

**MUSLIMS AS RELIGIOUS MINORITY IN PLURALITY: INDIAN PERSPECTIVE****Dr. Md. Ayub Malick**Faculty, Department of Political Science, University of Kalyani, Kalyani,  
Nadia, West Bengal**Cite This Article:** Dr. Md. Ayub Malick, "Muslims as Religious Minority in Plurality: Indian Perspective", *International Journal of Current Research and Modern Education*, Volume 2, Issue 2, Page Number 264-274, 2017.**Copy Right:** © IJCRME, 2017 (All Rights Reserved). This is an Open Access Article distributed under the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.**Abstract:**

Apart from pluralism as a common political good or minimum shared agreement, recognition of differences needs to be reckoned with. Concepts of nationalism and liberalism have not fully developed to consider each individual as unit. Further, the community should be treated as unit of analysis rather than individual as unit. Muslims in multicultural Indian society should be treated as community as such. Recognition is important within the multiplex of differences. Muslims in India is not only a minority, but most importantly religious minority in the faces of Hindu nationalism. They are congeneric in nature, but in few cases they are frustrated and distinctive ethnicity has cropped up among them.

**Key Words:** Equality, Liberty, Democracy, Pluralism, Differences, Recognition, Nationalism, Minority, Majority, Ideology, Modernity of Tradition & Traditionalization of Modernity

Most liberal philosophers, among them Dworkin, Ackerman, Galston, Rawls, Macedo, and Audi, 'believe that... values of freedom, equality and toleration are best preserved if religion is removed from public affairs.' They are virtually unanimous in their staunch advocacy of the 'wall of separation.' They believe that 'both religious practice and pluralistic democracy are best preserved' by precluding religious argumentation within the public realm (Thiemann 1996: 74) and by putting 'the moral ideals that divide us off the conversational agenda of the liberal state' (Ackerman 1989: 16). Chantal Mouffe's attempt to move away from the Rawlsian position of holding on to the idea of an original rational agreement and to ground 'democracy' in a permanent state of disputation (since there cannot any longer be a 'single idea of a substantial common good'), is instructive in this regard. Pluralism here is seen as possible on condition that the political is defined around a minimum shared agreement; that 'the principles of the liberal-democratic regime qua political association: equality and liberty' be defined as the 'common political good'. As Mouffe clarifies that 'a liberal-democratic regime, if it must be agnostic in terms of morality and religion, cannot be agnostic concerning political values since by definition it asserts the principles that constitute its specificity qua political association, *i. e.*, the political principles of equality and liberty.' (Mouffe 1990: 223).

Sometimes, it is argued that the Muslims reassert themselves as religious fundamentalist is untenable. They are rituals-based and religion-loved people that does not mean fundamentalist in liberal political views. State neutrality in western liberal agenda is not admissible. Recognition of differences needs to be reckoned with. Concepts of nationalism and liberalism have not fully developed to consider each individual as unit. Take the Indian case.

The historiography of Indian nationalism has for a long time been dominated by elitism – colonialist elitism and bourgeois-nationalist elitism... Both these varieties of elitism share the prejudice that the making of the Indian nation and the development of the consciousness – nationalism – which informed this process were exclusively or predominantly elite achievements. (Guha and Spivak 1988: 37).

The ideological orientation of the Indian nation state is essentially rested on a monolithic conception of sovereignty borrowed from the material world of Western Europe denying multiple identities and several-layered sovereignties (Jalal 1995). Individuals should be referred as members of a community or communities. What are needed are communitarian morality, a morality for equality, fairness, liberty, and legitimacy. It pointed to a social basis that avoided an appeal to so-called natural rights without, however, ignoring liberal concerns about individual rights. Here, community actually involves

...an agreement to redistribute the resources of the members in accordance with some shared understanding of their needs, subject to on-going political determination in detail. The contract is a moral bond. It connects the strong and the weak, the lucky and the unlucky, the rich and the poor, creating a union that transcends all differences of interest. (Walzer 1983: 82).

It is not surprising to find Indian Muslims combining Indian and Islamic traditions. It is proposed that the type of ethnicity represented by the Indian Muslims be called 'congeneric ethnicity emphasising the form's similarity to racial and national ethnicity while simultaneously suggesting its differences.' (Mines 1975: 404). They opt for both Hinduization first and then Islamization. The Muslims in India form a separate ethnic and religious identity. It is an ethnic community which (i) is largely biologically self-perpetuating, (ii) shares

fundamental cultural values, (iii) makes up a field of communication and interaction, and (iv) has a membership which identifies itself, and is identified by others, as constituting a category distinguishable from other categories of the same order. (Barth 1969: 10-11). Why? It can be called because of 'modernity of tradition' or 'traditionalization of modernity'. That is why 'congeneric ethnicity' has cropped up in Indian tradition, particularly in case of the Muslims in India. They are most tradition-strewn.

In general terms congeneric ethnicity occurs in India because of the particular nature of its social structure. Caste and religious community form an important aspect of individual identity. A person is always the member of a particular group. In the village this is a corporate *jati* or caste-like group. In the modern Indian city this corporateness is lost, but the caste appellation or general community identity is retained as in the case of the Muslim Tamils. (Mines 1975: 418).

