's speech to the constituent assembly of India, the majority can vanish the faith and concept the minorities whenever they want. So, it illustrates the vulnerability of the minority groups living in India. Indian constitution there is no concept of minority as being the secular democracy; India claims to be a

nation state. The rights determined by the advisory committee were fundamental rights oblige to a nation state, but following the Ambedkar concept, the minority groups existed in India and had to be provided basic human rights. The advisory committee provided some recommendation for the minorities' rights in Indian constitution. These basic minority rights were to secure equality, educational, discriminatory and basic liberty of the minorities in India. The foundation of constitutional minority rights has been taken from article 29 and 30.

The Indian constitution divided into two categories e.g. the Separate Domain and Common Domain that ensures fundamental human rights. The separate domain addresses the minority rights and Common Domain is for the entire nation living in India to be followed. Following are the fundamental rights in Constitution of India which comes under the separate domain for minorities;

- "Right of 'any section of the citizens' to 'conserve' its 'distinct language, script or culture' [Article 29(1)]"
- "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 29(2)];"
- "Right of all religious and linguistic minorities to establish and administer educational institutions of their choice [Article 30(1)]"
- "Freedom of minority managed educational institutions from discrimination in the matter of receiving aid from the State [Article 30(2)]"

Despite guarantees of rights of the minorities in the Indian constitution, still there are issues in the implementation and operationalisation of these provisions of the law. The condition of minorities in India is very bad, and much worsened recently particularly after Modi's accumulation of power. India has the worst profile throughout the history regarding human rights. Since 2014 when BJP came into power at a national level has much deteriorated the situation. The situation got worsened, and much deteriorated since BJP came into the power corridor since 2014, minorities alienated more in the national level politics. The victory of Situation get more worsened when Modi re-elected with overwhelming majority second time, minorities especially Muslims, Christians and Dalits felt more insecurity and threatened. After Modi's coming into power corridor, minorities were subjected to severe kind of torture, violence and threatened, has been observed. Killers of minorities being supported by government and also influencing judicial process resulted culprits remain unpunished. These circumstances led to uncertain situation, sense of life insecurity increased with the passage of time. The Indian authorities have deliberately delayed the investigation process of multiple cases or justify the attacks.

The notorious Ayodhya Babri Mosque decision further strengthened the RSS thought and movement against Muslims and other minorities. This decision has shaken the confidence of Muslims in the Indian Judiciary. The culprits and murderer of innocent minorities are wandering freely due to the support from government machinery that gives them more courage to violence against minorities. Activists, voicing for injustices committed by authorities, being targeted by security forces, and subjected to humiliation and torture. Their voice is suppressed by regulation, which is truly against freedom of speech. India believes in secularism but its metamorphosing interpretations have created a conflict between secular ideology and minority rights. India claims to be a nation state that celebrates 'unity-in diversity' cultural plurality, ethnic and multi- religious. But at the same time secularism and minority rights considered

as opposite to each other, as India's constitution is secular but majority Hindus are extremists supporting RSS ideology.

Representation of Minorities under Reserved Quotas

In India, however, there is no reserved representation for religious minorities in Parliament of legislative bodies. It is

so because there is no definite definition of minorities in India. The term minority have a range of connotations for Indians which include religious, ethnic, lingual and so on. However, there are reserved seats in Indian Parliament for Scheduled Castes and Scheduled Tribes. India has given minority status to only schedule cast the untouchables within Hindu religion. But other non Hindu minorities have been neglected. The Scheduled Castes and Tribes were given reserved seats in Indian constitution due to the efforts of Indian Politician B. R. Ambedkar

who argued for reservations for the Scheduled Castes. This has resulted in 84 seats for Scheduled Castes and 47 seats for Scheduled Tribes out of total 543 seats in Parliament of India.

