

Human Rights and Status of Minorities in Uttar Pradesh: the Role of the State in Secular Perspective

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The Minorities Castes are facing many problems, all fields like as education, jobs, property, religion, marriage, etc. Indian Constitutions is describing about rights of minorities, they are free to do everything according to their will. But at the time of BJP government, they have no rights and choice with the problem of caste, rituals, orthodoxy and social evils. The Minorities as treated as slave but States are calming is that his philosophy is based upon the secular but in practical conditions is totally different in Uttar Pradesh across India. So some Indian is trying to uplift the position of Minorities with whom few nationalist, modernist, traditionalists. Dr. Ambedkar saw the place of Minorities, Dalits and women are same both have no position in society with economic, socially and political freedom. According to him without any political rights we could not gain freedom even could not change to the Indian society. He wants only equality not any differences between Human beings. He suggested the right of education to everybody with any discrimination. So the aim of my research what State has done for Minorities? The Minorities are facing grave danger as victims of Atrocities in India. According to the United Nations, Minorities are subject to domestic violence. After that State came in power he following the orthodoxy (fascism) regime and forcing chastity of Hinduism and state

– coordinated Rights assault. Due the violence, the Minorities cannot access the Social justice because States are not serious in implementation of Secularity in context of Minorities.

Outline of Minorities

The concept “Minority” developed in the language of political science with the rise of nationalism in Europe during the Nineteenth century. It referred to “national minorities” in heterogeneous nation-states. In 1932 American sociologist Donald Younga adopted the term to encompass groups in the United States distinguished by either biological feature so national traits or both (Killian 1998:208). Further, the term minority as used in the United Nations human rights system usually refers to national or ethnic, religious and linguistic minorities, pursuant to the United Nations Minorities Declaration. All States have one or more minority groups within their national territories, characterized by their own national, ethnic, linguistic or religious identity, which differs from that of the majority population. We quoted to Francesco Capotorti here a minority is:

A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members being nationals of the State possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if

only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language (United nation 2012:568).

The word minority has not been defined in the Constitution. The Motilal Nehru report 1928 showed a prominent desire to afford protection to Minorities, but did not define the expression. The Sapru Report 1945 also proposed, inter alia a minorities Commission but did not define minority (Bakshi 2010:68). In this regard, there is no universally accepted international definition of native peoples. In terms of rights, minorities have traditionally highlighted their rights to have their existence as a group protected, their identity recognized and their effective participation in public life and respect of their cultural, religious and linguistic pluralism safeguard. Here the research papers are talking about the Muslims who are accounting in terms of the minorities in Uttar Pradesh across India. In our constitution is based on the Secular prospective that advocated on all religions are equal no difference between good or bad and States is caring secularity. In the similar way, the Indian Constitution is provided many laws and safeguards for protection of Minority's rights in India.

Democracy: Concept and Context

The term 'Democracy' is derived from the Greek term '*Demos*' which means people and the term '*Kratos*' refers rule of the people. Abraham Lincoln defined democracy as 'government of the people, by the people and for the people'. Ambedkar's vision of democracy is based on social justice and ideal society based on equality, liberty and fraternity which strive for the egalitarian values. Fundamentally, democracy and core values which have been inspired by the ideals of the French Revolution. Issues which could be included under the ambit of democracy include: fundamental freedom and rights, rule of law, elections, separations of powers, Parliament, the government and opposition parties, independent media, decentralization, democratic governance and political education. The people are supposed to exercise their rights freely, everybody is considered to be equal before law, their rights needs to be protected and they should be able to

live decent and dignified lives. India is a democratic country, believes in democratic values and its culture. After independence, India has developed democratic institutions to fulfil their objectives. Let us now examine the notion of political participation (Dreze 2009: 113).

