POLITICS, EXCLUSION AND VIOLENCE

SECOND EDITION

Edited by
Abdul Shaban

Lives of Muslims in India

The fast-consolidating identities along religious and ethnic lines in recent years have considerably 'minoritised' Muslims in India. The wide-ranging essays in this volume focus on the intensified exclusionary practices against Indian Muslims, highlighting how, amidst a politics of violence, confusing policy frameworks on caste and class lines, and institutionalised riot systems, the community has also suffered from the lack of leadership from within. At the same time, Indian Muslims have emerged as a 'mass' around which the politics of 'vote bank', 'appeasement', 'foreigners', 'Pakistanis within the country', and so on are innovated and played upon, making them further apprehensive about asserting their legitimate right to development. The important issues of the double marginalisation of Muslim women and attempts to reform the Muslim Personal Law by some civil society groups are also discussed. Contributed by academics, activists and journalists, the articles discuss issues of integration, exclusion and violence, and attempt to understand categories such as 'identity', 'minority', 'multiculturalism' and 'nationalism' with regard to and in the context of Indian Muslims.

This second edition, with a new introduction, will be of great interest to scholars and researchers in sociology, politics, history, cultural studies, minority studies, Islamic studies, policy studies and development studies, as well as policymakers, civil society activists and those in media and journalism.

Abdul Shaban is Professor at the School of Development Studies and Deputy Director (Tuljapur Campus), Tata Institute of Social Sciences, Mumbai, India. He has published widely on Muslims in India, including in *Mumbai: Political Economy of Crime and Space* (2010); *Muslims in Urban India: Development and Exclusion* (2013); and *Mega-urbanization in the Global South: Fast Cities and New Urban Utopias of the Postcolonial State* (2012, co-editor). He has been member of the Study Group appointed by the Government of Maharashtra to assess the 'Social, Economic and Educational Status of Muslims in Maharashtra' (2012–13); the 'Post-Sachar Evaluation Committee' (2013–14) appointed by the Ministry of Minority Affairs, Government of India; and the Commission of Inquiry on Social, Economic and Educational Status of Muslims in Telangana (2015–present). He has also authored many reports for the Maharashtra State Minorities Commission, the Government of Maharashtra, the Government of India, the World Bank, and national and international corporate groups.

'*Lives of Muslims in India* is an important book not only because it adds to the literature on Indian Muslims but also because it confronts head-on many of the issues facing Indian Muslims. The immense importance of the Sachar report in this context also becomes evident.'

Vikhar Ahmed Sayeed, *Frontline*

'It offers significantly new things to the readers. One hopes it would be appreciated not only in academic as well as popular circles but also in policy domain and state executive.'

K.M. Ziyauddin, *Journal of Exclusion Studies*

'This is a stimulating, interesting, thought-provoking and thoroughly absorbing collection that will be of value for academics, students and researchers interested in political sociology, minority studies, Asian politics, cultural and religious studies, anthropology and social sciences. The series of articles that individually represent important contributions to the debate about the lives of Muslims in India and present a series of interesting observations, comparisons, interpretations and questions make it a book worth reading.'

Fayaz Ahmad Bhat, *Islam and Muslim Societies, A Social Science Journal*

'This is a rare book bringing together thought-provoking, well-researched and articulated writings from a range of authors on issues relating to Muslims of India. Essays explore the impact of violence on the structure of exclusion and point to the changing domains of national integration. The analytical richness describing the life situation of Muslims in major cities, regions and at the national level within the multidisciplinary perspective, broaden our understanding of the social and developmental institutions, their formations and processes. Special emphasis on the issues relating to Muslim women are praiseworthy.'

Abusaleh Shariff, US-India Policy Institute,
Washington DC, USA and former Member
Secretary, the Prime Minister's High Level
Committee (Sachar Committee),
Government of India

Lives of Muslims in India

Politics, Exclusion and Violence

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Abdul Shaban

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Contents

List of Tables vii
List of Figures ix
Notes on Contributors xi
Acknowledgements xv
Introduction to the Second Edition xvii

Introduction 1
Abdul Shaban

1. Minority and Minorityism: The Challenge before Indian Muslims 25
M. J. Akbar

2. The Muslim as Victim, The Muslim as Agent: On Islam as a Category of Analysis 35
Markha Valenta

3. Policies for Muslims in India: Locating Multiculturalism and Social Exclusion in the Liberal Democratic Framework 66
Ranu Jain

4. Muslims and Politics of Exclusion 88
Ram Puniyani

5. Indian Muslims: Political Leadership, Mobilisation and Violence 107
Irfan Engineer

6. Precedents and Exceptions: BJP's engagement with the Muslims 131
Nistula Hebbar

7. Structure of Violence and Muslims 145
Taha Abdul Rauf

8. Hindu–Muslim Riots in India: A Demographic Perspective 163
R. B. Bhagat

9. Police Conduct during Communal Riots: Evidence from 1992–93 Mumbai Riots and Its Implications 187
Jyoti Punwani

10. Ethnic Politics, Muslims and Space in Contemporary Mumbai 208
Abdul Shaban

11. Social Exclusion and Muslims of Kolkata 226
Sanjukta Sattar

12. Muslim Women and Law Reforms: Concerns and Initiatives of the Excluded within the Excluded 250
Noorjehan Safia Niaz and J. S. Apte

Index 273

Tables

II.1 Percentage of population with various levels of education by religion in India, 2011 xxxiii

1 Religious Group-wise Distribution (%) of Prisoners in Jails in India 12
2 Share (%) of Muslim Jail Inmates as per Different Categories in Major States in India 14

4.1 Introduction of Education and Industrialisation and Associated Changes in Social Values and Relationships 91

8.1 Religious Composition of Population and its Growth Rate in India, 1961–2001 168
8.2 Deaths during Hindu–Muslims Riots and Characteristics of Riot-Affected States in India, 1960–2002 172
8.3 Hindu–Muslim Riot-Affected Towns/Cities in Pre-Independence India (Present-Day India Only) 175
8.4 Most Riot-Affected Cities in India, 1950–2002 180
8.5 Correlation Matrix of the Number of Deaths in Riots (per 1,00,000) and Selected Variables: City Level Relationship (N = 31) 181
8.6 Regression Analysis of Number of Riot Deaths (per 1,00,000) and Selected Variables: City Level Relationship (N = 31) 182

11.1 Distribution of State Patronage in Bengal, April 1871 233
11.2 Occurrence of Riots in Kolkata and Immediate Surroundings, 1910–2009 236
11.3 Ward-Wise Share of Minority Households under BPL Category 240

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Figures

II.1	Trend in reported number of communal riots in India, 1901–2013	xxix
II.2	Number of Hindu–Muslim riots, 1901–1946	xxxi
II.3	Number of Hindu–Muslim riots, 1947–2013	xxxii
II.4	Percentage of Muslim population with completed SSC level of education, 2011	xxxiv
II.5	Percentage of Muslim population with completed graduation and above level of education, 2011	xxxv
1	Share of Muslim Population in India by District, 2001 (%)	3
8.1	Demography, Communalism and Riots	166
8.2	Riot-Affected States in India, 1960–2002	171
8.3	Most Riot-Affected Cities in India, 1950–2002	178
10.1	Hindusthan, Dalisthan and Pakistan: Metaphorical Map of Neighbourhoods in Mumbai	221
11.1	Literacy Rate among Religious Groups in Kolkata, 2001	238
11.2	Distribution of Slum Population in Kolkata by Wards, 2001	241

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Introduction to the Second Edition

In this globalised world, domestic policies and social developments are not immune from the impact of factors operating at the global level. It is truer for Muslims. International and national developments, in recent years, have also determined the relationship of Muslims with other religious communities in India, and specifically, the majority Hindus. These developments have also shaped the affirmative and punitive actions initiated at the domestic level. In fact, since the release of the first edition of this book, both the global and domestic situations for the followers of Islam have become more difficult. Many of these difficulties have arisen because of the way Islam has been implicated in national and international 'politics', 'violence' and 'identity'. In many parts of the Middle East, North Africa, Central Asia, South Asia, East Asia and even in Europe and North America, there has been Islamisation of everyday life for Muslims, and of their protest against discrimination by the West, as well as against Western interventions in their own countries. In other words, there has been over-use of the religious symbols by Muslims in many parts of the world for achieving secular goals such as self-rule, protection of resources, including oil in the Middle East, and discrimination in everyday life and politics based on class, ethnicity and race. This has deeply affected the relationship of Muslims with other major religious communities across the globe. In a country like India, which has been the cradle of multicultural civilisation, neo-rich Hindus, like neo-rich Muslims, are (re)inventing their religious identities in relation to other religious groups and are politically asserting themselves. These global and domestic developments have resulted in increased anti-Muslim sentiments and suppression of Muslims in many countries.

The cumulative impacts of these have been many. First, world politics, and so in India, is turning to the right. Socialist and liberals are unable to withstand the onslaught of right-wing politics. Second, while the threat from Al-Qaida and smaller Islamic terrorist groups has lessened, there has been increased influence of and violence led by Islamic State in Iraq and Syria (ISIS) across the globe. Besides Syria and Iraq, Europe and USA have been the

most affected from this militant group. The rise of instability in Iraq and Syria has resulted in internecine wars based on Islamic sects and ethnic identities, in which the Western powers and Russia remain intricately involved. The result has been the loss of millions of lives in Syria and the migration of a large share of the population of Syria to Turkey, Germany, other European countries, and Canada. Third, the violence and migration that have been generated by ISIS and the instability in Syria have resulted in a significant rise in Islamophobia across the globe, and right-wing political parties across the countries have been the main beneficiaries of this. Fourth, the rise in Islamophobia has further sharpened the divide between Muslims and the rest of the population across Europe and North America. It is also affecting the global south, and India is no exception to this. Fifth, India, a cradle of syncretic culture and land of unity in diversity, has seen a significant rise of right-wing political discourse, and political parties are mobilising the same for electoral gain. Under the influence of right-wing politics and ethno-nationalist discourse, state institutions are also becoming communalised. In this discourse, the Muslim question (Shaban 2016a) has got further problematized and is now often being translated into nationalist and anti-nationalist discourse. In other words, this translation has helped the right-wing political discourse to label Muslims from the religious minority as anti-nationalists. This has also adversely affected relations between Muslims and state institutions, including police, and the rest of society. Sixth, while the Sachar Committee Report was submitted to the Government of India in 2006, since 2013, two other significant committees/commissions – formed at state level to examine the levels of socio-economic development among Muslims – have submitted their reports. These committees/commissions are the Chief Minister's High Level Study Group in Maharashtra, popularly known as Mahmoodur Rahman Committee (formed in 2008 by Congress-NCP Government of Maharashtra, which submitted its report in 2013), and Commission of Inquiry to Study the Socio-Economic and Educational Status of Muslims in newly formed Telangana State (which was formed in 2015, and submitted its report in 2016). However, in many contexts the relative position of Muslims in development ranking in India, even after a number of initiatives by the Government of India and state governments, has worsened (Amitabh Kundu Committee Report, 2014;

Sudhir Commission Report, 2016). The affirmative actions initiated by the central government and a few states are yet to show their impact. It is also argued that either these policies are not effectively able to focus on Muslims, the most marginalised religious minority, or the resources available under the schemes are inadequate for creating an impact.

*

Indian and world politics are turning more towards the right and there is intolerance emerging across countries against minorities and more specifically against Muslims. The Indian Lok Sabha (Parliament) election in 2014 was swept clean by a right-wing political party, and so has been the case in the USA, where a Republican Party leader has been elected by raising, amongst other issues, the Muslim question. In many European countries including France, the United Kingdom, Austria, the Netherlands, and Germany, right-wing parties and those opposed to Muslim immigrants, specifically from North Africa and West Asia, are gaining substantial political ground. In fact, in the coming years, it is likely that these right-wing political parties will dominate the lands of modern civilisation, Western Europe and North America. This may threaten the global civilisational achievements and may considerably damage the core values of liberty, fraternity, equality, and human rights.

Historically, India cultivates some unique cultural and civilisational values resulting from the respect, assimilation, integration and adaptation of different religions. This unique cultural and civilisational achievement is under threat of right-wing assault. The integration of Islam in the daily life of common Indians, which I call Islamophilia – a historical product – is giving way to Islamophobia led by right-wing politics. The latter in turn is leading to the compromise of equal citizenship rights of Muslims, and access to justice and affirmative actions (Sachar Committee Report 2006; Amitabh Kundu Committee Report 2014; Mahmoodur Rahman Committee Report 2013; Shaban 2016a).

Religious assimilation is so engrained in the length and breadth of India that it is easy to disregard it altogether as routine and day-to-day affairs. It would be appropriate to highlight that the 'Sufi-saints' of the Indian sub-continent are revered by both Muslims and Hindus in India. The assimilative beliefs are such that even Hindus seek blessings of *imams* (prayer leaders in mosques) at local

mosques for good fortune, at times of illness in the family and of other adversities. In many parts of India, Muslim marriages are not solemnized until the grooms tie around the brides an amulet, which is normally known as 'talii' amongst the Hindu communities of India.

This assimilation and integration of religions in India is reflected in the fact that Mirji of Lahore, a Muslim, laid the foundation stone of the most revered Gurudwara, the Amritsar's Golden Temple (Shaban and Shariff 2015). Also indicative is the influence of 'Sirdi Sai baba', a Muslim by birth, who is one of the most worshiped deities of the Hindu middle class. Premchand in his story (original version) writes how after hearing the *guhar* (cry) of a distraught woman, Syed Salar Masud Ghazi got up from the *peerha* (stool) at his marriage to save cows. Similarly, at Cheluvanarayana temple, Melkote, devotees worship 'Bibi Nachiar' (lovingly called Thuluka Nachiar) – the Muslim consort of Lord Vishnu (Shaban and Shariff 2015). There are millions of such integrative and assimilative examples present even at the level of neighbourhoods and street corners across India, including in Gujarat and Maharashtra, which have been badly affected by communalism in the recent past.

However, since the early 1980s and with the rise of certain political formations, there have been constant attempts by political groups, cultural organisations and an uncritical media to generate similar narratives demonising Islam and Muslims, as is common in the West. These groups are importing technologies and terminologies from the West for the same political reasons. As a result, Islamophilia is giving way to Islamophobia in India as well.

*

Some political organisations and cultural groups in India, which has historically been a pluralistic society, are re-inventing and rediscovering their old identities in new forms and linking them to the claims and counter-claims to 'nationalism'.

In India, there has been shifting balance of discourses among the four main notions of nationalism and citizenship: the liberal (a non-xenophobic, pluralistic outlook entailing values of freedom, tolerance, equality, and individual rights); republican (opposed to monarchy and tyranny and a polity founded upon rule of law, rights of the individual, and sovereignty of people); ethno-nationalism (nation defined in terms of ethnicity and belief); and non-statist (Shani 2010). The non-statist conception comes from

MK Gandhi, in which a citizen has an 'inherent right' to civil disobedience and in some circumstances, is encouraged to view such behaviour as a 'sacred duty'. This latter conception, as such, creates tension between 'citizens' and 'state', and micro and macro units as it advocates for a village republic, i.e. villages as autonomous as possible from the State, leading to *sarvodaya*.

These four conceptions of nationalism have coexisted in India and have remained in tension with one another since India's independence. Within these four-fold conceptions, groups that were not circumscribed by the terms of one nationalist discourse had at least one of the other three alternatives for inclusion. Multiple nationalisms and citizenship regimes offered alternatives for diverse groups of people to make sense of their social predicaments, as well as to define demands for remedies or change. In other words, *it provided social groups with various ways of being Indian*, without necessarily having to relinquish their other social identities. This is essentially what we call *Indian nationalism*, or *plurinationalism*, connoting multiple nations within a nation, where different people, world views, cultures and religions exist and are recognised.

However, where Indian nationalism has helped in reducing intractable religious antagonisms, it has also helped in the survival of ethno-nationalism, which attempts to create binaries of core/mainstream and outside/minorities within the same sphere. The core uses the power of negativity to define itself by constructing boundaries often in ethnic terms. The ethno-nationalism is animated by fear and hatred of the 'other'. As such, xenophobia and ethnic cleansing become integral parts of ethno- or exclusionary nationalism. In recent years, this ethno-nationalism has shown resurgence through increased violence on religious minorities and claimants of non-ethno-nationalisms.

In India, the multiple conceptions of nationalism and citizenship also enabled the State to manage its diverse social groups and contain many of their underlying conflicts. Given the enormity of ethnic diversity in the country, the consolidation of independent India has centred on the notion of 'unity in diversity', which has severely undermined the claims of ethno-nationalism.

The tension between ethno-nationalism and other conceptions of nationalism was also at play at the time of independence and it has been so since then. However, it was suppressed by the State due to the assassination of MK Gandhi in 1948, which brought many Indians back to their senses and formed a turning point, as

historian Gyanendra Pandey (1999) argues, in the debate between the 'secular nation' and the 'Hindu nation'. Gandhi's assassination weakened the dominant and aggressive expressions of the ethno-nationalists and provided a larger space for the expression of constitutional nationalism and citizenship.

In the last few decades, religious identities and differences have become very productive in political processes for the ethno-nationalist in India. Identities are being manipulated for award, reward, exclusion, denial of development rights, punishment, lampooning, denationalisation, stereotyping, violence and killing. In fact, the lives of people in India have been organically linked, but attempts through the above techniques generate parallel lives (with each religious community living unconnected to other religious communities), and also have the effect of compartmentalising and dividing lives.

In India, the 'unity' of social groups is shaped by geographic rootedness, organic evolution and living together for centuries. The belief in different Gods and religions, and the adoption of different languages as a process of history have created new identities superimposed on other identities.

*

Socio-economic exclusions are also exercised through discarding the use of cultural and religious symbols, values, and language of a social group. The emerging socio-economic and political exclusion of Muslims is also reflected in the exclusion and marginalisation of cultural symbols and language, such as Urdu, as well as lack of respect for their dress and living spaces, alongside their political under-representation, lack of development (including lower educational attainments and lower representation in government services), higher rate of incarceration and communal violence, and lack of access to justice. Simultaneously, a politics of religious demography is played out to further spread and strengthen Islamophobia.

