

# MINORITY RIGHTS: UNIFORM CIVIL CODE

## Abstract

*The Constitution of India guarantees equality, non-discrimination, and religious freedom for minorities. These rights are touched upon by the dispute over the Uniform Civil Code (UCC), which leads to conversations on equality, secularism, and cultural diversity. The importance of UCC in advancing gender justice and legal parity has been underlined by the Supreme Court. Important rulings like Sarla Mudgal v. Union of India (1995) and Mohd. Ahmed Khan v. Shah Bano Begum (1985) has emphasised the necessity of a UCC to handle exploitation and contradictions in personal laws.*

## 1. Introduction

An ethnic group comprises people who share a common culture, language, set of values, and customs. Some ethnic groups banded together in the 19th century and proclaimed their nation-states over the territories they called home. While some ethnic groups are compelled to alter their nationality because of shifting state borders, other groups that share the same territory are distinct and do not choose to merge with the newly formed nation or change their language, religion, or traditions. Despite significant cultural differences from the majority, some communities are determined to maintain their identity. They are a small group of people who are very different and special from the majority. India has many other cultures, religions, customs, and traditions. Major religious belief systems each have their own distinct culture and tradition. From Kashmir to Kanyakumari, around 800 varieties of the 22 official languages exist. Minority groups are valued for their uniqueness in a democratic country like India, and it is up to each individual whether they have minority rights in the community with other members of the minority group. The Latin word "minor" is the root of the English word "minority," which, when coupled with the suffix "et," implies "small in number." Any group or society that is not economically, politically, or socially dominant and has a smaller population is considered a minority, according to the UN. The term "minority" is not defined anywhere in the Indian Constitution.

## 2. Historical Background Behind the Protection of Minority Rights Under the Constitution

Minority groups, including Muslims, Anglo-Indians, Christians, and others, were created as a result of invasions in ancient and medieval India. Due to the movement of groups like the Parsis, who feared religious persecution, British colonial control, etc., India became a

union of minorities. On December 22, 1947, the Constituent Assembly unanimously approved the substantive resolution that Pandit Jawaharlal Nehru had given to them on December 13, 1946. It was determined that a protection mechanism would be implemented for the minority communities located in tribal areas and the depressed backward classes.

In 1948, the National Constitution Draughting Committee drafted a series of laws and measures numbered in Articles 292-301 and found in Part XIV, "Special Provisions relating to Minorities." Minorities no longer have any particular rights other than cultural and educational ones after the provisions about their special rights were significantly changed. Adopted by the Constituent Assembly in November 1949, the Indian Constitution became operative on January 26, 1950. As initially intended, religious minorities were not included in the scope of group armed requirements and were not granted special seats in legislative bodies or access to public services.

Due to the Constituent Assembly's ruling, such rights should only be regulated to aid in the advancement of the underprivileged and not to preserve unique cultural identities. Minorities had to deal with several issues, including segregation, lack of representation in parliament and the civil service, tension and rioting in Kojamu, and protection issues. Other problems include introducing a single civil code and noncompliance with secularism.

In India, minorities are protected against discrimination based on their religious, linguistic, or ethnocultural identity. Minority members ought to be free to acquire and utilise their native tongue, adopt their name, and freely express who they are. Minority rights, equality before the law, protection of fundamental freedoms, protection from identity-based violence and discrimination, participation in public and political life, and opportunities for collaboration with other institutions and communities within and between states are thus guaranteed. Human rights include the rights of minorities. They encourage respect for variety and tolerance. Their goal is to make sure that the majority and minority coexist in harmony and help one another create a brighter future.

### **3. Concept of Minorities: Meaning and Definition**

The Latin word "minor" is the root of the English word "minority," which, when coupled with the suffix "et" implies "small in number." The United Nations defines a minority as any community or group that is smaller in number and does not hold social,

political, or economic dominance. The term "minority" is not defined anywhere in the Indian Constitution.