Joseph Schumpeter suggests that democracy is simply a political method and a mechanism for choosing the Government and participation in policy making and implementation. The right to vote is an important right given to the citizens. If Government does not work properly, it will be rejected in the next elections by the people. Further, he argued that the democracy is an institutional arrangement for arriving at political decisions. Subsequently, Robert A. Dahl opined that democracy is a political system that should provide equal opportunities for all citizens (Begari 2014: 44). Democracy is usually considered as a system of government which provides a just society and enhances the political participation of human beings. As a result, decisions are taken based on the opinion of the majority. Subsequently, after the American and French Revolutions, human society started adopting the method of representative government. Further, modern democracy, with emphasis on the liberal approach, is opposed to the concept of divine rule of the monarchs and supports the idea that all human beings are equal. The modern democracy based on liberalism which denotes equality, liberty, justice and limited powers to the government and also individual's rights are the basis for liberalism. George Sorenson argues that democracy is a dynamic entity that has many different definitions. Democracy has helped in imparting ideological legitimacy to the Government (Ibid: 3). the term 'democracy' has included new term, i.e., self-determination. As a result, the citizens are using democratic means to choose government, and ensure freedom for expression and association (Ibid: 4). Subsequently, democracy has attempted to work for ensuring human dignity and guarantee human rights which allow the people to develop to their fullest potential. These characteristics of Human and Democracy are interrelated and interdependent. Such ideals are enshrined in our

Constitution, in terms of socio-economic, political and cultural rights.

Secularism in India

B.R. Ambedkar advocates is that the means secular state is not going make to any discrimination whatever basis on the religion or community against any person recognizing any particular faith of religion. In this regard, Jawhar Lal Nehru argues that sate is not giving special reference for any religion and no discrimination basis on religion or community (Kaur 1999: 72). In this contrast, Indian government are doing totally opposite it and plying politics that based on the secularism. Here, arsing question about the power of State? It's controlling by political party as a government. In India, only two party in national level as known, one is that Congress and second is that BJP. Both, political parties mostly engaged by Hindu upper castes that more than follower of the Hindu religion. As a result, they are forgetting his duty and only talking about the secularism in election time and got the vote of minorities and forget it.

Indian Constitution

The Hinduism denied the rights of Minorities and they were living without rights. The problem of religion is very multifaceted as the philosophy of Hinduism is rooted in hierarchical and rigid worldview. Besides that, they were denied all the rights: socio-economic and political rights. To come out of these social shackles, the Constitution of India emphasizes on equality, liberty and fraternity. This aims to promote egalitarian values. To end the hierarchical social order, Indian Constitution directs the state to build up a new social order and promised the social, economic and political justice to all human beings equally (Begari 2014: 159). The Hindu social order was based on the principles that predetermined by caste based the caste and birth and grading system. Author argues that the doctrine of inequality is the crux of the Hindu social order. What is important is that the philosophical elements in Hinduism also directly or indirectly supported the system which is undemocratic and inequitable.

The Constitution of India has adopted the fundamental rights and Directive Principles of State Policies. The Preamble of Indian Constitution comprised the egalitarian values promotes and protects the egalitarian values. The preamble of Constitution says "It is solemnly resolved to secure & protect the social, economic and political rights; liberty of thought, expression, belief, faith and religion. Besides that, equality of status and opportunity, and promote fraternity among the citizens and assuring the dignity of the individual and unity" (Umakant & Thorat 2004: 297). Both democracy and human rights are based on the values and dignity of human beings. In this regard, it is essential to interrogate the human rights of minorities in India.

Human Rights and Minorities in Uttar Pradesh

This study underlines the vitality of the idea of human rights and secular from the perspectives of Indian Constitution. It is an attempt is to identify the reasons for perpetuation of atrocities on Muslims in spite of various safeguards provided under the Constitution and legislations enacted by the Parliament over a period of time. It further seeks to rights of Minorities and attempts is being made, whether it has become successful in preventing atrocities or not, and if not, then what are the reasons for such failure. In contemporary period, human being reached in 21st century and India has been developed in various perspectives (economic, political, and social). Thus, this study is an attempt to examine the importance of social Justice for development of Muslims (Minorities), if Indian Constitution provides Social Justice for all. Then, what are the real limitations to see of Social Justice at the grassroots level for Muslims at India? This study assesses the violation of fundamental rights (Justice) and its impact on Minorities in India. The study of examines the relationship between State and Minorities. How State understand the notion of social system for Minorities? The research examines is the real situation in attaining the social justice for the Minorities. Despite of development, Indian Minorities are continued to face exploitation based on religions and Minorities. It is trying to create

consciousness among the masses, particularly from Muslims, i.e., Minorities, get the awareness about the role of state. In this regard, it is imperative to conceptualise the theory of secular and Social Justice. Indian Constitution is providing equal rights for all human beings and special rights for the Minorities. Further, Indian Constitution is focusing on the secular approach. It means the State is no given special reference any religion and respects all religions.