Urdu in India has been caught in the communal politics of the country. It is being called the language of Muslims and a large section of non-Muslim speakers have drifted away from it. In fact, Persian and Turkish were traditionally the main languages, brought by immigrant Muslim ruling classes in medieval times. Urdu developed as a language as a result of the mixing of different languages and dialects in the country over centuries, and became a language of the masses for communication in a large part of northern Indian and the Deccan regions of the country.

Many argue that the government has not given due status to Urdu, as there is hardly any official communication in Urdu, and it has not been embedded in the capitalist system. Becoming a language of commercial activities is essential to remaining relevant and surviving in this market-dominated society. It is also a fact that nowadays only the lower- and lower-middle class Muslims speak Urdu and educate their children in the language, while the upper-middle and higher classes are shifting to English. Given the socio-economic marginality of Muslims in the country, this raises many questions. Many contend that for their development, Muslims need to adopt a language and script which is dominant in the market and/or is a recognised state language, while others argue that Urdu is the language of Muslim religious discourse and of the best of Muslim culture, or *Ganga-Jamuni Tehzeeb* of India (syncretic culture), and as such, this language needs to be preserved and adopted by Muslims and other communities.

Urdu is not a regional language of India but its speakers are spread across the country, most specifically in northern and Deccan regions. The language is spoken by a sizeable number of people from Kashmir to West Bengal and up to Karnataka. However, only in Kashmir is it the first official state language, and in Uttar Pradesh, Bihar, Delhi, West Bengal, Andhra Pradesh, it has second language status, without any significant status in official communications. In fact, in Jammu and Kashmir, Urdu gained the status of the official language due to political reasons, rather than on the basis of the number of its speakers. Many argue that regional languages are more prevalent among people in the state than Urdu. As Urdu speakers do not form the majority in any state, it has also been a language without state apparatus to support it. The north and Deccan regions of the country, which were the birthplace of the language, have largely succumbed to communal politics, and the states in these regions have abandoned the promotion and use of the language in official communications.

Partition of the country affected Urdu in adverse ways. After partition, Urdu was divided amongst three nation states: India, Pakistan and Bangladesh (Puri 2007). Urdu speakers in Bangladesh became refugees while those who migrated to Pakistan remain *Muhajirs*. Although Urdu has become the national language of Pakistan, it still faces the same consequences at the regional level in Pakistan as Hindi does in south India. In India, too, it suffered a setback. It was wrongly perceived to be associated with Muslims

and as a language of foreigners, a situation which led to state and social discrimination.

In India, Urdu has been a victim of both the market and the State. It is a language of love, living together and expression of emotion, which have largely lost value in today's fast-changing and commoditized lives. The State has not encouraged official communications in Nastaliq (Perso-Arabic) and Urdu is neglected in educational institutions; the market, meanwhile, has preference for English (as a global language), Hindi, or regional languages (as languages of the state or of the masses).

It is unfortunate that support for the Urdu language by the state has often been linked to the support for Muslims. It has only received tokenism or what Jeffery (1997) calls 'moth-eaten' patronage. Support for the language has often had the aim of keeping Muslims happy in order to gain their votes. However, this is not the kind of support that can sustain or embed a language into capitalism. Both English and Urdu are sometimes portrayed as the languages of conquerors. But, where English is considered to be the language of the wealthy, Urdu is now regarded as primarily the language of the poor, particularly of poor Muslims.

Many claim that Muslims made a mistake in owning the language. This not only compromised their development and adoption of English and other official languages, but also helped right-wing politics in India, which targeted Muslims and linked Urdu with the two-nation theory.

Campaigns for the promotion of Urdu have often created an unfavourable relationship between the Muslim community and the political leadership in the country as a whole. North India was already communalised during the national movement for freedom, and the campaigns have also adversely affected Hindu–Muslim relations in South India. The campaign for Urdu outside north India created two adverse consequences. First, it separated the Muslims from the non-Muslims. Second, the governments helping the cause of Urdu were accused by the Hindu communal groups to be favouring Muslims. Thus, while working for the cause of Urdu, Muslims lost on both fronts. First, they could not help Urdu and gave the impression that Urdu is the language of Muslims. Second, society became more communalised. Muslims face the consequences of this in the form of discrimination, communal violence and alienation.

In fact, for the sake of preserving Sanskrit, Urdu was sacrificed under the three-language formula in the northern states. Hindi was

brought in as the mother tongue, English as one modern language and Sanskrit as the language of ancient India. In northern India where Muslims were Urdu speakers, census staff noted Hindi as their mother tongue without consulting them (Farouqui 1994; 2008). Urdu, the language of modern and medieval India, was thus left without any meaningful space in the education system. Most of the southern Indian states, such as Tamil Nadu, adopted the two-language formula, in which regional languages and English were given space but Hindi was left out. The neglect of Hindi as the sister language of Urdu also adversely affected the prospects of Urdu in these states.

It is important that state and central governments recognise that Urdu is a language of the country and is a carrier of its glorious culture and history, and not just the language of Muslims. Muslims should also realise this and should not assert religious identity for the language, which is of secular origin. The more the language is promoted by them, the more Urdu will be marginalised by communal politics. There is also a need for Urdu to adopt other scripts as well for its growth and spread. A sizeable proportion of the Indian masses who speak and love the language cannot read it in the Perso-Arabic script. State support for the language is essential for its survival and for it to remain relevant and widely used.

Many claim that this may be the last generation of Urdu speakers in many parts of the country. In some states, it may go on for one or two generations more before Muslims also realise that it is not economically rewarding to educate their children in Urdu schools. That may be the final stage of the end of a glorious culture and history which Urdu created in India.

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On Muslim demography, before the dust settles down, other storms are raised. Among others, many right-wing ideologues claim that the growing Muslim population may be a threat to Hindu dominance. A cursory look into the demographic data shows that the Muslim population in the country has a higher growth rate. For example, during 2001–2011, the growth rate of Muslims was 24.6%, while that of Hindus was 16.8% during the same decade (Census of India 2011a; Rukmini and Singh 2015). However, deeper analysis shows that the rate of decline of the growth rate of the Muslim population is higher than that for Hindus. During 1991–2001 and 2001–2011, the former has declined more than 1.5 times faster than the latter.

The absolute decline in the growth rate of the Hindu population was –3.1% while for Muslim it was –4.7%.

Further, the Muslim population growth rate, is, at 24.6%, close to the growth rate of Scheduled Tribe (ST) and Scheduled Caste (SC) populations that stood at 23.7% and 20.8% respectively during 2001–2011. We know that SCs and STs have lower levels of development so their growth rate is almost equal to that for Muslims. It is estimated that at the current rate of growth of Muslim and Hindu populations, it will take more than two centuries for the Muslim population to overtake the Hindu population (Daniyal 2015). This acceleration is impossible, as the growth of the Muslim population will further decline over the years as has been shown during 1991 to 2011 (the growth rate of Muslim population has declined from 29.3% in 1991–2001 to 24.6% in 2001–2011).

The data available from the Census of India 2011 also show that Buddhists, Jains, and Sikhs have shown a massive decline in the growth rate of their respective populations. The growth rate of the Buddhist population has declined from 22.8% during 1991–2001 to 6.1% during 2001–2011, while the decline in the growth rate in Jain and Sikh populations was from 25.9% to 5.4%, and from 16.9% to 8.4%, respectively in the same time period (Census of India 2011a). These massive declines in the population growth rates of these communities seem unnatural. There may be three reasons for this: (a) the Census of India has not properly captured the data on religion in its schedules (b) these communities may now be identifying themselves as Hindus even though there is no record of conversion to other religions (c) these communities have reached a level of development in last ten years that leads to such a massive decline in the growth rate of population. We, however, are all aware that the Buddhist community still lags far behind in development in the country.

The demographic change or decline in the population growth rate of a community/country is significantly associated with the level of development of that community/country. The countries and communities which are most developed also have the lowest population growth rates. This association was well established by the economist Thomas Robert Malthus (1798) in his 'An Essay on the Principle of Population'. It is also often said that 'development is the best contraceptive'.

We know that many European countries, such as Germany, have introduced a tax incentive for families to have more children (http://itr.germanymantra.com/tax-return-filing-FAQs, accessed on 8 July 2017). Under these schemes, the more children you have the less tax you pay, or get the same refunded. Ireland has banned abortion (though this also relates to their religion) and wants more children (O'Shea 2017). But the population growth rates in these countries are still declining. In the nineteenth century, population growth rates were higher. Why is this happening? It is because of 'development'. The more developed you are, the less you grow demographically. The unawareness of this leads people to engage in the politics and spread of Islamophobia, which prove injurious to the country and to the health of society.

To further restrict the growth of the Muslim population, the Government needs to initiate appropriate development policies and affirmative actions for Muslims as has been done for SCs and STs. One is aware that currently Muslims are one of the least developed communities in the country (Sachar Committee Report 2006). They have a very high poverty rate and the levels of education and literacy are low. A majority of them are asset-less, without any appropriate skills, and live in shanties and slums in cities or work as casual labourers in urban and rural sectors (Sudhir Commission Report 2016; Mahmoodur Rahman Committee Report 2014; Sachar Committee Report 2006).

However, all the demographic indicators for Muslims are not negative. Muslims, in some respects, are doing far better than Hindus. As per the Census 2011, Muslims have 951 women per 1000 men, while Hindus have 939 women per 1000 men. This shows Muslims are less gender-biased.

*

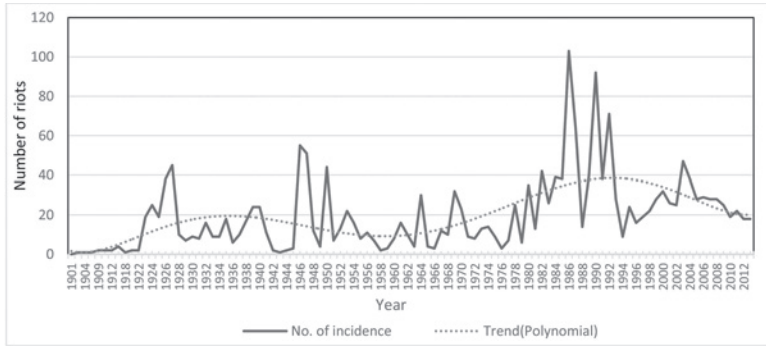
In India today, Muslims comprise a substantial proportion of jail inmates, beggars, landless people, and the slum population in cities, and those being killed in communal riots. The state has failed to meaningfully accommodate Muslims as citizens and empower them or arrest the re-occurrence of Hindu–Muslim communal violence. The 'Muslim question' still remains as alive as it was during the partition of the country in 1947 and there are those who still ask 'Can a Muslim be an Indian?' These forces of denationalisation, de-legitimisation and de-territorialisation feed the

communal discourse and remain essential in sustaining the communal violence between Hindus and Muslims in India. The ethnic and communal discourse that emerged during the early decades of the twentieth century resulted in the making of new political geographies of a large part of South Asia, with the creation of new nation states like Pakistan and Bangladesh based on religious identities.

One of the reasons for the deprivation of Muslims in the country has been the endemic violence against the community. Violence not only destroys the material wealth of the community, but also weakens its capacity to rebuild its financial strength, pushing its members to adopt conservative attitudes and seek refuge amongst themselves, in ghettoes, and in their religion. The communal riots in the country have increased in frequency and geographical extent. From Wilkinson (2005) and Centre for Study of Society and Secularism, Mumbai, records show that a total of 1995 riots have taken place in the towns and large villages of the country during 1901–2013. The data show that, over the years, communal violence between Hindus and Muslims in the country has risen, but this rise has not been uniform. The country has experienced bouts of Hindu–Muslim riots that have been followed by relatively calm periods. Periods of higher communal violence in India include 1923–1927 (the period after the Khilafat Movement), 1945–1948 (the years immediately after and before the partition of the country), 1982–1994 (this coincides with Ram Mandir Movement, Rath Yatra by BJP and demolition of Babri Mosque), and 2000–2004 onwards (peaks with Gujarat Riot in 2002). During these periods, the reported incidences of Hindu–Muslim riots have been, in general, more than 20 per year (Figure II.1). In fact, from 1982 onwards, there have been 18 or more riots per year.

In India, urban areas have remained centres of Hindu–Muslim riots, and about 96% of the total deaths in the country during 1950 to 1995 took place in towns (Varshney 2002). The data show that communal violence in India has been significantly clustered in the Indo-Gangetic plains and the western states of the country (Figure II.2), and this is where most of the deaths and injuries have taken place. Delhi and Kolkata have been the places of significant communal violence during the pre-independence period, while Surat, Vadodara, Ahmedabad, Mumbai and Hyderabad have caught up with these cities mainly as a result of the rise in the number of incidences of communal violence in the post-independence period.

Figure II.1: Trend in reported number of communal riots in India, 1901–2013



Source: Compiled from data produced in Wilkinson (2005); data for the years 1996–2013 taken from the compilation by Centre for Study of Society and Secularism, Mumbai.

Kolkata was the most communally violent city (with 4,290 deaths and 12,415 persons injured in a total of 26 recorded riots) in the pre-independence period, but in the post-independence period it has been Ahmedabad (2,202 deaths and 4,872 injured in a total of 93 recorded riots). In terms of the number of deaths, the other top four cities, after Kolkata, during 1901–1946 were Mumbai (844 deaths), Kanpur (428), Garmukteswar (214) and Jamalpur (161), while during 1947–2013, after Ahmedabad, the top four positions were held by Delhi (2,111 deaths) Mumbai (1,025), Tarn Taran (900) and Kolkata (431). During the Communist Party of India (Marxist) rule, for more than three decades (1977–2009), larger society in West Bengal underwent a significant de-communalisation, in contrast to the states in western India ruled by Bharatiya Janata Party, Indian National Congress (INC) and their allies.

Whereas an average of 8.6 incidences of communal violence took place every year during 1901–1946 in the country, the frequency increased to about 24 per year during the period 1947–2013. Although the reported deaths and injured persons per communal riot in the post-independence period has been lower than the pre-independence period (about 17 deaths per incidence during 1901–1946 and about 8 during 1947–2013; and 66 injured persons versus about 19 persons per incidence during the same period), the violence has been more organised, institutionalised and politically

calibrated. The geographical extent of the communal violence has also increased, with rural areas, as seen in the Gujarat riots in 2002 and Muzaffarnagar (Uttar Pradesh) in 2013, also becoming sites of communal violence.

A significant shift and expansion in the geographical location of communal violence is apparent. During 1901–1946, most of the riots and deaths occurred in towns in Uttar Pradesh (42.5% of the total reported riots and 15.6% of the total deaths), Maharashtra (15.3% of the riots and 13.4% of the deaths), West Bengal (11.6% of the riots and 64.2% of the deaths), and Bihar (6.4% of the riots and 3.6% of the deaths). During 1947–2013, most of the incidences of communal riots and deaths have occurred in Gujarat (19% of total riots and 22.5% of deaths), Maharashtra (18.2% of riots and 13.7% of deaths), Uttar Pradesh including Uttrakhand (18.8% of riots and 13.8% of deaths), Delhi (2.6% of riots and 17.5% of deaths), Madhya Pradesh (5.7% of riots and 3.2% of deaths), and Karnataka (6.0% of riots and 1.7% of deaths). Thus, we see that communal violence has significantly risen in Gujarat, Maharashtra, Madhya Pradesh and Karnataka, though Uttar Pradesh remains significant in this respect even in the post-independence period (see Figures II.2 and II.3). Most of the incidences of communal violence in the post-independence period have taken place in the western and southern states, which had fewer incidences in the pre-independence period.

This mass violence, violating all established forms of human and citizenship rights, has been going on in the country without any significant deterrence and punishment over a century. This shows that political parties of the country in order to garner votes act more in strategic ways than in legal and constitutionally correct ways (Varshney 2002). No significant legislation has been enacted to stop communal violence and, in fact, state institutions such as the police, judiciary, intelligence agencies, development departments, etc., appear to have become more communalised in their bias against Muslims.

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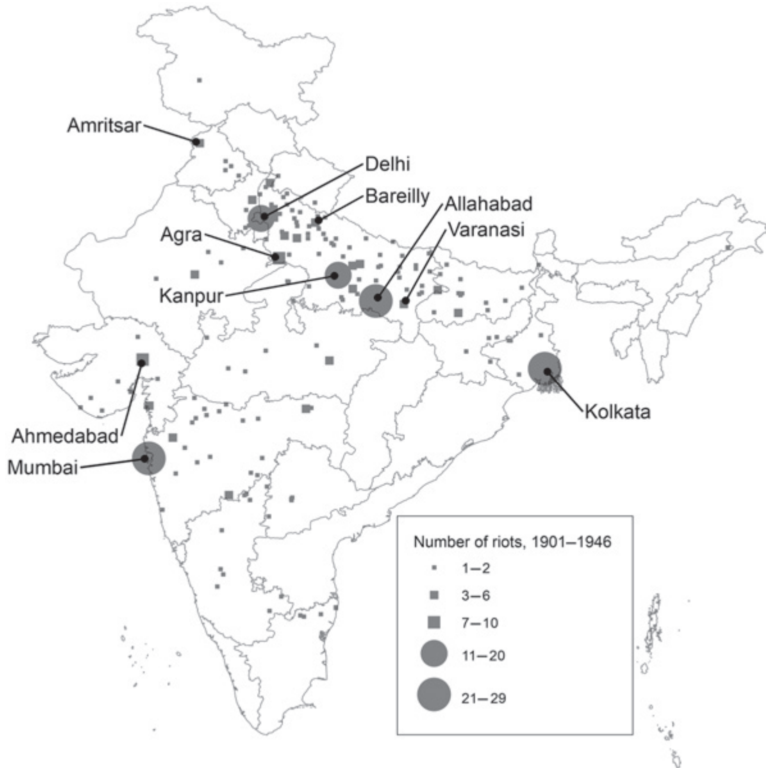
Educational attainment is a very crucial development indicator of any community. It is both an input and outcome indicator. It is 'input' in the sense that more educated communities will be more aware and conscious about their development and about using the opportunities provided to them by government and society.

