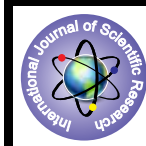


Public Policy and Diversity of Accommodation in India



Public Policy

KEYWORDS :

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Introduction

India is a plural society both in theory and practice. It is characterized by its unity and diversity. There is no doubt that national unity and integrity in India have been sustaining since Independence. Post independent India, It is a nation united against several kinds of diversified culture and difference. The country is populated by person belonging to all socio-economic strata. Various policies, five year plans and several other developmental schemes are pitched to the upliftment of the poor and weaker sections of society. India's political unity is an off shoot of the religious and cultural unity. Hence India's political unity is no gift of our colonial ruler. Its origin falls far beyond the apparent. The British India consisted of six hundred states. The typical feature of Indian democracy is the existence of multi party system. Different states may have different government. But all the states are controlled by central government. Fundamental rights granted to all the citizens of India. Universal adult franchise is a typical feature which promotes a strong sense of unity.⁽¹⁾

The Constitution has also formed institutional and legal provision which admit diverse people to live together as citizens of India under Article 5 to Article 11. Keeping in mind the demands made from various sections and groups at the time of freedom movement, India has been declared as a sovereign, socialist, secular democratic republic under mandated constitutional provisions. The constitutional provisions of individual as well as group rights emphasized the cultural diversity and sub-national identity even as similarity and the even-handed treatment of all Indian citizens were declared to be the goals of India. The Constitution not only ensures justice, liberty, equality, fraternity and human dignity to all, it also ensures among the Fundamental Rights under Article 12 to Article 32, Directive Principles of State Policies under Article 36 to Article 50 and Fundamental Duties through constitutional amendment. Special Affirmative Action and programmes and policies for the most disadvantaged and weaker sections of the society has been formulating and implementing for the last 67 years of independence. Even a very small minority in India like the Anglo-Indians has been given several special safeguards and protection including representation in the national and state legislative bodies.⁽²⁾

National Unity and Diversity in India

One of the most important features with India is its unity in diversity. India is a country of sub continental proportions. From north to south, east to west, people in India from diverse backgrounds have mixed and their cultures have intermixed over the centuries. However, there has always been an underlying continuity in identity for a long time. Despite, the diversity of religion, language, race and customs of this country, the fundamental unity is remarkable. The idea of unity can be traced back by scholars and social scientists to ancient times. The abiding nature of unity has always been fascinating. Indian unity is the product of certain historical factors that are present in various fields of Indian social life. In the process of its evolution, Indian society has acquired this type culture which is characterized by its stable patterns of pluralism.⁽³⁾

Diversity and Minority rights in India:

India is the most diverse societies in the contemporary world which is home to all major religions in the world such as Hindus, Muslims, Christians, Sikhs, Buddhists, Jains and Zoroas-

trians etc. although Hindus comprise about 82 per cent of the population, there are more than 149 million Muslims in the country, making it the second-largest population of Muslims in the world. According to the 2001 census, 80.5% of the population of India practice Hinduism Islam with 13.4%, Christianity with 2.3%, Sikhism with 1.9%, Buddhism with 0.8% and Jainism with 0.4% are the other major religions followed by the people of India.⁽⁴⁾

India is literally a homeland and civilization society rather than a nation of immigrants. Hence, our multicultural society is a fruit of immigrant societies, there was always a threatening to society that India may not fit into the Western liberal multicultural scheme. Therefore, The Indian constitution does not pronounce India to be multicultural and plural society. However, there are fundamental provisions in the Constitution that has made republic of India as a multicultural society possible in India. Like other countries, India recognize itself with the majority Hindu Culture, thereby communities that differ from Hindu communities are designated as minorities.⁽⁵⁾

Indian constitution:

The Indian Constitution makers had made elaborate arrangements for the protection of minority rights. Being a liberal Constitution, It ensures "justice, social, economic and political" to all citizens. It has adopted measures for the protection of the rights of the various minorities are as follows.⁽⁶⁾