The Muslims in India are more theologically fatalistic than the majority Hindus, who are more empirically fatalistic than the others. This type of fatalism depends upon the social positions of the minority communities. Theological fatalism appears to be affected by both doctrine and social position. Empirical fatalism seems to be affected by doctrine rather than by social position. (Elder 1966). The Muslims in India can be termed as religious community or communities. They are socially stratified as the Hindus, like Saikhs, Sayyad, Ali, Mallick, Mondal etc; but there is a difference.

The Muslim lack of an ideology of purity and pollution has two major implications: a) There is no integrating ideology for caste ranking; Muslims do not espouse an overriding ideology rationalizing social ranking. b) Mobility is more readily accepted among Muslims than it is among Hindus. Social intercourse is freer and more open among the former than it is among the latter. An impressive example of this is seen in the Muslims' readier approval of intergroup marriages and their acceptance of the offspring of such unions. (Mines 1972: 339).

The social ideology of Islam is essentially egalitarian in nature that upholds equality and fraternity. The early Muslim community was inspired by this ideology marked by simplicity and egalitarianism. Later on, in the course of time, contact with people like Iranians and Spaniards who already had well-defined systems of hierarchy, led to the emergence of stratification in Muslim society (Ahsan 1960). Mandelbaum (1972) points out that despite doctrinal equality of all Muslims, the actual social practice of Muslims in all regions of India parallels that of their Hindu neighbours, refers to the categories of Ashraf, Ajlaf and Arzal, inter se hierarchical ranking of endogamous hereditary groups and dwells on the disabilities of Arzal, the "untouchables". He concludes that it is not misleading to speak of Muslim *jatis*. At the same time, he points to certain redeeming features, like inter-dining of all groups and worship by all in the same mosque with the exception of the Arzal, and the absence of theoretical justification for this unequal hierarchy. However, Sufism was born as a protest movement against this deviation from the original Islamic social ideology of egalitarianism and simplicity.

Ranjit Guha and Gayatri Chakravorty Spivak (1988) specifically point out the elitist view of Indian nationalism, where the subalterns are not taken into consideration. I think the Muslims are basically subalterns in character devoid of elitist nationalism. 'The historiography of Indian nationalism has for a long time been dominated by elitism – colonialist elitism and bourgeois-nationalist elitism.' (Guha and Spivak 1988: 37). These nationalist elites were agents of colonialist elites as the former were deficient in articulating national capital with international capital due to lack of fullest development of capitalism. The bourgeois-nationalist elites necessarily have had to pursue coercive state action and coercive form of labour control. The disadvantaged groups were under the control of the bourgeois-nationalist elites. Partha Chatterjee (1986, 1993) has suggested that anti-colonial nationalism is 'different' from the West but 'dominated' in character. It creates its own domain of sovereignty. I think, the bourgeois-nationalist elites tried to imitate the Western material and realized the need to preserve the inner spiritual, the Hindu cultural identity.

...anti-colonial nationalism creates its own domain of sovereignty within colonial society well before its political battle with the imperial power. It does this by dividing the world of social institutions and practices into two domains – the material and the spiritual. The material domain is the domain of the 'outside', of the economy and of statecraft, of science and technology, a domain where the West had proved its superiority and the East had succumbed. ...The spiritual, on the other hand, is an 'inner' domain bearing the 'essential' marks of cultural identity. The greater one's success in imitating Western skills in the material domain, therefore, the greater the need to preserve the distinctiveness of one's spiritual culture. (Chatterjee 1993: 6).

To Chatterjee, 'difference' is not a viable criterion in the domain of the material. In essence, difference is a function of inclusionary nationalism, which is not in consonance with the exclusionary majoritarian identity or nationalism.

The introduction of adult suffrage and majority rule transferred control of political patronage to Hindu hands. Local-level government, which dispenses development funds, is in most places dominated by Hindus, while aid is earmarked primarily for lower-caste and tribal people. Today middle and lower-class Muslims find themselves increasingly at a disadvantage, since Urdu has ceased to be the language of administration and special scholarships and grants to lower-caste Hindus have increased job competition from this quarter.

Economic pressures have led many Hyderabad Muslims in recent years to migrate to Middle Eastern countries for employment. A sense of relative deprivation did act as the motivating agent in expediting the formation of Muslim ethnicity in Southern and Northern India. In reaction to these changes a frustrated Muslim minority has continued to emphasize its ethnic distinctiveness. In addition to political lobbying for Muslim interests, Muslims have maintained a sense of identity and ethnic distinctiveness in other ways. Language, for example, continues to serve an important boundary-defining mechanism. Here, the role of the Muslim elite is important in manipulating the symbols of Islam.

It cannot be denied that Islam and Hinduism constitute wholly different religious systems at the elite level. However, it was only through the social mobilization of the Muslim population that these differences could be communicated to the mass of Muslims, whose religious practices and language did not differ as significantly from the mass of Hindus as did the religious practices and language of the elite Muslim groups from the Hindu. (Brass 1974: 178-79).

