



Minority Rights In Contemporary India: Challenges In 21st Century

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Abstract:

This research paper explores the constitutional rights of minorities in India, focussing on the contemporary challenges faced by them, and various measures adopted by the government from time to time for their protection. The paper examines the significance of minority rights in India, threats against the minorities in Contemporary Indian Society. Even while the Constitution guarantees fundamental rights, there are still a number of societal issues and gaps in policy execution, which raise concerns about how these rights will actually be implemented in practice.

Keywords: Minority rights, Indian Constitution, Contemporary Challenges, Protection Measures.

1.INTRODUCTION

Conception of Minority Rights in India:

The term "minority" primarily refers to something that is numerical or statistical in nature. A "minority" is defined as "a smaller number of two groups constituting a whole or a part of a population differing from others in some characteristics and frequently subjected to differential treatment" by Merriam Webster's Dictionary.¹ A minority is defined as a "group of people of the same race, culture, or religion who live in a place where the majority of the people around them are of a different race, culture, or religion" by the Collins Dictionary.²

India is home to a diverse range of races, languages, cultures, scripts, and religions. The phrase "minority" or "minorities" is used just four times in the Indian Constitution, but it is not defined. Article 30 of the Indian Constitution acknowledges two categories of minority populations in India: linguistic and religious. The Constitution provides no standards or considerations for identifying minorities. Minority rights are guaranteed by Articles 29 and 30 of the Indian Constitution. In the Re- Education Bill case, the Indian Supreme Court ruled that a minority is defined as a group that makes up less than 50% of the overall population.³ In the A.M. Patroni v. Kesavan case, the Kerala High Court likewise maintained the use of the same statistical standards to define what a minority is. According to the ruling, a linguistic or religious group is deemed a "minority" if its members make up 50% of the overall population.⁴

The rights and safeguards afforded to members of minority groups in a society are known as minority rights. Minority groups are shielded against prejudice, persecution, and marginalization by these rights,

¹ Merriam-Webster, S. V. "Minority," last modified January 10, 2022, <https://www.merriam-webster.com/dictionary/minority>.

² Collins Dictionary, S.V. "Minority," last modified January 10, 2022, <https://www.collinsdictionary.com/dictionary/english/minority>.

³ In Re Kerala Education Bill, AIR 1958 SC 956.

⁴ A.M. Patroni v. Kesavan, AIR 1965 Ker 75.

which also guarantee their full participation in the political, social, economic, and cultural life of the community. Generally speaking, minority rights include the freedom of expression, freedom of religion, equality before the law, cultural rights, and the ability to influence decisions that impact them.

2. Significance of Minority Rights in India

The following are some main justifications for why minority rights are essential in India.

Preservation of Diversity: India is home to a wide range of languages, customs, faiths, and cultures. By ensuring that this diversity is valued and embraced, minority rights protection contributes to the social fabric and sense of national identity of the nation.

Respecting Constitutional Values: Every person, including minorities, is entitled to fundamental rights under the Indian Constitution. Maintaining these fundamental ideals and principles of equality, fairness, and secularism requires making sure that minority rights are protected.

Preventing prejudice: Historically, minority groups in India have experienced violence, marginalization, and prejudice. A more inclusive and peaceful society is promoted when their rights are acknowledged and protected, preventing discrimination on the basis of religion, caste, ethnicity, or language.

Encouragement of Social cohesiveness: Mutual respect and social cohesiveness amongst various communities are fostered by upholding the rights of minorities. It fosters communication, comprehension, and collaboration between the majority and minority groups, resulting in a society that is more harmonious and united.

Strengthening Democracy: Ensuring the representation and involvement of all societal segments in the political process requires the protection of minority rights in a democracy like India. By encouraging variety, inclusivity, and pluralism, minority community empowerment enhances democracy.

Economic Development: Minority groups frequently experience a lack of resources and opportunity, as well as economic inequities. Ensuring their rights can aid in resolving these disparities, fostering economic growth in underserved communities, and advancing social progress generally.⁵

3. Constitutional framework for the protection of Minority rights in India

A fundamental tenet of the Indian democratic system, the constitutional philosophy of minority protection in India shows a careful balancing act between unity and diversity. Indian Constitution, which is based on the principles of justice, equality, and secularism, acknowledges the inherent worth of protecting minority communities' identities and rights while advancing national integration. The Indian Constitution, which provides all citizens, including minorities, with a number of fundamental rights, is the main document that establishes the basis for minority rights in India. The Indian Constitution has several important clauses and procedures that uphold and advance the rights of minorities.⁶

Articles 15 and 16: Forbid discrimination against minorities on the basis of religion, race, caste, sex, or place of birth; they also guarantee equality of opportunity in public employment matters and forbid discrimination against minorities in access to public services and employment opportunities.

