



LINGUISTIC MINORITY CONCEPT IN INDIA: MYTH AND REALITY

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Abstract

In the contemporary period, in India religion and language are most sensitive issues in our country because on this basis the people dominate other society. The Constitution of India used the word 'Minority' in the Articles No. 29 and 30 and 350A and 350 B. It means the people of the dominant group or community are numerically high (which is called as majority) and the other group is called as minority. The concept of minority has been expanding beyond the boundaries of the state and nation. It basically speaks about two kinds of minorities in India which are, religious and linguistic. The Indian states have been formed on the basis of linguistic. This point of view has created various problems related to the Minority and their rights. Many high courts and Supreme Court judgments have not discussed the concept and criteria of minority status but they have discussed their rights. Therefore, the time has come to think about the concept of minority and their rights.

Key Words - Concept, Minority, linguistic. Rights. Religious



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Introduction

In the contemporary period some problems are created in each and every nation because the club is split within two groups which are called as Majority and Minority. The publication of minority groups remains to be a matter of controversy in local, national and international stage.

India has been always multi-religious, multi-lingual, multi-ethnic and multi-cultural society in nature. Nevertheless, in the Supreme Court judgment of P.A. Inamdar V/s Govt. of Maharashtra and others maintained that, "The one billion population of India consists of 6 main ethnic groups and 52 major tribes: 6 major religions and 6400 Castes and Sub-Castes: 18 major languages and 1,600 minor languages."¹ Therefore we have no objection to accept this reality right from independence to till today. Consequently, many communal riot areas in the rural area on different floors, only most of the conflict of religion besides that, after independence language also created a conflict in the social club. Thus, we can state that, after independence religion and words are most sensitive issues in our state. On this base the people dominate other society we may predict this as a superiority complex connected with the prevalent group. The several opportunities relating to the socio-economical and educational development and other community related perspectives of the minority group with the depressed from the prevalent group.

The understanding of discourse along the minority educational Institutions because the National Commission of minority was received just 380 application builds for the status of minority educational institutions, prior to the case of P.A. Inamdar V/s Govt. of Maharashtra and others (2005). But after this case near about 2500 applications have received from the Institution for minority status. And those institutions have taken the minority status, and some questions related to the minority statuses which are who minorities are? What criterion of minority is? And what is the role of minority educational institution in our society? This research paper is focused and critically analyze on the concept of minority.

Concept of Minority

The word of the 'minority' is a compound of the Latin word 'minor' and suffixation 'minor means lesser, smaller, the smaller in number of the two aggregates that together form a whole, therefore the derivative and the original meaning of the universe is given in statistical terms or mathematical and merely numerical meaning, even though useful, does not attend to social science purpose well and thus we must look for alternative sources for the substance of 'minority'

It would be better to begin our search for meaning of 'minority' with dictionary the arbiter of the most definition disputes; Webster's new dictionary and thesaurus define, "minority's a groups of which it forms a usually larger group of which it forms or is held to from

a part”² Webster’s new dictionary and thesaurus clarifies that, “minority is a racial, religious or political group that differs, from the larger group.”³ The Oxford English dictionary states that, “minority is “the condition or fact of being smaller, inferior or subordinate”⁴. Encyclopedia Britannica mentioned that, “Minority is a culturally, ethnically or racially distinct group living within a larger society”⁵ and this term is used by political and social scientists. A minority is necessarily subordinate to a dominant group within a society this subordinancy rather than numerical minority is the chief defining characteristic of a minority group.

In sociological parlance a minority can be a distinct social group as such has specific rules of membership and prescribe guidelines of cultural behavior that distinguish it from the majority; it must have specific easily recognizable characteristics that mark it off from the rest of society. In their separation from the dominant force of a society, members of a minority group usually are cut off both from a full involvement in the working of the society and from an equal share in the society’s rewards. A minority group is typically poor and politically less powerful than the dominant group although certain exceptions exist.

International agencies like the United Nations have also tried to define the term of minority which as “The task of defining the term minority proved to be of such difficulties and complexities that neither the experts in this field nor the organs of international agencies have been able to accomplish it to date. Thus, there is no definite definition which is capable of being universally acceptable”⁶ While we think about Indian context, then we must look into history then we understand how the minority emerged. In what has lived before, we have a glimpse of dictionary definition simplistic view, encyclopedia elucidation and international version of ‘minority group’ we now turn to ruminate over the sound and constitutional interpretation of the condition, in extension to India.