The *Jamaat-i-Islami*, which takes the most militant position on the issue of change in the Personal Law, argues that even a ban on polygamy cannot be accepted, because Muslims are sure it will be only the first step in the direction of erasing every symbol of a separate Muslim culture in India. The *Jamiyat-al-Ulama* agrees that though its criticism is reinforced by the argument, that any attempt to alter the Personal Law would be an infringement of the 'covenant' of composite nationalism which binds Muslims to India and its Hindu countrymen. This was echoed at a convention organised in December 1974, and is repeated at every annual session of the *Jamiyat*. Ziya-ul-Hasan (1983) states the position of the *Jamiyat* by arguing that the demand for a uniform civil code is tantamount to a fundamental departure from the position that in the present day Indian situation where the Muslim community is deeply entangled in a struggle for the search and safeguard of its self-identity, it is only the Personal Law that can be a permanent guarantee for its preservation. The most contentious aspect of the Muslim Women Bill, 1986 legislation was the transfer of the concept of maintenance from the purview of criminal and civil law to the domain of Personal Law. As a result, Muslim women were removed from the social domain and relocated in the domain of the family where personal law would be given primacy over their rights as citizens.

Indian democracy and citizenship is based on religion and culture ignoring secularism and pluralism. It is a dangerous possibility on the part of the majoritarian governance. In this regard Zoya Hasan, eminent political scientist, CPS, JNU regards that majoritarian democracy in India is targeted at politics of domination in terms of culture. It is the explosion of cultural politics. Majoritarian democracy based on religion and culture is not politics of equality in terms of diversity and pluralism. Referring to recent comment of Home Minister, Rajnath Singh that 'secularism' is the 'most misused' (<http://indianexpress.com/profile/politician/rajnath-singh>) word in Indian politics, Hasan states, 'It would seem the Home Minister was floating a trial balloon and that amending of secularism represents a dominant issue of the government's political agenda.' (Op.cit, Express News Service 2015: 2). In theoretical terms, we know, democracy means government of the people, by the people and for the people. I do think it is like government of the majority, by the majority and for the majority. Javed Anand (2013) comments that the Indian democracy is not an exceptional case out of other majoritarianisms. The fact is that the Indian democracy is dwindled with majoritarianism or majoritarian rule, irrespective of the parties in power.

For proof, read the report of the high-powered *Sachar* Committee for abundant evidence of institutionalised discrimination against the country's Muslims. At its worst, there is state-complicit, even state-sponsored, mob terror unleashed on India's religious minorities. The most gruesome examples of these are the targeting of Muslims (Nellie, 1983; Bhagalpur, 1989 Bombay, 1992-93; Gujarat, 1992 and 2002), Sikhs (Delhi, 1984), Kashmiri Pandits (J & K, 1989), Christians (Kandhamal, 2008). (Anand, 2013: 1).

I do agree with Ashutosh Varshney's comments on India's nascent democracy (Varshney 2012, 2013). There is institutionalized discrimination in Indian democracy.

Having accepted the findings of the *Sachar* Committee and the pledge to implement its recommendations, the opinion government has made a miserly start through a scheme of scholarships to students from minority communities. The scheme is being implemented across the country for the last few years. The Modi government, however, doggedly refuses to implement it, claiming it amounts to "minority appeasement". Division bench of Gujarat High Court ruled that a "scheme for affirmative action" is not unconstitutional. (Anand 2013: 2).

The vision is clear. The Modi government is discriminatory towards the minorities. Due to this discrimination, the Muslims in India are now in resistance. Mushirul Hasan (1988) says about the 'systematic neglect' of the Muslims in India. To him,

What has angered Muslims is not so much the fact that state patronage of religious fervour has encouraged the fringe of Hindu extremism, but that a systematic neglect of their interests has contributed to their economic decline. The view that the economic weakness of the Muslims must be seen in the context of the total society where development is slow, wages are low and

unemployment on the rise carries no conviction with most Muslim activist groups who argue that opportunities of economic advancement are specially blocked for their community which has borne the consequences of official neglect and discrimination. In the case of scheduled castes and tribes there are compensatory programmes; there are none for the Muslims. Yet other categories in north India, such as the Kurmis, Yadavs and Gujars, have been economically weak and have not had access to compensatory programmes. But, then, they have in some measure sought to neutralise their weakness through mobilisation in the political domain, using their numbers and voting strength to secure attention. To be sure, such mobilisation, when it seeks politically allocated resources by way of job quotas, etc. have generated violent contentiousness in Bihar and elsewhere; but the magnitude of this contentiousness is small compared to the consequences that await Muslims when they seek to assert themselves, politically or otherwise. (Hasan 1988: 2470).

Again,

Nevertheless, whatever be the case, Muslim communalism is very different from the militant Hindu right wing. Unlike *Hindutva* as manifested in different organisations which together go as Sangh Parivar, Muslim communalism neither has a single, all-India ideology nor a single, monolithic organisation guided and led by something like the *Rashtriya Swayamsevak Sangh* (RSS). It is not only region specific but scattered and without any identifiable foundations. It is based, on the one hand, on resentments, grievances and apprehension and, on the other, on vague aspirations and hopes of getting a better deal from the government. (Alam 2008: 47).

