

## The Legitimacy of Religious Minorities

### Swami Dayananda Saraswati

I welcome the recent Supreme Court directive to promote the ultimate aim of democracy in India by discouraging the practice of listing religious groups as ‘minority communities’. The purpose of identifying and listing such groups has been to assure equal status and rights for adherents of all religions, regardless of their number. It is a noble purpose, befitting a true democracy. In India, however, as in any democracy, it is redundant, as this assurance has already been provided for by the constitution which promises in its Preamble *“to secure to all its citizens: Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity.”* The fulfillment of this promise is spelled out in detail in Article 15 which prohibits various and specific kinds of “discrimination on the basis of religion, race, caste, sex, place of birth.” India’s constitution is recognized as a model of liberal democracy, but constitution scholars find that it is distinguished from many other democratic constitutions in its provisions for overcoming traditional and social inequalities. The constitutional scholar, Granville Austin, suggests that no other nation's constitution "has provided so much impetus toward changing and rebuilding society for the common good." In spite of this, a Commission was formed by the Government of India in 1992, to safeguard the “interests of minorities whether based on religion or language.”

In its recent ruling, the Supreme Court has upheld the mandate of the Commission to enforce Constitutional protection of minorities based on language. But, considering the results of the Commission’s work for the last thirteen years, the court now challenges the classification of minority based on religion. While the Bench has its own judicial and constitutional arguments for questioning this classification, there is an obvious, but seemingly overlooked, reason why such a classification in India has to be reexamined.

The primary purpose for granting minority status, as envisioned by the framers of the Commission, is to secure the social benefits promised by the Constitution for a minority group that has inadequate access to resources and privileges. There are some religious

groups, however, that are claiming the privileges and benefits of minorities, though they, in fact, have a questionable minority status. While such groups may be a numerical minority in India, at the same time, they enjoy majority status globally. This status is not just in terms of number but, significantly, in terms of economic resources and political leverage. These religious groups wish to tap the resources of a nation, when they have abundant resources available to them from other sources. The interests of Catholics, for instance, are provided for and governed by a large, wealthy, multi-national organization based in Rome. Protestants are similarly cared for by the World Council of Churches, headquartered in Geneva. These 2.1 billion Christians comprise one third of the world's population and have access to substantial resources beyond the borders of their nation. They receive help from all over the world, no matter what their country of residence. So it is not legitimate to consider a transnational religion of this size a minority in any country, regardless of their number. If at all we want to protect a religious minority, we should protect the Jews, who number only 14 million and the approximately 200,000 Zoroastrians. They need protection.

In its recent ruling, however, the Bench has rightly questioned the legitimacy of minority classification on the basis of religion. It has determined that such a classification undermines the very purpose of the Commission, finding it “a serious jolt to the secular structure of the constitutional democracy,” in direct opposition to the Commission's goal of preserving secular traditions. Further, classifying minorities on the basis of religion will generate “feelings of multi-nationalism in various sections of the people.” And this will hinder the Commission's stated task of promoting national integration.

The Bench has, then, ruled in favor of the goal of the Commission rather than one of the means it has adopted. If the goal of preserving secular traditions and promoting national unity is still considered worthwhile, and a chosen means is found deficient in or even inimical to achieving that goal, it is appropriate, even wise, to abandon that means. I consider that the Bench has ruled wisely on this issue. An indispensable pillar of a nation is its national integrity. If a policy or course of action is a potential threat to that integrity, it

is in the interest of all citizens, of all sectors, to change course and move in a direction that serves the national interest. And in a democratic nation, the national interest is the interest of each and every individual, for such a nation is not a ‘super-entity’, but the collective will and hope of all of citizens. Policies that promote national integrity, promote stability and the promise of peace for all people comprising the nation. National integrity is valued in all countries, but all the more so in India, where unity is the hallmark of our long history.

### *Om Tat Sat*

*Compiled by Swamini Agamananda.*

*This is the fifth of nine articles based on Pujya Swamiji’s talks on the said subject matter.*



**Sri Srinivasaan** was associated with Pujya Swamiji very closely for a long time .

He was awarded **Arsha Kula TilakaH** award by Pujya Swamiji in the year **2014** for his dedicated service with wit and wisdom as **Editor of Arsha Vidya News Letter for 19 years.**

Srinivasan passed away on 23rd March 2021.

Arsha Vidya Gurukulam and Sruti Seva Trust acknowledge his service to the organisation and pray for *sadgati*.