Articles 25–28: All people, including minorities, are guaranteed the freedom of religion under these articles. They guarantee that minority communities can freely practice their beliefs without hindrance by defending the rights to profess, practice, and promote religion.

Articles 29 and 30: Address minorities' rights to create and run educational institutions of their choosing. Article 29 safeguards minorities' interests by guaranteeing their ability to preserve their culture, language, or script, while Article 30 allows minorities to create and run educational institutions.

⁵ Tanu Singh and Aishwarya Pandey, "Minority Rights in India: A Legal Analysis," *International Journal for Creative Research (IJCRT)* 12, no. 4 (April 2024): ISSN 2320-2882.

⁶ Shahrukh, "Protection of Rights of Minorities under Indian Constitution: A Critical Analysis," *International Journal of Creative Research Thoughts (IJCRT)* 13, no. 5 (May 2025): ISSN 2320-2882.

4. *Several other provisions of the Indian Constitution ensured the protection and advancement of minority groups in India.*

Article 38: State is responsible for establishing and maintaining a social order that promotes the well-being of its citizens, is permeated by social, economic, and political justice, and strives to reduce economic, social, and political inequalities.

Article 39: Ensures the right to free legal representation and equal justice under the law. In it, the government is obligated to ensure that all citizens have access to adequate food and shelter, as well as a just distribution of wealth. It also ensures that people are paid fairly for their work and that young people have access to resources that will help them flourish.

Article 46: It stipulates that the state may take the appropriate steps to safeguard the weaker segments of the population from social injustice and exploitation and to encourage the educational and economic advancement of those groups.

Article 347: The President is empowered by Article 347 to formally recognize a language that is used by a sizable portion of the people.

Articles 331, 333, 334, 336, and 337: Anglo-Indian representation in the Union and State legislatures is specifically guaranteed under these articles.

Article 350: a Special Officer for Language Minorities may be appointed.

Article 350(B): allows for the designation of a Special Officer for linguistic minorities.

5. Challenges faced by Minorities in Contemporary India

5.1 Communal politics

With certain political groups using caste and religious identities for electoral advantage and possibly marginalizing minority communities, communalism and religious polarization continue to be significant obstacles.

5.2 Under-representation

Minorities, particularly Muslims and other religious minorities, face underrepresentation in elected bodies and governmental institutions, which limits their political agency in spite of constitutional provisions and reservation laws. As per 2019 analysis by the Association for Democratic Reforms found that 91% of parliamentarians in the lower house, the Lok Sabha, are Hindu, while only 9% are members of religious minorities. In a similar vein, only 3.2% of police officers, 3.3% of government servants, and 4.5% of Supreme Court and lower court judges are members of minority populations.

5.3 Identity Politics

Minority communities' smooth assimilation into the political mainstream is threatened by the emergence of communalism and identity politics. Ethnic and religious polarization might obstruct productive political participation.

5.4 Socio- economic Disparities:

Political empowerment is impeded for marginalized communities, such as Muslims, SCs, and STs, by long-standing socioeconomic disparities, such as poverty and restricted access to healthcare, education, and basic amenities.

5.5 Discrimination and Marginalization: The persistence of prejudice and discrimination based on religion, caste, ethnicity, and language permeates all aspects of Indian culture, including politics, making it difficult for minorities to participate meaningfully in the political process.

5.6 Institutional Barriers: Discriminatory practices, unequal access to resources, and bureaucratic obstacles are examples of institutional barriers that might prevent minorities from fully and fairly participating in the democratic process. In India, minorities deal with a number of issues, including

marginalization, violence, discrimination, and underrepresentation in politics and government. In addition, they fight to maintain their language, culture, and identity against the norms and values of the majority.⁷

5.7 Economic Backwardness

Many minority communities show lower levels of income, employment, and asset ownership. They have insufficient representation in: Services provided by the government, Employment in the public sector and senior administrative roles. Sachar Committee (2006) brought attention to Muslims' particularly low socioeconomic standing.