Ever since India's independence from Britain in 1947 and the tragic death toll resulting partition creating Pakistan, the sub-continent has been marked by religious conflict. Over the last twenty years, this has taken especially bloody turns.' There is a contradiction and conflict between, 'one between democratic "citizens" and communal "people", and the other between the dynamics of hegemonic "majoritarianism" and the consequences of minority "marginalization". The relationship between the two is explored with special reference to Hindu-Sikh violence generally in the state of Punjab and the long standing Hindu-Muslim violence generally initiated and sustained by *Shib Sena* and other movements of the *Hindutva* cause, as occurred most recently in the state of Gujarat in 2002. India offers a cautionary tale in which both democracy and religious freedom hang in the balance. (Gupta 2007: 27).

Indian nation-state has adopted Western parliamentary set up with liberal-democratic character. The nation-state is defined in terms of territorial political community of citizens. Nation-building process in India is associated with state-sponsored and state-directed process of economic development and social transformation. Islam (2012) citing Hasan (2002) has identified 'neoliberal dispensation' in India as marker of 'contemporary India', can be clearly distinguishable from the pre-neoliberal phase of history and politics. In a post-colonial period, the major politico-ideological currents that precedes the making of contemporary neoliberal India are Nehruvian model of State-capitalism, secularism and the Congress system in 1950s and 1960s and the fragmentation of the Congress system with a transition to regionalism from late 1960s till mid-1980s and subsequently the rise of *Mandir*, *Mandal* and Market from late 1980s onwards: symbolically expressing the politics of majoritarian communalism, the politics backward and lower castes and the policies of neoliberal economic reforms (Islam 2012).

The concept of nation building has been challenged in India. 'Infused with a strong missionary zeal of unitary nationalism *Hindutva* seeks to legitimize majority communalism in the name of nationalism. Such an ideology of nationalism, *i.e.* majority-ethnicism, cannot serve as the basis for the functioning of a modern state in India – a multiethnic society.' (Seth 1999: 35). Omar Khalidi (1993) quotes Sardar Patel (1969):

There is no place here for those who claim separate representation. I want the consent of this house and the consent of all the minorities to change the course of history. For a community to think that its interests are different from that of the country in which it lives is a great mistake. Assuming that we agreed today to the reservation of seats, I would consider myself to be the greatest enemy of the Muslim community, because of the consequences of that step in a secular and democratic state: Assume that you have separate electorates on a communal basis. Will you ever find a place in any of the ministries in the provinces or in the centre? You have a separate interest. Here is a ministry or a government based on joint responsibility, where people who do not trust us or who do not trust the majority cannot obviously come into the government itself. You will exclude yourself and remain perpetually in a minority. Then, what advantage will you gain? You perhaps think that there will be some third power who will use its influence to put the minority against the majority and compel the majority to take one or two ministers according to the proportion of the population. It is a wrong idea. That conception in your mind which has worked for many years must be washed off altogether. For the future of a minority it is best to trust the majority. If the majority misbehaves, it will suffer. If I were a member of a minority community, I would forget that I belong to a minority community. Why should not a member of any community be the prime minister of this country? Trust us and see what happens. Why are

you afraid? Make friends with others and create change in the atmosphere. You will then get more than your quota, if you really feel for the country in the same manner as other people. Now I do not think, so far as the Muslim case is concerned, there is any other point remaining to be answered. (Sardar Patel 1969: n.f.).

In India, we find a contradiction between civil society and political national society and minority rights in terms of citizenship rights, are insufficient to protect cultural identity of the minority communities. Ernesto Laclau (2008) in a recent interview has argued that there are 'no obvious forms of universality which can replace the notion of identity.' Laclau finds that

Any social identity would necessarily entail, as one of its dimensions, construction, and not simply recognition. The key term for understanding this process of construction is the psychoanalytic category of identification, with its explicit assertion of a lack at the root of any identity: one needs to identify with something because there is an originary and insurmountable lack of identity. (Laclau 1994: 3).

In liberal democracy fairness demands more than state neutrality and considerations of justice, freedom, citizenship and equality demand differences of cultural identities, cultural and group rights, multiculturalism, the claims of diversity, politics of difference and recognition. Public institutions should recognize cultural and disadvantaged minorities. 'This requirement of political recognition of cultural particularity – extended to all individuals – is compatible with form of universalism...' (Gutmann 1994: 3). Culture is marked with marginalization and politics of redress of grievances. Multicultural perspective is concerned with justice, fairness and citizenship. Constitution is a 'form of accommodation of cultural diversity' and 'an intercultural dialogue in which the culturally diverse sovereign citizens of contemporary societies negotiate agreements.' (Tully 1995: 30). It is essential to justify multiplicity of culturally diverse voices. Wittgenstein's idea of language game, Michel Foucault's genealogy and governmentality, and Hanna Arendt's concept of freedom and active citizenship are sources of multicultural tradition. Politics of cultural recognition means gathering the broad and various political activities which jointly call cultural diversity into question as constitutional problem. 'A constitution can seek to impose one cultural practice, one way of rule following, or it can recognize a diversity of cultural ways of being a citizen, but it cannot eliminate, overcome or transcend this cultural dimension of politics.' (Tully 1995: 6). In fact, cultures are overlapping, interactive and internally negotiated. Culture is the universal and commanding natural language of difference. All the differences are fundamentally relative.

