Muslim Minorities and The National Commission for Minorities in India
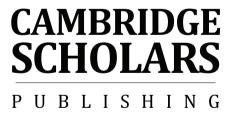
Muslim Minorities and The National Commission for Minorities in India

By

Syed Najiullah

**CAMBRIDGE
SCHOLARS**

P B L I S H I N G

TABLE OF CONTENTS

LIST OF TABLES

PREFACE

Almost all modern nation states have their quota of minorities and the need to reckon with them. It is one of the imperatives of the governments to forge them into mainstream politics and society. Towards this end, the policies and institutional responses are formulated. The process of reaching out to the minorities and their subsequent integration into mainstream polity and society is, however, not a simple factor. Apart from the political parties and their responses to the minorities, the local conditions and marginalization of the minorities, combined with the accumulated collective memory of deprivation, nurtures the exclusivity of minority sentiment.

India is a land of many languages, cultures and religions. It is an ideal place where one can see the minorities in their different dimensions. There have been ethnic, religious and linguistic variations among the people of India from the ancient times. It is the birthplace of major religions like Hinduism, Buddhism, Jainism and Sikhism, apart from many distinctive religious sects. There are also other religions which influenced the natives of India. The main among them are Christianity and Islam. Muslims emerged as the major minority group in India, and their integration into mainstream politics has remained a challenge to the secular polity of India. The government has initiated several policies and programmes, including the establishment of the National Commission for Minorities, which has the mandate to provide guidelines for the government policy towards minorities.

The present book, which is an outcome of the research work of the author carried out during 1995 to 2005 for PhD degree, on 'State Policy towards Muslims in India - A Study of National Commission for Minorities', at the University of Hyderabad, explores the condition of Muslim Minorities in India and the role of the National Commission for Minorities. The study locates the problems of the Muslim minorities in India in the larger context of minority rights, and discusses various approaches to the problems of minorities in the post independent era.

An attempt has also been made to analyse the situation of the Muslims in the historical context, which partly explains their present backwardness. The partition of India has created an atmosphere inimical to the Muslims, which led to their seclusion from the mainstream development process. Because of the preoccupation of the Muslim leadership with identity and

cultural issues, the community was not able to get the advantage of the safeguards and rights provided to them under the Constitution. Ironically the policy of the state towards the Muslims, focussed on identity and cultural issues, instead of accruing any real socio-economic advantage, became a tool in the hands of the rightist forces that were successful in terming this as the appeasement of minorities and increasing their support base among the majority community. In this context the National Commission for Minorities, which has the mandate to protect the constitutional safeguards of the minorities and suggest measures for the socio-economic development, has a positive role to play in structuring the debate and policy on the minorities as regards developmental issues.

The study focuses on the efficacy of the institutional mechanisms, like the National Commission for Minorities, in India in protecting minority rights and also in their integration with the mainstream. The study discusses the question of relevance of the National Commission for Minorities and proves that the Commission can play an important role in bridging the gap between the majority and minority communities by suggesting measures for the development of the minorities on par with the other groups. It is evident from the study that the Commission is only partially successful in fulfilling its mandate, mostly due to the lukewarm response of the state towards the recommendations of the Commission. The present work highlights that the institutionalization of minority rights and the safeguards, like the monitoring mechanisms, are just not enough and they should also be supported by strong appreciation for the principle of pluralism for the better integration of minority communities in plural societies like India.

ACKNOWLEDGEMENTS

CHAPTER ONE

MINORITIES AND MINORITY RIGHTS IN INDIA: AN INTRODUCTION

The issue of minorities has become an important part of political discourse since the emergence of nation states and the prevalence of the concept of popular sovereignty. The rise of nationalism has given rise to the concept that the political boundaries of a nation should conform to the national characteristics of the people living within them. In the words of Claudes, "the rise of the problem of minorities was a logical consequence of the dominant ascendancy of nationalism. Nationalism while consolidating its doctrine, its position in Western Europe and beginning its global sweep injected into politics a profoundly significant idea, the principle that nation and state boundaries should coincide, that is, the state should be nationally homogeneous and nation should be politically united."[1]

Centuries of conquest, migration and partitioning and domination of one group by another, have produced such a situation wherein it is impossible to make political boundaries coincide completely with the national, linguistic, or religious divisions. Consequently, in each state there are groups that differ from the dominant groups in language, religion, or ethnicity. The modern doctrine of popular sovereignty also gave legitimacy to the minority identity. The popular representative governments in fact represent the majority opinion in all matters of the state, and minorities have hardly any share in the decision making. The minority situation becomes more complex if it is not simply a political minority, but is also a religious, ethnic, or cultural minority. If it is only a political minority it can eventually become a majority in time. However, the religious, ethnic or cultural minorities remain permanent minorities because their identities cannot easily be changed.