5.8 Educational Disadvantages

Some minorities have lower school completion and literacy rates. They have restricted availability of good schools, Institutions of higher learning, Coaching and scholarships. Minority populations still face educational disparities in spite of affirmative action legislation. Certain minority groups regularly have lower literacy rates, especially in rural and underdeveloped areas, according to the Annual Status of Education Report (ASER). These communities' families' socioeconomic standing restricts their access to high-quality education, which lowers their chances of advancing economically.⁸

5.9 Absence of Comprehensive Anti-Discrimination Law

Although discrimination is forbidden by the Constitution, India does not have a comprehensive anti-discrimination law that specifically protects minorities in the housing, education, and private employment sectors. Such laws could aid in addressing prejudices that lead to minority communities' socioeconomic isolation.⁹

6. Threats against minorities in Contemporary Indian society.

Discrimination, violence, forced conversions, and surroundings with a rise in harassment and intimidation are the main issues that religious minorities in India confront. The situation for religious minorities in India is getting worse due to discriminatory laws like the Freedom of Religion Acts (anti-conversion laws) and the ineffective enforcement of constitutional provisions protecting minorities' rights. The safety and liberties of religious minorities are also seriously threatened by acts of communal violence, social boycotts, assaults, forced conversions, and desecration of houses of worship carried out by extremist Hindu nationalist groups. Religious minorities in India suffer even more difficulties as a result of the breakdown of interfaith cooperation, the emergence of majoritarianism, and the impact of Hindu nationalism.¹⁰

6.1 Violence and repression

Religious minorities in India experience prejudice, violence, hate crimes, social boycotts, and desecration of their places of worship. Muslims, Christians, Sikhs, and Dalits are among the religious minorities that are tragically the targets of hate crimes, assaults, and murders. Other common kinds of direct violence against minority communities include forced conversions, vandalism of places of worship, and social boycotts. Christians have been disproportionately impacted by the implementation of discriminatory laws and policies that restrict religious freedom, such as the "Anti-Conversion" legislation that penalize conversion from Hinduism.¹¹

6.2 Threat to places of worship of the minorities

Religious minorities in India, particularly Christians and Muslims, are facing an increase in attacks and threats against their houses of worship. These attacks on minority communities' houses of worship have, in fact, threatened and impeded their ability to freely perform their worship and rituals in those locations, infringing upon their fundamental right to perform religious rites as protected by Article 25 of the Indian

⁷ Dilavar Kudari and Kamalaxi G. Tadasad, "Political Opportunities and Challenges for Minorities in India Towards Building a Futuristic Nation," *International Journal of Research and Analytical Reviews (IJRAR)* 11, no. 1 (January 2024): n.p., E-ISSN 2348-1269, P-ISSN 2349-5138.

⁸ Sushil Kumar Singh and Moin Athar, "Constitutional Protection of Minority Rights in India: Legal and Social Perspectives," *Annals of the Bhandarkar Oriental Research Institute* (ISSN: 0378-1143).

⁹ Ibid.

¹⁰ Tanu Singh and Aishwarya Pandey, "Minority Rights in India: A Legal Analysis," *International Journal of Creative Research Thoughts (IJCRT)* 12, no. 4 (April 2024): ISSN 2320-2882.

¹¹ Religious Freedom & Mass Conversion in India, by Laura Jenkins (2019) p 6

Constitution. Religious minorities are disproportionately affected by communal violence, which includes hate crimes, threats, and attacks on places of worship. In order to prevent the conversion of any place of worship and to maintain the religious identity of locations as it existed in 1947, the Places of Worship Act, 1991, was passed. However, Hindu nationalist organizations have opposed it.¹²

6.3 Danger to minority-run educational institutions

Threats to educational institutions established by minority religious communities can have an impact on their ability to function, survive, and provide high-quality instruction. The fundamental right granted to minority communities under Article 30 of the Indian Constitution, 1950, which grants such communities the right to establish and administer educational institutions of their choice, could be violated by laws or policies that specifically target minority religious groups, making it more difficult for them to establish or run educational institutions. The government usually provides less funding to religious minority schools than to mainstream ones.¹³

6.4 Danger to minority-run charitable and religious organizations:

The Indian Constitution's Article 26 guarantees each religious denomination the autonomy to conduct its own religious affairs. It gives these groups the right to create and run charity and religious organizations, to run their own religious affairs, to possess and acquire property, and to manage that property in accordance with the law. The administration of these institutions may be subject to state oversight, which would jeopardize their autonomy in conducting philanthropic and religious endeavours. Minority religious organizations may not be able to get overseas funding, which is essential to their operations, due to laws like the Foreign Contribution (Regulation) Act (FCRA). Legal obstacles pertaining to property ownership and management may arise for minority institutions, potentially leading to protracted litigation that affects their operations.¹⁴

6.5 Cultural polarization and tensions within the community

The difficulties in maintaining equality and unity are highlighted by the frequent communal violence and prejudice experienced by religious minorities, especially Muslims, Christians, and Sikhs. Religious polarization incidents weaken social cohesiveness and call into question the ability of the government to uphold law and order, underscoring the necessity of preventative actions to safeguard vulnerable populations.¹⁵

7. Various programs adopted by government for the protection of Minorities in India

7.1 Educational schemes

For the socioeconomic empowerment of the six (6) centrally notified minority populations, the Ministry of Minority Affairs carries out a number of programs. The ministry has run three scholarship programs for students from minority groups during the past five years:

(i) Pre-Matric, (ii) Post-Matric, and (iii) Merit-cum-Means based scholarships. Every child must receive free and compulsory elementary education (classes I through VIII) from the government, according to the Right to Education (RTE) Act of 2009. Therefore, the Pre-Matric Scholarship Scheme only covers students in classes IX and X. The budget allocation has been rationalized for the reasons mentioned above. In a similar vein, this Ministry's Merit-cum-Means based Scholarships and Post-Matric covered the technical and professional courses. All UG/PG technical and/or professional courses, with the exception of the institutions on the list, have been consolidated under the Post-Matric Scheme in an effort to streamline the distribution of courses and institutions. The top-ranked universities were the only ones covered by the Merit-cum-Means (MCM) based scholarships.

¹² Steven I. Wilkinson, *Religious Politics and Communal Violence* (Oxford: Oxford University Press, 2005),

¹³ Md. Altamash Imam, "Reservation Policy and Social Justice in India: A Constitutional Perspective," *Research Review: International Journal of Multidisciplinary* 9, no. 2 (2024): 144–151, <https://doi.org/10.31305/rijm.2024.v09.n02.016>.

¹⁴ Rajeev Bhargava, ed., *Secularism and Its Critics* (Delhi: Oxford University Press, 1999).

¹⁵ Sushil Kumar Singh and Moin Athar, "Constitutional Protection of Minority Rights in India: Legal and Social Perspectives," *Annals of the Bhandarkar Oriental Research Institute* (ISSN: 0378-1143)

The Maulana Azad National Fellowship: (MANF) Scheme was established by the Indian government in accordance with the JRF Scheme of the CSIR and UGC. Minorities and members of other social groups are eligible to apply for the UGC and CSIR Fellowship Schemes. Furthermore, the Ministry of Social Justice & Empowerment and the Ministry of Tribal Affairs' Fellowship Schemes for Scheduled Castes and Other Backward Classes and Scheduled Tribes also provide coverage for students from minority populations. The MANF Scheme will no longer be offered starting in 2022–2023, due to the apparent overlap between the aforementioned schemes.¹⁶

7.2 Economic Empowerment Schemes:

USTAAD: (Improving Traditional Arts and Crafts Training and Skills for Development). Enhancing the skills and capabilities of traditional craftsmen and artisans is the program's main goal. These talented craftspeople will teach the minority group's youth a range of specific traditional arts and crafts.

Nai Manzil: The "Nai Manzil" Program is intended to assist young people (men and women) from six designated minority groups who are between the ages of 17 and 35 and have either attended madrasas or other community education facilities but do not possess a formal school diploma.

7.3 Infrastructure Development Schemes:

Pradhan Mantri Jan Vikas Karyakram: This program aims to improve the socioeconomic infrastructure for minority populations, with a particular emphasis on the education, health, and skill-development sectors, in order to reduce the backwardness metrics gap between minority groups and the national average.

Nai Roshini: A plan to Help Minority Women Develop Their Leadership. The program's objective is to empower minority women—not just minority women, but also women who live close to them, whether in the same village or neighbourhood—by giving them the information, tools, and abilities needed to interact with banks, other institutions, and all tiers of government.

Darohar Hamari:

To preserve the priceless heritage of India's minority communities, the "Hamari Dharohar" program was established. Through the organization of exhibitions, the preservation of written works and other resources, and other means, the initiative aims to preserve the rich cultural history of minorities within the framework of Indian culture overall.¹⁷

Conclusion

In conclusion, India's constitutional framework, exemplified by Articles 14, 15, 16, 29, 30, and 350A, alongside welfare schemes like the Ministry of Minority Affairs' scholarships and the Sachar Committee recommendations, establishes a robust foundation for safeguarding minority rights. Yet, contemporary challenges—such as escalating hate speech, anti-conversion laws, unlawful demolitions, and displacement of Adivasis and Muslims—persist, undermining enforcement and equality. Strengthening the National Commission for Minorities, ensuring judicial impartiality, and curbing political misuse of laws are critical to bridging implementation gaps. Civil society resilience and proactive state reforms can restore the promise of substantive inclusivity, fostering a pluralistic India resilient against division.

Refrencing

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¹⁶ Government of India, Ministry of Minority Affairs, "Scholarship Schemes for Minorities," Press Information Bureau, August 7, 2024, 6:08 PM, PIB Delhi.

¹⁷ Ankita Sharma, "Indian Constitution and the Rights of Minorities: A Critical Analysis," *Journal of Research in Humanities and Social Science* 12, no. 3 (2024): 150–155.

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