... one of the basic values of our culture is that it and its basic values are relative, *i.e.* that it is one culture among many essentially unrelated cultures... knows that it is relative, ... it locates its own superiority in this knowledge of its relativity, as it likewise locates inferiority in ignorance of this relativity.' (McGrane 1989: 120).

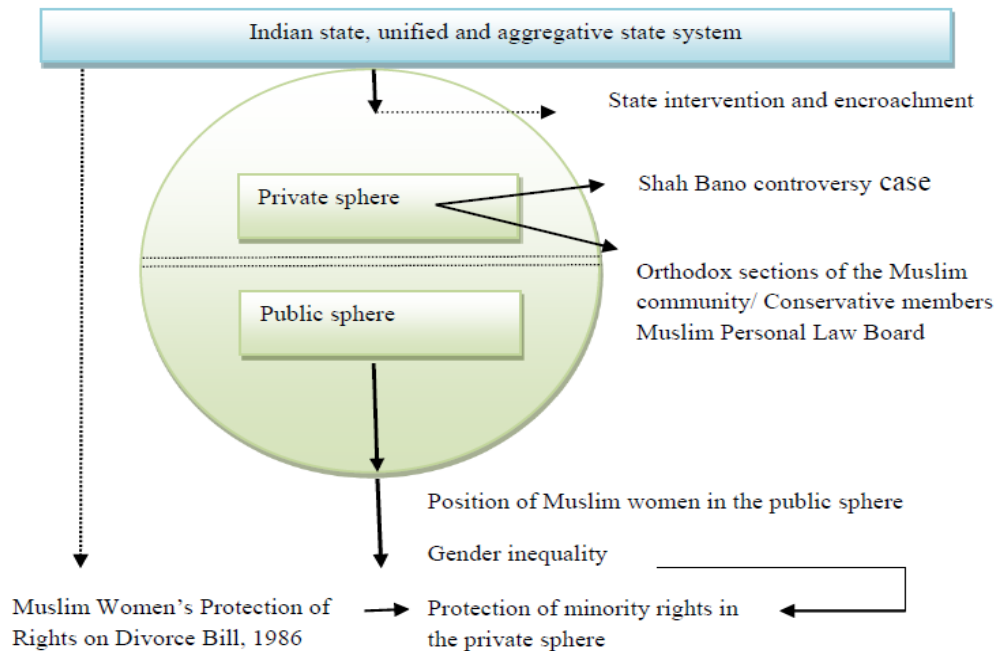
Taylor (1992) finds that politics of equal recognition is important and fundamentally human life is dialogical and interactive. As human agents we define our identity. We are interacting with significant others. Human identity rests on autonomy, on the ability of each person to determine the good of life. In 'politics of equal identity, what is established is meant to be universally the same, an identical basket of rights and immunities... forms of non-discrimination that is quite "blind" to the ways in which citizens differ.' (Taylor 1992: 38-39).

Diverse social groups can find an important place by negotiating and balancing overlapping conceptions for competing membership claims without sacrificing various group identities. In India ethno-nationalist citizenship discourse gained currency after partition. Indian constitution established a common citizenship based on individual rights and collectivist notion of citizenship and common good. In 1950s and 1960s Government failed to provide equal citizenship to the Muslims. There is a liberal dilemma in the role of the state with respect to religious community – 'If the government defers to the wishes of the religious group, a vulnerable groups of individuals will lose basic rights; if the government commits itself to respecting the equal human rights of all individuals, it will stand accused of indifference to the liberty of conscience.' (Nussbaum 1999: 84). By the mid-1970s the republican conception of citizenship was called into question by non-statist citizenship discourse. During the emergency period an attempt was made by the Indira Gandhi government to restore republican discourse of citizenship by achieving socio-economic revolution, reducing poverty and ignorance. During this period a fundamental shift began to take place – growing prominence of ethno-nationalist and liberal citizenship discourses were balanced against each other. However, the process of economic liberalization from the 1980s provided the liberal citizenship discourse. Hindu nationalist discourse began popularity in response to ethno-nationalist discourse of citizenship. In India the minority incorporates not only the Muslims, but also the Christians, SCs, STs and OBCs etc. Therefore, the Muslim citizenship in terms of 'majority-minority' question cannot be constructed.

Caste, tribal, linguistic as well as religious groups can be self-defined minorities for any one of a number of reasons: they have a distinctive group identity that they fear is eroding; they 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... To declare one's group a minority is, therefore, a political act. In the Indian context, it is a way of calling attention to a situation of self-defined deprivation... The term 'minority' has come to be reserved for those who are "disadvantaged". (Weiner 1989: 42-43).