Rights and Minorities

The importance of language as part of the culture of a people has been widely recognised. Today, the right of minorities to use one's own mother tongue and to receive education in it has come to be regarded as a classical right. Article 27 of the International Covenant on Civil and Political Rights 1966 requires that "in those states in which ethnic and religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other the other members of their group, to enjoy their culture, to profess and practice their own religion or use their own language". Article 13 of the International Covenant on Economic, Social and Cultural Rights enjoins on states to recognise the right of everyone to education and to undertake to have respect for the liberty of parents to choose schools for their children in the language of their choice (Venkatachaliah 1999:1659). The Indian Constitution protects the cultural rights of all minorities. Article 30(1) provides that "all minorities whether based on religion or language, shall have the right to establish and administer educational institutions of their choice". Article 350A enjoins upon "every state and every local authority within the state to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups" (Bakshi 2010:70)..

Minorities, any action for the protection of minorities should focus primarily on the protection of the physical existence of persons belonging to minorities, including protecting them from genocide and crimes against humanity. The 2001 Durban Declaration advocates that "the ethnic, cultural, linguistic and

religious identity of minorities, where they exist, must be protected and that persons belonging to such minorities should be treated equally and enjoy their human rights and fundamental freedoms without discrimination of any kind" (Para. 66). During conflicts, the physical integrity of persons belonging to minority groups is of course at greatest risk and attention should be paid to ensuring that minorities, including those displaced internally within their own country or externally as refugees, have access to humanitarian aid and relief such as food, shelter and health care. Minorities everywhere experience direct and indirect and they are facing discrimination in their daily lives. Focusing on the unequal impact of a measure on an individual as a member of a group helps to better identify the root causes of discrimination and inequality. With the light of the philosophical discourse on rights, it is perquisite to contextualize the domain of political participation.

Political participation of Minorities

Public participation can be effective and meaningful only when all sections of society, including the Dalits, are mobilised and allowed to participate in the affairs of the state. However, this seems to be missing in Indian politics. Lucia Michelitti states that in the early phases, the Congress Party ruled the state. During this period, there was no substantial participation by the Muslim, except for casting their votes in favour of the conventional political parties. After 1977, the situation has changed after the Janata Party government came to power. The Indian political system changed from a one party system to a two party system; and then to the multi-party system. Both the Congress and BJP have used minorities as vote banks. Though both parties did formally take up issues related to socio-economic conditions of minorities, they did not make substantial efforts to significantly improve the socio-economic and political conditions of the Muslims. The Muslims were never free and were forced to depend on the upper caste Muslims leaders for their survival and existence (Michelitti 2014).

In the mainstream political parties in India, there is no active participation of minorities. The

political parties are mostly interested in getting political power and are not concerned about the welfare of minorities. For the last sixty eight years, the conditions of Muslims and their political participation have not improved much. The Congress Party has been using the Muslims as a means to secure political power. Though some Muslims leaders have started occupying positions of power, most of them have been working as mere spectators. I.P. Desai posits that the caste factor plays an important role in the Indian political system and has further spread to all parties. The political parties use Dalits, but do nothing for their development and do not give them the real political power. Though the Indian Constitution speaks about equal rights for all, this noble objective has not been sincerely implemented (Deasi 1967). As a result, according to Indian constitution the social justice for all, but it is uncompleted because they facing social discrimination, crime, physical violence and anti-national etc. It is trying to create consciousness among the Muslim Minorities, i.e., they get the social justice, role of the state and prove that secular too can rule the state effectively. In this regard, it is imperative to contextualize the term social justice.

Social justice

Social justice refers to equality, liberty and fraternity. In 1840, this term was first used by a Sicilian Priest. He demanded that all the sections in the society should be treated equally. The concept of social justice in India, could be understood from Phule's perceptive. He wanted to create a casteless and classless society and relentlessly struggled for abolishing the caste system, orthodox social system and demanded equal status for women in society, on par with men. Both Phule and Ambedkar realized that without annihilating of the caste system and hierarchical social order, the marginalized classes would not be assured of social justice (Mishra 2010: 180).

Gandhi's notion of Social Justice is based on the principle of co-responsibility between the two or more different sections. The policy of positive discrimination has been adopted by the Indian State to develop these sections and justify the principle of

co-responsibility, based on Gandhian social justice. The principle of co-responsibility seeks to provide compensation to the depressed castes. Unlike the upper castes, the untouchables did not have any choice to choose occupations of their choice. Dr. B.R. Ambedkar's notion of social justice was based on the universal principles of egalitarian society and on the separation of the powers of the government. He, therefore, demanded social justice for the human beings. To achieve social justice, awareness of the masses is an important aspect. Therefore, it is essential to contextualize the theory of State and political parties.