Figure II.2: Number of Hindu–Muslim riots, 1901–1946

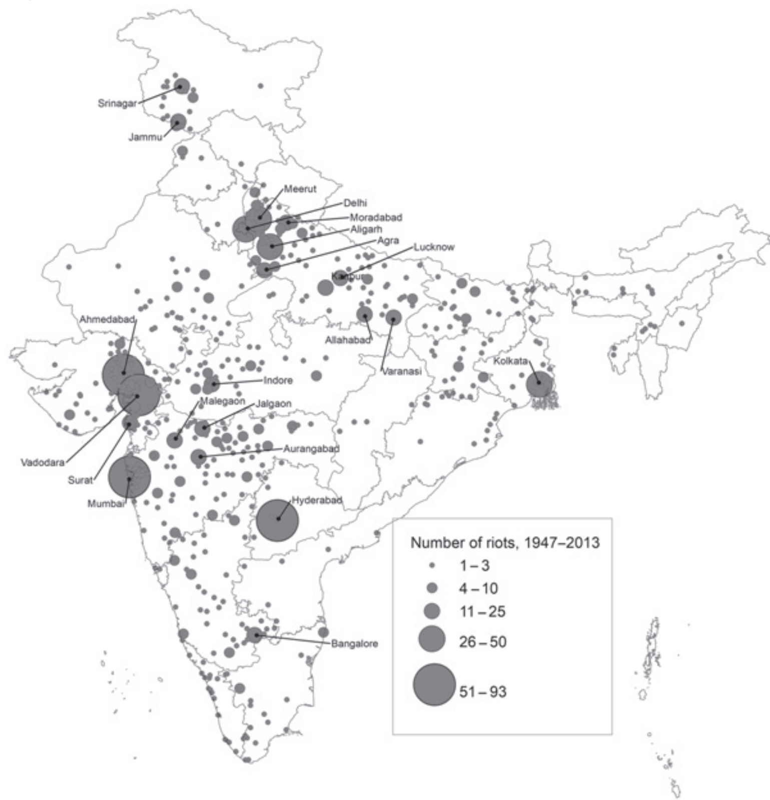


Source: Based on data compiled from Wilkinson (2005); data for the years 1996–2013 taken from Centre for Study of Society and Secularism, Mumbai. Prepared by author.

Note: Map not to scale. The international boundaries, coastlines, denominations, and other information shown in any map in this work do not necessarily imply any judgement concerning the legal status of any territory or the endorsement or acceptance of such information. For current boundaries, readers may refer to the Survey of India maps.

It is also an outcome indicator as it reflects the larger development of a community – highly developed communities also have higher educational levels. The higher educational level of a community is a reflection of a higher accessibility of education (geographic and social) as well as its affordability (financial and immediate opportunity costs).

Figure II.3: Number of Hindu–Muslim riots, 1947–2013



Source: Based on data compiled from Wilkinson (2005); data for the years 1996–2013 taken from Centre for Study of Society and Secularism, Mumbai. Prepared by author.

Note: Map not to scale.

Higher educational attainment reflects better socio-economic development of communities. The available data show that the Muslim community has one of the worst educational attainment levels in the country (Table II.1). The educational attainments of Muslims are even worse than those for Buddhists, which include a large share of Scheduled Castes – the historically deprived and one of the least developed communities in the country. Both the Muslim male and female largely drop out from the educational system after the middle level of education. This dismal scenario for Muslims can be understood from the fact that only 4.44% of the

Table II.1: Percentage of population with various levels of education by religion in India, 2011

Levels of Education	*Hindu*	*Muslim*	*Christian*	*Sikh*	*Buddhist*	*Jain*
			Total			
Literate without educational level	2.88	2.90	3.53	2.15	3.46	3.29
Below primary	11.83	14.32	11.95	8.04	14.32	7.36
Primary	15.11	16.08	14.65	15.66	14.37	10.29
Middle	11.27	9.73	12.35	11.19	13.04	8.82
Matric	9.00	6.33	10.08	14.78	10.93	15.48
SSC	6.62	4.44	10.32	8.25	8.61	14.05
Non-tech dip/certificate	0.07	0.17	0.18	0.08	0.04	0.19
Tech dip/certificate	0.61	0.27	2.23	0.79	0.47	1.10
Graduate & above	5.98	2.76	8.85	6.40	6.18	25.65
			Males			
Literate without educational level	3.06	3.15	3.52	2.17	3.44	3.15
Below primary	12.24	15.06	12.09	8.75	14.85	6.71
Primary	15.84	16.98	15.14	15.53	14.36	8.62
Middle	12.75	10.80	13.26	12.06	14.25	8.46
Matric	10.61	7.16	10.72	16.64	12.29	16.13
SSC	7.77	4.95	10.24	8.89	10.02	15.15
Non-tech dip/certificate	0.10	0.19	0.23	0.08	0.05	0.20
Tech dip/certificate	0.90	0.39	2.39	0.94	0.67	1.59
Graduate & above	7.24	3.41	8.98	6.10	7.51	27.66
			Females			
Literate without educational level	2.68	2.64	3.55	2.13	3.48	3.43
Below primary	11.40	13.53	11.81	7.25	13.78	8.04
Primary	14.34	15.14	14.17	15.80	14.39	12.04
Middle	9.69	8.61	11.46	10.23	11.79	9.20
Matric	7.28	5.45	9.45	12.71	9.51	14.81
SSC	5.39	3.89	10.39	7.55	7.15	12.90
Non-tech dip/certificate	0.04	0.15	0.14	0.08	0.02	0.17
Tech dip/certificate	0.30	0.14	2.06	0.63	0.27	0.59
Graduate & above	4.64	2.07	8.72	6.73	4.80	23.55

Source: Prepared by author based on data from Census of India (2011b).

total population completed Senior Secondary (SSC) level of education in 2011; the same attainment among Hindus, Christians, Sikhs, Jains and Buddhists was 6.62%, 10.32%, 8.25%, 14.05% and 8.61%, respectively, in the same year. In fact, the gap further widens between Muslims and other communities at the graduation level: the share of the Muslim population that has completed levels of education at graduation and above is far less than in

other communities. The gender gaps between Muslims and other communities persists here too. There is also a north–south divide in the level of educational attainment by Muslims. In the southern states, Muslims perform relatively better in terms of the level of educational attainment in comparison to Muslims in the northern states, except Jammu and Kashmir (Figures II.4 and II.5).

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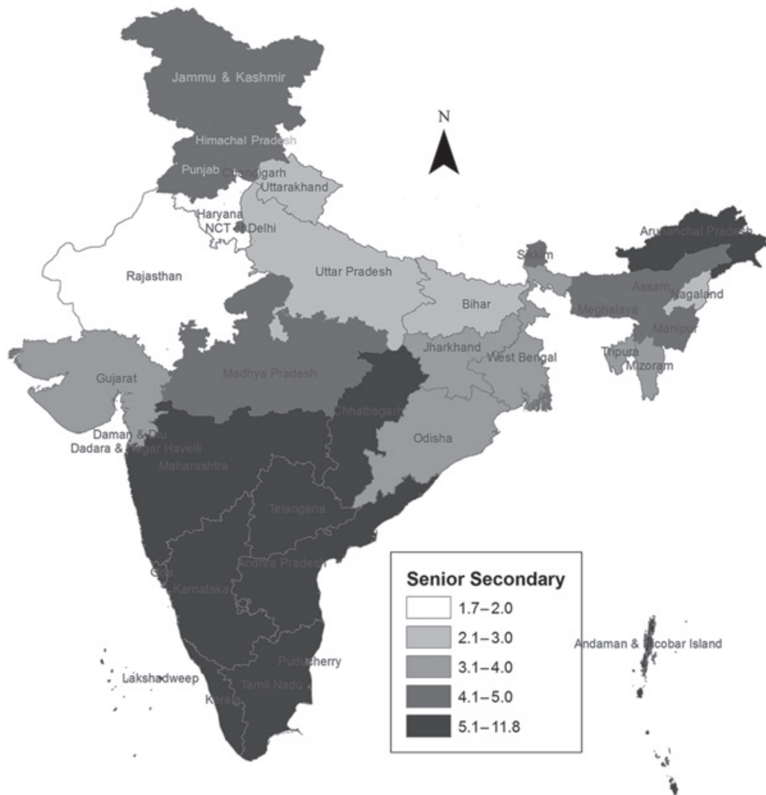
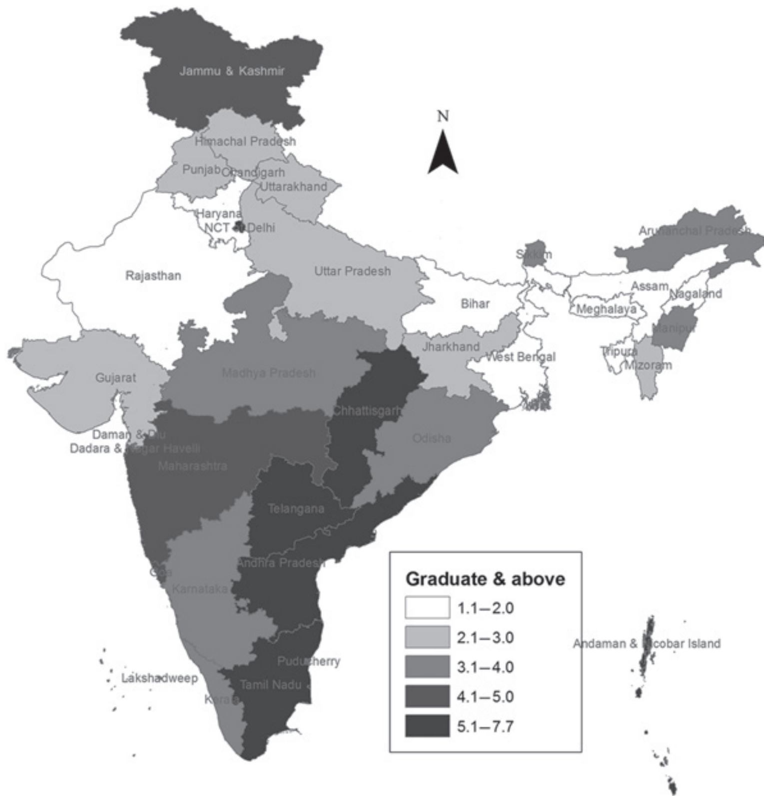
Prior to the Sachar Committee Report (2006), there were only a few initiatives for the development of religious minorities in the

Figure II.4: Percentage of Muslim population with completed SSC level of education, 2011



Source: Prepared by author using data from the Census of India (2011b).
Note: Map not to scale.

Figure II.5: Percentage of Muslim population with completed graduation and above level of education, 2011



Source: Prepared by author using data from the Census of India (2011b).
Note: Map not to scale.

country and there existed hardly any institutional and administrative set-up that worked solely for their welfare. Examining the post-Sachar initiatives by the Government of India, we find that though these initiatives are welcome interventions for the welfare of minorities, they suffer from, among other issues, lack of sufficient funds, ineffective implementation due to ambiguous guidelines, and inadequacy of well-marked responsibilities across administrative hierarchies.

Social and economic diversity in India demands regular monitoring of the development and deprivation of different sections of the population to ensure timely intervention, and to avoid lopsided

development and related problems. Equitable distribution of development has been one of the major aims of planned development in the country and has also been advocated through equal and non-alienable rights of citizens in the Constitution. The Constitution empowers the government to initiate affirmative actions for deprived sections of the population. The major planes along which the socio-economic inequity in India have been found are caste, tribe, religion, gender, and region. Some of these aspects like caste and region have been taken into account in the decision-making for allocation of resources. Religion has been a major dimension along which affirmative actions have been slow or a non-starter, and the specific deprived religious communities have for long been left to fend for themselves. The lower caste from specific religious communities is nowhere to be seen in the affirmative actions in some spheres, or in the reservation of government jobs or educational institutions. For instance, the Presidential Order 1950 does not recognize lower castes from Muslims, Christians and other minority religious communities as Scheduled Cates (SC), even though they may be pursuing the same occupation as Hindu lower castes. The Presidential Order initially assumed that only Hindus in the country have a caste system, but after protestation by Master Tara Singh in 1956, other groups were added to the SC list, including the lower castes of the Sikhs, and (in 1990, during V.P. Singh's government), the neo-Buddhists. Exclusion from the SC list has an enormous impact, especially on Muslims and Christians, the substantial populations of which belong to the lower castes. Further, the challenging socio-economic barriers in a society ridden with communal sentiments creates a situation for religious minorities such as Muslims, in which without affirmative actions and protective legislations, their safety, security and development cannot be realised. Although there has been intermittent demand from the Muslim community and civil society organizations over the years to regularly assess the socio-economic situation of minorities, especially Muslims, and to undertake appropriate measures to improve their lot, there have been few noticeable actions from the government in this regard.

The Gopal Singh Committee constituted by the Government of India in early 1980 to examine the socio-economic issues Muslims face highlighted the pathetic socio-economic situation of Muslims in the country, but its findings and recommendations were lost in the politics of communalism that ensued in subsequent years. After

more than two decades, the Sachar Committee Report in 2006 again revealed that Muslims in the country face enormous economic deprivation, social exclusion and political under-representation. The Committee advocated equality of opportunity for Muslims, non-discriminatory policies, and the setting up of an Equal Opportunity Commission and adoption of Diversity Index-based interventions in public and private domains. The Government of India revamped the Prime Minister's 15-Point Programme (PM15PP) in 2006 and initiated institution building to empower religious minorities in the country, with a major step towards this goal being the creation of the Ministry of Minority Affairs (MoMA) in the same year. In 2007–08, the MoMA launched the Multi-sectoral Development Programme (MsDP) for developing minority concentrated districts (MCDs). These two programmes, PM15PP and MsDP, constitute the backbone of major initiatives for the religious minority communities in the country. Post-Sachar, affirmative action becomes very significant because, except for some minor mention of minorities in the Sixth Five-Year Plan against Minimum Need Programme, no development plan was launched for religious minorities until the Eleventh Five-Year Plan. Below, I attempt to briefly assess the effectiveness of central sector schemes, the PM15PP and MsDP in the country, as well as the progress in building institutions for the development of minorities in the post-Sachar years. I also acknowledge that some states like West Bengal, Kerala, Tamil Nadu and Telangana have introduced specific schemes for the development of minorities, but here the focus will be largely on central government schemes.

The Prime Minister's 15-Point Programme and MsDP are two umbrella schemes of the Government of India covering many sub-schemes within them. The PM15PP, revamped and recast in 2006, aims to spend 15% of the plan outlays in minority concentrated areas (the term 'substantial minority population' in the PM15PP applies to such districts/sub-district units where at least 25% of the total population of that unit belongs to minority communities), and/or on beneficiaries related to the minority communities (Muslims, Christians, Sikhs, Zoroastrians, and Buddhists; in January 2014, Jains were also declared a religious minority community by the Government of India). The major objectives of this programme are (a) to enhance opportunities for education to minorities (b) to ensure an equitable share in economic activities and employment to minorities (c) to improve the living conditions of minorities

(d) to prevent and control communal riots through measures aimed at (i) prevention of communal incidents by posting police officials with secular records in sensitive and riot-prone districts/areas and linking this to the career promotion of District Magistrates and Superintendent of Police (ii) prosecution for communal offence (iii) rehabilitation of victims of communal riots.

MsDP was initiated in 2008–09 in 90 minority concentrated districts (MCDs). It is the largest ever programme for the development of minorities since independence. This is largely an area development scheme and is intended to provide additional/gap filling funds to the existing centrally sponsored schemes (CCS) and particularly the PM15PP (Hasan and Hasan 2013). The scheme is based on the Sachar Committee's findings that Muslim concentrated areas are suffering from poor infrastructural facilities and that these need to be developed. This scheme is initiated and operated according to the pattern of other schemes like Backward Region Grant Fund (BRGF), Rashtriya Sam Vikas Yojna (RSVY), and Border Area Development Programme (BADP), set up to address area development deficits (Khan and Parvati 2013).

In the Twelfth Five-Year Plan, the units of implementation of MsDP are minority concentrated blocks and clusters of minority concentrated villages instead of districts. This helps in covering the minority concentrated blocks (MCBs) lying outside the MCDs. A total of 710 MCBs, about 500 villages falling outside the MCBs, and 66 minority concentrated towns have been identified for the implementation of the programme.

The Post-Sachar Evaluation Committee Report (Amitabh Kundu Committee Report 2014) showed a number of areas in which development schemes for religious minorities faced challenges. The major ones among these are detailed here. First, there has not been any proper baseline survey of the conditions at the sub-regional level of minorities against which these schemes were supposed to be measured. Given the lack of data related to the development deficit, for example, the required number of Aaganwadi Centres, or the deficit in the number of primary, secondary schools or colleges, it was not possible to understand whether these schemes were working to bridge the deficit or actually creating more infrastructure in some minority concentrated areas. Second, there was no special machinery created specially to implement these programmes and the schemes were left to be implemented by existing administrative structures. In fact, historically, usual practice within

development administration and the lack of interest in developing minority concentrated areas have resulted in a lack of development generally; it is an unrealistic expectation for the existing administration to fill these gaps without any further training and supervision. Third, although committees from district to ministerial levels were expected to be formed to monitor the implementation, these committees largely remained on paper. In addition, no interest was/is taken by the government to see whether these committees are functioning as expected. Fourth, the resources allocated to schemes were/are too meagre to make any significant impact on the development deficit among minorities and specifically among Muslims. Lastly, the schemes have been non-targeted: all the religious minorities such as Christians, Sikhs, Parsis, Buddhists, Jains, and Muslims have been banded together for development action under the schemes; this diffuses the focus on Muslims who remain the most deprived amongst the groups and who do not get enough attention. It can be noted that Sikhs, Parsis, Jains, and Christians are amongst the most developed communities in the country, and as Buddhists are largely covered under special schemes for Scheduled Castes, their inclusion under the minority specific schemes led to confusion about which schemes they should fall under (for minorities or for Scheduled Castes). The schemes have been far less effective for minorities, particularly for Muslims.