Furthermore, the Indian state and polity are not interested to encroach upon the private sphere of the religious minority communities, for example the *Shah Bano* controversy case, where the Muslim orthodox section resented their voices against the encroachment of their private sphere. A graphical representation may be sketched below (Fig. 1):



**Fig. 1**

Gender equality in *Shah Bano* case was subordinated to religious claims and religious membership and gender equality came into conflicts with religious claims of a minority group. In *Danial Latifi* case the Supreme Court in its judgment recognized the diversity of traditions. In *Shah Bano* and *Danial Latifi* cases the Supreme Court attempted to ensure equal respect and treatment for Muslim women, regardless of religious membership and diversity of traditions. The question is to resolve the conflict between gender equality and religious cultural claims, to reforming the religious-cultural traditions. Deliberative democracy based on multiculturalism so to say can reconcile the conflict between gender equality and religious cultural claims. Cross-cultural dialogue is essential in this respect. It is the alternative ways of negotiating with conflicting claims. Cultural conflicts are rooted in a cosmopolitan point of view, from which negotiation of difference is both pragmatic and moral imperative. In this resolution of conflicts Benhabib (1992, 1995 and 2002) relies on dialectical process of reasoning and universal and necessary presuppositions of communicative speech. Within the limits of reasonable pluralism conflicting cultural claims can be negotiated and resolved. Benhabib (1992) makes a multicultural arrangement. Three key principles are necessary for this multicultural arrangement – egalitarian reciprocity, voluntary self-ascription and freedom of exist and association. For a just multicultural arrangement the freedom to exist and to disassociate from the group must be unrestricted, which communitarians like Bikhu Parekh does not believe and specify culture as a matter of non-preference and cultural membership as mandatory. Critics find that Benhabib does not find the role of culture put forwarded by communitarian multiculturalists. Kymlika puts forward his conception of multicultural citizenship based on respect-based liberalism. Benhabib's model of deliberative democracy and unrestricted freedom to exist and to disassociate may challenge the cultural "ways of life" of different cultural groups and cultural membership. Benhabib's voluntary self-ascription recognizes individual self-ascription and determination with group membership. She goes beyond mere legal regulation of conflicting cultural claims of communitarian multiculturalism and democratic equality. A combination of legal regulation and constitutional enforcement with expanded cross-cultural moral-political dialogue allows sub-altern and subordinated voices within religious minority groups to be expressed and given proper weightage. Benhabib's approach is different from *Shachar*'s 'joint governance' model recognizes the importance of legal regulation.

The strategies adopted by the Indian Supreme Court provide us with valuable lessons on the cultural mediation of human rights norms... the Supreme Court chose to listen to subaltern voices,... Those voices, though often appealing to background cultural justifications to support their claims, accepted Muslim women’s right to be treated as equal citizens. A commitment to the constitutional essential of equality was the starting point for the Supreme Court’s judgement in the *Latifi* case. In the *Shah Bano* case, it was the generally applicable law, the Code of Criminal Procedure and the societal obligation to ensure that Muslim women were not vulnerable to destitution and poverty as a result of a discriminatory application of the law. In both of these cases, we see an attempt to combine legal regulation with an expanded moral-political dialogue on the meaning and scope of constitutional essentials and religion-based personal laws. (Mullally 2004: 689).

Here, the Constitutional essentials may be cited below:

We are a secular and democratic state with a written Constitution having values enshrined quoted from the Preamble such as “Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity; and to promote among them all, Fraternity assuring the dignity of the individual and the unity and integrity of the Nation” which guides all our laws and actions. We also have Article 44 of the Constitution which states that “The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India”. The word used is “uniform civil code” and not “common civil code” as being popularly quoted, and the difference in implied meaning should not be ignored. The word uniform, I would argue, implies retaining the diversity in detail but ensuring uniformity in base values. All communities have their own customary diversities, which should be retained, but we need to provide a uniform base of constitutional values - this is the most plausible interpretation of this clause. (Patel 2009: 49).