The role of the State and political parties

Every political party goes to fight the battle of ballots with its own declarations in the form of manifesto to woo the voters of Minorities. The manifesto is considered as crucial in this battle as weapons in elections. However, there is also a cynical but more realistic view that these manifestos are never implemented. Every party issues a manifesto and makes promises to all sections of population to get their votes. It is not necessary that they will fulfil these promises. But, nevertheless it is a declaration of intent and indicates what a party thinks about a particular section of population. In India minorities put together constitute about 20 per cent of population which is quite sizeable by any account. All parties are tempted to attract the votes of this sizeable section of Indian population. Also, there is a belief-right or wrong - that minorities tend to vote block (Raphael 2014: 99). Thus, there is all the more temptation to attract them. However, it should also be noted that the Muslims constitute, among others, the largest section of minorities. They constitute more than 12 per cent population of India. Therefore, every party likes to make special provision for Muslims in their manifesto - a provision which will attract Muslim votes (Ahmed 2014: 4). Every party published its manifesto before elections. It is an interesting to examine what promises these manifestos made to minorities, especially the Muslims. The Congress also promises creation of a new ministry for minorities to ensure better co-ordination and integration. It argues

that a high-powered commission will be set up to examine and give recommendations on how their presentation of minorities in public services could be enhanced in a meaningful manner. The manifesto further says that the Congress will amend the Constitution to establish a commission for minority educational institutions and provide direct affiliation for minority professional institutions to central universities. The manifesto promises new middle-level technical institutions where, for example, artisans and weavers are concentrated. It further says that the Congress will ensure that this university emerges as a center of excellence. So says the Congress manifesto, the Congress made Urdu the second official language in Uttar Pradesh. But since no follow up action was taken by subsequent governments, the Congress intends to give Urdu its due status. The Congress manifesto assures the Muslims that it respects personal laws of all communities and rejects the idea of uniform personal law for all Indians, as it goes against the secularity. Other national political parties like BJP his manifesto was talking about the Secularity and special rights of minorities' special reference in Muslims. Subsequently, Hilal Ahmed argues that the BJP's manifesto, which tries to create a favourable equilibrium between Hindutva and development, is being politically interpreted either in relation to the history of anti-Muslim communal violence in the country, especially by the Congress and the SP, or as "Hindu determination and heroism" by local BJP leaders. In this contrast, also are making special agenda for minorities but in accomplishment is totally different. The Muslims are struggling to establish their own identities and to secure a better quality of life (Thakur 1993: 650). With the light of this backdrop, it is essential to analyse the socio-economic conditions of minorities.

Socio-Economic and Political status of Minorities in Uttar Pradesh

The socio, economic and political conditions of Minorities were worst in the society, which was based on the religion system in which the Minority sections were placed at the bottom of the Indian society. The upper castes enjoyed all the rights, whereas, the other sections were deprived of even their basic rights. The Minorities were not allowed

to use the public space, education facilities and acquire property. Moreover, even they were not allowed to live freely in the mainstream society. The Minorities term of unsafe because they are treated as anti-national community by Hindu religion in Uttar Pradesh across India. In Indian, the Constitution is based up on the secular attitude. But in Practice is very different because the India is a Hindu Nation Country. Here arise many questions about the role of the State governments? In the grassroots level condition are very serious about rights of Minorities. In India, many specials rights and safeguards for the Minorities but in this contrast, it is only theoretical are not practices. In Uttar Pradesh, many sub castes in Muslims. Their social conditions are very problematic because they are facing double discrimination because they are not having lands and not capable to accessing the educations¹. Other hand, they are felling one dilemma that they are parts of the nation or Anti-Nationalist. Here problem is that the socially they are treating as dalits minorities but the State is treating as Minorities. As a result, they are tolerating double violation of human rights. However, they parts of Minorities but due to this problems, they are facing violation of human rights in jobs educations and livelihood (Amaresh 1995:1643). There are many problems in the grassroots level as socio-economic and political problems. Subsequently, they are not having any economic resources as result they are travelling for livelihood. So in this regard, their son and daughter are deprived for educations. In similar way, their literacy rate very less specially women. Their political conditions are very serious because their political participation very less according their populations. It means that caste is facing violence triple types like as socio-economic and political disadvantages for their rights and other hand, they are facing communal violence. Through the light of this milieu, it is essential to analyse the violence against Minorities.