Since the presence of homogeneous societies within political boundaries is nowhere a reality, "the contemporary system instead of a policy of toleration tries to achieve homogeneity by carrying out assimilation of language and culture of minorities with those of majorities.

The minorities in general and the groups with rich culture and inheritance in particular resist this policy."[2]

The wish to preserve distinctive features gives rise to certain political demands. These demands may be for recognition of these distinctive features and special treatment on the basis of this recognition, or for equality of treatment. In certain cases where the minorities are concentrated in certain areas, they may demand autonomy, or in extreme cases, even separation for those areas.

Almost all modern nation states have their quota of minorities and the need to reckon with them. It is one of the imperatives of the governments to forge them into mainstream politics and society. Towards this end, the policies and institutional responses are formulated. The process of reaching out to the minorities and their subsequent integration into mainstream polity and society is, however, not a simple factor. Apart from the political parties and their responses to the minorities, the local conditions and marginalization of the minorities, combined with the accumulated collective memory of deprivation, nurtures the exclusivity of minority sentiment.

The question of minorities has been an important issue in the political discourse of India, even before its independence. The influence of western culture and political ideas, like liberty, equality, secularism and democracy, brought a wave of change in the thinking and practices of Indian society. This also effected the political movement for independence. The apprehensions of Muslims about their status as minorities in the future democratic set-up of independent India, was exploited by their leadership and led to the movement for a separate state for them, which ultimately resulted in the partitioning of the country into India and Pakistan.

Even after the partition of India, the problem of minorities did not cease to exist, as a sizeable number of Muslims remained in India. There are also other minorities such as Sikhs, Christians, Parsis, Buddhists and Jains, but the Muslims are the major and most visible group among these minorities. Thus their presence has a lot of influence on the society, economy, culture, and politics of India.

Concept of Minority

The minorities can be defined as the groups that are held together by ties of common descent, language, or religious faith, and feel themselves different from other dominant groups within a political entity. The United Nations Sub-Committee on Prevention of Discrimination and Protection of

Minorities defines the word minority as "only those non-dominant groups in a population, which possess and wish to preserves stable ethnic, religious or linguistic traditions or characteristics markedly different from those of the rest of the population." [3]

Francisco Capotorti, in his UN Sub-Commission's study of 1977, defined minorities as "a group numerically inferior to the rest of the population of a state, in a non-dominant position, whose members being nationals of the state possess, ethnic, religious or linguistic characteristics differing from those of the rest of the population and show if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language."[4] And, in subsequent formulations for the Sub-Commission in 1985, J. Deschenes defined minority as "a group of citizens of a state, constituting numerical minority and in a non-dominant position in that state, endured with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if only implicitly by a collective will to survive and whose aims to achieve equality with the majority in fact and in law".

In the light of the above definitions we can find three basic aspects of any minority status; numerical inferiority, non-dominant status, and stable features of distinctive identity. While the empowerment of a minority, especially of religious, linguistic and cultural minorities, to prepare desirable features of their identity should be a necessary part of any scheme of protection of minorities, the choice should wholly rest with the minority to adjust and change those identity features partly or wholly for reasons of its modernization and voluntary integration with the national and global mainstream.

Encyclopaedia Britannica defines minorities as "aggregate of people who are distinct in race, religion, language, or nationality from other members of the society which they live and who think of themselves, and who are thought of by others as being separate and distinct."[5] Separation, too, often implies that the members of such a minority are excluded from taking a full share in the life of the society because they differ in certain ways from the dominant group- a situation that tends to develop attitudes of discrimination and prejudice towards the minority in question, attitudes that may also be assumed by other groups or minorities in the society. The minority itself is likely to respond with strong attitudes of group loyalty and to develop forms of behaviour that, by design or not, help to segregate its members still further from the rest of the society.

The sociological employment of the word 'minority' largely agrees with common usage in denoting a distinct, separate group of people who

are different in certain easily recognized aspects from the majority. But the term 'minority group' implies rather more; for to a sociologist a social group of any kind is an aggregate of people with defined aims and rules of behaviour and a sub-culture that publicly mark it off from the rest of the society. It is the use of particular forms of cultural behaviour, used as criteria or emblems, that mark off a minority group from other types of groups.