Cultural Rights:

Article 29(1) of the Constitution of India is a kind of guarantee for the protection and preservation of the cultural rights of minority communities: "Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same." It is also a safeguard against discrimination based on cultural difference by the state and other cultural groups. Also, minority or any section of the citizens may mean a linguistic or cultural minority.⁽⁷⁾

Religious Rights:

On the basis of the Article 25 to Article 28 of Indian constitution every Indian citizen has been provided religious freedom and rights Therefore, anybody from any religion can follow any religion, follow any beliefs and practices of worship of any God and Goddess. Considering the diversities of India as well as being India as home to all religion, our freedom fighters and constitution makers discussed three different kinds of minority rights in the constituent Assembly firstly political representation, secondly freedom of religion and third, the cultural autonomy. Finally, these all rights were included into the Constitution of India. Article 25 of constitution of India guarantees freedom of religion to every citizen. This article ensures that the members of the religious minority community have the full freedom right to follow their own religion. However, the state regulates the practice of a religion only when and to the extent it disturbs public peace and social harmony.⁽⁸⁾

Recognition of language rights:

The Indian Constitution recognizes the concept of linguistic minorities, but silent on the term 'minority'. Articles 29 and 30 comprise the right of children of minority communities to be

taught in their mother tongue, but they do not indicate any definition of what is a “mother tongue” and under which conditions this right can be claimed. Hence the judiciary had to define it for the purpose applying Article 30 of the Constitution. A linguistic minority for the purposes of Article 30 (1) is one which must at least have a separate spoken language. It is not necessary that the language should also have distinct script for those who speak it to be a linguistic minority. There are still some languages which have no script of their own, but nonetheless those sections of the people who speak that language will be a linguistic minority entitled to the protection of Article 30 (1).⁽⁹⁾

Public Policy and diversity in India

In context of diversity India is known as one of the most complex plural societies in the world. India's plural character for its collection action and cooperation such as its social systems, cultural patterns; or language dialect groupings, religious communities, castes system, sects system or ethnic identities, regional conjunctions.¹⁵ Hence, The Indian government has been maintaining since independence that it was its primary duty as well as its fundamental policy to protect the religious, linguistic, cultural and other rights of minorities in India so as to assure the widest scope for their development. However, it is not only religious groups who regard themselves as minorities. Caste, tribal, linguistic as well as religious groups can be self-defined minorities for any one or for a number of reasons: they have a distinct group of identity that they fear is eroding; they either regard themselves as socially and economically subordinate to others; or they believe that they suffer from discrimination, either from others in the society or from the state itself.⁽¹⁰⁾

The constitutional form of pluralism guaranteed inclusion, and simultaneously, provided autonomy for cultural communities. This has involved recognition of group identity on the basis of caste, language, religious and regional affiliations. The Indian state extends constitutional/legal recognition to four specific categories – religion, language, region and caste.

Religion policy:

The management of religious diversity in India has indeed been among the more successful experiments of social engineering in the history of modern India. The politicization of religious identity in India, as well as the role of the state in its manipulation, suppression or fomentation, cannot be understood without taking a few steps back in to history. In the late 19th century, the Aligarh movement, under the leadership of Sir Syed Ahmad Khan, aimed at empowering the muslim community through religious and educational reform, specially modern western education. Syed Ahmad Khan was, however, a nationalist who believed that the destiny of Indian Muslims was Indian, but that the community would stand to gain from being loyal to the British rulers. The Government of India Act of 1909 provided for separate electorates for the Muslims, a decision that was to have been far reaching, profound and enduring consequences.⁽¹¹⁾

Caste policy:

Caste in Indian society refers to a social group where membership is largely decided by birth. Hence, our colonial rulers treated caste as ‘the institutional keystone of Indian society. Beginning with the first decadal period of India census of 1871, the census became the main instrument in the hand of government with the purpose of gathering information and collecting data. These data and information helped government make laws and policies in order to organize the armies and regiments and strategies. The measurement of castes and sub-castes according to size and number in the census contributed to the ‘fixing’ of caste identities as whole. With their identities so fixed, caste groups began to form caste associations, some of which would periodically petition the colonial government to reconsider their ranking in the hierarchy.⁽¹²⁾

Tribal policy:

The discussion on tribal communities whether they ought to be left in their state of isolation or assimilated reached its zenith while drafting our new constitution in post independent India. According to one of the most famous anthropologist Perrier Elwin, tribal has to be associated with the isolationist camp.” On the other hand, G.S. Ghurye, a sociologist by profession was an assimilations who viewed that tribal had to be brought into the mainstream for their grievances redressal. The former policy declaration on tribal policy was perhaps Nehru's accent of the Panchashila doctrine, in which he argued that people should be permitted to develop along the lines of their own brain without any imposition from the outside, they may organize their management of affairs and developmental activities and finally their land and forest rights must be respected in accordance with the law of the land. Despite such different Nehru's approach, even though, a synthesis of both policies have been followed towards the tribal communities. On the one hand, the policy focuses on protective measures for tribal culture and welfare, but on the other hand, tribal areas became question of government official development, sometimes in the name of the national interest, and at other times in the name of tribal development itself.⁽¹³⁾

Language Policy

The language question in post independent India has created a no of controversies such as English language as a medium of instruction is mandatory, and the second to the relationship between the Indian languages, most notably Hindi and Urdu. At the time of colonial period Lord Curzon the then Viceroy of India has allowed the mother-tongue to be the language of instruction for primary school children. Although, English was also to be included at the middle level of school. On the other hand, at higher level, medium of instruction will be English.⁽¹⁴⁾

Linguistic diversity in independent India has been politically under two type of situation. first, when it was proposed that Hindi (spoken by 40% of the population) be designated as the official or ‘national’ language for the country as a whole; and second, in the reorganization of the states of the federation on the basis of language.⁽¹⁵⁾

While framing Constitution, Indian leaders formulated language policy focused on both aspects such as development of language as well as survival of language. The language policy of Independent India rounded around Part III of Indian Constitution under which language rights are assumed as fundamental rights which also gives reference language as rights to education.

Conclusion:

From the above analytical study done in order to explore the factors responsible for keeping India as united despite of being India as nation with many races, nationalities, castes, sub castes and communities, it could be argued that India has successfully implemented the public policies focusing on the principle of unity in diversity. It is in this context, it was really great challenges in the hand of constitution makers to have a balance approach on every section of society. Because, India has two major religious groups and hundreds of different linguistic and sub cultural sects in its society. For example, Hinduism and Islam play very vital role in Indian culture. Besides, there is a very distinct cultural difference between the northern India and Southern India. In terms of language each state represents a different identity than the others. Therefore, India has been following the concept of multicultural policies in each perspective. These multicultural policies are formulated in accordance with the constitution of India. Apart from these constitution provisions, there are independent judiciary, specialized commission and committees and other non official policy makers such as pressure groups, civil society, non government organization etc which keep a surveillance on any wrong doing thing which hampers India's secular

and multi culture character.

After independence, India redefined its goals and visions as colonial rule did not follow the principle of unity and it led to a great challenge to constitution makers and freedom fighters to accommodate the diversities in society. As it as earlier discussed that India is home to many races, nationalities, castes, sub castes and communities. It is true that societies that have been integrated into bonds of unity with the help of successful policies of successive government since independence. For example India has religious policy, cultural policy, tribal policy, language policy etc. Beside, detailed fundamental rights, directive principles of state policy etc played important role in preserving the culture and tradition along with promoting individual rights through constitution. These all things have brought peace, stability, prosperity and permanence in India after Independence.

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