There have been many concerns expressed regarding the conceptualisation of PM15PP. First, a limited number of schemes are included in the 15PP and there is scope for expansion of the PM15PP to include a range of other schemes as well as introduce separate programmes by MoMA. Second, the current schemes under PM15PP are being implemented in different units – block, district, town, and city. It is therefore possible for benefits to reach a geographical unit, without specifically reaching the minority population of that unit. Thus, the reported data on achievement under the PM15PP could be misleading in terms of the impact it has had on the lives of minority populations. Third, monitoring and supervision is done by state and district level committees constituted for this purpose. The district level committees are largely dysfunctional while state level committees do not meet regularly. Additionally, there is no established mechanism of social audit or third party evaluation of the schemes. Fourth, the wording of PM15PP has been quite vague in some respects. It states that 'certain percentage of physical and financial targets' will be earmarked

for beneficiaries belonging to the minorities or 'appropriate percentage' of resources are targeted for minorities. In addition, for employment in central and state government services, it says that 'special consideration' will be given to minorities. What does this term 'special consideration' mean without any legal provisions? Ironically, the officers found favouring minorities can result in being prosecuted for corruption in the absence of any clear rule/law. This lack of clarity also contributes to the lethargy, indifference and confusion in implementation of the schemes.

With regards to financing the scheme, in the Eleventh Five-Year Plan period, total allocations for minorities accounted for about 6% of the total plan outlay which includes the central sector plan and central assistance to state plan. The share of MoMA in total allocations being 0.79% of the total central sector plan is insignificant to address the development of minorities. It may be noted that only 0.7% of the total Plan Fund of the Union Budget 2014–15 has been earmarked for the development of minorities by MoMA and other ministries, whereas the religious minorities constitute about 19% of the total population as per Census 2001 (Khan and Das 2014).

Further, the implementation and targeting of the MsDP in the Eleventh Five-Year Plan invited many concerns. The concerns ranged from the fact that it is largely an area development scheme and does not focus on individuals or families. The 90 MsDP districts (called minority concentrated districts) are large geographical units, and as the minorities are not uniformly concentrated in the districts, the schemes under the programme can be carried out without really benefiting the minorities. Difficulties include the following: only about 30% of Muslims can benefit from the targeting of 90 districts as implementation units for MsDP; non-inclusion of a large section of Muslims in the Below Poverty Line list keeps them away from the benefits of many schemes under the programme (like Indira Awaas Yojna [IAY] and employment generation schemes); uncooperative attitude of local authorities; inadequate planning capacity at district level; district planning committees being non-responsive and being dominated by non-experts and the economically and politically powerful; non-submission of detailed project plans by state governments for allocation of funds; lack of allocation of sufficient funds (only 3780 crore for 90 districts for eight years was pegged in the Eleventh Five-Year Plan, which amounts to a meagre 8.4 crore per

district per year) (Shariff 2010; Ali 2012); insufficient funds to monitor the programmes; non-acceptance by MoMA of innovative schemes suggested by local Muslims; and many schemes of MsDP being notional as they do not report data concerning the religion of beneficiaries.

However, one of the major achievements of the UPA Government led by the Indian National Congress, 2004–2014, with regard to the development of minorities in the country, has been the building of institutions for their development. In some spheres, the initiatives of the Government were historical in nature. The Government for the first time identified minorities as 'development subjects' of the state rather than only religious or ethnic communities. Post-Sachar affirmative actions also become very significant in the sense that except for some minor mentions of minorities in the Sixth Five-Year Plan against Minimum Need Programme, until the Eleventh Five-Year Plan, no systematic development polices/plans existed specifically for them. Though the Constitution provides scope for policy attention to the development of minorities, somehow it has been politically unacceptable to some politicians and they have started targeting the poverty alleviation and development measures for minorities as 'appeasement' policy.

Some of the major steps with regard to the building of institutions for the development of religious minorities by the Government have been (a) establishment of Ministry of Minority Affairs (MoMA) and through that encouraging state governments to create Minority Development/Welfare Ministries/Departments (b) enactment of National Commission for Minority Educational Institutions Act 2004 (c) creation of National Commission for Minority Educational Institution with power to grant minority status to educational institutions, especially certificate or permission for establishing professional colleges and other colleges by minorities and deciding disputes on affiliation of colleges, etc. (d) amendment of Central Wakf Act 1995 to facilitate protection and beneficial use of Wakf land (e) establishment of Wakf Development Corporation (f) establishment of three new centres of Aligarh Muslim University at Malkapuram, Murshirabad and Kishanganj, especially for promoting higher education among Muslims, and (g) revamping of PM15PP and designing Multi-Sectoral Development Plan (MsDP) for the welfare of minorities. This has to an extent led to the building of confidence among minorities and the assertion of their rights for development.

The UPA Government, after receiving the Sachar Committee Report in 2006, also attempted to mobilise the relevant ministries and other departments to implement affirmative actions for the welfare of minorities in the country. To implement the Sachar Committee recommendations, six measures by the Department of Financial Services, 15 by the Ministry of Human Resources Development, nine by MoMA, one by the Ministry of Statistics and Programme Implementation (MOSPI), two by the Planning Commission, two by the Department of Personnel and Training, two by the Ministry of Home Affairs, four by the Ministry of Urban Development and Ministry of Housing and Urban Poverty Alleviation, one each by the Ministry of Labour and Employment, Ministry of Culture, Ministry of Health and Family Welfare, Ministry of Panchayati Raj and Ministry of Urban Development, and Ministry of Information and Broadcasting have been initiated (MoMA 2014). They cover a range of issues and are very important initiatives for the welfare of minorities. However, while building the consensus for affirmative actions for minorities, the UPA Government defocused Muslims, the most deprived section of the minorities.

In the post-Sachar era, many of the state governments have moved much further than the central government in terms of initiating developmental polices and building institutions for the welfare of minorities. This may have far-reaching impacts on religious minorities like Muslims in the coming years in assuring their rightful share in development of the country and also with regard to their perception about citizenship and belonging.

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Since the early 1980s, the socio-political environment of the country has been undergoing a fast change. The communities living together for generations are getting divided on communal lines. Ideologies like capitalism and socialism are also becoming ineffective in keeping people together and the line is being drawn on the basis of faith and religion. The multicultural social fabric of the country is being torn and state institutions are becoming increasingly communalised. Among the minority communities in the country, Muslims face the highest risk of discrimination, stigmatization and violence. This is a time specifically for Muslims to reflect on how to face this onslaught. They have to prepare themselves not only to safeguard their own interests but also to contribute to decriminalisation and de-communalisation of polity

and state institutions at large. This requires multipronged initiatives from the community. First, Muslims should remain partners with secular groups in politics and simultaneously attempt to work with all the political forces. One should understand the power of politics and negotiations in maintaining the multicultural fabric of the country. Second, develop entrepreneurial spirit; engage more in wealth creation and employment generation that can help in overcoming unemployment and poverty among Muslims and also in raising the morale of the community members. Although the community has few large entrepreneurs and a few more small ones, effective cultivation of a business-oriented spirit and support from community members and banks will go a long way to realise this dream. Third, besides using the financial provisions available from mainstream banking and other financial institutions, establish financial institutions (initially locally), which are professionally run and provide small- and medium-sized loans for business and other productive purposes, specifically, initially, to those who cannot obtain loans from mainstream financial institutions due to lack of necessary documents and collateral guarantees. Fourth, create groups which educate and make community members aware of various public programmes and schemes and how they can use them for their development. Fifth, create organisations which can provide legal aid to community members in difficult situations.

Sixth, encourage and counsel students to perform well in education and serve in important state and political institutions. This means that Muslims will now need to put the highest emphasis on education in relevant subjects, especially English language. One must understand that Muslim girls can play an important role in this, not only because they remain very focused in their approach towards goals, but also because they have been performing exceptionally well in the field of education up to school level (Shaban 2015; Shaban 2016b). This will help in enhancing the participation of women in work and in minimising the dependent population. Further educational attainments and earned income by women will have an enormous multiplier effect for their families and future generations. This also means that Muslims as a community need to spend more on education, and those who are in a position of helping others should open their arms to do so. Also, in close-knit Muslim areas, and even elsewhere, create community libraries and study centres to enable students to perform better in education. Seventh, establish institutions of higher education and

research (philanthropists can play important role in this). A large section of the community in the country is economically distressed and lives in poverty or on the verge of poverty, and there have been a few philanthropists who distribute portions of their large income and wealth in different forms among the poor in the community. However, it has been noticed that this spending has often been in non-productive activities or in taking care of very ordinary or religion-related rituals. In the changed circumstances, they will need to focus on putting their money into promotion of high impact activities, especially on promotion of education and skill development. It is suggested that they should open more colleges and universities and through these, promote socially relevant research and dissemination of such research. This will not only help in changing the social discourse but also in promoting the right kind of thinking among the citizenry. This in turn will go a long way to create peace and an amicable atmosphere in the country. This will also enable Muslims in countering stereotypical arguments. In sum, universities and education that promote progressive thinking, research and philosophy are what are needed in the country. Muslims need to vigorously participate in this field.

Eighth, work with other communities and bring the message of peace and mutual respect. It must be emphasized that although the socio-political environment at present in the country is extremely unfavourable for Muslims, they must not fall prey to the designs of communalist forces within as well as outside the community. They must practise and advocate for an inclusive society and take the masses along with them through forming common associations, unions and ties. Ninth, effective representation in the media – social as well as commercial – is important for Muslims. The community needs to create individuals who can take up the cause of the community in all possible languages and spheres for preventing the stigmatization of the community. Finally, work for peace-making at national and international levels. The community needs to understand that any act of violence, specifically from within the community – for whatever reason – is counterproductive, not only for the community but also for society, the country and international peace. One must also understand that perpetrators and advocates of violence have never succeeded in the long run. It is the need of the hour that Indian Muslims carry the message of peace also to other countries to disseminate not only the meaning of Islam but

also information about the father of our nation, Mahatma Gandhi and multicultural India as a whole.

Indian Muslims cultivate a unique culture, politics and sociality. They stand largely at a distance from 'political' Islam and ideology of violence as is evident from the failure of Islamic parties and Muslim cultural organisations since independence, and the popularity and success of secular politics among Muslims. Their cultures differ as per their regions, castes and sects, and so do their affiliations to political and religious formations. The only unifying factors for Muslims, of late, have been the fear of communal violence and collective deprivations. However, they have stood firm with the country and humanity. Given the appropriate opportunity, they also have the potential to further national development, change the militant Islamic ideology and the narrative prevalent in certain parts of the world.

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Introduction

Abdul Shaban

Amidst rising modern universal civilisation and shrinking geographies, societies all over the world have begun to be reconfigured along religious and ethnic lines. People have started rediscovering old identities in new forms, and those united by histories and ideologies but divided by ethnicity are now drifting apart. In the new world, local and national politics have been innovated around ethnicity (Huntington 1996). Muslims as a religious minority group in India are faced with many such ethnic challenges. In India, the development divide between the majority religious group and Muslims is on the rise and social tensions and riots between them have exacerbated. The dwindling confidence of the Muslim community on state machinery to provide physical (at the time of Hindu–Muslim riots) and social security, as also the emergence of 'Muslim unwelcome' areas (specifically in cities and towns) since the last two decades, have generated Muslim 'exclusive spaces' and 'ghettoes'. The spatial exclusions are logical products of 'social exclusions' through which 'metaphorical spaces' of 'ours' and 'theirs' are created. The metaphorical spaces are invented and constructed to provide a sense of territoriality, community and nationhood to the communities. These metaphorical and social spaces matter most to the communities and shape their day-to-day interaction and decision-making. To produce the segregation and exclusion of Muslims, history is manipulated and past discordance circulated to re-live the past as present, especially the Partition of the country in 1947. Then, both the virtual and real wars along the 'line of control' of these spaces follow with the 'enemy'.

In recent years, consolidating categories and identities along religious lines have considerably 'minoritised' Muslims and have made the Muslim population a category worthy of socio-economic analysis. Amidst or along with institutionalised riot systems, politics of violence, confusing policy frameworks on caste and class lines, and exclusion and segregation of Muslims from the same, the community has also seen the failure of leadership from within. However,

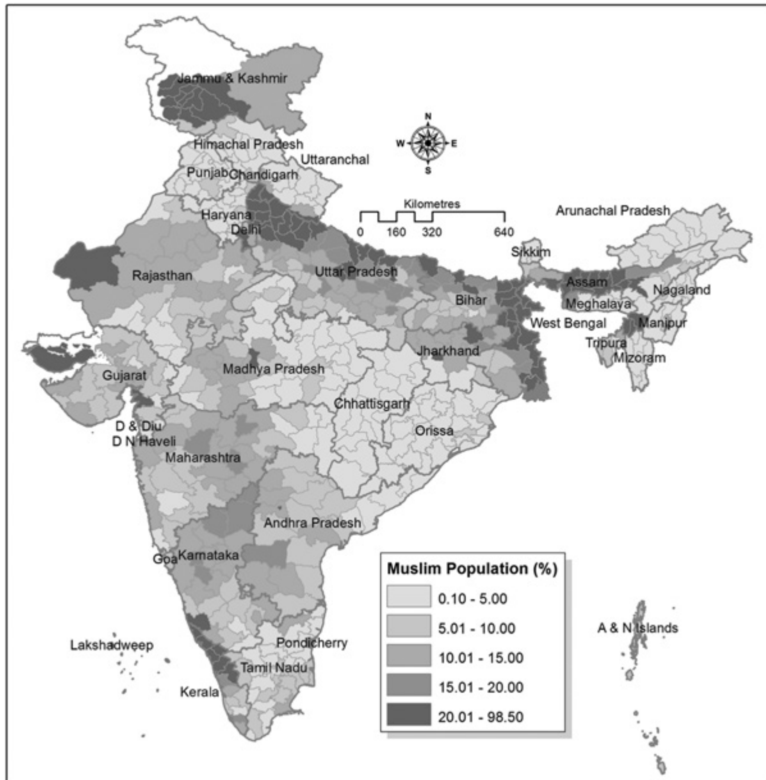
the community has emerged as a 'mass' around which the politics of 'vote bank', 'appeasement' 'foreigners', 'Pakistanis within the country', etc. are being built to further marginalise it. All of these add to make the community apprehensive of asserting its right to development.

Demography and Distribution of Muslims

As per the *Census of India 2001*, Muslims constitute 13.4 per cent of the total population and form the largest religious minority group in the country. In absolute terms, the total population of Muslims was about 140 million in 2001. Among the states/ Union Territories (UTs), the share of Muslim population was highest in Lakshadweep (95.5 per cent of its total population), followed by Jammu and Kashmir (66.9 per cent), Assam (30.9 per cent), West Bengal (25.3 per cent), Kerala (24.7 per cent), Uttar Pradesh (18.5 per cent), Bihar (16.5 per cent), Jharkhand (13.9 per cent), Karnataka (12.2 per cent), Uttaranchal (11.9 per cent), Delhi (11.7 per cent) and Maharashtra (10.6 per cent). Uttar Pradesh has the largest concentration of Muslim population in the country. In 2001, the state constituted 22.25 per cent of the total Muslim population in the country and was followed by West Bengal (14.65 per cent) and Bihar (9.93 per cent). In fact, these three states along with Maharashtra accounted for more than 54 per cent of the total Muslim population in the country. Figure 1 shows district-wise share of the Muslim population in India.

The growth rate of the Muslim population in the country has been relatively higher than Hindus. The observed national trend has been an increase of around 1 per cent in the share of Muslim population every decade since 1961 (*Sachar Committee Report* 2006). This higher growth rate of the population which mainly emerges from poverty and economic deprivation of the community, has often been interpreted adversely and seen as a strategy by Muslims to numerically overtake the Hindus (Puniyani 2003, 2005). However, the decline in fertility rates among Muslims started since the 1970s and has shown a relatively larger decline in most states and even higher than the Hindus (Bhagat 2004; Bhagat and Praharaja 2005; Bhat 2005; Bhat and Zavier 2005; Dharmalingam et al. 2005; James and Nair 2005; Kulkarni and Alagarajan 2005; Rajan 2005).

Figure 1: Share of Muslim Population in India by District, 2001 (%)



Source: Based on data from *Census of India* (2001), prepared by the author.

Diversity among India Muslims

India has considerable religious, social, cultural and racial diversity. Given this, no 'one' identity alone is able to signify a group but other identities also criss-cross it. As we will see below, Muslims who are generally given a monolithic identity in day-to-day discourses, are an extremely divided community along the bases of caste, sect and region, like the majority religious community, the Hindus. In fact, the term 'Hindu' today used for signifying the majority religious community in India was once used to denote a geographic region, not the religious belief, and even Muslims and Christians were referred to as Hindus.

As Amartya Sen writes:

> In fact, seeing Hinduism as a unified religion is a comparatively recent development. The term 'Hindu' was traditionally used mainly as a signifier of location and country, rather than of any homogenous religious belief. The word derives from the river Indus or 'Sindu' (the cradle of the Indus valley civilization which flourished from around 3000 BCE) and the name of the river is also the source of the word 'India' itself. The Persian and Greek saw India as the land around and beyond the Indus, and Hindus were the native people of the land. Muslims from India were at one stage called 'Hindavi' Muslims, in Persian as well as Arabic, and there are plenty of references in early British documents to 'Hindoo Muslims' and 'Hindoo Christians', to distinguish them respectively from Muslims and Christians from outside India (2005: 310).