The word minority denotes by implication a part of a larger whole, but a minority group in the sociological sense is not always a numerical minority of the population. In parts of southern states of the USA, blacks form a clear majority group in relation to the numerically smaller dominant groups of Whites. A similar situation existed in East African towns under the former colonial rule of the British. Under the British rule immigrants from India had settled in East Africa as traders and skilled artisans, most of them lived and worked in the towns, where they formed the overwhelming majority of the population, although, in East Africa as a whole the Indians numbered less than one percent of the total African population. Despite appearance in the towns, the Indians were clearly a minority group. In South Africa to take another example, the Bantu's population, although many times more numerous than the dominant white group, were nevertheless considered as a minority group till the end of the apartheid regime.

The treaties and declarations made under the auspicious of the League of Nations provided protection for racial, religious or linguistic minorities-but in practice these words were found to be imperfectly descriptive of the groups whose protection was intended. Some sociologists have referred to minority groups of distinctive national and cultural characteristics, while others have given greater emphasis to the subjective elements of national consciousness which might characterize minorities not distinguished from the rest of the population by obvious features of language, dress, habits, or physique. Without some easily recognizable characteristics associated with stereotyped traits, by both the minority and the majority, a minority is likely to be rapidly absorbed and lose its identity. The term minority is usually applied to groups when such absorption is resisted by either the minority itself or the majority of the population.

At the World Congress of Sociology held in Zurich, Switzerland in September 1950, Professor Louis Wirth of the University of Chicago emphasized the inferior status of minorities by defining them as "groups distinguished from the rest of society by racial or cultural characteristics which have become the object of differential and inferior treatment, and have developed a consciousness of their inferior status."[6]

Origin and Character of Minorities

The formation of minorities can be attributed to the movements of peoples, ideologies and political boundaries throughout history. During all stages of history, from tribal to modern, there would have been smaller groups of people different from the larger groups in terms of language, belief, customs and usages, sharing a common territory and who would be subjected to differential treatment to the extent of being excluded from certain opportunities. Intra-religious, on the basis of sect and denomination, and inter-religious conflicts leading to persecution of people different from the dominant group have not been uncommon practice in most parts of the world.

In modern times however, Allen Phillips, in his paper on 'Minority Rights and International Responses', traces minority formation to more specific causes, such as i. European migration and settlement in other countries marginalizing indigenous people, ii. forced migration of Africans during Atlantic slave trade, iii. migration of Indian indentured labour for sugar plantations in Mauritius, Natal, the Caribbean, Guyana and Fiji, and of merchants, clerks and soldiers to support the British colonial rule in Asia and Africa, iv. post-colonial migration from the South to the North in search of better opportunities, v. changing boundaries of nation-states in the wake of the post-World War I break up of the Austro-Hungarian and Turkish Empires. To these may be added the post-colonial emergence of states with artificial boundaries and the recent break-up of the U.S.S.R and Yugoslavia.[7]

Concept of Minority Rights

The issue of minority rights has become important with the rise of nation states. The policies of nation states subordinate and disadvantage members of minority communities. Minorities are expected to conform to the national ethos, which does not reflect their cultural orientation. Further, national policies on language, education and other cultural matters have also led to the devaluation and disintegration of minority culture. Under these circumstances special community rights are necessary both for countering the prevailing form of marginalization faced by minorities in the nation-state, and for preserving minority identities.[8]

Another reason for the need of minority rights is the fallacy that democracy can protect the interests of minority groups. In its pure form, where it is defined as one in which everyone has a share, democracy may guarantee the rights of all the constituents of the society. However in the

modern times in which representative democracy is in vogue, democracy is increasingly identified with majority rule. This situation requires special consideration for the protection of minorities' rights. The classical political thinkers like Rousseau and Mill are also concerned with how the concept of democratic equality deals with the question of minorities when they are bound to be outvoted and outnumbered on crucial issues which matter to them. Thus Jean Jacques Rousseau expressed his concern with majoritarianism and wrote, "Yet it may be asked how a man can be at once free and forced to conform to wills which are not his own. How can opposing minority be both free and subject to laws which they have not consented?"[9]

John Stuart Mill, who ardently advocated representative democracy, also expressed his profound concern about 'the tyranny of the majority'. Mill noted that, very often, the most active and articulate sections of society who represented themselves as the will of the people and as the source of morality, wish to oppress a part of their numbers. According to Mill, "precautions are as much needed against this as against any other abuse of power".[10] Further, he pointed out that the liberty of the minority can be threatened both by acts of the government, and those of the social majority. And social tyranny is more oppressive than political tyranny, because, though it may impose less stringent penalties, it penetrates much more deeply into the soul itself and enslaves it. Mill concluded that democratic societies should determine the limit of collective interference in the life of the individual.