The constitution of India uses the term ‘minority \ minorities’ in four of its Articles namely Articles 29 (1), “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.”

Article 30, “All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.” In order to bring a case under

Articles No. 29 and No. 30a of the constitution, a community has to establish first its character as linguistic scriptural, cultural or religious minority in the constitution.

In the absence of any constitutional guideline, we are allowed only to the legal interpretation of 'minority' on the meaning of the word 'minority'. On the substance of the word 'minority' the Supreme Court felt that though it was easy to say that minority community means a residential district which is numerically less than so percent. And the under Secretary of Minority commission, Govt. of India declared that, "the term 'Minority community has not been defined in the Constitution or in any other enactment." The National Commission for Minorities Act, 1992 says that "Minority for the purpose of the Act, means a community notified as such by the Central Government"- Section 2 (7). Acting under this provision on 23-10-1993, the Central Government notified the Muslim, Christian, Sikh, Buddhist and Parsi (Zoroastrian) communities to be regarded as "minorities" for the purpose of this Act.⁷

In simple language we can say as the Minority group is a group of people who differ in some ways from the main group in a social club. Members of minority groups may differ from the principal group also called the dominant group, in speech, appearance, or cultural practices. The dominant group also has greater political and economic power than the minority group. In many cases, the dominant group discriminates against minorities--that is, it treats them unfairly. Most members of minority groups have fewer economic, political, and social opportunities than the members of the dominant group.

How a group becomes a minority

Many minority groups develop when people pass on their native land and take root in some other company. Members of the minority may move into the dominion of the dominant group either voluntarily or against their will. Or the dominant group may move in and get over the minority's territory. When these groups meet, the dominant group uses its greater economic and military power or other strength in order to maintain control over the minority group.

In short, we can state that, plural societies exist throughout the world. Some masses are set apart for a mixture of causes such as: physical features, Skin, colors, speech communication, gender, religious beliefs, physical impairment and behavior rule. Their physical and cultural characteristics provide high social visibility and serve as identifying symbols of group membership. Based on these features individuals are ascribed in the social structure the group to

which they belong. The groups so identified are prevented from participating equally and fully in many dominant groups in society. All these are minorities.

Types of Minorities in India.

In Govt. of India considered that, only two types of minorities, which are religious minority and another is linguistic minority

Religious Minorities

In India, religion is both a divisive as well as a cohesive force, it is one important factor which cuts across all regions, linguistic and ethnic boundaries and differentiates the population into different communities with a certain level of homogeneity it exerts on the thought culture and conduct of the masses. There is hardly any social conduct which is not influenced by the sanctions of religion, daily life in India, religion permeates, family and personal life, as a movement, it underlines and justifies the caste system and consequently regulation interpersonal and inter group relations”⁸

The minority is any community, linguistic or religious, which is less than fifty percent population of the entire State population, since Muslims, Christians, Sikhs, Buddhists, Jains and other religious groups are less than a fifty percent population that they are religious minorities, which rule made by Minority Commission. It is considerably noted that Hinduism is the religious faith of the majority (82.6 percent) of the population, but their share of the country’s entire population has been shriveling up on account of their growth rate being more sluggish than the all India population growth rate since 1951. And Muslims make the second biggest religious community in India. The leading distribution of population by religious belief shows that Muslims are a major religious minority in Indian constitution 11.35 per cent of Indian population according to 1981 census. All other minorities put together account for 17.36 per cent Christians constituting 2.43 percent, Sikh 1.96 percent Buddhist 0.71 per cent, Jean 0.45 per cent and other religious communities 0.42 percent.

Linguistic Minorities

Language in Independent India has come to be accepted as a legitimate basis of the States’ formation. After independence, many of Indian States were organized on linguistic lines. As a consequence, near every major State has what may be named a ‘home language’ of which it

is home State succeeded in bringing together in State (or States) the speakers of the major speeches, although the terminology has been accepted as a legitimate basis of the State formation within the fabric of the Nation-State the manner in which language is limited and distinguished from dialects is problematic”⁹

It need be remembered that the linguistic foundation of State reorganization was, in turn, based on ‘linguism’ and ‘linguism’ - defines Munshi - ‘is a group sentiment based on the kinship of language seeking expression in term of power politics. It distinguishes the linguistic communication with culture and equates culture with politics. It distinguishes the linguistic communication with culture with political frontiers of a region, in effect, it is not a cultural force for the bounds of culture are never limited to any single language group, nor in reality has it any inherent relation to a political end, it is a kind of intolerant aggressive nationalism.’ As per the 38th report of the National Commission of Linguistic Minority (NCLM) “In each State there is a terminology which is addressed by the bulk of the resident of the state. All others who do not speak that language belong to linguistic minority”. According to Kerala education Case referred earlier, minority has to be defined on the basis of the State. Considering this fact Bengali, Punjabi, Malayam, Sindhi, Tamil, Telugu, and Marathi are linguistic minorities in the Union Territory of Delhi.