The argument also goes to underscore and establish that people of India despite being divided on the basis of other identities are largely the dwellers of the same geographic region and thus the people of the Indian nation. The belief in different gods, religions, and adoption of different languages as a process of history created their new identities, while erasing many other identities. Muslims in India are like any other citizen of India but only differentiated by a set belief system, that too intricately linked with other religious beliefs, giving rise to a variety of practices within the larger tenets of Islam in the country. In other words, Hindus and Muslims and others may have differences in religious practices but are the same people, even the languages are the same. A south Indian Muslim, for example, in north India, is as alien as a Hindu from south India to the north Indians (see Basant 2007). In fact, there are more regional commonalities among Muslims and Hindus than differences emerging from the respective religious beliefs. In many respects, this diversity has got due recognition in the Indian Constitution, and as such 'secularism' as state ideology (to maintain and cherish 'unity in diversity') flows from this diversity.

However, in recent decades, these religious identities have become very productive for political processes. Religious identity is being manipulated for award, reward, exclusion, punishment, lampooning, denationalisation, stereotyping, violence and killing. The lives of people in India have been organically linked but attempts through the above mentioned processes are to generate parallel lives (each religious community living unconnected with other religious communities) or compartmentalise and divide their lives. This Indian diversity needs to be contrasted with the rest of the world and

particularly western European countries, USA and Canada, where diversity emerged because of the immigration of people from rest of the world having different religious, social, cultural and racial traits. The issues in these countries are about how to organically link the parallel lives of citizens so divided. In the case of India, we find a significant attempt by some groups (emerging both from the minority and majority religious groups) to separate people — by disrupting their organic lives and forcing them to live parallel lives.

Most of the Indian Muslims (mainly Hindu converts) belonged to the lower castes and class of the Indian society and continue to identify with those castes and class, as is evident from their surnames and titles. Besides caste and class, Muslims in India like elsewhere are also divided into two major sects, Sunni and Shia. Each sect has many different schools or sub-sects. Sunnis are divided in four sects — the Hanafi, the Maliki, the Shafai and the Hanbali. Sunni Muslims of India mainly belong to the Hanafi sect/school. Further, within the Hanafis, we find Barelvi and Deobandi sects. Like between Shias and Sunnis, the occasional clashes between Deobandis and Barelvis do take place. There also have been occasions when Tablighi Jamaat members, followers of the Deoband school, have been stone-pelted by Barelvis. Indian Shias are divided into three sub-sects: the Ithna-Asharis, the Ismailis and Zaidis. The Ithna-Asharis are further divided in two sub sub-sects, the Akhbaris and Usulis. The Ismailis are further divided into Bohras and Khojas. The Bohras and Khojas respectively are further divided into many sub-sects like Dawoodi Bohras, Sulemani Bohras, Alvi Bohras, Atba-e-Malak, Insa Asali Khojas, etc. Besides these sects, Muslims are also divided into various communities based on geographic regions. For Instance, the Mophilla community of Kerala claims its descent from Arab merchants. Pathans consider their origin to be Afghanistan. Then there are Shaikh and Sayyids claiming their descents from Arabian tribes. In fact, as mentioned above, most of the Indian Muslims are descendants of 'untouchable' and 'low' caste Hindus, with only a small minority coming from Arab, Iran, Turkey and other Central Asian countries (Sikand 2003). In fact, the 'ashrafisation' (the lower-caste Muslims claiming their descent from Arab tribes, Turko-Afghan groups or upper-caste Hindu converts and adopting the social behaviour and religious rituals as practised by these groups to claim higher social status) of Indian Muslims has been historically and socially operating in the same

way as sanskritisation process among Hindus. Given that Indian society has been extremely divided on the basis of descent, social and political power has often been associated with supposed descent of the communities. The lower-caste and -class convert Muslims, in order to achieve social and political status, have started claiming their descent from supposedly warrior and respectable communities (see Momin 2004). Thus Muslims who claim foreign descent assert a superior status for themselves as Ashraf.

Indian Muslims retain a large number of cultural and social traditions and features belonging to their pre-conversion days. For instance, Malkans, converts from Rajput castes, visit Hindu temples for personal ceremonies and greet each other in the Hindu manner (see Momin 2004). Some of the Churihars and Mirasis from north India worship the Hindu deity 'Kalka Mai' and 'Durgabhavani', respectively. Similarly 'Kali' (a Hindu goddess) is worshipped by many Muslims from West Bengal. Rajput Muslims from Rajasthan still add their caste surname and so is the tradition of pundit (Brahmin) converts in the Kashmir Valley. Even as late as the 19th century, Rajput Muslims were not much different from Hindu Rajputs: they practised female infanticide and intermarried with other Rajputs only (Misra 1974, as quoted in Momin 2004) and this practice of endogamy still continues. In other words, caste specific practices including notions of purity and pollution, occupational restrictions and specialisation, endogamy, status and hierarchy, largely inherited from regional Hindu cultures, are still much prevalent among Indian Muslims (for details see Ahmed 1973). The impact of the Hindu caste system even on the few who migrated in from Central Asia and Arab to India has been so powerful that they also started locating themselves in the overall hierarchical structure of the caste system. The concepts of Sheikhs, Pathans, and Sayyids, etc. among Indian Muslims (or sub-continental Muslims) are based on these caste derived hierarchical notions. *The Imperial Gazette of India* (1907) mentions divisions of Muslims into Ashraf (Sayyids, Sheikhs, Mughals, Pathans) and Ajlaf (artisan and service castes like weavers cobblers, butchers, potters, bangle-sellers and scavengers, etc.) (as quoted in Momin 2004: 89). The Ajlaf category is a broad conglomerate of middle (equivalent to Hindu Other Backward Classes [OBCs]) and lower-caste (equivalent to Hindu Scheduled Castes [SCs]) Muslims. The lower castes are also referred to as Arzals and as such, are sometimes separated from the Ajlaf category. These

Ajlafs (including Arzals), considered as converts from Hinduism, have been at the margin of socio-economic and political power and till date largely retain their pre-conversion occupations (like weaving, scavenging, etc.).

However, even these broad categories of Asfrafs and Ajlafs seem inadequate in explaining the social system and hierarchies within Indian Muslims as there are sub-caste within castes marked with regional variations, and also there are weak but perceptible processes of Ashrafisation of Ajlaf and de-Ashrafisation of Ashraf at work (see Momin 2004). It is claimed that about 75 per cent of the Muslim population falls into the *ajlaf* category (Anwar 2001). Based on their lower-caste origin, 'Dalit Muslims', the Arzals, for a while have been demanding positive discrimination (reservation in employment, education and other state provisions) enshrined in Article 341 of the Indian Constitution, which authorises the President of India to declare certain castes as Scheduled Castes for special benefits (Diwan 1979: 370).

Notwithstanding the regional, linguistic, caste and sect differences, all shades of Muslims to a great extent face similar existential challenges when they are faced with the state and its organs and right-wing political and social formations of both the Hindu and Muslim religious communities. The attempt remains to depict Muslims as a monolithic community to enhance the political productivity of the Muslim identity.

Alienation and Ghettoisation

The dominant instrument of alienating Muslims from mainstream Indian society and the majority community is through construction of the identity of the 'other' (different from the rest of the population), 'alien' (foreigners and aggressors) and 'Pakistani'. There are many slang words innovated to humiliate the community. '*Babar ki aulad*' (children of Babar), *katua* or *landya* (circumcised) are commonly used (see Punwani 2003; Shaban 2010). The riots against the community have become a common phenomena (on the production of Hindu–Muslim riots in India, see Akbar 1988; Brass 2003; Hasan 2001; Jaffrelot 1999; Puniyani 2003, 2005; Robinson 2005; Varshney 2002; Wilkinson 2005a, 2005b). A common term by which Hindu–Muslim riots are referred to is '*miyan mari*' (killing of Muslims). Among others, the frequent rioting, particularly in

urban areas, against the community have led to the ghettoisation of Muslims. In some states like Gujarat and Maharashtra, rural Muslim ghettoes have also emerged. Deprived of development, these ghettoes provide psychological comfort to Muslims because of the numerical strength of the community and a feeling that due to this numerical strength, the community will be able to successfully defend themselves against the rioters from the majority community. Asked about why Muslims live in ghettoes like Dongri, Nagpada, Kurla, Meera Road, Mumbra, etc. of Mumbai, a senior Muslim Urdu journalist (name withheld) residing in Dongri said:

> Ghettoes are good for Muslims. It is here we can live in safety. Whatever you say, here we can protect ourselves. We should move out of ghettoes when we are confident enough of our security. Here we can help each other, my neighbours who are also Muslims are able to better understand my problems; outside, who will understand them? Can I, with my beard, skull cap and *kurta-payjama*, frequent through Hindu dominated areas and discuss my religion openly? Whatever you say, I cannot do that comfortably. I will be conscious of my security; people will look at me with suspicion. Moreover, who will protect me during riots? The police also remain against Muslims. I prefer living in these ghettoes to the perpetual fear outside (Personal Interview with author, 23 December 2009).

Muslim-concentration areas form in cities not only because Muslims have a fear of violence by the majority community; these areas have also come up because this is the way some of them want to live. In the past, Muslims gathered around mosques and lived in areas within earshot of the Muezzin's call for azan/prayers. Azans in the morning may disturb non-Muslims, as may religious processions such as those of Ganapati (Hindu god) and loud chanting by priests in temples. Prior to Independence, in many cities like Mumbai, Delhi and Kolkata, the religious communities gathered and settled around their religious places, or wherever they found people of similar beliefs. This gave rise to 'enclave' formations of religious communities. In Mumbai, the 'enclaves' of Parsis (Wadala East), Sikhs (Chembur), Gujaratis (Johri Bazar), Bohra Muslims (Dongri) and Marathis (Dadar and Parel) are well-known (see Shaban 2008, 2010). These enclaves established the horizontal social status of the communities and none of them were sociologically considered worse or better than others. These enclaves provided cultural and religious spaces to the communities and helped them maximise

their social capital. However, over the years, there has been a considerable change in social organisation. The community bonds in many respects have got weakened, joint and extended families to a large extent have broken down and now nuclear families desire to live in areas where they find better conditions of living, hardly provided by the Muslim ghettoes. These ghettoes have been maintained due to 'fear' and a large section of Muslims have been living in them for their security. The social capital does exist but in no way can it be said to be more important to an individual than the desire for better conditions of living, available outside the ghettoes. In sum, what has happened in many cities in the country as also in Mumbai is that the Muslim enclaves have got converted into ghettoes while upper- and middle-caste majority community enclaves have emerged as citadels (see Marcuse 1997; Shaban 2010). Given the fear of riots, economic inability and discrimination in the housing market due to their religious identity, Muslims largely remain locked inside their ghettoes in older parts of the cities. These ghettoes remain characterised by the lack of development and fear of others.

Oscillation along the Boundary

The spatial segregation of communities (Hindus and Muslims) and distrust between each other, have generated 'our' and 'their' spaces in cities. The religious banners, slogans and flags often displayed at 'borders' marking the end or start of an enclave/ghetto and within the space of a community, herald the visitors and caution others that they are entering or treading in another community's space, where they should be respectful as well as fearful of the 'other'. The division of spaces on the basis of religious beliefs is significant not only locally but nationally as well. Often Muslim ghettoes and spaces are referred to as Pakistan or 'mini-Pakistan'. Calling Muslim dominated areas as 'Pakistan' or '*Chhota Pakistan*' (mini-Pakistan) is a metaphorical deterritorialisation of specific national spaces (which is physically very much a part of the nation space). Once certain territories of the nation space are deterritorialised, the citizens living in them also become denationalised and are treated as 'Pakistani', akin to an enemy, aggressor and traitor. The mercenaries sent to India from across the border (Pakistan) to carry out killings and bomb blasts on Indian soil further complicate the situation of Muslims in the country and

strengthen the propaganda of Hindu extremists against this community. Then, at opportune times like during riots, the oppression and killing of these 'metaphorical Pakistanis' is carried out. The police and other state machineries, as seen during riots in Bhagalpur (1989), Bhiwandi (1970 and 1984), Meerut (1982), Mumbai (1992–93) and Gujarat (2002), remain actively involved in the killing (see Rai 1999). In peaceful times, the citizens living in these ghettoes do garner a certain amount of sympathy from the government and political class. However, the government employees and the political leadership, actually responsible for delivering development, remain less enthusiastic in doing so for these ghettoes. In fact, those living in these ghettoes are treated as 'vote banks' of certain political parties and thus also considered as 'undesirables'. Therefore, the lives of Muslims in India oscillate along the imaginary boundary (LoC) line of India and Pakistan/Bangladesh. During peace, they are to an extent treated as citizens of the country and remain inside the Indian border, while at the time of provocations and riots they are metaphorically thrown out of the boundary into Pakistan or Bangladesh. This imaginary denationalisation and labeling shape the development of a common Muslim in present day India.

Meeting the State

The role of the modern State in the daily life of its citizens is to establish a sense of security, equality, justice and fair play. However, Muslims of India have largely been uncomfortable in dealing with the State as the organs of the State which need to govern citizens along the abovementioned principles have apparently been biased against Muslims. The British colonial government discriminated against Muslims in matters of employment and providing other favours as Muslims were considered a source of trouble and mutiny against the regime in the 19th century (see Hunter 1871). After Independence too, the sense of alienation from the State among Muslims has been growing as more State institutions are turning communal and the representation of Muslims in these institutions is dwindling. It is not that the Indian State has operated in a partisan fashion against all the marginalised communities. For instance, a considerable empowerment of Hindu/Buddhist/Sikh dalits has taken place since Independence and their rights have been enshrined and established through the innovation of new laws and formation of new institutions. This is why the dalits

see the state as resourceful, while a large section of Muslims find it repressive, oppressive and discriminatory.

To a large extent, Muslims are not only unwelcome in sensitive state services but also find it difficult to get a job in ordinary state-run institutions. It has been established by the findings of the *Sachar Committee Report* (2006) that the share of Muslims in government services is nowhere near the proportion of their population to the total population in the country (also see Basant and Shariff 2010; *Ranganath Mishra Commission Report* 2007). The rise of the private sector in India after liberalisation of the economy in 1991 had provided a ray of hope to the Muslims. However, given the lack of desired educational attainments and skills, Muslims are largely absorbed into the lower spectrum of the economy, mainly in the informal sector in urban areas.

The Indian State has also been gripped with 'Islamophobia'. The State has formulated complicated and draconian laws in areas where Muslims are considered to be mainly responsible for crime, while at the same time, damages inflicted upon the Muslim community in communal riots and discriminations against them in everyday lives are given less attention. In fact, a common Muslim of present-day India fears interface with the State — for instance, the police for its discriminatory practices and atrocities and educational institutions for often not admitting his/her children.

Prison statistics of government of India show that Muslims contribute significantly higher proportion of total jail inmates in the country (Table 1). As per the Census of India 2001, Muslims constitute about 13.4 per cent of the total population in the country, but their share in total jail inmates, 1999 onwards, has been above 21 per cent. The share of Muslims was 24.6 per cent (28.4 per cent in 2004) and 22.5 per cent (22.7 per cent in 2004) of the total detenues and undertrials, respectively, in jails in 2008. The bias among police and executive organs against Muslims has been an open secret, and the global and local incidences are further reinforcing the bias and hate. Further, given the economic and social vulnerability faced by Muslims, it is easy to jail them and apply tough and draconian laws like Terrorist and Disruptive Activities (Prevention) Act (TADA), 1987; the Prevention of Terrorism Act (POTA), 2002; and Maharashtra Control of Organised Crime Act (MCOCA), 1999 against them. In fact, these are the factors responsible for their higher share in total prisoners and the community-wise lopsided prison statistics.

Table 1: Religious Group-wise Distribution (%) of Prisoners in Jails in India

	2001	*As on 31 December 1999*					*As on 31 December 2004*					*As on 31 December 2008*				
Religious groups	*Share (%) in total population*	*Convicts*	*Undertrial*	*Detenues*	*Others*	*Total*	*Convicts*	*Undertrial*	*Detenues*	*Others*	*Total*	*Convicts*	*Undertrial*	*Detenues*	*Others*	*Total*
Hindus	80.5	71.1	66.3	73.8	74.5	67.7	70.7	69.9	56	65.8	69.6	74.2	69.8	58.6	55.6	71.1
Muslims	13.4	16.5	23.2	18.1	15.9	21.4	19.1	22.5	28.4	20.3	21.5	17.6	22.7	24.6	38.0	21.1
Sikh	2.3	4.0	2.8	1.2	0.6	3.1	4.2	3.8	4.1	0.0	3.7	3.9	3.2	5.2	1.9	3.5
Christian	1.9	3.6	3.7	4.9	3.0	3.7	4.8	3.0	0.3	13.4	4.1	3.3	3.0	9.7	1.3	3.2
Others	1.9	4.8	3.9	2.0	6.0	4.1	1.2	0.8	11.2	0.4	1.0	1.0	1.3	1.9	3.3	1.2

Source: Inmate population has been computed using data from National Crime Record Bureau (2001, 2006, 2010), New Delhi.

In almost all the states, the share of Muslim jail inmates is higher than the share of their population in total state population (Table 2). However, the difference is much higher in West Bengal, Maharashtra, Gujarat, Uttar Pradesh, Kerala and Delhi. In West Bengal, the share of Muslims in total state population is 25.2 per cent, but the share in jail inmates was as high as 54.0 per cent in 2004 and 49.8 per cent in 2008. Maharashtra and Gujarat with 10.6 per cent and 9.1 per cent of Muslim population had 28.0 per cent and 21.8 per cent of their respective jail inmates as Muslims in 2008. In these two states, the share of Muslim jail inmates was even higher in earlier years. In Chhattisgarh, where Muslims constitute about 2.0 per cent of the total population, the share of Muslim prisoners was as high as 7.9 per cent in 2004 and 8.2 per cent in 2008. The story is almost similar in other states.