#### **4. Under the Constitution of India Relating to Protection of Minority Rights Specialties**

Article 14 of the Indian Constitution states that we must forbid discrimination and insist on equal treatment rules. Equality before the law is stated in Article 14(1). This implies that the law regards everyone equally and assigns them the same obligations whenever someone does anything that is not legally justifiable, whether a prime minister or an average citizen. Claims that blinded justice, in which everyone is treated like pedestrians before the law, illustrate this. Articles 29 and 30 of the Indian Constitution address cultural and educational rights. The protection of minority interests is covered under Article 29 of the Constitution. Any community residing within India's borders has the right to retain and advance its language, script, literature, and culture, according to clause (1). Clause (2) forbids discrimination against students based on their race, caste, religion, or language regarding state-funded educational institutions.

This Clause safeguards citizens' rights regardless of their locality. For India's minorities, Article 30 is crucial. Minority communities are permitted by Article 30(1) to create and preserve any educational institution they choose to maintain their culture and legacy. Minority educational institutions were fortified in the event of compulsory acquisition by Clause 30(1A). The State should remember that the right protected by Clause (1) should not be restricted by the sum needed to purchase the property. Article 30(2) states that the government cannot discriminate against educational institutions run by minority groups based on language or religion.

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The scope of Article 29 is broader than that of Article 30, despite popular belief. Because Article 29 covers all Indian citizens, including the majority, but Article 30 solely addresses two categories of minorities: religious and linguistic. Only Indian citizens are eligible to apply for Article 29. However, Article 30 permits upkeep. In the event of forcible acquisition, minority educational institutions have been bolstered by subsection 30(1A). The State should remember that the right protected by Clause (1) should not be restricted by the sum needed to purchase the property. Article 30(2) states that the government cannot

discriminate against educational institutions run by minority groups based on language or religion.

Both Indian citizens and non-citizens are subject to Article 30. The Supreme Court has decided the case of SK Patro vs. State of Bihar. Only under Article 30 can a minority community receive privileges. In India, they must be a minority. Article 30 does not apply to foreigners residing in India or not Indian nationals.

## 5. Key Case Laws

- a. The university mandated that Punjabi be the only language taught in affiliated colleges after D.A.V. College, Bathinda v. Punjab linked minority groups' rights to use their language in public schools. The court ruled that minorities are guaranteed the freedom to create and run their chosen educational institutions under Article 30. This includes the right to receive instruction in their native tongue, and the university curriculum is explicitly violating this right by teaching in Hindi, which is against Article 30(1). The university will have advising authority to set standards for the credentials of its faculty members. This implies that minority educational institutions continue to control the hiring and selection of personnel.
- b. In Ravneet Kaur v. Christian Medical College, the Court ruled that a private, non-state-sponsored institution cannot deny admission to a person based on their religion.
- c. In State of Madras v. Champakam, the issue of Article 29(2) was brought up for the first time. SCU completed the government's classification. This decree violates Article 29(2) since it is based on caste, religion, and race.
- d. Once more, the Kerala Education Bill has provisions that ensure the pay and working conditions of educators employed by educational establishments. The provisions equally cover minority institutions created under Article 30. According to the minority education body, the bills dealing with fundamental qualifications, compensation, and recruiting infringe on their administrative authority. They cannot use minority rights as an excuse to take advantage of instructors. According to the Supreme Court, they ought to treat them with respect because the minimum wage and other requirements should be included in the measure. The state protects such individuals. Working for those companies.
- e. The Supreme Court ruled in the case of State of Bihar and Unions in the Managing Board of Milli Takimi Mission Bihar and Ool that operating a minority organisation is a fundamental right that is just as significant as other rights granted to the country's people.

The right protected by Article 30(1) of the Constitution is violated when a statutory authority refuses to give affiliation or recognition without providing reasonable and sufficient justification.

## **6. Reservation in Favor of Minority Community**

A fundamental component of India's secular ethos is the defence of the rights of religious and ethnic minorities. The Indian Constitution's Article 30 gives the government the authority to "establish and maintain educational institutions" to support minorities' rights. To create guidelines for the support of educational institutions serving underrepresented groups.