Rural Muslims are generally agriculturists or engaged in their traditional crafts and they are relatively conservative in social life. But urban Muslims, who have come in contact with the modern education system, have adopted modern occupations and have even entered the governmental jobs and professions. Such Muslims have become more urbanised in their life-style. Even in urban areas, there are different types of Muslims, some still engaged in petty business and mechanical work and others who have acquired immense wealth and manage large business establishments. Naturally, such differentiation affects and is reflected in the voting behaviour of the Muslims (Participant Observant as a member of the same Community, Life Long experience). The political parties are trying to harbour benefits from the destitutions of the Muslim minorities. Here, my opinion is that if politics is about the questions of multiple interests, conflict of interests and resolution of conflict, then politics in India excludes ethics and morality. Religion-based politics in India has become more important to-day in total humiliation of secular politics. Bharatiya Janata Party’s ‘*Hindutva*’ or Hindu Nationalist Orientation is well known and more easily comprehensible in its stand on *Babri Masjid-Ram Janma Bhumi* dispute, *Masjid* demolition, Uniform Civil Code, Special Provisions for Jammu and Kashmir, RSS, VHP and Shiv Sena’s communal upsurge, and finally exclusion *Masjid* premises from agenda of *Swach Bharat Avijan* (Transparent India Journey). Prime Minister Modi’s statement excludes the term ‘*Masjid*’, but specifically includes the term ‘*Mandir*’. How *Swach Bharat Avijan* can be fruitful without Muslims in *Masjids* (Mosques)? On the issue of forced religious transformation, where few Muslims were forced to take part in Hindu religious practices, the Modi government did not take any positive steps to assure the Muslim community that India is a secular democratic country. During the reign of Narendra Modi, we cannot forget the *Godhara* massacre in Gujarat few days back. It is a serious humiliation of Muslim Minority status. Mention here may be made that the bulk of the Muslim population in the towns (of Bihar) resides in slums, mostly employed as rickshaw-pullers, *bidi*-makers, tailors, petty artisans, and small shop-keepers. Clearly, Muslims are not as disadvantaged as *Dalits*, but they are far below Hindus (including SCs) in these four basic indicators (Table 1). Excluding *Dalits*, Caste Hindus are to be considered in comparison with the Muslims (Habib, 2006: 82-83).

	Per capita income Rs.	Population below Poverty-line %	Literacy Rate %	Households using electricity %
Hindus	4,514	39	53	43
SC	3,505	51	39	30
Muslims	3,678	43	49	30

Table 1

As far as health is concerned, a large portion of the community is underfed and ill-nourished. Tuberculosis, anaemia, different types of eye diseases, low blood-pressure and the like are the common diseases from which their masses suffer, and in such diseases their percentage is high, some-times higher than of any other community. The Muslims are ill represented in all spheres of decision-making. The role of Islam in politics is important, which is the essence of community, but not of difference. But, the recognition of difference cannot be ignored. It is the recognition of a particular community. The role of Islam as a religion is not derogatory at all. According to Gramsci, the three elements – Religion (or ‘active’ conception of the world), State, and Party – are indissoluble, and in the real process of historico-political development there is a necessary passage from one to the other.

The Muslims cannot divorce their religion from their politics. In Islam, religious and political beliefs are not separated from each other. Religion and politics are inseparably associated in the minds and thoughts of all Muslims. Their religion includes their politics and their politics are a part of their religion. The mosque not only constitutes a place of their worship but also the Assembly Hall. They are born into a system. The system is not thrust on them. Religion and politics are the same to them. Hence, Hindu-Muslim unity or nationalism, signifying homogeneity between them in all non-religious matters, is unimaginable. The Islamic polity in which religion and politics are inseparably united requires perfect isolation for its development. The idea of a common state with heterogeneous membership is alien to Islam and can never be fruitful. (Shakir 1979: 471).

Following Althusserian concept of the practical role of ideology we can say that secularism as an ideology helps the elites and counter-elites of the nation state to legitimize their role and to claim for monopoly on religious tolerance and political rationality. Here, religion is treated as an ideology with pre-occupations with non-religious matters, usually political and economic interests. When religion is treated as an ideology, then it is not surprising to point out that the BJP’s Hindu nationalist orientation within the Indian secular political structure is an essential outbreak of this treatment. But, the treatment of religion as faith is a way of life promoting pluralism and tolerance, essentially suited to Indian multicultural secular political structure. Recent politics of secularism in India is a part of the process of formation of majoritarian modern state practices; promote religion as an ideology (Nandy 1990). Nandy (1990) states that we should not rely on secularism of majoritarian modernized elite, *i.e.*, religion as an ideology, rather we should rely on religion as faith that should explore the philosophy, the symbolism and the theology of tolerance. In religion as an ideology, religion is an instrument of the political project of ‘*Hindutva*’ through war of position.

The discourse of communalism criticizes other religions for being monolithic, but aspires to build a monolithic unity. It glorifies diversity within Hinduism as a mark of its superiority over Semitic religions, but seeks to repress this diversity. It identifies aggressiveness as an evil intrinsic to other religions, but attempts to instil the same quality in all Hindus. It talks of patience and tolerance as innate virtues of Hindus, yet sees these traits as the basis of Hindu weakness. It condemns other religions for their politics of religious repression and temple destruction, but organizes itself around the same politics... it demeans both religion and ‘tradition’. (Bhattacharya 1991: 131).

The majoritarian, unitary and monolithic conception of Indian nationalism has served as the official ideology of post-colonial Indian nationalism (Chatterjee 1986). Mention here may be made that the state-building and national reconstruction enterprise in India took place following the line transfer of power or in Gramscian sense through ‘passive revolution’. The ‘*Hindutva*’ campaign of BJP, VHP, RSS and *Bajrang Dal* is in the ‘war of position’ with the elements of ‘war of movement’. The relation between ‘crisis of hegemony’ of the Congress party and the rise of BJP is a strong point in favour of the homogenising ideology of ‘*Hindutva*’. ‘...the content the crisis of...hegemony...a ‘crisis of authority’ is spoken of: this is precisely the crisis of hegemony, or the crisis of the state as a whole.’ (Gramsci 1988: 217-19). The ‘*Hindutva*’ ideology is like the Gramscian ‘passive revolution’. It (*Hindutva* project) has some corollary with Gramscian fascist Italy.