Further, in nearly all the states, the share of Muslims in total convicts, undertrials, detenues and other jail inmates is substantially higher than their share in total population in the respective states. In 2008, Muslims constituted as high as 48.3 per cent (54.5 per cent in 2004) of undertrial jail inmates in West Bengal, and 31.6 per cent (33.1 per cent in 2004) and 19.1 per cent (29.5 per cent in 2004) in Maharashtra and Gujarat, respectively. As shown by the *Sachar Committee Report* (2006), the share of Muslims in total government (central and state) employment is extremely low while poverty is abnormally high. This shows that there has emerged terrible religious repression, bias and segregation (economic, social, political and religious), which have led to this sad state of affair.

The representation of Muslims in the Indian Parliament (Lok Sabha and Rajya Sabha) and state assemblies is fast dwindling (see Basant and Shariff 2010; Hasan 2007, 2008; *Sachar Committee Report* 2006). The rapidly breaking Hindu–Muslim unity is drifting the Hindu voters away from Muslims. In general, religion and caste-conscious Hindus avoid voting for Muslims and there are limited parliamentary and assembly seats where Muslims are in a majority to assure the victory of a Muslim candidate. However, Muslim votes do make a difference to the fortunes of political parties. This situation has led Muslims to rely on secular parties and their Muslim/non-Muslim leaders, who in turn use Muslims as vote banks and willingly or unwillingly fail to deliver development and justice to them. Also, Muslims often vote with a negative motivation: they vote not for development but to prevent communal parties from winning.

Table 2: Share (%) of Muslim Jail Inmates as per Different Categories in Major States in India

States/	*Convicts*			*Undertrials*			*Detenues*			*Others*			*Total*		
Union Territories	*1999*	*2004*	*2008*	*1999*	*2004*	*2008*	*1999*	*2004*	*2008*	*1999*	*2004*	*2008*	*1999*	*2004*	*2008*
Andhra Pradesh	11.2	8.9	12.7	11.7	15.3	15.7	0.0	18.4	4.8	19.0	0.0	8.3	11.6	13.1	14.5
Assam	37.2	32.3	34.0	40.0	34.7	35.0	23.9	7.5	30.0	36.1	42.9		39.0	32.8	34.6
Bihar	30.2	11.6	15.1	25.3	18.2	23.8	18.6	10.8	30.0	26.3	8.8	19.0	26.0	17.0	22.0
Chhattisgarh	—	4.8	8.9	—	11.2	7.7	—	0.0	—	—	0.0	0.0	—	7.9	8.2
Gujarat	28.0	25.3	25.5	29.2	29.5	19.1	29.4	27.5	23.4		0.0	—	28.8	28.0	21.8
Jharkhand	—	23.0	17.4	—	19.0	17.1	—	100.0	16.7	—	0.0	0.0	—	20.2	17.2
Karnataka	41.9	22.0	23.3	25.3	9.8	10.9	34.9	11.5	0.0	10.3	27.3	34.7	29.4	13.5	14.8
Kerala	24.8	33.0	32.9	23.5	34.4	32.7	86.4	100.0	41.5	0.0	33.3	28.6	24.2	33.9	32.8
Madhya Pradesh	8.0	10.0	10.6	12.4	14.3	12.0	25.0	60.0	19.4	1.0	16.7	20.6	10.3	12.3	11.4
Maharashtra	26.5	26.2	21.4	38.9	33.1	31.6	21.6	41.8	29.2	15.4	13.5	—	34.5	30.6	28.0
Orissa	0.4	2.4	3.0	5.9	4.7	3.7	3.9	0.0	0.0	0.0	0.0	—	4.5	4.0	3.5
Punjab	2.1	9.0	2.2	1.5	11.4	3.1	0.0	0.0	100.0	—	0.0	100.0	1.7	10.6	2.9
Rajasthan	14.9	19.4	17.1	16.8	19.4	18.1	80.6	100.0	67.3	12.9	19.0	13.8	16.4	19.6	17.9
Tamil Nadu	9.0	28.9	8.3	11.0	17.4	9.7	5.7	13.9	11.5	2.5	20.8	0.0	9.5	22.7	9.4
Uttar Pradesh	20.4	25.5	19.0	29.3	25.4	29.1	27.6	20.7	38.0	25.8	3.4	14.3	28.2	25.1	26.4
West Bengal	32.7	52.3	52.8	40.5	54.5	48.3	100.0	0.0		46.5	55.6	76.8	38.7	54.0	49.8
Delhi	—	26.4	21.9	—	26.2	28.2	—	86.7	73.7	—	0.0	0.0	—	26.3	27.2
All-India	16.5	19.1	17.6	23.2	22.5	22.7	18.1	28.4	24.6	15.9	20.3	38.0	21.4	21.5	21.1

Source: Computed using data from National Crime Record Bureau (2001, 2006, 2010).

Note: The figures for the newly created states Jharkhand, Chhattisgarh and Uttaranchal have been clubbed with their parent states Bihar, Madhya Pradesh, and Uttar Pradesh, respectively, in 2004 and 2008 to keep them comparable with the data from earlier reference year. However, the figures for newly created states have also been presented.

Caste, Class and Muslims in Policy Frameworks

Religious identity remains an important factor behind the deprivation of Muslims in India. Although caste and class are important factors shaping the destiny of millions in the country, for Muslims, these categories are complicated by their religious identity. A lower-caste Muslim is more likely to be identified as Muslim than as dalit by the majority community and state administration. The Constitution of India also does not recognise a Muslim dalit as a dalit because of his/her religion. The failure of the desired representation of Muslim Other Backward Classes (OBCs) in government services through overall OBC reservation in government services and non-recognition of extremely lower-caste Muslims [as Scheduled Castes (SCs)] for reservation, should be mentioned in these contexts. One needs to understand that the discrimination against Muslims is mainly on the basis of religion, even when filling the OBC quota. The consequence is that even when a number of lower-caste Muslim have been included in the OBC list, very few get jobs. This shows that policies are misplaced. In the context of Muslims, the interaction of caste and class with religion leads to two-types of error in the arena of policy.

Type I Error: Inclusion of Muslim OBCs in Overall OBC List will Ensure their Inclusion and Representation in Services

This assumption is misplaced as religion and not caste is a discriminating factor for Muslims — a Hindu OBC is more likely to get a job through the OBC quota than a Muslim OBC. Thus, it demands for a separate Muslim OBC quota within the overall OBC quota. Some states like Kerala (reservation for Muslim OBCs is 12 per cent of the 40 per cent reservation for OBCs), Karnataka (backward Muslims have 4 per cent reservation within the overall OBC reservation) and Andhra Pradesh (4 per cent reservation for OBC Muslims) have successfully assured a separate Muslim OBC share in overall OBC quota, while other states like Tamil Nadu (almost 95 per cent of the Muslims have been included within the fold of backward classes) and recently West Bengal (out of 56 communities declared as 'more backward', 49 are Muslims; the state has declared 10 per cent reservation for 'more backward' communities) have attempted

to assure Muslim representation through appropriately including Muslim backward castes/classes in backward class lists.

However, even this arrangement has the potential of getting detrimentally complicated. After fulfilling the minimum OBC quota, the rest of the Muslims may be discriminately kept out from state service and other opportunities. As the OBC quota is nowhere near the size of the share of the Muslim population, this policy may perpetuate an under-representation of Muslims. Therefore, the need is to ensure quotas for Muslims OBCs within an overall OBC quota, and also to make such provisions that Muslims eligible under the general category are not discriminated under the open category recruitments and other state provisions. This will go a long way to ensure representation of the community in a holistic manner.

Further, as mentioned earlier, the section of OBC Muslims in India comprises two disparate categories, Arzals and Ajlaf. Arzals are socially equivalent to Schedule Castes (SCs), and Ajlaf are middle-caste converts and are socially equivalent to OBCs among Hindus. Unfortunately, this pooling of two categories of Muslims, which is called the OBC category, has emerged because of the problematic conception of caste by the Constitutional (Scheduled Caste) Order, 1950, popularly known as Presidential Order, 1950, which restricts the SC status only to Hindu groups having unclean occupations. As the *Sachar Committee Report* (2006) puts it:

> the OBCs among Muslims constitute two broad categories. The halalkhors, helas, lalbegis, or bhangis (scavengers), dhobi (washermen), nais or hajjams (barbers), chiks (butchers), faqirs (beggars), etc. belonging to the 'Arzals' are the 'untouchable converts' to Islam that have found their way in the OBC list. The momins or julahas (weavers), darzis or idiris (tailors), rayeen or kunjaras (vegetable sellers) are Ajlafs or converts from clean occupation castes. Thus one can discern three groups among Muslims: (1) those without any social disabilities, the Ashrafs; (2) Those equivalent to Hindu OBCs, the Ajlafs, and (3) those equivalent to Hindu SCs, the Arzals. Those who are referred to as Muslim OBCs combine (2) and (3) (193).

Given that lower-caste Muslim communities are also clubbed with the middle-caste and -class communities of Hindus, these Muslims find it difficult to compete amongst the OBC category. Thus, besides religious discrimination, unequal footing on which the Muslims have to compete also has a bearing on their representation in state services, educational institutions, etc.

Type II Error: Class-based Policies will be able to Ameliorate the Situation of Muslims, Who are Largely Poor

Class-based policies are complicated by caste and religion and made less effective. The differential impact of class-based policies on castes and religious groups since Independence are examples of this. In West Bengal, the situation of Muslims has worsened after a heavy emphasis of the Communist parties on class-based policies. A secular and class-minded government did not take religion-based discrimination into account, resulting in a huge exclusion of Muslims from developmental programmes and government jobs (for details see *Sachar Committee Report* 2006). The higher-ups in the government and those in charge of policy-making could not understand that those implementing their policies at the ground level are more guided by religious motivations and less by Communist and secular ideologies. As mentioned above, recently the Communist government of West Bengal had initiated the process to include lower-caste Muslims into 'more backward' class list of the state.

Reservation for Muslims in government services has been in discussion in policy and political circles for a long time and recently the Ranganath Mishra Commission (2007) has recommended a reservation of 10 per cent for Muslims in government services and educational institutions. One of the reasons for the non-implementation of the recommendations, among others, has been the fear of communal backlash from the majority community. A separate reservation for Muslims may increase communal sentiments in the country at the initial stage. However, the impact of policy on the welfare of deprived citizens will be immense. One is aware that the Mandal Commission implementation created a huge caste-based uproar in early 1990s, but an opportunity for deprived communities was insured through the implementation. There is also an acknowledgement by a section of Hindus about the plight of Muslims. The provision for effective participation of Muslims through reservation for a few years may go a long way to ensure an inclusive Indian society.

Gender Injustice and Patriarchy

The backwardness of the Muslims on the educational and economic fronts and frequent riots against them have also stalled the much-needed reforms within the community on many fronts, including

those related to women. The patriarchy and adverse interpretation of the religious texts have subdued the position of Indian Muslim women (see Z. Hasan 2006). Their education remains a low priority for the community and a section of Muslims who want to educate their girls also find it difficult mainly because of the lack of suitable educational institutions, essential infrastructure (like transport) and economic handicap. Many families discriminately spend their limited resources on male children as it is presumed that they would support the families in the long-run, while girls are considered as 'other's property', as she would live with her husband after marriage. The conservative attitude and fear for the safety of girls (to send them far-off for studies), are other reasons for the lower literacy rate and educational attainments of Muslim women.

The work participation rate of Muslim women in the country is abysmal (see *Sachar Committee Report* 2006). This not only affects the economic situation of families, as able women are unemployed and are only consumers, but also impacts the social and family positions of women in decision-making, making them subordinates to males. This makes women prone to domestic violence and mistreatment by their male counterparts. The unjust tradition of one-sided (only by male) right to *talaq* (divorce), denial of the same and insufficient amounts of alimony and maintenance in many cases, also emerge from the ignorance of the women of the community besides the educational backwardness of males. The rights of a woman in family property (both in her husband's and parents' property) is much emphasised in Islam, but remains unheard in common religious discourses on Islam and Muslims in India. The political leaders and clerics within the community strategically attempt to avoid these issues. As such, life of a Muslim woman in the country remains worse than that of a Hindu woman, who over the years, has had some reform in religious codes and related laws. Particularly, divorced Muslim women are vulnerable to manipulation, exploitation and ill-treatment by family members, relatives and the community at large, and their lives largely end up as mentally-disturbed or they are forced into prostitution or begging.

From the foregoing discussion it emerges that concerns of Indian Muslims, as rightly pointed out by the *Sachar Committee Report* (2006), relate to three main broad aspects: identity, equity, and security. 'Muslim' as the religious identity of individuals, as mentioned

above, is often posited to be in confrontation to the national identity and Muslims are often depicted as those lacking 'patriotism', or as 'anti-national', 'terrorists', 'Pakistani agent', 'not-trust worthy', 'suspicious', and Muslim males as 'husbands of four wives'. The traditional identity markers of Muslims like 'beard', 'burqa', 'topi' (skull cap) are thus disdained. In fact, as we will see in some of the essays or contributions to the book, many of these stereotyping terminologies are more political creations and are as far away from the reality as possible. However, the overall impact of these on the Muslim community is grave. It leads to a depressing effect on their psyche; lack of confidence in asserting their rights, and demanding equality and security promised to them by the constitution. As also shown by Jain (2005), stereotyped images of the Muslim community colour the understanding about the community and affect even the policies formulated for them. Stereotypes also cause discrimination in the labour market as well as public and private institutions.

These identity issues in turn lead to 'equity' issues. The discrimination in and exclusion from government-run welfare programmes for employment and political representation, in effect, has led to collective alienation and deprivation of the community. Besides inter-religious equity issues, Muslims are also confronted with the stark inequality within the community largely on lines of caste, gender and region. The identity issues also lead to 'security' concerns for the Muslim community. On the basis of suspicion of being involved in crime, Muslims are often rounded off and put in jails (see Shaban 2010). Riots after riots and lack of institutional response have made Muslims fearful for their safety. In fact, instead of riot prevention and control systems getting institutionalised, it is the riot system in India that has got institutionalised.

The 12 essays in this book are also focused around these three central issues of identity, equity and security, and as such explain the life situation of Muslims in major cities, regions and at national levels within these contexts. The aim of the book is to broaden the debate with regard to these issues and to explore and analyse the relevant institutions, formations and processes by (i) building on issues of 'identity' and 'minoritism' and explaining the concepts, process and practices, (ii) highlighting the 'spaces of exclusion', 'policy of difference' and related meta-narratives with fresh perspectives, (iii) looking into organised riot systems in India from demographic

and institutional perspectives, building upon the explanations of politics, communalism, violence and exclusion, and (iv) discussing the exclusion of Muslim women and attempts to reform 'Muslim Personal Law' by some civil society groups for the empowerment of women.

The first two essays of this book (Chapters 1 and 2) by M. J. Akbar and Markha Valenta, respectively, largely debate the issues related to the identity of Muslims in India while the third essay by Ranu Jain (Chapter 3) contextualises the Muslim identity and exclusion against the multicultural framework and policies by the government in the aftermath of *Sachar Committee Report* (2006). Akbar in his essay on 'Minority and Minorityism: The Challenge before Indian Muslims,' attempts to redefine the meaning of the 'minority' and situate Muslims of India today within the defined framework. In doing so, he dwells upon various historical facts (including what happened during the freedom struggle and in the making of India and Pakistan), philosophical and religious issues and current attempts by the Indian government to empower the Muslim community. Markha Valenta in her essay 'The Muslim as Victim, The Muslim as Agent: On Islam as a Category of Analysis', addresses the politics of developing an analysis of Muslims in India in relation to the processes by which Muslims are minoritised socially, politically and economically. She argues that religion in India is as much an economic category as a social and political one, and religious identities did not existed in South Asia till 19th century, when it was transformed into a modern geo (political) identity capable of mobilising people as a part of the politics of representation. As such, the arrival of 'the Muslim' in India should be understood as having occurred simultaneously with the arrival of 'the Hindu' ('the Sikh,' 'the Christian', etc.) in the course of colonial modernity rather than at some earlier moment. This has significant consequences for how we write the history of Muslims in India and understand the 'productivity' of identity of Indian Muslims. Ranu Jain in her essay, 'Locating Multiculturalism and Social Exclusion in the Liberal Democratic Framework', argues that in the aftermath of the *Sachar Committee Report* (2006), one comes across many initiatives taken by the Government of India for the development of Muslims. These developments do not surprise one as these fit in the image of India as a multicultural country. However, past experiences of the treatment meted out to the Muslim community make one wonder about the nature of multiculturalism

in India and the manner in which the problem of social exclusion is being addressed in this multicultural country.

The next three essays of the book (Chapters 4, 5 and 6) take up the security issues related to Muslims. They generate debate not only on how politics is configured around ethnicity (religion) leading to communal violence and exclusion of Muslims but also how the Muslims leadership is unable to take up the challenges the community is facing by indulging in association with secular political parties as well as right-wing Hindutva groups like Bhartiya Janata Party (BJP). Ram Puniyani in his essay on 'Muslims and Politics of Exclusion' discusses how cultural-nationalist politics as an instrument is used to sustain violence against Muslims and their exclusion in India. He delves into colonial politics, freedom movements and links them with the present-day situation of Muslims in the country. Extending many of the arguments of Puniyani, Irfan Engineer in his essay 'Indian Muslims: Political Leadership, Mobilisation and Violence', discusses the evolution of Muslim leadership, symbols and issues of mobilisation and socio-political situation in which the leadership developed, became assimilative or separatist. The question of Muslim leadership is further discussed by Nistula Hebbar in her essay on 'Precedents and Exceptions: BJP's Engagement with Muslims'. She specially focuses on how as a political party, the BJP has positioned itself between two poles, as a hard-line right-wing Hindu party, and a more centrist one which looks at itself as part of a larger anti-Congress coalition and its pattern of behaviour towards the Muslims. When in power, the BJP has given *Haj* subsidies, thrown lavish *iftaar* parties, Cabinet berths to its lone Muslim Lok Sabha Member of Parliament (MP) and of course, helped elect a Muslim (A. P. J. Abdul Kalam) as President of India. Out of power, the party unleashes its Hindutva rhetoric, and even more.