The problem, how the minorities are treated equally in democratic societies, is also dealt with by modern thinkers like Kymlicka Will, Neera Chandhoke and others. Kymlicka warns, "Unless we work out the resolution to this problem, we may render cultural minorities vulnerable to significant injustice at the hands of the majority".[11] Neera Chandhoke exposes the vulnerability of the minorities in these words: "For majoritarianism is both morally unappealing and politically hazardous because it negated the basic principles of democratic life that each person counts equally".[12] Further, she explains how majoritarianism is politically dangerous and writes: "One, the majority religious, linguistic, or ethnic groups' reveal impatience with the practices and belief systems of the minority groups. Two, these majority groups deny the legitimacy of minority identities, represent them either as subversive or harmful to something that is typed as national, and insist that such groups assimilate into the culture and the identity of majority, most often identified with and represented as the national."[13] According to Neera Chandhoke, majority groups can contend that the Bretons in France, the Basques in Spain, the

Irish and the Scots in England, the Quebecois in Canada, the Tamils in Sri Lanka, or the Muslims in India, should abdicate their cultural markers and their specific identities and identify themselves solely as nationals, be it French, Spanish, English, Canadian, Sri Lankan or Indian, according to the country they live in.

Thus minorities' will undergo experience of intense hurt and loss when they are told that their traditions are of little value, and that they should integrate with some other tradition via the politics of assimilation. This open assertion of majoritarian power inevitably results in a politically charged situation, for minorities tend to organize for no resource other than cultural self-determination, or the right to retain their separateness in the face of such assertions. The politics of merger, therefore, gives rise to acute political tension and insecurity, even ethnic explosions', as minority groups' rightly resist this devaluation or dismissal of their culture.[14]

There is a need for providing safeguards for the minorities from the encroachment on their rights by majoritarianism. Supporting special rights for minorities from the democratic equality perspective, Neera Chandhok argues that substantive equality dictates that vulnerable groups in the polity should be protected through special measures. She pointed out that the only basis upon which people belonging to diverse persuasions can live together with some amount of civility in a deeply divided society, is in general, the recognition of pluralism, and in particular, the institutionalization of minority rights.[15]

History of Minority Rights

The history of rights for minorities can be traced back to the last decade of the nineteenth century when multinational states in Europe acknowledged the importance of special rights for minorities in addition to universal rights. For the first time, the Australian Constitutional Law of 1867 acknowledged under Article 19, that ethnic minorities have an absolute right to maintain and develop their nationality and their languages. Similar provisions were found in Hungary's Act XLIV of 1868, and in the Constitution of Swiss Confederation of 1874, which granted the three languages of the country equal rights in the civil services, legislation and in the courts.[16]

However, after the First World War, the emergence of multi-ethnic societies in Central and Eastern Europe, gave rise to the idea that law and convention should protect minorities in the polity which led to the emergence of minority rights as a generalized principle of international jurisprudence. The leadership of the international community realized at

the Paris Peace Conference that unless the rights of minorities were specifically recognized and guaranteed under a system of international law, Eastern Europe may well be engulfed in civil war between groups differentiated on the basis of religion, language and ethnic descent. The provisions of the peace treaties after the First World War, therefore, focused particularly on the status of minorities. Minority protections were codified in the five treaties negotiated between the Allied and Associated powers on the one hand, and Poland, Czechoslovakia, Romania, Greece and Yugoslavia on the other. Special provisions for minorities were incorporated in the peace treaties with Austria, Bulgaria, Hungary and Turkey; while Albania, Finland and Iraq declared that they would protect their minorities. More importantly, the entry of Eastern European countries into the League of Nations was made conditional on the grant of minority rights. The League was entrusted with the responsibility to see that these commitments were observed.

These treaties provided a model for minority rights, as states assured equality of treatment to all inhabitants without distinction of birth, nationality, language, race or religion. Minority groups were given the right to use their own language and religion freely.[17] The provisions were also made for complaints against any transgression of the provisions of the treaty to the International Court of Justice, and the League could initiate action against offenders in certain specified cases. The International Court of Justice played an important role in securing minority rights through two notable judgments. In 1930, the Court in an advisory opinion on the Greco-Bulgarian community case, defined minorities, not in terms of numbers, but in terms of shared religious, racial, and linguistic traditions that the groups wished to preserve and perpetuate through rituals, education, and socialization of the young. According to the Court ruling, the existence of a community is not dependent upon recognition by law. If a community exists in the shape of a group of members united by a host of cultural factors that are distinctive to them, and if this community is intent on maintaining these cultural markers, this is more than enough reason to regard that group as a community.

