

The appeasement of none

We must move beyond the minority-majority binary



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Communal politics, which ironically passes for secularism in this country, has been the bane of Indian politics. It can be traced back to the British policy of 'divide and rule', the result of which was Partition. The Constitution was a repudiation of these ideas and the politics that perpetuated them. It rejected the suggestions for a separate electorate for the minorities and the proportional representation system, which it felt would lead to a perpetually enervated nation. But in most policies that have been followed until now, we have seen furtherance of vote-bank politics. The narrative has to change.

The recent PIL filed by a Jammu-based advocate, Ankur Sharma, in the Supreme Court, alleging that the rights of religious and linguistic minorities in the State are being "siphoned off illegally and arbitrarily" and the subsequent affidavits by the Central and Jammu and Kashmir governments give us a chance to look again into the secularism versus communalism debate.

Defining minority

While Articles 29 and 30 of the Constitution guarantee certain rights to minorities for protection of their culture, script, and languages, the Constitution has not defined or identified religious and linguistic minorities. The question of who will determine which group is a minority was also left unanswered until the Supreme Court settled this in *TMA Pai Foundation v. State of Karnataka*, wherein it held that the unit for the purpose of determining the definition of minority would be the State, not the whole of India.

The setting up of a Minorities Commission was envisaged in 1978 to ensure that minorities are able to enjoy the safeguards provided for them in the Constitution and various Central and State laws. The National Commission for Minorities Act was passed in 1992 to give a statutory backing to the Commission. According to Section 1 (ii) of the Act, it extends to the whole of India except Jammu and Kashmir, and as per Section 2 (iii), 'minority' means a community notified as such by the Central government. Using this power, the Central government through a gazette notification dated October 23, 1993 notified Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) as 'minorities' for the purpose of this Act. Jains were declared as a minority later.

According to the 2011 Census, out of 28 States (Andhra Pradesh had not been bifurcated yet) and seven Union Territories,

Hindus are a religious minority in seven States (Arunachal Pradesh, Jammu and Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Punjab) and in one UT (Lakshadweep). In J&K, Hindus have been at the receiving end of majoritarian wrath, and the constitutional guarantee of liberty of thought, expression, belief, faith and worship is being violated there. The status of West Pakistan refugees, who had migrated there at the time of Partition, is also relevant. Reports suggest that there are about 2.5 lakh Hindus. They are not recognised as state subjects and are denied the most basic human rights.

Though the Act nowhere makes it mandatory for States to have a Minorities Commission of their own, 18 do. However, the question is whether minorities get the benefits of being so in all the States where they are in minority. In Punjab, for instance, Hindus are only 38.4% of the population, but they have not been notified as a minority in the Punjab State Commission for Minorities Act, 2012. Is it not amoral to insist on special dispensation for minorities and deny Hindus minority status where they are entitled to it, as is being done by various political parties?



Furthering vote-bank politics

Further, the SC in *Bal Patil v. Union of India* had said the National and State Minorities Commissions should direct their activities to maintain the unity and integrity of India by gradually eliminating the minority and majority classes. It said that the Minority Commission should act in a manner so as to prevent generating feelings of aversion towards multiculturalism in various sections of India. But rejecting all this, for vote-bank politics, the then United Progressive Alliance government declared Jains as a minority community in 2014, just before the elections.

We need to move beyond this minority-majority binary. Our government is committed to the philosophy of 'Antyodaya', i.e. working for the benefit of the last person in the queue. It does not want to look at citizens through the prism of caste, religion, language, or sect. Our focus on pro-poor economic policies and the empowerment of farmers, backward classes, and women will bring positive results, where there are equal opportunities for all and the appeasement of none — Sabka Saath Sabka Vikas.

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