Chapters 7, 8 and 9 examine the structure, pattern and institutions of violence with regard to Muslims in India. In his essay 'Structure of Violence and Muslims', Taha Abdul Rauf utilises the framework given by Johan Galtung to explore the relationship between cultural violence, direct violence and structural violence on Muslims in India. R. B. Bhagat in his essay 'Hindu–Muslim Riots in India: A Demographic Perspective', argues that Hindu–Muslim riots in India have mostly occurred in urban areas and the states of Gujarat, Maharashtra, Bihar and Uttar Pradesh have been the

most riot-affected. He also explores the relationship between demographic correlations of Hindu–Muslim riots at the city level. Jyoti Punwani, in her essay 'Police Conduct during Communal Riots: Evidence from 1992–93 Riots in Mumbai and its Implications', focuses on the police as an institution which in many parts of the country has emerged as an institution of violence against the Muslims. She questions the role of this institution in preventing communal riots in Mumbai in 1992–93.

Chapters 10 and 11 attempt to explore and examine the identity, exclusion and production of spaces in India's two major cities — Mumbai and Kolkata. These essays strive to find out how spaces are related to Muslim identity and what it means to be a Muslim in contemporary Indian cities. In his essay on 'Ethnic Politics, Muslims and Space in Contemporary Mumbai,' Abdul Shaban examines how the politics of violence unleashed in contemporary India in the name of religion is slowly but steadily giving way to a new spatial configuration and arrangement in Indian cities, specifically Mumbai. In her essay 'Social Exclusion and Muslims of Kolkata', Sanjukta Sattar explores how Muslims of Kolkata have been going through the exclusionary process which has led to their spatial segregation. She argues that the spatial segregation and exclusions, among others, is also a product of the policies of successive state governments.

The last essay of the book, 'Muslim Women and Law Reforms: Concerns and Initiatives of the Excluded within Excluded', by Noor Jahan Safia Niaz and J. S. Apte (Chapter 12) explores the situation of Muslim women in the country. The authors argue that Muslim women suffer from the triple burdens of their class, community and gender. Unfortunately, most of the time their efforts have been directed towards escaping the archaic and unjust social institutions, norms and values of their own community.

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1

Minority and Minorityism: The Challenge before Indian Muslims

M. J. Akbar

The Muslims in India have evolved, after the trauma of Partition, into a politically powerful minority group which has had a decisive impact on electoral fortunes, both at the Centre and in crucial states like Uttar Pradesh, Bihar, West Bengal and Maharashtra. This process was hardly without its share of problems; the community suffered various subtle and not-so-subtle discriminatory practices. But it is of little help if minorities adopt victimisation as a creed: it becomes, in a counter-intuitive way, a psychological slavery of sorts.

Democracy offers the unique platform for assertion of rights available under the Constitution; at a functional level, the vote is an opportunity to maximise one's influence in the body politic, an art which Indian Muslims have begun to specialise in. It is obvious that political parties, particularly those who depend on the Muslim vote, would like a more convenient relationship, in which they can be assured of support in return for minimal rewards, through a compliant community leadership. This 'secular' establishment promoted a thin layer of Muslim 'leaders' who invested in the rhetoric and politics of fear, a sentiment conducive to control as well as corruption, since it enabled these self-appointed leaders to siphon off a bulk of the little that the state offered in the guise of positive discrimination. This 'public–private' partnership worked because its terminology was never examined with any rigour; and institutions which should have led the debate, like the Urdu media in the Gangetic belt, were co-opted into class of beneficiaries.

This article attempts to redefine the meaning of 'minority' and understands the situation of Indian Muslims today within that framework. In the process, the paper dwells on various historical facts (including what happened during the freedom struggle and in the making of India and Pakistan), philosophical and religious issues, and current attempts by the Indian government (including state governments) to empower the Muslim community and its politics.

If democratic India presents an opportunity to Muslims for genuine development, then this can also be a source and seed of learning, change and development for a majority of Muslims living in other parts of the world.

The Meaning of 'Minority'

Did the Muslims of India consider themselves a minority under Mughal rule? Did the Muslims of Hyderabad, never more than 10 or 11 per cent of the population, consider themselves a minority when their fellow-Muslims, the *Nizams* were in power?[1] The population of Muslims in the vast Mughal domain has been estimated at around 15–20 per cent. Muslims first arrived in the sub-continent as traders; followed by Sufi missionaries who brought the message of Islam to shores of Ganga, Jamuna and the five rivers of Punjab; the armies came much later, and their triumphs only began in the last decade of the 12th century, nearly half a millennia before the first Muslims settled in South Asia. In demographic terms Muslims have always been a minority. But did they see themselves as a minority when the political power of Muslims was far above their demographic weight? The answer is 'no'. 'Minority' and 'majority' are not, therefore, a function of numbers, but a derivative of empowerment. If a community feels empowered, it does not see itself as a minority. Empowerment, obviously, has an economic definition as much as a political one. It is possible to argue that the only genuine minority of this country are perhaps the Dalits because they have never enjoyed political or economic power until democracy released them from the vicious trap of history. This is where the good news lies for Indian Muslims, who, unlike Muslims in most parts of the world, live in an uninterrupted, and now uninterruptible, democracy. There are not many Muslim communities in the world which can claim this privilege or good fortune. Democracy is the only functioning system which permits the evolution of empowerment. It permits this through non-violent processes, but one also has to understand the demands and opportunities of democracy in order to utilise the potential of this opportunity.

The Beginnings of Disempowerment

At what point in time did Indian Muslims start feeling disempowered? A useful date is 1803, the year Lord Lake's forces entered Delhi

and made the Mughal emperor a puppet-prisoner in his palatial Red Fort. The leading cleric of the age, Shah Abd-al-Aziz, son of Shah Waliullah, understood the significance of British troops in the Red Fort and issued the famous fatwa[2] in which he defined India as a *Darul Harb* (land of war) after having been a *Darul Aman* (land of peace) for centuries. This was not the first time that a Mughal emperor in Delhi had become a puppet. In the 1770s, he was as helpless before the Marathas as he was before the British in 1803. Neither the Marathas nor the British removed the titular rights of the Mughals, even if he had become impotent. So why was there never a similar fatwa declared against the Marathas?

It is a myth that Indian Muslims did not live under Hindu rule. The Mughal empire began to crumble in the second decade of the 18th century, with regional rulers re-establishing their control over territories that once paid true homage to the Mughal capital in Agra or Delhi. Powerful Hindu Maratha and Rajput rulers had substantial Muslim populations in their realms. So, why were there no *fatwas* against them? For the simple reason that both Hindu and Muslim monarchs understood that freedom of faith was a cornerstone of not only the Indian way of life, but also critical to peace among the people. We should not be misled by some ill-informed propaganda about Muslim rulers. They practised this principle as much as anyone else; and exceptions were precisely that, exceptions. This was the ruling philosophy during the Sultanate period, or under the various Afghan, Turk-Afghan and Mughal dynasties which controlled Delhi. A story about Jalaluddin Khilji illustrates perfectly the relationship between king and subject on the matter of faith. In his memoirs, he expresses great anger about the din that a procession of Hindus made every morning while passing his window on their way to the Yamuna for their ritual dip; their clashing cymbals apparently disturbed His Majesty's sleep. But it does indicate an important fact; the Sultan might be angry but he never interfered with his subjects' right to practice their faith as they wished.

'Secularism' is a word from an European dictionary — a Voltairean–Marxist continuum that began as separation of church and state and evolved, in Communism, supporting the elimination of faith from public life. The word has quite a different nuance when used in the Indian Constitution. It legislates the equality of each faith before law, and is part of the guaranteed freedoms: a right of every citizen to practice any religion he professes. One does not

have to believe in a neighbour's religion in order to respect his right to believe what he does. I know of no renowned Hindu writer who was offensive towards Islam or its Prophet in these last thousand years of interaction; nor can I think of a Muslim poet or writer who is offensive towards Hinduism. As I have written elsewhere, modern India is not secular because Gandhi was secular; Gandhi was secular because India is secular. Gandhi used the idiom of religion to communicate with the masses because he knew that they were familiar with its metaphors and verses. He introduced faith into the national political discourse not because he was communal but because he was secular. Hinduism is well-known for being tolerant; Islam is equally tolerant towards other faiths. One cannot hope for a better definition of secularism than in the Quran, '*La qum din akum wa il ya din*' (Your faith for you and my faith for me). What else is secularism in a plural society?

The British and Jihad

The elimination of Mughal rule in 1857 initiated the age of Muslim depression, the prelude to angst and anger. 'Disempowerment' created real anxieties, particularly among the elite, who were the principal opinion-builders within the community. The pillars of Muslim society in the pre-democratic era were the court nobility, military aristocracy, landed gentry and the legal (qazi) and educational bureaucracy (*madrasas*), which began to crumble. Each one of these pillars provided economic sustenance to the community and the confidence that comes from association with power. The British, ever apprehensive of the community from which they had seized power along the Ganges, banned Muslims from their armies after 1857; the landed gentry, already touched with the dissolution that comes from being in power too long, slid towards bankruptcy, unable to recreate itself through the idioms and sensibilities of British modernity. And when in 1834, the British changed the language of governance from Persian to English, and British courts increasingly adopted British jurisprudence, the role of the qazi, arbiter of Muslim personal law, as well as Persian teacher, began to decline.

The Muslim reaction to these developments was, of necessity, gradual and phased. The initial salvo had been fired in the form of Shah Aziz's fatwa, and it inspired a meteoric jihad in 1825 led by his disciple Syed Ahmed Barelvi, who chose the Northwest Frontier as

his first battlefield because he wanted to reclaim 'Muslim Punjab' from the Sikhs who had become masters of the land under the leadership of Maharaja Ranjit Singh. Barelvi died in a battle at Balakot in 1831, but his *jihad* revived after the British had conquered Punjab in the 1840s and continued till the 1870s.

The 1857 war for independence has taken such a hold on our national imagination, and rightly so since we tend to forget that for those fighting a *jihad* against the British it was only another episode, albeit an important one, in a conflict that had begun much earlier and would continue much longer. This *jihad*, led uniquely by *maulvis* (clerics) and the clerical order, was in a very genuine sense a 'people's war'. It has not invited the historical attention that is its' legitimate due, possibly because it was not fought under the standard of kings and emperors, but by commoners who could easily be dismissed as mavericks. It was fought and led by the clergy, the one section of the old establishment that surprised both the community and the government by its commitment and militancy. This cemented the traditional hold of clergy on Muslim opinion and extended it to the Muslim imagination. When other leaderships had withdrawn or collapsed, the interpreters of law and teachers of the Quran, fought the British on behalf of the people, rather than as activists of the old order.

This long *jihad* failed in military terms, but the British realised that oppression of Muslims had extracted a heavy price, and correctives were introduced. A commission under the senior bureaucrat W. W. Hunter recommended that the sympathies of Muslims could be best wooed through education (Hunter 2002). This was also the view of one of the great Muslims of the nineteenth century, Sir Syed Ahmed Khan (interestingly, his mother was also a disciple of Shah Waliullah). In collaboration and cooperation with the British, Sir Syed offered the option of an English education as the panacea for a community that had lost its moorings on the way to the twentieth century.

Muslims, Khilafat Movement and the Congress

Sir Syed's efforts were quickly swamped by a phase of politics that eventually flowered into the Khilafat movement. The high emotions, both at the apex of hope and the great slough of failure, shaped the attitudes of the Muslim community in the critical quarter

century between 1920 and 1947. Muslims saw the Khilafat struggle as another jihad; and, most unusually, willingly handed over its leadership to a non-Muslim, Mahatma Gandhi. When Gandhi failed to dislodge the British, and suddenly withdrew the movement, there was a sense of betrayal.

One of the most important consequences of the Khilafat movement was that Indian Muslims never returned to Gandhi. The Indian Muslim passion, opinion and involvement peaked to an unprecedented level in 1920; such was the sentiment for national amity that even the Muslim League promised to support a ban on cow slaughter. Gandhi fuelled religiosity as well, supporting the slogan that 'Islam' was in danger from British imperialism in both India and the Arab region. This would come to haunt Gandhi when in the 1930s, the Muslim League resurrected the thought, but with a twist: the party declared that 'Islam' was in danger from Gandhi and his Congress! Little could have been further from the truth, or a greater calumny on Mahatma Gandhi, but it caught the imagination of Muslims in north India and eventually ensured the formation of Pakistan.

The Idea of 'India', 'Pakistan', and Indian Muslims

The question was inevitable: was Pakistan formed for Indian Muslims or was it created as a fortress of Islam? Mohammad Ali Jinnah, father of the nation, wanted a secular nation with a Muslim majority, and he was not the only claimant of the new nation's identity. The founder of the Jamaat-e-Islami, Maulana Abul Ala Maudoodi, who began as a fringe presence in Pakistan but slowly moved towards centre stage in the ideological debate, argued that a state for Muslims had to be *ipso facto* an Islamic state; and the salvation of Muslims lay in a theocracy. When Pakistan adopted its Constitution in 1956, it became the first Islamic republic in history, and Maudoodi's nascent idea took on a powerful momentum when his disciple, General Zia-ul-Haq seized power in a coup in 1976. He asked, very effectively, that 'if Pakistan is not made for Islam, what was it . . . just a second rate India?'

What is the difference between India and Pakistan? We are the same people and share the same history and approximations of a common culture. Efforts by some Pakistanis to find a cultural heritage in the Arab world, or believe that their history begins with the

arrival of an Arab army in Sindh in 712 AD are so foolish as to beggar the imagination. The harm that such illiteracy-cum-obstinacy does is evident, for instance, in the education policy of the country. The difference between India and Pakistan, in my view, is more simple. The idea of Pakistan is weaker than the Pakistani and the idea of India is stronger than the Indian. What is the difference between the two ideas? The Pakistan idea essentially moves around the urge towards theocracy and the Indian idea around the principle of democratic modernity (for further discussion, see Akbar 2011). Theocracy is essentially a medieval idea that looks to the past for inspiration and democracy is a modern concept that can inspire a future radically better than the past.

The definition of a demographic identity plays an important role in the politicisation of any community. Jinnah's 'Muslim India' echoed, implicitly and explicitly, a past during which Muslim dynasties ruled large parts of India. He often urged the British to hand India back to the Muslims from whom they had seized it, and I am not too certain that his tongue was always in his cheek when he said this. He rejected secularism as a Gandhian trick through which 'Hindu India' would keep Muslims under permanent subjugation. He could not accept a mutli-faith secular India in which every Indian would be equal, irrespective of faith.

The debate has antecedents. When Maulana Muhammad Ali, one of the leaders of the Khilafat movement, was asked whether he was a Muslim first or an Indian first, he remarked that the question was irrelevant: Islam and India were two circles which intersected and claimed him equally. He could have added that the question was a trap, placing the two identities in conflict rather than in cooperation. The question had been raised primarily in order to shed doubt on the patriotism of Indian Muslims. It has become a false question in an age when India has emerged as a genuinely secular nation. Even the one great blot on this creed, communal riots, have come down sharply in number and intensity; the last such crime was the Gujarat riot of 2002.

Islam, Modernity and Muslims

Phrases demand specific explanation. What is modernity? Modernity is based on three equalities and one equity. First, every citizen must have equal political rights, irrespective of colour, creed, language,

origin, etc. Second, a modern nation is a secular nation, where every faith is treated equally before the law, irrespective of how many adherents it has. Third, you cannot have a modern nation without gender equality. Jawaharlal Nehru is praised for many things, but he is not praised sufficiently for what he considered his landmark achievement — the Hindu Code Bill which he introduced and pushed through in Parliament. This legislation ended inequalities prevalent in Hindu society from time immemorial, and shaped the India that we see today. Unfortunately, Nehru could not ensure similar legislation for Indian Muslims, for reasons he explained in one of his interviews to Taya Zinkin, given in 1961, for her book on Nehru. His grandson, Rajiv Gandhi, failed for similar reasons when the Shah Bano case offered an opportunity. Political caution and the inability to generate the momentum for internal reform have been the bane of Indian Muslims. The resistance to reform comes not due to theological reasons but because of gender oppression.

Conservatives, for instance, have a standard reply whenever there is talk of reform in divorce laws. Yes, it is true that there are verses in the Quran on divorce; it must be noted in the same breath that eminent scholars have disputed the conservative interpretation of those verses. In any case, there are more verses in the Quran that say that the apt punishment for a thief is the cutting off of his hands. There is no movement led by conservative clerics in India demanding an amendment to the law and forcing India to cut off the hands of every Muslim thief who is convicted. If reform can be acceptable in one aspect of the law, then why not in another? The problem is not the law; it is patriarchal control of Muslim society. The law of Islam was justly considered a social liberation in the 7th century, and that is the spirit in which it must be practised in the 21st century.

The fourth element of modernity is economic equity. India has not been able to achieve this. As long as we have hundreds of millions below the poverty line, as long as we cannot feed and shelter every Indian child, we cannot call India a fully modern country.

Identity, Political Space and Empowerment

A seminal question is eminent in any discourse about Indian Muslims: why cannot it produce genuine leaders? The answer is complex of course, but one aspect has not received sufficient attention. Indian democracy has developed two routes to the top of the political

hierarchy. One is through compliance with the party system; and in the case of parties with dynastic rule, the compliance has to be particularly compliant. The alternative route is more exciting and more healthy. The federal system offers a chance for new parties and leaders to emerge through states. To take only examples from the last three decades, leaders like N. T. Rama Rao in Andhra Pradesh or Nitish Kumar in Bihar became national names through electoral victory and then good governance in their states. If the state of Andhra Pradesh had not been created, Rama Rao would have been remembered only as an exotic actor.