Rights of Minorities in the Constitution of Pakistan

The sense of extreme nationalism and religious extremism prevails in the people of Pakistan have marginalized many ethnic and religious communities in Pakistan. When Pakistan came into its existence this pure land was blessed with multi cultural, ethnic, lingual and multi religion with dominant Muslim population. Pakistan ensured the fundamental rights of the minorities and it has been written in the Objective Resolution of 1949 (Preamble of Constitution of Pakistan), which was made part of the constitution through eighth amendment in 1985. Quaid e Azam Muhammad Ali Jinnah, in his first address to the constituent Assembly said; *“You are free; you are to go to your temples. You are free to go to your mosques or to any other places of worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State”*.

According to the Objective Resolution of 1949, Minorities were free to do their religious activities and it was the duty of government to procure these rights. They were allowed to enter into the civil service exams and as government officers. After the passage of the report from the committee in 1950, minorities were given generous rights as citizens of Pakistan.

- “No discrimination against any community in the matter of exemption from or concession in taxes granted with respect to religious institutions”.
- “No discrimination in admission to educational institutions”.
- “Any minority residing in the territory of Pakistan or any part thereof having a distinct language, script, or culture of its own should not be prevented from conserving the same”.
- “The state shall not discriminate in granting aid to educational institutions, discriminate against any educational institution merely on the ground that it is mainly mentioned by a religious minority”.
- “There shall be a Minister for Minority Affairs both at the center and in the provinces to look after the interests of the minorities and to see that the safeguards provided in the constitutions for the minorities are duly observed”

According to statistic there are minority groups include Hindus and Sikhs mainly who are 3.6% of the population. According to 1973 constitution of Pakistan Article 20 and 22 defines freedom to profess and manage religion and religious institutions subject to morality and law. Article 20(a) and (b): “Every resident of the state shall have the right to practice and preach his religion and have the right to manage and establish its religious institutions.”

Article 22: “There should be no discrimination against any one attending any educational institutions or take part in any religious ceremony.”The constitution further defines that “the state shall protect the rights and interests of minorities, its due representation in centre and provincial services, and no restrictions or discrimination in respect to access to public places, right to information, safeguarding of language and culture and property rights etc.” In 1998, census shows that the minorities with large proportion were Hindus and Christians they were composing 39000(Hindus) and 26462(Christians) individuals respectively. In addition, the remaining were Ahmadis (9800) and scheduled castes (6759).

Representation of Minorities under Reserved Quotas

According to the constitution 10 seats have been reserved in National Assembly and 4 seats in senate. Minorities can also contest in general elections. Apart from this, employment opportunities have been provided through reserved quotas for minorities. The necessity of reserved representation for non-Muslims in Pakistan comes from the fact that Pakistan is a country founded on Muslim identity. Yet, its founding father Muhammad Ali Jinnah ensured the liberty to all citizens regardless of their religious identity. Therefore, in order to provide a definite and permanent representation to non-Muslims, they were given reserved seats in addition to the independence to contest in general seats.

The status of representation of minorities in a country’s political system differs greatly between India and Pakistan. This difference serves as an important indicator of the rights delegated to minorities in both countries. At the same time, it shows the different nature and historical requirement for representation in both countries.

The constitution of Pakistan holds a very special and to a large extent a soft position on the matter of minorities. Rights of minorities have been protected and the state narrative is very much clear on ensuring the rights of minorities. But it has been observed, the minorities are discriminated at individual level, some of the incidents e.g. forceful conversion and forceful marriage of non Muslim under 18 years girls has damaged the states image at international level.

Minority Rights Violations in Pakistan

Honour killings continue in the province and the highest number recorded was in 2013-2014. Attacks on Hindu temples and forced conversions have also been rising. Incidents of child abuse and women's harassment are common. These abuses have increased the radical religious groups causing more unrest in Sindh. Punjab by population is the largest among all the provinces of Pakistan. In this populous province, there live 2.31% of total Christians of Pakistan, 0.13% Hindus, 0.03 scheduled castes and 0.07% other minorities. This data shows that province of Punjab is having a large number of minorities residing. These violations involve force conversion, beating by the mob, lack of right to education as well as social and unlawful discrimination. In one notable incident in 2016, Jamaat-ul-Ahrar (an offshoot of Tehrik-e-Taliban Pakistan) attacked a park in Lahore on Easter, specifically targeting Christians.