## **7. Important Case Laws Related to This:**

- a. In *St. Stephen's College v. Delhi University*, the preference given to Christian students in the college was questioned. Here in the selection process, it has been decided to reserve half the seats for minority community and the other half for merit.
- b. However, the '*I.A.M. Pi Foundation*' case overturned this ruling. The Supreme Court ruled that unassisted universities are not subject to the state-established admissions procedure because they do not receive state funding. Merit-based admissions allow them to pursue their own admissions process, including their entrance exam, as long as the system is open and transparent. Similarly, they are not constrained by the state-provided charge schedule. No capitation payments should be collected. The court has given the state the authority to set minority student quotas. The case distinguished between government regulation of subsidised private companies and those that are not.
- c. The Supreme Court ruled in *PA Inamdar vs. State of Maharashtra* that minority institutions are exempt from the reservation scheme for student admission. Seat reservations in educational institutions are not under the state's authority. Merit or entrance exams may be used to determine admission.
- d. Based on the ruling in *Aziz Basha v. Union of India* (*Aligarh Muslim University case*), a minority community does not constitute an educational institution. The Supreme Court then declared that it lacked the authority to control it. The terms "established" and "governing" must be interpreted with attention because AMU, created by an Act of Parliament, is not a minority entity. *UPI v. Dr. Naresh Aggarwal*. In this instance, AMU is a minority.

## **8. Various Articles in Indian Constitution**

- The rights and privileges of minorities in India are discussed explicitly or implicitly in a few provisions of the Indian Constitution. Free legal aid and equal justice in all its forms are guaranteed by Article 39. In contrast, Article 38 ensures the State a social order to advance the welfare of the populace, including social and political justice, and to lessen disparities in income, status, facilities, and opportunities.
- It instructs the government to ensure every citizen has a means of subsistence, for the equitable allocation of resources and the general good. Equal compensation for equal effort, preventing wealth concentration, and giving children access to opportunities and resources for their growth are all made possible.
- According to Gandhian ideals, the State may take the appropriate actions to safeguard the poorer segments of society from exploitation and social injustice and to develop their economic and educational prospects (Article 46).
- The President may formally recognise a language spoken by a sizable population under Article 347.
- Special provisions are included in Articles 331, 333, 334, 336, and 337 to guarantee Anglo-Indian participation in the Central and State Legislatures.
- The appointment of a special officer for linguistic minorities is permitted by Article 350(b).

## **9. Characteristics of a Minority Group**

Simple societies before the pre-industrial stage were small and homogeneous. It was common for people in them to follow the same religion, speak the same language, and share the same cultural traits. Their physical or physiological features were also more or less the same. But today the situation has changed.

Most societies in today's modern world are large and diverse. In these societies, due to the establishment of colonial settlements, conversions, emigration, subjugation due to religious and ethnic intolerance due to poverty and sexual pressure, a considerable number of people come as refugees and live together as 'minorities'. These minorities appear with different cultural practices and physical characteristics than the dominant group in these societies. The dominant group not only treats these minorities in a different way than itself but also discriminates against them by not giving them equal rights, power and wealth. It is also common for a 'minority' class to live in its own way and as a social group with certain characteristics of its own due to their perceived insecurity. Ian Robertson describes some of the characteristics that can be found in minority groups as follows.

## 10. Types of Minority Groups

Three main types of minority groups can be identified (1) clan-related minorities (2), linguistic minorities and (3) religious minorities. According to the Indian context they can be explained as follows.

### (I) Ethnic Groups in India

- A clan-related group is a group that has developed mutual ties or is united by a shared language, religious belief and common heritage experiences and thus has a sense of self-awareness.
- According to J. Milton Yinger, a clan is a unique group with both biological and cultural characteristics. According to KS Singh and Sandra Valman 'clan affiliation is a concept used to identify a distinct population with certain bio-cultural and bio-social characteristics.

## 11. Clan Groups and Bonds Found in India

One of the features of Indian culture is that here we can see unity in the midst of diversity. India has long been a conglomeration of diverse religious groups, linguistic groups, caste groups and ethnic groups. At the time of India's independence, there were about 500 small and big princely states in the country, each group having its own distinct cultural form. People in these states also had their own uniqueness in terms of language, region, caste, creed and cultural features. In one sense, most of these groups were clan groups.

Although these 500 states were divided into 15 principal states and 8 Union Territories on the basis of language through the process of political integration that took place during India's independence, the people could not break the clan ties that once united them. They were challenged to show their unique loyalty to the broader political system of the nation while recognizing their uniqueness with the political boundaries that were drawn only on the basis of language. It also allowed for a kind of conflict. Seen that way, this conflict arose when India as an integrated national power through the organization of the Congress began its struggle against British imperialism. It was evident when the 'Justice Party' emerged in Tamil Nadu (1917) on a regional basis opposite the Congress organization at the national level. This conflict continues to erupt here and there. Ethnicity, which may be a product of language or cultural background, puts too much pressure on modern nation-state boundaries, with political boundaries being considered too sacred to be over-emphasized over extended

national uniqueness. While this may serve the immediate political purpose, it ignores the actual existence of multiple other singularities. Such identities are often clannish in nature and can even clash with national identity. Same is the case in India now.