Mookerji Radha Kamal mentioned that, “India is a state where several different languages are practiced, there are in India... no less than fourteen separate peoples or nationalists with their own speeches and literature no less than 150 different tongues producing varies languages”. According to Crust, there are “no less than 539 languages and dialects, cultivated and uncultivated in the whole of India and its surrounding regions” As per 1971 census. India has over 1000 language and mother tongues. 15 languages recognized presumably as the principal or possible official State languages are entered in the Eighth schedule of the Constitution of India. Theses fifteen languages are Hindi, Kannada, Kashmiri, Malayalam, Marathi, Oriya, Punjabi, Sanskrit, Sindhi, Tamil, Telegu and Urdu. These languages chosen for political and cultural reasons are not necessarily those with the greatest number of loudspeaker systems. The mention of Sanskrit is obviously for sentimental cum-cultural stress and has little functional significance. Sindhi, which was pulled out of its former homeland of Sindh at the time of partition of India and which has now no distinct contiguous territorial basis of its own in India.

In 1971 of the 15 languages recognized by the Indian Constitution 'Hindi' is the one spoken by the largest proportion (38.0 per cent) of the population while Bengali and Telugu come next in importance with each of these languages being spoken, the other languages included in the Eighth Schedule are Marathi (7.7 per cent), Tamil (6.9 per cent), Urdu (5.2 per cent), Gujarati (4.7 per cent), Malayalam (4.0 per cent), Kannada (4.0 per cent), Oriya (3.6 per cent), Panjabi(3.0 per cent), Assamese(1.6 per cent), and Kasmiri (0.5 per cent), though Sanskrit is one of the language included in the list of recognized languages. It is no longer a spoken language. Only 2.212 persons have written Sanskrit as their mother tongue at the 1971 census. No languages belonging to the Austric and Sino-Tibetan families have been included in the list of recognized languages as the speakers of these languages are numerically small.

The Indian languages of today have evolved from different language families corresponding more or less to the different ethnic elements that have come into India from the dawn of History; these languages have interacted with one another through the centuries and produced the major linguistic divisions of Indian. The Indo-Aryan, the biggest of the language group in India accounting for 74 per cent of the entire Indian population is the India branch of Indo-European family, which was brought into the subcontinent by ancient invaders, the Aryans and is spoken in the North India the most important languages in this group are Panjabi, Sindhi, Hindi, Bihari, Rajasthanai Gujarati, Marathi, Assamese, Bengali, Oriya, Pahari, Kashmiri and Sanskrit. The Dravidian family, which came into India centuries before the Indo-Aryan period, is the second language group covering about 24 per cent of the total Indian population. The Dravidian family languages still pre-dominate the south India. The outstanding languages of this group include Telugu, Tamil, Kannad and Malayalam. It is obvious, then, that the language spoken by 98 per cent of the population belonging to two great families viz. Indo-Aryan and Dravidian.

An interesting demographic feature in India is the concentration of the different linguistic group in specifics States, in fact, after independence, the linguistic States were created with a view to providing opportunities for the people speaking the same language to develop their own culture and language according to their own desire, the distribution of the speakers of the languages specified in schedule VIII except Sanskrit.

In view of the polygon character of Indian society the Constitution recognized the concept of linguistic minorities, but the constitution is silent about the definition of the term and hence the judiciary has to define it for the purposes of Article 30 (1) of the constitution, in the wisdom of the Supreme Court (AIR 1971, S.C 1987), the meaning of a linguistic minority for the purposes of Article 30 (1) is as follows;

“A linguistic minority for the purpose of Article 29 (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 these for those who speak it to be a linguistic minority there are in this country some languages which have no script of their own but nonetheless those sections of the people who speak that language will be linguistic minority entitle to the protection of Article 29 (1).”Hindi has five home States and one Union territory unlike the rest of the schedule VIII languages which have one each, they are Uttar Pradesh, Bihar Madhya Pradesh, Haryana, and Himachal Pradesh, and the Union territory of Delhi they together cover 94.2 (92.7) per cent of Hindi Speaking population.