Comparative Analysis

The communal riots and in India is permanent feature of Indian politics since long. A recent report in 2016 published by US Commission on International Religious Freedom that indicates, India as most intolerant in terms of religious freedom. Data shows that in the first five month of 2016, 275 communal incidents have been recorded and 38 people have been killed in these incidents as compare to 2015, 750 incidents with 97 casualties. In West Bengal nation, social media posts were blamed for seven of the 27 incidents throughout January-May 2016. The maximum incidents of communal violence up to 75% of all incidents taken place in the states of Uttar Pradesh, Bihar, Maharashtra, Jharkhand and Madhya Pradesh.

While in India the so called secular nation state led to exploitation of minority groups particularly Muslims and Sikhs. In the recent past many legislation have been made directly effecting Muslims and Sikhs living in India. When a protest staged against Citizenship Amendment Act, many houses and mosques of the Muslims have been set on fire by RSS's goons. This has created a sense of alienation and fear among the minority Muslims living in the India. The police behavior with Muslims is also pathetic.

Pakistan, however, is better than India (which claims to be secular). The minorities in Pakistan have more rights in constitutions and in the governments. The organizations implement them a little more effectively than that of India. Pakistan at least accommodates the minorities. Prime examples of Indian discrimination include the various post-partition Hindu-Muslim riots in India including the 2002 incident of Ahmedabad in which several Muslims were burnt alive as well as the Sikhs in India are suffering a lot.

In Pakistan the condition of minorities is relatively improving day by day. The current government of Imran Khan is ensuring rights of minorities in unprecedented ways, the verdict on Asia Bibi case is of prime importance in this argument. While recent inauguration of Kartarpur Corridor for holy pilgrimage of Sikh brethren across the border is also a step towards this process. Imran Khan's government has also encouraged the opening of old Hindu worshipping sites of mandirs in old cities of KPK for the sake of religious tolerance among citizens. However, considering government's inclusive policy towards minorities, it won't be long to see Pakistan a prosperous state for minorities.

Pakistan clearly defines who minorities are (anyone who is not a Muslim) while the Indian constitution does not clearly tell what is meant by the term minority. The latter leaves it as an open term which covers religion, language as well as castes as a measure of determining minority status. India has clear lists about castes, sub castes and scheduled castes but in Pakistan's constitution, it is cast and sub cast have not been addressed.

The Pakistani constitution also has additional articles which discriminate against minorities'. It includes that a non Muslim cannot hold office of President and Prime Minister that is to large extent discrimination. Both countries provide relatively similar fundamental rights to minorities. Article 19 in both constitutions provides freedom of speech to citizens of the country but in Pakistan it is conditional to it not being against Islam. Both constitutions do not impose religion-based taxes. Education is something that religious minorities have safety of

in both countries. There is no constitutional limitation on Indian citizens to be Hindu to become head of state or government but only Pakistani Muslim citizens can be Prime Minister or President. Pakistan does put quotas for minorities in legislative bodies while India does not have this constitutional provision.

Conclusion

The study find out that, India is more hostile towards Muslims and Sikhs. While in Pakistan some of the gross violations against Christian community by individuals, groups and non state actors being observed. If India and Pakistan failed to ensure rights of minorities then both states can face economic sanctions. Both states can be put on watch list that will affect the exports of both countries, as some of the states are carrying out conditional trade linking exports with respect for human rights. This could further shrink trembling economy of Pakistan. As in past Pakistan suffered from sanction on its textile industry due to child laboring which is against human rights.

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