It is difficult to say when and how these plural identities, which may seem so natural in a vast and complex political and social system like India, will manifest. These types of uniqueness are latent and manifest depending on the situation. For example, the difficulty is due to how many times the government demands in concert according to the needs of a person's situation correctly identify themselves as Hindu/Muslim; as Bengali/Malay; He asserts his uniqueness by pretending to be from Karnataka/ Assamese. He thinks about what type of response he expresses that is most convenient for him in that situation and deals accordingly.

Any state with a diverse cultural, religious and linguistic background is bound to acknowledge the various clan ties that its people may have. Due to this, clan-related tensions and animosity will inevitably spread throughout the state. Such a situation gives a clan group more power to bargain and effectively deal with its interests. The federal political system of post-independence India provided ample opportunities for such a display of power. Perhaps the most powerful display of clannishness in post-independence India was the demand for the restructuring of states on the basis of language. The 'State Reorganization Committee' formed in 1956, the process of reorganizing the states on the basis of language further strengthened regional and linguistic uniqueness as well as clan ties. It is for this reason that the clamor for a separate state on the basis of language, regionalism and caste (even after the repartition of the states in 1956) often echoed in the political horizon of India. Along with such clan elements political parties also arose at the state level, not only that, but some of these parties have tapped into the latent clan sentiments of the people and capitalized on them to put forward the demand for the establishment of a separate state, autonomy and a separate and independent state, a separate 'Khalisthan', 'Bodoland', 'Poorkhaland', 'Nagaland' and 'Jharkhand region' agitations are some notable examples in this regard.

## **12. India's Linguistic Groups and Linguistic Minorities**

Language groups in India are regional in nature as seen everywhere. Although the people of most states of North India speak Hindi, the style in which they speak it varies from state to state. Different regions of South India have groups of people who speak different languages. Kannadigas are found in Karnataka, Telugus in Andhra, Malayalis in Kerala, Tamils in Tamil Nadu, while Marathi and Gujarati are the main languages in western India.



Assamese, Bengali and Oriya languages are the main languages in East Bengal. There are still smaller linguistic groups in the Punjabi and Kashmir and Himachal regions.

Language, an important source of India's diversity, has allowed for collective similarities as well as conflicts. The Constitution of India enumerates 15 languages in its 8th Schedule against certain specific objectives. (Assamese, Bengali, Hindi, Oriya, Telugu, Kannada, Tamil, Malayalam, Marathi, Gujarati, Sindhi, Kashmiri, Urdu and Sanskrit) Expand this list to include Dogri, English, Konkani, Maithili, Manipuri in view of the Central Sahitya Akademi Literary Award. , Nepali and Rajasthani were recognized as separate literary languages. All these major languages have many regional variations and dialect forms as well. But apart from these there are 227 more languages which are considered as 'mother tongues'. Mother tongues evoke strong emotions and a kind of uniqueness.

Mixed languages are common across state borders. Even within a major language-speaking community, different sects speak it in different ways. For example, under the umbrella of Hindi there are Nadi, Buffaloi, Bhojpuri, Brij, Bundeli, Chhattis Fari, Hadoti, Magahi, Malvi, Nimari, Pahari, Rajasthani and other dialect groups. Therefore, we do not have a language spoken by the majority. The number of people speaking Hindi across the country is also around 100%. There are 30. But if we consider the Linguistic Regions, we can identify that we also have linguistic minority groups. Despite the redistribution of states in 1956 with a view to bringing about linguistic homogeneity, some states still have linguistic minority groups. For example, in South West India where Marathi is the main language, Konkani speakers are a minority group. Similarly, there are linguistic minority groups in North-East and Central India who speak different tribal languages.