If we further look at linguistic geographical mapping on the basis of 1971 and 1981 census, the picture stands like this: Kashmiri is the principal language of Jammu and Kashmir, Punjabi of Punjab Assamese of Assam, Bangali of West Bengal, Oriya of Orissa, Gujarati of Gujarat, Marathi of Maharashtra, Kannada of Karnataka, Tamil of Tamil Nadu, Telegu of Andhra Pradesh and Malayalam of Kerala. The situation of Sindhi and Urdu is, however, different, they have no contiguous territory which can be called the home states, for instance, the Sindhu speaking population of 16.77 lakhs is mainly spread over Gujarat (6.98), Maharashtra (4.32), Madhya Pradesh (2.40 lakhs), making up 90.76 per cent of the Sindhi speaking population in India. One can see the migration after partition affecting the geographic distribution pattern of Sindhis.

In case of Urdu with 286.21 lakhs speakers and more than 5 per cent of the total Indian population in the major concentration in even more widely dispersed Uttar Pradesh (92.73), Bihar (49.93 lake), Maharashtra (36.62 lakes), Andhra Pradesh (33.00 lakes), Karnataka (26.37lakhs), Madhya Pradesh (10.01 lakes), West Bengal (5.82 lakes), Here also one can witness the direct impact of partition (in the reverse) together with the historical situation.

Let us now consider linguistic minorities, the minority language groups substantial numbers of speakers of Bengali, Kannada, Panjabi and Telugu are spread outside their home State, for instance Punjabi speakers are to be found in significant proportions in Jammu and Kashmir, Haryana Himachal Pradesh and Delhi respectively. Similarly Bangli speakers are to be found in substantial numbers in Assam, Bihar and Orissa; Gujarati speakers in Maharashtra; Marathi speakers in Madhya Pradesh and Karnataka; Oriyya West Bengal and Assam; Telugu speakers in Orissa. Maharashtra, Karnataka and Tamil speakers in Maharashtra and Tamil Nadu; and Malyali speakers in Karnataka and Tamil Nadu, and Malyali speakers in Karnataka and Tamil Nadu. Thus, there are sizeable minority language groups belonging to schedule VIII languages in almost all the 17 largest States, many of them live in border areas between the concerned states and in lire cities, this reflects the influences of the old historic migration due mainly to political factors, the newer migrations after the country's industrialization and urbanization during the pre and post independence periods and residual effects of the linguistic organization of States.

Besides, over and above these languages, there are two other important minority language groups - the Hindi and Urdu speakers. Hindi speakers are in sizeable numbers in Jammu and Kashmir and the Punjab to a lesser extent in the West Bengal, Assam, and Maharashtra and to a still lesser extent in Andhra Pradesh, Orissa, Gujarat and Karnataka, in other two southern States they are negligible. Urdu speaking population is to be found in the wider Hindi belt except in the Punjab and Himachal Pradesh and Maharashtra and to a lesser extent in West Bengal, Orissa, Gujarat and Tamilnadu. They are negligible in Assam and Kerala, its reason is partition. Sindhi speakers are dispersed.

“Another issue in the linguistic process of consolidation and assimilation is the case of languages which cannot be included as the mother tongue of schedule VIII languages, take Konkani, scantily for instance, finally comes the question of a language of all India intercommunication, there are three languages Hindi, Urdu and English. Hindi and Urdu seem to have an edge over English knowing sections. They outweigh the Hindi and Urdu knowing sections in West Bengal, Kerala and Tamil Nadu, so there is more opposition to Hindi in these States and demand is made for the continuation of English as a language for all India inter-linguistic communication or contact language Hindi belongs to upper strata of society”.¹⁰

The Observations of Judiciary

The Judiciary has defined that, if the constitution of a group in any residential State which is numerically less than fifty per cent of the population is taken as 'minority group'. Founded upon this definition, the Government of India has declared five religious groups as national minorities, which are Muslims, Christians, Sikh, Buddhists and Parsis. In this way India has large forms and differences in both its land and its citizenry. The estate includes a desert, jungles, and one of the world's rainiest areas. India also has broad plains, mighty rivers, the tallest mountain system in the macrocosm, and tropical lowlands. The masses of India belong to many different ethnic groups and faiths. They speak 14 major languages and more than 1,000 minor languages and idioms. Some Indians have great riches. But many others cannot pay for the simple essentials of life.