...fascism merely modifies the program of conservation and reaction which has always dominated Italian politics, through a different way of conceiving the unification of the reactionary forces. It replaces the tactic of agreements and compromises by the project of achieving the organic unity of all the [reactionary] forces in a single political organism under the control of a single centre...fascism...fitted into the framework of traditional Italian [state] policies...it was therefore favoured...by...the old ruling groups...socially...fascism found its base in the urban petty-bourgeoisie and in a new rural bourgeoisie...[but] this project...also allowed fascism to win the support of the most decisively reactionary part of the industrial bourgeoisie and of the landowners. (Forgacs 1988: 147-48).

The liberal democracy cannot be neutral. This inevitable non-neutrality should be directed, explicitly and exclusively, against principles and practices at odds with liberal democracy, against fundamentalism of all kinds, not against religions as such. In their defence of the principle of reciprocity against the fundamentalist



(religious) challenge that it is 'biased against fundamentalism, and in favour of religions that conform to deliberative views of civic education,' Gutmann and Thompson concede that it is correct

... that the principle is not neutral among religions or ways of life. The case for reciprocity, and more generally for the deliberative perspective, must be defended on substantive moral grounds, and there is no reason to expect that such a defense would have the same (positive or negative) implications for all moral positions. But the value of public reason expressed by the deliberative perspective is not just another morality. It is offered as the morally optimal basis on which citizens who disagree about moralities and religions can act collectively to make educational policy. The principle of reciprocity is not privileged in the sense that it needs no moral defense. But the defense it needs and the objections to which it is vulnerable are different from those of moral disagreement in politics. The principle proposes a basis on which those who morally disagree can cooperate, and it can be appropriately criticized only by proposing an alternative basis, not simply by reaffirming the moral or religious claim that constitutes the disagreement. The fundamentalists do not offer an alternative. (Gutmann and Thompson 1996: 67; cf. 93: "second-order agreement" not on secularism but on principles and virtues of liberal democracy)

A promising alternative to a majoritarian system may be 'consociational' democracy. This model, as political scientist Arend Lijphart describes it, has four major components. First and most important is 'government by a grand coalition of the political leaders of all significant segments of the plural society'. Second is the mutual veto, which serves as an 'additional protection of vital minority interests'. Third is 'proportionality as the principal standard of political representation, civil service appointments, and allocation of public funds.' And fourth is a 'high degree of autonomy for each segment to run its own affairs'. A similar approach is suggested by a scholar familiar with the Lebanese politics, which ensures representation to all the components of ethno-linguistic or religiously divided or diverse societies. (Dekmejian 1978: 252-65)

Pluralism is an idea by which the diversity underlies the nationhood. Citizenship is a key institution by means of which competing demands for membership are made, an engagement between individuals, social groups and the state, and a method through which nationhood is achieved. Among the three citizenship approaches of liberal, republican and ethno-nationalist, I do prefer the last one, where the liberals argue for individuals as units and bearers of individual rights, republicans for common good and community as unit and ethno-nationalists for citizenship membership by descent group that defines the nation. Gandhian notion of non-statist citizenship transcends ethno-nationalist citizenship – there is no majority victory over minority, all must deliberate together until unanimity is achieved. It may be mentioned here that economic liberalization has enhanced liberal citizenship discourse. The new liberal agenda in India, particularly the economic aspect of liberalization is partly a significant departure from Nehruvian model of social democracy and a continuation of modernizing goals through capitalist and liberal-democratic institutions. Despite the approach to 'good governance', deregulation, privatization and marketization have brought about changes in the notions of democracy, justice and welfare – these would remove decisions from the political arena and reduce political pressures on the state. However, the state would attempt to combine market efficiency with state welfarism. The nature of the welfare state in India facing necessarily two challenges – market demands and minimum state requirements and challenge from group members and demand for interventionist state. It may be mentioned here that the 'politics of "collective personalities" – such as cohesive religious communities in search of identity or constellations or disadvantaged groups seeking empowerment – deny individuals what they claim for themselves and render the vocabulary of rights ineffectual, because it is individual-centered. The state, in turn, has failed in terms of its intolerance of class-based agitations, and its relative responsiveness to the demands of ethnic communities. It has also, in its withdrawal from welfare functions, rendered citizens vulnerable, and forced them to resort to support structures of kith and kin for material and emotional sustenance. (Mahajan, Pai and Jayal 1994: 116). In modern India politics of cultural difference has been of pre-eminent value. The question of Indian unity has never been settled beyond all differences and disputations. We have no culturally homogeneous, dominant and majority ethnic and religious group that could both dominate as well as effectively claim to represent all Indians. However, the Hindu extremist party, like BJP is trying to develop one homogeneous nation-state denying the heterogeneity. '... the concept of multiculturalism can prove to be an effective counter to the homogenizing project of *hindutva* and there exists, on account of this very reason, a strong case for its promotion and encouragement in this country.' (Ali 2000: 2503).

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