In another case of Minority Schools in Albania, the Permanent Court of International Justice on 6 April 1935 laid down the essential principles for the protection of minorities. The Court stated that the objective of minority rights is to secure for minority groups the possibility of living peacefully alongside the rest of the population and cooperating amicably with them, while at the same time preserving the characteristics which distinguish them from the majority, and satisfying their ensuing special needs. States were entrusted with the responsibility of ensuring complete

equality and with instituting suitable means for the preservation of the traditions of the minority group. According to the Court, "Equality in law precludes discrimination of any kind, whereas equality in fact may involve the necessity of different treatment in order to attain a result which establishes equilibrium between different situations. It is easy to imagine cases in which, equality of treatment of the majority and the minority, whose situations and requirement are different, would result in inequality."[18]

Till about the third decade of the twentieth century, international public opinion generally accepted that minority groups should be allowed to pursue their own ways of life under the protection of the law. However during this period, whereas minority rights were imposed upon multinational countries in Eastern Europe, other countries refused to accept them on the ground that they infringe sovereignty and would encourage separatism. Ironically the totalitarian states, Germany, Hungary and Italy, on the one hand persecuted the minorities in their own territories, and on the other hand used same minority rights as a pretext for intervening in other states in the name of protecting German populations that reside there. Thus the institutionalization of these rights strangely became a threat for the maintenance of international peace.

In the emphasis of the post-Second World War period was shifted from group rights to individual rights, and it is suggested that basic human and democratic rights should prove sufficient to protect minorities. The experience of the Jews in Germany strengthened international belief that individuals should possess legal protection against the state. It was assumed that clauses on non-discrimination and legal protection of individuals would automatically protect the affiliate groups. The Universal Declaration of Human Rights was thus adopted without any provision on minority rights, despite the fact that the Sub-Commission had recommended this. Article 2 of the Declaration confined itself to stating that, "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

However it was in 1966 that the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights specifically incorporated protections of minorities. The recommendations of the UN Sub-Commission were incorporated in clause 27 of the International Covenant on Civil and Political Rights in the following words, "in those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group to enjoy their own culture, to

profess and practice their own religion, or to use their own language."
Article 26 of the Covenant provides that: "the law shall prohibit any
discrimination and guarantee to all persons equal and effective protection
against discrimination on any ground such as race, colour, sex, language,
religion, political or other opinion, national or social origin, property, birth
or other status."

The adoption of the declaration on the 'Rights of Persons Belonging to
National, or Ethnic, Religious and Linguistic Minorities' by the UN
General Assembly on 18 December 1992, however, brought minority
rights back on the political and intellectual agenda.

Religious Minorities

The demarcation of minorities by religion is possibly more familiar
from historical sources than from the contemporary situation where,
especially in the western world, the adherents of separate religious
persuasions are more commonly regarded as categories of the population
than as coherent groups of people with distinctive religious, cultural,
economic, and political aims, which they pursue in their own interest. But
even today such situations are not uncommon. In the northern parts of
west Malaysia, for example, Thai-speaking Buddhists form an important
religious and cultural minority group, whereas a few miles across the
border in southern Thailand it is the Muslim Malays who are the religious
and cultural minority. In India and Pakistan the confrontation of Hinduism
by Islam led to the emergence of minority groups whose differences, though
expressed primarily in a religious idiom, had important political and
economic aspects.

Religious Minorities in India

India is land of many languages, cultures and religions. It is an ideal
place where one can see the minorities in their different dimensions. There
are ethnic, religious and linguistic variations among the people of India
from ancient times. The people belong to Dravidian and Aryan races. They
came into contact with Greeks and Mongoloids in the later ages, but they
did not have much impact on the ethnic character of the native people. The
advent of the Arabs however had a profound impact more on the religious
character than the ethnicity of the people of India.

India is the birthplace of major religions like Hinduism, Buddhism and
Jainism and also Sikhism apart from many distinctive religious sects. Even
though Hinduism maintained its supremacy among all these religions, it

has to share this status with the believers of Buddhism, Jainism and Sikhism. While Buddhism flourished in Southeast Asia, leaving only its relics in India, Jainism could hold sway only over a minuscule population within the country. Sikhism, which emerged in the medieval period, was regarded for many years as an offshoot of Hinduism. However Sikhism started asserting its distinctiveness through cultural and political propaganda and now it is considered as one of the religious minorities.

Thus religions that took birth in India other than Hinduism, like Buddhism, Jainism and Sikhism, are considered as religious minorities because the number of followers is less than those in the major religion that is Hinduism. Buddhism and Jainism, the ancient religions of India, have populations of 8,000,000 and 4,200,000 respectively, with a share of 0.78 and 0.41 percent of the total population of India, according to the latest Census of 2001. Sikhism however has a population of 19,200,000, which makes up 1.87 per cent of the total population.