Violence against Muslims

Violence against Muslims in UP taking various forms, most common being communal riots, physical crime that have been frequent occurrences in the state, specially western districts, resulting in, cumulatively, large-scale deaths, injuries, loss of

property, and massive displacements along with disruption of livelihoods, besides a significant polarisation of population along religious lines. Other everyday violence abound too hate speeches, threats and intimidation, 'love jihad' propaganda, and 'ghar wapsi' etc. all these happening but State government is silent and not serious stop it, so as result, UP topped a recent listing of states with communal crimes against the Muslim minorities. They are felling insecure in BJP government because that philosophy and propaganda is based upon the Hindu philosophy. In addition, in the past year, there have been a number of violent incidents leading to deaths and displacement of Muslims.

Conclusion

The origin of human rights in the Europe gave scope for the evolution of human rights. The French revolution, American Revolution, First World War and Second World War further expanded and enriched the domain of rights in the world and followed by UNO and Universal Declaration of human rights. The spirit of all these revolutions and declarations has been to uphold the social, economic, political and civil rights irrespective of caste, class, gender, sex, ethnicity, region, religion and nationality. It is due to the philosophical journey and historical revolutions, the system of democracy came into existence. The concept of 'democracy' is the principle of self-determination of people and an expression of the people's sovereignty. In Democracy, people hold the right to set up any political system with their sovereign power. In democracy, the rights are given to the people to express either consent or will in free and fair elections in which citizens exercise their right to elect their representatives. The people have the right to freedom of expression, freedom of press and freedom of association and the rule of law is considered as essential to ensure the respect for fundamental freedoms and human rights. Unless the will of the people is satisfactorily expressed, there will be no free elections and no elected government. Democratic spirit and practice is a means to promote justice and call for widening and deepening democracy.

The political participation of persons belonging to minorities in public affairs and in all aspects

of the political, economic, social and cultural life of the country where they live is in fact essential to preserving their identity and combating social exclusion. State is to ensure that the diversity of society with regard to minority groups is reflected in public institutions, such as national Parliaments, the civil service sector, including the police and the judiciary, and that persons belonging to minorities are adequately represented, consulted and have a voice in decisions which affect them or the territories and regions in which they live. The researcher is pointing out one thing, if that rights working in practice than when the literacy rates of minorities very less why? Because the State is failing in provides to educations for Muslims. If go to the grassroots level than you see what is reality of this rights of minority. The minorities are facing many problems likes their socio-economic conditions are very poor. They are totally depended on daily work so as result their son and daughters cannot attend the schools. So here arising one question about the functions of State? And also they are misguiding by Ulema. As a result, they facing many types dilemma what to do? Above this problems are doing double disadvantages one is that they are not have resources for access to education and religious Ulema are creating pressure on these caste.

The political parties gradually enter the psyche of the community and become a part of their identities and further lead to their communalisation. This process also shows how a warring history and myth is being created to break the composite history and culture which exists at the people's level and gradually this created history and myth reflects in the popular culture of the region. This results in the emergence of a warring popular culture which does not emerge from within but is imposed from the top which consists of political forces and social elites of the region. This shows that myths, history and memory may be powerful weapons either to communalise people or to make them aware of their own rights and social respect and ultimately strengthening the politics of social justice, equality and social respect of the minorities community. In both the process, the Muslims communities are being treated as vote resource, but in one case they are being used for a divisive purpose and creating

crime against Muslims. While in the other, they are awaking of their rights and being empowered and gaining self-respect. An example of the former is that of BJP and RSS who are using the myths and legends of the Muslims and communalising them by giving them warring identity against Hinduism, which is one of the agenda of Hindutva politics.

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Unpublished work

- Nandan, D. 2014. The Emergence of Bahujan Samaj Party: Debating the socio-economic and political rights of Dalitbahujans in Uttar Pradesh
- http://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf

Endnotes

1. Nandan, D. (2014), the Emergence of Bahujan Samaj Party: Debating the socio-economic and political rights of Dalitbahujans in Uttar Pradesh, Central University of Gujarat, (ddnandan.nandan@gmail.com).