### **13. Languages as an Aid to the Expression of Kinship Ties**

As far as India is concerned, the ethnic bond of the people here is seen to be manifested through the medium of language. It is for this reason that when India got independence, the State Reorganization Committee was formed in 1956 and it was decided to identify and fix the borders of the states on the basis of language. This process became the primary motivation for developing regional and linguistic ties and identity. But this motivation sometimes goes to extremes and goes to the extent of demanding the establishment of a separate state and autonomy on the basis of language and territorial ties.

There have been many agitations for such purpose in Tamil Nadu in the past. Thus, language ties and clan identities have combined to become influential forces in our political life.

The distinct language spoken by the religious minorities and tribal minorities plays a very important role in their efforts to preserve their minority or individual identity. Religious minorities and clan minorities are the main problem in living in harmony with the majority rather than linguistic minorities. For example, the non-Christian Hindus found in Goa and along the west coast, who speak Konkani as their mother tongue, are a linguistic minority, but they do not strive for a separate existence. These linguistic minorities, who are themselves Hindus, have no difficulty in having a natural relationship with the mixed Hindus because of their language and achieving complete harmony. The same is true of the Konkani-speaking Christians found along this coast. But in Mizoram and Nagaland, Christians who speak their distinctive language have raised the cry of 'separation' under the influence of their clan ties.

As language can lead to 'linguistic blindness' only on the basis of language, conflict between 'minority' and 'majority' may arise and lead to deterioration of linguistic harmony. For example, regionally Tamil speakers are a linguistic minority in Karnataka, Malayalam speakers in Tamil Nadu, Bengali speakers in Punjab and Assamese speakers in Bombay are very common in India. But there are many instances of attacks on Tamils in Karnataka, Kannadigas in Maharashtra and Tamil Nadu due to linguistic harmony. There is now a demand for appropriate legal protection for linguistic minorities not only at the national level but also at the state level. There has been pressure to provide the constitutional privileges and protection given to the linguistic minorities in the constitution and the court rulings in this regard have also supported this demand.

#### **14. (II) Religious Minorities**

India is a multi-religious, multi-linguistic and multi-ethnic land, the confluence of many votes, religions and sects is also credited as a feature of the Indian social structure. This tradition, which started with the origin of Buddhism, has continued unbroken till today's 'Hare Rama Hare Krishna' sect. As far back as 1931, the population of India was classified into 10 religious sects. They are Hindus, Sirus, Buddhists, Jarosbians, Muslims, Christians, Jews, Other Religions (i.e., belonging to tribal sects) and other non-tribal religions.

But as per 1961 census, only religious groups have been identified and classified in the population of India. Hindus, Muslims, Christians, Shivras, Buddhists, Jains and other religions and sects. Hindus constitute the majority of India's population. However, the

census report brings to our notice that there has been a sometimes-noticeable increase in the growth of some of the remaining religious sects.

### 15. Demographics of Different Denominations from 1951 To 2001

Different religious communities	Population % 1951	Population % 1961	Population % 1971	Population % 1981	Population % 1991	Population % 2001
Hinduism	84.1%	83.45 %	82.73%	82.30%	81.53%	80.46%
Islam	9.8%	10.69%	11.21%	11.75%	12.61%	13.43%
Christianity	2.3%	2.44%	2.60%	2.44%	2.32%	2.34%
Sikhism	1.79%	1.79%	1.89%	1.92%	1.94%	1.87%
Buddhism	0.74%	0.74%	0.70%	0.70%	0.77%	0.77%
Jainism	0.46%	0.46%	0.48%	0.47%	0.40%	0.41%
Zoroastrianism	0.13%	0.09%	0.09%	0.09%	0.08%	0.06%
Other religions / No religion	0.8%	0.8%	0.41%	0.42%	0.44%	0.8%

### 16. Constitutional Protection of Minority Rights

As new independent states emerged after the First World War, various treaties were formed to protect minorities within them. Even in India, before giving freedom to the Indians, the British tried to create some special privileges for the minorities and make their successor, the Government of India, adhere to them. British efforts did not work in India as they could not effectively impose agreements that were newly forming in so many independent states of Europe. However, minority groups have continued to make consistent efforts to protect their group rights. Minority groups in India are no exception.

### 17. Protection of Minority Rights and British 'Divide and Rule' Policy

The Muslim community, a major minority group in India, has been particularly conscious of minority rights and has been making concerted efforts to protect their interests since the British era. The 'Divide and Rule' policy followed by the British also gave further encouragement to this effort.