There are also other religions which influenced the natives of India. The main among them are Christianity and Islam. Christianity entered India in the first century A.D., however it did not make much impact until the advent of Portuguese, French and British trading companies in the beginning of 16th century. These people who came for business to India found the land fertile for the propagation of their religion. The missionary work led to the conversion of natives to Christianity, and at present there are 24,100,000 Christians, that is 2.34 per cent of the total population.

However, the impact of Islam on India was larger than any other religion except Hinduism. Islam, which rose in the 6th century in Arabia, very soon spread to the vast areas of Asia and brought many countries like Persia and Turkey into its fold after swaying the whole of the Arab world. It is from Persia that the Muslim rulers, who are also messengers of the new religion, entered into India. Mohammed Bin Khasim captured Sindh and introduced Islam to the Indians. Before this the Arab merchants had developed contacts with the coastal areas of Kerala and brought many new converts to this religion.

Various factors, such as religious, social and political, led to the spread of Islam in India being very fast. The continuous rule of the Muslims over a large area of India from the 12th century to 17th century also helped this religion to strengthen its roots in India. According to the 2001 census there are 138,200,000 Muslims in India, that is 13.4 per cent of the total population of the country.[19] Thus Muslims emerged as the major minority group in India.

However this concept of Muslims as a minority did not emerge in the past, as the Muslims were the dominant class because of political power.

After the advent of the British, the concept of democracy, as well as the related aspects of majority and minority groups, started emerging. Thus before independence, the consciousness of Muslims as a minority developed and Muslims formed their political associations not only because of distinctive religious and cultural identity, but also because of the fear of majority rule in the event of the independence of India. Thus Muslim leaders right from Sir Syed Ahmed Khan to Mohammed Ali Jinnah tried to hold on to the Muslims, saying that, because they are inferior in number, there is need to organize for the protection of their rights. This took extreme form when Jinnah propagated the two-nation theory, saying that Hindus and Muslims are two separate nations and cannot co-exist in one nation. This led to the unprecedented communal clashes which forced the partition of India.

Even after this, Muslims remained the largest minority in India as many of them remained in India, and only those areas that were Muslim majority, became Pakistan. The rejection of the two-nation theory by Indian leadership and declaring India to be a secular state also assured the Muslims of their safety and security in the land of their birth. Thus Muslims have a peculiar place in India and their presence is felt in almost all the major events and decisions of the country.

Hence in the present work it has been proposed to work on the Muslim minorities, basically to assess their place in the political field and their participation in the national building process, and also their problems and issues that emerged in this process. It is intended to be a political study of the Muslim minority.

Perspectives on Minorities Question in India

On the political front there have been three major approaches in dealing with minorities in India. The first approach can be termed as the protectionist approach, which has been carried out by the dominant political party of India, the Congress. It has also been the policy of other centrist parties, which are offshoots of the main political party. They believed in a secular India in which people are treated equally, and in extending equal opportunities to all the groups irrespective of their religious affiliations. They also believed that minorities should be given certain guarantees to protect their educational and cultural interest which are vital to their identities as minorities. Thus the protection of educational and cultural rights in the constitution is the follow up of this approach.

The second approach considered identities based on religion as false identities and believes that the minorities should join the working class,

which is in fact very close to them as compared to their economic conditions. This can be termed as the class approach, which does not accept minorities based on religion or culture, and believes in only economic conditions as real parameters of determining the position of a group in relation to others. Bipan Chandra referred to the communal identities as based on false consciousness and considers that aligning with the working class is the real solution for solving the problems of the minorities.[20] The leftist thinkers subscribe to this ideology. According to Achin Vanayak, the secularization of society should precede secularization of polity, so that the people should come out of narrow communal identities and fight for their real emancipation.

This approach has not been successful as far as carrying the minorities with it, as it basically rejects the very basis of minorities' identities, which are based on religion, language, culture and ethnicity. In other words, it offers the solution to the problems of minorities, only if they come out of their identities and join the struggle of the working class against the exploiters. In fact the upholders of this perspective do not consider the minorities as minority groups, but consider them as majority groups that are exploited by the minority bourgeoisie and capitalist class. They consider that the cultural, religious and linguistic identities are perpetuated by the elite of the minority groups whose interests are similar to the interests of the elite of the majority community. In fact the majority of both the communities are poor and exploited, and they should form an alliance to take over the means of production into their hands instead of segregating themselves into separate identities. Thus this approach completely rejects the identity of minorities and finds a solution to their problems in the larger struggle of the peasants, workers and the poor against the exploiters.