Thus, in the political arena, the Constitution framers were not supportive of the idea that the religious minority communities deserved any kind of special status, however they kept the stream of the reserved seats for the Scheduled Castes and the Scheduled Tribes, which had been first introduced by the Government of India act of 1935. According to Articles 330,332 and 334 of the constitution, ascertain the number of parliamentary constituencies, both at the National and State level, has to be represented by a Scheduled Caste member, with the members of reserved seats proportional to the Scheduled Caste population in the constituency, and same for the Schedule Tribe member, although article 331.

In the area of employment, the Constitution is against any discrimination in the public employment, which is supplemented with section 4 of the Article 16, which permits the State to establish, "any provision for the reservation of appointments or posts in favor of any backward class of citizen, which, in the view of the State is not adequately presented in the service under the State". Along with this, Article 335 asserts that the claims of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistent with the maintenance of efficiency of administration, and it instructs the Central Government to a certain percentage of jobs for the Scheduled Castes and the Scheduled Tribes in civil and technical services, in State run and semi-autonomous enterprises, as also in private as well as public technical institutions. In the field of education, originally the Constitution banned any form of discrimination in the Government aided educational institutions as mentioned an Article 29, section 2.

In this manner the historical grounds of the reservation policy and various attempts have assumed by the Central and State government. Several laws were formed after independence till date, but the outlook of Indian people has not exchanged. In the first decade after independence the literacy rate of Backward Classes was not acceptable. So the consequence was that, backlog of reservation was extended forth. Subsequently this period the ratio of the literacy rate of Backward Classes increased. And If Minority commission clearly mentioned that, the term 'minority Community' has not been specified in the constitution or in any other enactment. Then how we can remember about them right?

Reality of Linguistic Minority

As per letter of the Commission dated 28th January, 1984 the Minority commission has mentioned the this letter, So far as a linguistic minority is concerned, the commission has been treating those groups of people as linguistic minorities whose language is different from the principle language of the State in which they reside and who constitute numerically smaller section of the people in that State. Means linguistic minority will be declared by the state govt. However, in practical base, if any person will leave their own or native state and migrated to another state, then he or she will be going under the group of linguistic minorities. And this person will be taken benefits of the minority community. On this ground in Maharashtra and other state' persons those already have including majority community this type of persons have increased the linguistic minority and they established professional educational Institutions in Maharashtra and they are taking benefit of the minority community. Some of the professional educational institutions the majority member of the Management council they are not included minority community but they have established minority educational institutions.

The Minority Commission of India mentioned that, "the term 'minority Community' has not been defined in the Constitution or in any other enactment. So how can Supreme Court discussed about the rights of the minority. The Minority concept is a mathematical term which related to the population based on culture, Language, Script and Religion also. The every state, there has been many languages or linguistic minorities, but it is not recognized by the state. And the question is State also given the status of linguistic minority which is based on population, but question is on the population of Thakari, Kokani and other languages have not considered the

minority in the state of Maharashtra. Meanwhile the State has recognized to other languages treated as a minority on the basis of population, but the state has never thought about this group is included in the group of domination. The reality is those people has migrated from another state, but this person is very economical and socially strong position. And these persons have established linguistic minority educational institutions. Another thing is, the Majority of the people from their own state mean the people of Majority linguistic they have not subordinate or they have not included in the linguistic minority community, nor their population is minor but they have started professional educational institution bases on linguistic minority. And till this date government has not seriously looked on the linguistic professional minority educational Institutions.

Conclusion

The above discussion drawn the conclusions which are The Concept of Minority is only related to Population but it has not considered as sub-ordination. There is no definition of the concept of Linguistic Minority as well as the concept of minority meanwhile the High courts and Supreme courts have discussed on their rights. In the 1978 did 44-amendment Act, as per this act, the State shall not, in granting aid to educational Institutions? But those who have taken the status of Minority they are taking grants from the State level. We should know the structural changes in the Indian Society- after linguistic states have established, Many Institutions have misused of the minority status. – These Minority Educational institutions have not conserved their culture or script and language. Therefore the president of India should establish a Commission for the proper identification of minorities. And this committee should focus on the definition of minorities in the Indian Context. It is the proper time for the Central Government takes immediate steps to prevent the misuse of the term minority. Those Institutions are not following the rule and regulation relates to the Constitution of India, the government should drown status of these Institutions. And the Government should realize weather the religious and linguistic minorities on the basis of sociological, economical and educational marginalized, as well as the need for the protection of social level.

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