During British rule in AD. In 1872-73, the 'Representative System' was introduced for the first time at the local government level. In that context, Muslim leaders in Bengal and

Punjab demanded that there should be a 'Separate Electorate' or 'Separate Electorate' where only Muslims would elect their representatives. Although the British rulers agreed to it, Indian nationalists strongly opposed this political separation of minorities. The beginning of 'Political Communalism' which the British gave to the Indians as a colony can be identified from here.

## **18 Efforts for Political Isolation of Minorities**

Communalism was practiced by the East India Company in a non-public manner. It may have been published when Viceroy Lord Curzon divided Bengal in 1905. Although Lord Curzon made the partition of Bengal to sow the seeds of separation between Hindus and Muslims, it was given as a reason of administrative convenience. Further, in the 'Minto-Morley Reforms' of 1909, Muslims were also considered as a 'separate electoral community'. (Minto advised the formation of a separate organization for Muslims and led to the establishment of the 'Muslim League', while Marley also recommended a separate constituency for Muslims and a special place for them in the government service) Similarly, according to the 'Indian Councils Act of 1909', separate constituencies were created in the state and central legislatures. . According to the Government of India Act of 1935, 18 such separate constituencies were reserved for minorities in the country. "This system of communal representative representation which has been created is completely contrary to human history and any form of royal moral code. No such system exists anywhere. AC Kapur said, "Let them devise a plan to divide their subjects in this way, even if they are evil followers of imperialism."

Pandit Nehru also expressed his deep displeasure at the creation of a separate constituency for Muslims. This created a barrier around the Muslims and separated them from the rest of India. Not only that, the process of integration and integration, which has been going on for centuries, has been pushed back and forth', he lamented. It was because of this attitude of the British that India became divided in 1947.

## **19.Changed Status After Independence: 'Political Minority' As an Abandoned Concept, Creation of Special Cultural and Educational Rights for Minorities**

Nowhere in today's modern sovereign states has a separate electoral community system been accepted, independent India has not. India did not abandon the concept of 'political minority' and did not accept the policy of proportional reservation. Instead, the government stuck to the stand of preserving special, educational, cultural and religious rights for all minorities in India. These special rights allow minorities to form and support their own

educational and cultural institutions. Apart from these, the fundamental rights like freedom and equality which are given to all other citizens of the country are equally given to the minorities.

## **20. Article 340 of the Constitution States that the President Shall Appoint Two Commissions.**

- a. A commission will investigate and report on the welfare of Scheduled Tribes and the management of Scheduled Areas.
- b. The Central and State Governments should implement initiatives that address the issues of the socially and educationally disadvantaged classes, according to the recommendations of another commission. The Parliament is presented with these reports and the government's response to them. The Centre has the authority to order state governments to implement the commission's recommendations.
- c. According to Articles 341 and 342, the President of a State will choose which races and castes to add to the list of Scheduled Castes and Ethnicities based on the Governor of that State's recommendation. Once the list is made public, not even the President can alter it. Changes can only be made by Parliament. Today, for reasons of political expediency, more and more advanced or unexploited castes in social life are also included in the Scheduled Castes list. There are currently over 40 castes in the Scheduled Tribes and over 100 castes in the Scheduled Caste list, and there are complaints that chances for true Dalits are being denied.

## **21. Other Legal Protections for Dalits**

Apart from the protection of the Constitution, Dalits have been given other legal rights. They are:

- i. **Untouchability Offences Act, 1955:** Parliament passed this Act to stop Dalits from being exploited. Later, in 1976, the same act was amended to become the Protection of Civil Rights Act, which granted Dalits equal rights alongside other citizens and gave courts the authority to penalise them for being mistreated or degraded simply because they are Dalits.
- ii. **Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989:** Accordingly, untouchability is forbidden and Dalits are shielded from any form of human rights violations. At the district level, one District Judge and one District Police Officer have been appointed to defend Dalits' rights.

- iii. **Abolition of Caste System Act, 1976:** Prohibits crimes committed in India under the guise of caste, because untouchability has been abolished by Article 17 of the Indian Constitution. The law will be applied to their punishment.