The third approach to the problem of minorities is that of the assimilation approach. This wants the minority groups to subscribe to the mainstream culture, and according to it the mainstream culture is nothing but the culture of the dominant group. In other words, the minorities should adopt the culture and philosophy of the majority group. If not, at least they should desist from all kinds of identities, symbols and rituals that are not to the liking of the majority or against their ideology. The culture of the dominant group is to be identified with the culture of the nation and is to be symbolic to nationalism. Anyone holding contrasting cultural interests is considered as anti-national, and by definition does not have any claim to the benefits enjoyed by the nationals.

Thus this approach demands that minorities' culture, symbols, ideology and aspirations should correspond to the interests of the majority group.

Hence it is termed as the assimilationist approach. The rightist parties, like the BJP and its allies, subscribe to this view and they are against the protectionist approach, which they consider to be an appeasement of minorities. In fact, this approach has gained its strength because of the tendencies of the centrist parties, like Congress, that seem too willing to concede the demands of the minorities, particularly on emotional issues that are more appealing to the masses among the minority groups.

Approach towards the minorities –
Post independence period

After the Independence, the Congress party adopted a policy of protection towards the minorities. Apart from the constitutional safeguards, the secular ideology of the leaders like Nehru also helped the minorities in having a feeling of security, if not legitimate space in the political arena. The communal forces which wanted to see India as a Hindu state were kept at a bay, and minorities were treated as equal citizens. They were given equal rights in the constitution and also provisions were made for the protection of educational and cultural rights of the minorities.

However after the Nehru era, there was a serious challenge to the Congress party, as many states went to the opposition parties after the 1967 elections. There were also bickering in the top leadership of the Congress party and the authority of the Prime Minister Indira Gandhi was challenged. In this situation, to consolidate her position, Indira Gandhi has taken calculated steps to endear herself among the masses and create a mass base for herself. The Congress party openly committed itself for the development of the weaker sections and the minorities. Various poverty alleviation programmes for particular target groups, like the Scheduled Castes and Scheduled Tribes, followed.

Under these schemes, while the weaker sections got specific economic benefits, the minorities, particularly the Muslims, were to be satisfied with the assurances of their security and protection of their personnel laws. Thus the agenda which dominated the Congress scheme for minorities was protection of minorities during the communal riots, protection of personal laws, status of Urdu, the issue of cow slaughter, and the status of Aligarh Muslim University. While these issues did not help the minorities to solve their socio-economic problems, they gave an alibi to the opposition, particularly the rightist parties, to raise hue and cry that the minorities are being pampered.

They raised the issue of a common civil code and the Shah Bano case has given them a reason to propagate the theory of appeasement with

success, as the Rajiv Gandhi government has passed a Bill in parliament to nullify the Supreme Court judgment which sanctioned alimony to the divorced woman. This Bill maintained status quo in matters of Muslim women's right of divorce and alimony, and exempted the husband from giving the alimony to his divorced wife beyond the period of iddat, that is four months and ten days after the divorce according to the Shariat. In another case the Central government showed eagerness in conceding the demands from the Muslim Community by banning the book The Satanic Verses by Salman Rushdi, as it hurts the sentiments of the minorities. The Hajj subsidy to the pilgrims also helps only the rich of the Muslims as it is only obligatory for the rich to perform Hajj. These cases demonstrated that the government was quick in conceding to the demands of Muslim leadership, which always raised emotional issues. These issues have not helped the Muslim masses at large, but gave a pretext to the rightist parties to carry on the propaganda that minorities are being pampered and helped the parties in consolidating their support base among the majority community.

Thus this policy of the centrist parties, particularly the Congress party, so far as attending to the emotional issues that guaranteed the support of the community in terms of electoral benefits, and neglecting their socio-economic development, has only helped in strengthening the rightist parties in expanding their support base. It is in this context that the role of National Commission for Minorities (NCM), which has the mandate to provide guidelines for the government policy towards minorities, has to be studied. The Commission was set up not only for the protection and monitoring of the various safeguards provided in the constitution for the minorities, but also to evaluate various programmes for the development of the minorities and also to suggest appropriate measures for their socio-economic development. It is also the objective of the government to achieve national integration thorough the NCM by helping the minorities to become equal partners in the process of national development and also to get their legitimate grievances addressed through the Commission.

The National Commission for Minorities has a role to play by focusing on the substantial issues of the minorities. This will help the minorities in raising their standards of living and joining in the national mainstream, and will help the community to become equal partners in the process of nation building, rather than become the tools in the hands of narrow-minded leadership, which always fights for parochial issues.