## **22 I.(A) National Commission for Scheduled Caste**

The chairperson, vice-chairperson, and three more members comprise the National Commission for Scheduled Castes. The President appoints him based on the Cabinet's recommendation. The President determines their terms of service and tenure.

## **23.Functions of the Commission**

- To examine all matters relating to the protection provided by the Constitution and laws to the Scheduled Castes and to evaluate how they are functioning.
- Investigation of such cases where rights and protections of Scheduled Castes are affected.
- To advise the government regarding social and economic development of Scheduled Castes.
- To assess the extent to which the Central and State Governments have achieved the development of these categories.
- To advise the Central and State Governments on what steps should be taken to effectively implement the safeguards provided by the Constitution for the protection, welfare and social and economic development of the Scheduled Castes.
- To perform such other functions as may be assigned by the President for the protection, development and advancement of Scheduled Castes.

## **24.Report of the Commission**

The President receives an annual report from the Commission. This report will be presented to Parliament by the President. A letter outlining the actions taken by the government in response to the Commission's recommendations and why the government does not accept any of them must be included in the report that the President presents to Parliament.

## **(B) National Commission for Scheduled Tribes**

In accordance with the 2003 89th Constitution Amendment Act, Article 338 was modified to allow for the establishment of distinct commissions for Scheduled Tribes and Scheduled Castes and to split the Commission for Scheduled Castes and Scheduled Tribes.

To establish a distinct National Commission for Scheduled Tribes, the 89th Amendment added Article 338(A) to the Constitution. The National Commission for Scheduled Tribes is its name. The Commission comprises three full-time members, a chairman, and a vice-chairperson. The President will decide on each member of the Commission's tenure and terms of service. The commission members serve three-year terms.

## **25. Powers of the Commission**

The Commission has the authority to establish policies and guidelines for its operations. The Commission possesses all the authority of a civil court regarding the inquiry and investigation of any case. The Commission has the following powers.

- To summon any person in any part of India to appear before him.
- Directing production of documents.
- Receiving evidence.
- Ordering evidence and documents to be examined.

The President will forward all Commission reports about State Governments to the Governor. A letter outlining the actions taken by the Government in response to the Commission's recommendations and the justifications for not taking any of them into consideration must be included in the report that the Governor submits. The Commission has the authority to establish policies and guidelines for its operations. The Commission possesses all the authority of a civil court regarding the inquiry and investigation of any case.

## **26. The Powers of the Commission Are as Follows:**

- To call someone to come before him from wherever in India.
- Overseeing document production.
- Acquiring proof.
- Setting up the order for the examination of papers and evidence.
- Obtaining a public document from a court or government agency.
- Order to investigate any additional issues that the President may determine.
- Getting a public document from a court or government agency.
- A directive to look into any issues the President deems appropriate.

## **27. Conclusion**

A nuanced approach is needed to balance equality with cultural identity and uniformity with variety in the Uniform Civil Code issue. Respect for individual rights, cultural diversity, and India's distinct sociopolitical environment should be prioritized when implementing

UCC. To address valid concerns and guarantee inclusivity, a staged approach, codifying personal laws, and efforts to reach consensus can be advantageous.

The discussion surrounding the Uniform Civil Code emphasises the necessity of a sophisticated strategy that upholds the rights of minorities and equality. The UCC raises worries about the possible deterioration of minorities' cultural and religious identities even as it seeks to eliminate discriminatory personal laws to promote uniformity and gender fairness. Prioritising communication, inclusion, and reaching consensus across various communities must be at the forefront of any implementation attempt for the UCC. To secure the rights of all citizens and promote social cohesion and national unity, it is imperative to strike a balance between legal uniformity and respect for cultural variety. In the end, tackling the underlying causes of inequality and prejudice through reforms that are considerate of the interests and goals of all communities is the way ahead.

## **28. Acknowledgement**

Dr. N. M. Janngubhai (PhD), is currently working as a Principal and Associate Professor of Political Science in Government First Grade College, Beedi, Khanapur Tq, 2024 to Present. He has 16 years teaching experience. He has served as a Principal as a Government First Grade College, Dandeli (2013-2024) and also served as a Assistant Professor, Government First Grade College, Yallapur (2009-2013). He holds PhD (Political Science), MA (Political Science). He has presented 40 research papers at international and national conferences/seminars in India. His more than 30 research papers have been published in national and international journals.



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