Organization of the study

The study has been divided into six chapters. The first deals with the broad area of the research, which is the minority question in plural societies. It deals with the theoretical aspects of the study and discusses the meaning, definition and also the concept of minority rights, and the approaches to the problems of minorities in India. The chapter also tries to locate the problem of the present study, which is the role of the National Commission for Minorities in bringing the minorities closer to the mainstream and its efficacy in bridging the gap between majority and minority communities.

The second chapter deals with the historical outline of the institutional response of the Indian state to Muslim minorities since independence. It briefly delves into the colonial policy of the British towards the Muslims in India, but mainly discusses the conditions of the Muslims after independence, the constitutional safeguards provided to them, and the problems involved in their implementation. It also discusses various measures taken by the Indian state for the protection and progress of the minorities and their impact on the socio-economic and political conditions of the minorities. It also deals with lacunae in the policy making and its implementation, and the problems involved in bringing the Muslims into the mainstream.

The origin and the growth of the National Commission for Minorities are discussed in the third chapter. It primarily deals with the genesis and justification of National Commission for Minorities. It traces the evolution of the Commission from the pre-independence period to the present form of the Commission with the statutory status. It also discusses the debate on the necessity and utility of the Commission. It also covers various questions raised on its relevance, and throws light on its significance in a plural society like India.

The fourth chapter is about the organization and workings of the NCM. The evolving structure and organizational set up of the Commission from its inception to the statutory status are discussed here. It also looks into the powers and functions of the Commission in comparison with the similar Commissions working in the country. This chapter throws light on the workings of the NCM since its inception first under the government mandate and after the statutory status under the parliamentary mandate.

The evaluation of the Commission's performance is carried out in the fifth chapter. It discusses the impact of the Commission's work in the policy making of the government towards the minorities and the change it brought in the conditions of the Muslim minorities. The efficacy of the

Commission in obliterating the abject conditions of the Muslims and in directing the attention of the government towards the substantial issues of the Muslim minority are discussed in this chapter. It also discusses the relation of the Commission with the Government and also the perception of the Muslim minorities about the work of the Commission.

The last chapter covers the inferences and observations of the study. The analysis of the study is brought out in order to formulate a general argument about how the institutionalization of minority rights is not enough, and they should also be supported by strong appreciation for the principle of pluralism. In its absence even the existence of the rights and the safeguards, like monitoring mechanisms such as National Commission for Minorities, will not have a positive impact in the integration of minorities' interest with the general interest of the society.

Notes

[1] Claude, Iris L., *Nation States and National Minorities*, H.U.P., 1955, p.81.

[2] Mair, L.P., *The Problem of Minorities,* Christopher, London, 1928, p.18.

[3] *Year Book on Human Rights for 1950*, New York, 1952, p.490.

[4] Francesco Capotorti, *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*, United Nations, New York, 1991, p.96

[5] *Encyclopedia Britannica*, Vol. VI, Chicago, Helen Hemingway Benton Publishers, 1981, p. 921

[6] *Encyclopedia Americana*, Vol. 19, New York, American Corporation, 1976, p.206.

[7] Iqbal A. Ansari, *Readings on Minorities-Perspectives and Documents*, Vol. 1, New Delhi, Institute of Objective Studies, 1996, p. xi

[8] Gurpreet Mahajan, "Contextualizing Minority Rights", in D.L. Seth & Gurpreet Mahajan (eds), *Minority Identities and the Nation-state*, New Delhi, Oxford University Press, 1999, p.59.

[9] Jean Jacques Rousseau, *The Social Contract*, translated and introduced by Maurice Cranston, Harmondsworth, Penguin Books, 1968, p.153.

[10] John Stuart Mill*, On Liberty and Other Writings*, edited by Stefan Collin Cambridge, Cambridge University Press, 1989, p.8.

[11] Will Kymlicka, *Multicultural Citizenship: a Liberal Theory of Minority Rights*, Oxford, Clarendon Press, 1995, p.5.

[12] Neera Chandhoke, *Beyond Secularism: the Rights of Religious Minorities*, New Delhi, Oxford University Press, 1999, p.7.

[13] Ibid., p.7.

[14] Ibid., p.8.

[15] Ibid., p.3.

[16] Iqbal A. Ansari, op. cit, p. xiv.

[17] Ibid., Pp. 202-3.

[18] Ibid., p. xvi.

[19] Shahabuddin, Syed, "Muslim Indians in Census 2001", *Mainstream*, 23 October, 2004, Pp.13-14

[20] Chandra Bipin, *Communalism in India*, New Delhi, Vikas Publishing House Private Limited, 1984, Pp.22-23