The internal map of India has been demarcated along linguistic and ethnic identities; and the process, which began with the Fazl Ali commission (The State Reorganisation Commission Report 1955) in the mid-1950s, continued till Maharashtrians got their state in 1960, Sikhs their Punjab in the same decade, and so on. As I write, Telegus in Telengana want to separate from Telegus along the coast because they feel the latter have not shared the benefits of economic growth. Two major communities could not be fitted into this political map, Dalits and Muslims. The first did not have a consolidated space which they could claim as their natural area; and India had no appetite for another Muslim province after partition, even if Muslims could claim some territory that is viable. Nor do Indian Muslims have a linguistic claim because they share the regional language of their provinces. Muslims have to, perforce, use the party option, where their voice remains muted in the hope of preferment. Their critics call them toadies.

This has created a strange paradox: as the political power of the Indian Muslim vote has risen through the democratic process, the representation of Muslims in Parliament keeps going down. The Parliament of 2009 has the lowest number of Muslim MPs ever. The trick is obvious: parties which get the Muslim vote are taking the vote for granted. It suits them perfectly when the Muslim vote is driven by fear of the 'other', and security becomes the prime motivator instead of development.

However, there are optimistic signs: there is evidence from Bengal and Bihar in particular that Indian Muslims have begun to understand that if they vote out of fear, they will be fed fear; if they vote for development, they will get development.

Notes

1. Literally means ‘Administrator of the Realm’ and was the title of the native sovereigns of Hyderabad State, India, who, since 1719, were from the Asaf Jah dynasty.
2. A religious opinion concerning Islamic law issued by an Islamic scholar.

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2

The Muslim as Victim, The Muslim as Agent: On Islam as a Category of Analysis

Markha Valenta

One of the most remarkable aspects of the debate about Muslims in India is the inverse relation between the intensity of the discussion and the paucity of empirical facts. While the debate itself is central to the deepest self-conception of India as a nation and state, the amount of comprehensive knowledge about the conditions, religiosity and ambitions of Indian Muslims is scattered and gap-ridden. Certainly, the *Sachar Committee Report* (2006) sought to offer an impressive overview of Muslims within the framework of human development and certainly, there has been significant thoughtful scholarship on the histories of Muslims and Islam in India, as well as nuanced ethnographies of particular Muslim communities, castes, organisations, institutions, networks and *mohallas*. All this, however, remains more splintered than rigorously integrated with the totality, even as this knowledge is persistently marginal to public debate and to India's official self-presentation. As a political and religious abstraction, Muslims are over-exposed in the life of India, even as their actual history, social, political and religious lives remain structurally under erasure. The effect has widely been to 'minoritise' the Muslim in the most objectionable sense of the word: to make Islam and Muslims both an intractable problem and a grand abstraction.

While many scholars have noted this point, the critical aspect here is the fundamental tension this creates between the dynamic forcefulness and productivity of 'Muslim' as a political, social and religious category in India's public and media discourse — particularly in the course of brutal riots, civil elections and the ongoing feud with Pakistan. What then do we analyse, when we analyse Muslims in India? Are the social and human sciences, in taking up this category, primarily internalising and responding to developments from politics and the media? Does this not compromise the project of scholarship at a fundamental level by making it more reactive, corrective and secondary than primary, critical and transformative? How might

we imagine a study of Indian Muslims — conceived broadly as the domain of Indian Muslim studies — that sets its own terms; terms that are analytically productive and intellectually satisfying as well as capable of challenging the rhetoric and politics of the public domain? Most fundamentally, how might we analyse the Muslim in India as representative of India itself?

The fundamental tension that sustains 'the Muslim' as a category of public thought is that it is precisely its absence as a formal category of citizenship (in the Constitution) that creates a space for the 'lawless,' unrestrained dynamic of these concepts in the political, economic and social domains. So while the Constitution asserts the ideal of a neutral secular democracy, Indian secularism is in practice strongly Hinduised even as the process of democratisation in India has both enabled and, at moments, been driven by a violent anti-Muslim populism.[1] Though populism by definition is associated with appeals to the 'common sense' of the 'common man,' in practice, the success of populism depends on critical support that crosses lines of class, caste, region and language. This collaboration is seen most clearly in the rhetorical attempts by 'Hindutva' groups to cleanse the Muslims from the Indian nation, mirrored by the housing choices of the middle classes and the socio-economic policies of the state. The Indian middle classes may be withdrawing from the rituals of demotic politics (such as voting), but they are highly active in the politics of housing and urban space. Even as the populist rhetoric of Hindu nationalists ejects Muslims from the imaginary domain of the Indian nation, so Muslims are being ejected from apartment buildings and neighbourhoods of the middle classes in India's largest and medium-sized cities through a combination of formal housing regulations, ritualised everyday disrespect and moments of brutal violence. At the socio-economic level, this process of exclusion is matched by the disproportionate expulsion of Muslims since the 1980s from secure labour conditions, reasonable access to credit, government social service programmes and education, through the differential effects of the very liberalisation that has been so good for India's middle classes.[2] While those recognised by the Constitution as social classes in need of protection have been spared some of the worst negative effects of liberalisation, this is not the case for the majority of (poor) Muslims. It is their very absence as a Constitutional and policy category that leaves them disproportionately vulnerable as a group to the various contingencies of neo-liberal economics.

As Abusaleh Shariff has already argued:

> . . . studying socio-economic differentials in India at the level of religious aggregation is simplistic and not advisable. However, academic research has to reflect the socio-economic and cultural realities of its age. The contemporary politicisation of religion is such that a new locus which can be called as 'political economy and political demography of religions' is the need of the hour (Shariff 1995: 2947).

Religion in India is as much an economic category as a social and political one. To not recognise this in the state's legal structures and policies becomes a form of active negligence rather than of neutrality. As the *Sachar Committee Report* (2006) makes clear, the combined effect on Muslims of disproportionate neglect by the state and active discrimination by both state and non-state actors, have increased deprivation at all levels of Muslim life: welfare, security and identity. In this way, 'the Muslim' takes on the form of the underdeveloped and the backward — as a kind of negative space to the positive space of the nation-state — precisely through the fact that 'the Muslim' does not exist as a formal category for State recognition while imposing itself relentlessly as an informal category on those deemed 'Muslim' (ibid.).

At the same time, if we look closely at the lives of Muslims in India, it quickly becomes clear that the identities and practices of those called 'Muslim' are much too varied along lines of region, caste, class, language and politics to constitute a coherent social group, let alone a community. This is revealed quite clearly in the *Sachar Committee Report* (2006); meanwhile, Basant and Shariff describe discussions initiated by the Committee with community representatives:

> Interestingly, the community's views on remedies for problems faced by Muslims vary a great deal. While a significant proportion of people were in favour of reservations in education and employment, there was no unanimity on this as a remedy. While some argued in favour of reservations for all Muslims, others wanted it only for Dalit Muslims. Still others preferred an adequate inclusion of Muslims in the OBC category and a few argued in favour of economic criteria-based reservation. Finally, there were also some who felt that no reservation is required if equal access and non-discrimination can be ensured. While there were differences in views on reservation, the need to generate information on the participation of all communities in

> education, employment programmes, and credit was felt by virtually everyone . . .
>
> Moreover, there were differences in views on the need for community (Muslim)-specific programmes to alleviate their conditions. While some were in favour of such programmes, others argued for better implementation of existing programmes for the poor (2010: 14).

The variety of positions taken here on the question of how to address the condition of Muslims in India, in fact, reflects the full range of positions taken in India, more generally on questions of how best to address the country's enormous lag in human development and the persistence of social discrimination.[3] This is the fundamental dilemma facing any critical study whose object of analysis potentially falls under the category of Muslims in India: all too often Muslims in India have more in common with 'India' in all its diversity than they have with 'Islam' as such.[4]

The problem of the Muslim in India, then, is not so much (or not only) an intellectual or scholarly or social one, but rather a political one. That is to say, the category 'Muslim,' as such, is sustained by politics rather than by facts. The inevitable result is that regularly the politics around Muslims are in tension with the facts about Muslims. So, for example, the one empirically shared feature of Indian Muslim life — a feature that time and again has been used to mark the distinctive and collective nature of Indian Muslims as a community/communality — is the collective application of the Muslim Personal Law (MPL). Yet, in practice, the significance of this law to any Muslim varies tremendously depending on personal circumstances and the host of additional national, state and municipal laws to which any Indian citizen is formally subject to (alongside the host of informal, non-governmental and/or illegal demands to which he is subjected) even as the Muslims' own recognition of MPL ranges from a fierce defence to reformist critiques and secularist repudiations.[5] The same may be said concerning Indian Muslim religiosity, when we consider the range of religious traditions, from the most purist to the most syncretic, from the oldest to the newest, as these have been shaped by particular histories of migration and conversion, political contingency, economic and social relations. Likewise, at the level of history, Muslims as individuals and as a collective are all too often made to bear the stain of Partition as a sign of Islamic backward communalism and refusal of the nation. The result is the persistent 'Pakistanisation' of Muslim religiosity,

neighbourhoods, institutions and networks by others and the pressing ease with which a Muslim can be accused of disloyalty to the nation. Yet this blame-game too follows different rules in the north and the south, the east and the west of the country: it has different formations in highly segregated mega-cities such as Mumbai and Ahmedabad than in smaller cities and in the countryside; and takes on different forms among the elite and the impoverished, men and women.[6] Neither in the domain of society nor law nor religion, then, is there an actual, coherent 'community' of Muslims; there are only a plurality of Muslim ethnicities, castes, religious authorities, politicians, neighbourhoods and interests.[7]

Thus, any analysis of Muslims in India must start from the recognition that the category of 'the Muslim' is a strategically political one more than a social or even religious one. When we analyse the condition of Muslims in India, then, what we analyse are the processes of turning-Indians-into-Muslims, as these processes are by turns highly subtle, grossly violent and strained by contradiction. Correspondingly, one of the most fruitful and critical approaches from scholars has been to analyse the constructedness and strategic deployment of public categories, identities and 'common sense' about Indian Muslims, particularly in relation to Hindu nationalist politics.[8] An equally important response has been to make visible precisely that which the concept 'Muslim' so often erases: the substantive, complex lives of Muslims themselves in dynamic relation to each other, to the larger society and state, and to 'Islam' itself as a set of socio-historical, ethical, sensual and juridical projects. A third approach has been to challenge the structuring assumptions of liberal secularism and modernity as these shape the governance of Indian Muslims as a problematic 'religious minority' encompassed by a secular (yet Hindu-suffused) Indian state.[9] Collectively, these offer a potent critique of the erasure, stereotyping, exclusion and violence against Muslims in India, even as they trace the richness of those identities, communities and arguments marked as 'Islamic' in all their interdependence and relations of exchange with the 'non-Islamic.'

For serious academic scholars and intellectuals, the problem is made all the more acute today by the explosion of competing cadres of experts — many of the highly politicised, highly educated and highly anti-Islamic — whose arguments are produced and disseminated more quickly, widely and strategically than academic

ones precisely because they are not bound by either academia's rigorous system of accreditation and argumentation, nor restricted to academia's specialised rhetorical styles and publishing outlets. That is, there has been a democratisation and vernacularisation of knowledge production whose end-result is that in the public domain, academic knowledge structurally competes with others in a highly dynamic global market for ideas. The retreat of the State from the public domain and its decreasing control over communication within its territory has disrupted academias' monopolist claim to both 'expertise' and epistemic status and has meant a liberalisation of the authority to publicly interpret our world. Correspondingly, while a nuanced analysis of Muslim histories, religiosities and communities in India is well-established within academic circles, it has proven spectacularly ineffective at stemming the rising tide of anti-Islamism and increasing segregation of Muslims in Indian society. Just as significantly, however, this parallels the case in other secular democracies across the world with important Muslim minority populations, including those of the English-speaking world and Western Europe. To this extent, the problem of studying Muslims in India is as much about the problems of academic knowledge production, about religion and socio-political identity and about minorities under neo-liberal globalisation, as it is about Muslims, or even India, per se.

This brings me to the heart of my essay: the significance of globalisation in shaping the analysis, politics and lives of Muslims in India. The condition of Indian Muslims has overwhelmingly been interpreted within the context of Indian history and society, i.e., along the lines of national history. This is not necessarily straightforward since 'India' in such interpretations can variously encompass much of the geographic region of South Asia (extending sometimes up to Central Asia), or refer to specific components and constellations of the domain under colonial British influence, or designate only that area which today falls within the post-colonial/post-Partition State's borders. Wherever the border is laid and wherever 'India' is made to be, however, there is some sense that the beginning of the story of Muslims in India is located in the 'arrival' at some territorial location understood to be 'here' as opposed to an Islamic influence from 'over there.' The imagination and assumptions shaping narratives of the Islamic in India are deeply territorial, in ways that continually reinscribe *ab novo*, a temporal border between before and after, that is also at the same time a territorial border between

here and there. Inescapably, such a framework maintains a division between an 'us' and a 'them' — re-enacting the logic of territorial nationalism — even when the intended argument is that the subsequent historical development was one of syncretic borrowing and exchange or that contemporary democratic states require equal treatment of all citizens.

This is because the only way in which the category of 'the Muslim' can be read back into history to points when and where it did not exist *as a modern identity and modern socio-political formation* is if, such a reading is sustained by contemporary circumstances, debates and epistemes. Once 'the Muslim' is found in history, it then repays its debt to the present and sustains frameworks for understanding Islamic identity and social groups as politically distinct.[10] In the process, the concept of 'the Muslim' in turn sustains those borders, territorial and temporal politics undergirding and undergirded by such an identity. When this occurs during a historical conjuncture such as our own — a moment when borders leakily encompass states that are disaggregating at the level of economics, governance, jurisprudence, religion and culture, while coalescing in the domain of security — the critical effect of such writing becomes complex and opaque.[11]

We are at a moment when the structures and institutions developed to work within the frameworks of nation-states in their interest, are also being used in the interest of a globalisation that disrupts the sovereignty, authority and inevitability of nations and states. The issue is not so much the intricacies of the national and the global: it is through globalisation after all that modern nationalism (with all its desires for recognition and power through territorial state sovereignty) became a planetary phenomenon, even as such nationalism itself is both deeply localist *and* imperialist in its competition with the nationalism of others.[12] What is distinctive today is the extent to which national institutions are being retooled for global purposes never imagined for them and which increasingly disrupt, even displace, the nation-state as the pre-eminent horizon of authority, power and identity.

Here, one of the most important and relevant examples is democracy. Developed for regulating relations between a national 'people' and their state, and for justly managing divergent interests within a nation of equals, the globalisation of democracy as the means to authorise authority and power now foregrounds the extent to which

it is absent in relations *between* states, *between* nations and *between* cultures. This gap increasingly undermines the authority of the international system, driven in a highly undemocratic fashion by the interests of the world's rich countries and cultures, not only in the eyes of the marginalised, but also of (some of) the privileged. Moreover, once states are conceived as multicultural, where the distinction between culture and nation is fluid (as under conditions of high migration and/or strong transnational identity), such a system becomes highly unstable. Within states, privileged cultures and populations come under pressure to share their privileges with others in a democratic fashion, even as multiculturalism often effects the reproduction of global inequalities within nation-states strongly invested in understanding themselves as egalitarian and just. It is precisely for this reason that Muslim minorities today function time and again as lightning-rods for the insecurities of democratic nation-states — in light of their potentially significant transnational ties; their frequently low status; the divergent, traditionalist modernity so popular among some Muslims; and the recalcitrant position of a number of self-consciously Muslim states and movements in relation to the authority of the international community. For the moment, Muslim minorities have become the pre-eminent democratic test case under conditions of globalisation.

Once we read the position of Indian Muslims in relation to such developments, the specificity of the national context is relativised, without being dissolved. Contemporary globalisation transforms the logic of Muslim minority identity and history in India by linking it to that which is today a global phenomenon of Muslim minority and transnational Islam that extends far beyond its classic domains. This requires us to bring other interpretive structures to bear than those developed for writing national sociology and history in the interests of the nation-state. At the same time, neo-liberal transformations in the nation-state are changing the conditions under which 'the Muslim' is constituted, excluded and incorporated as a minority. In the rest of this essay, I will be developing this argument on the basis of a close reading of an exemplary historical-sociological interpretation of Indian Muslims (by Satish Saberwal) (2010), alongside the *Sachar Committee Report* (2006) on the socio-economic conditions of Indian Muslims. Of particular significance is the question of Muslim agency under conditions of marginalisation, violence and neo-orthodox reform. How might we imagine the Muslim as the

agent of secular history — as opposed to secular violence — rather than the victim of either history or violence?

Tracing 'the making of Muslims in India historically' in Basant and Shariff's recent *Handbook of Muslims in India* (2010), Satish Saberwal goes to great lengths to elegantly encompass the tremendous diversity of Muslims in India and the subtlety and variety of ways by which they were recruited into the 'Muslim category' over centuries, based on a range of political and religious agendas, actors and modes of conversion. Saberwal, in fact, goes so far as to say that:

> Each case is unique. [While] the social complexity among Hindus — their sects, castes, languages — is well known; that among Muslims was even greater . . . The streams [of Islam] spread, finding their own levels and courses locally; there was no centre to give direction or shape strategy . . . There was a kind of tension in the situation: indigenes who had 'become' Muslim had continued, by and large, to live and function within their local caste orders, often with only a hazy sense of the meaning of becoming a Muslim . . . and the great bulk of the non-*ashraf*, especially in the rural areas, often merged with their neighbors, who were not Muslim, more or less indistinguishably (2010: 39, 45, 51, 53).

What then makes all these belong to the 'Muslim category'? What makes possible their inclusion in Saberwal's history of Muslims in India? It is not their own consciousness of their Muslim identity, nor their religiosity nor their forms of sociality, but rather the fact that *subsequently*, by the late 19th century, there emerged and crystallised a more clearly articulated, bounded and elaborated Muslim *umma*-tic identity in India which would come to encompass and be encompassed by (some of) their descendents. That is, the ascribed Islamicity of this 'large, dispersed, unorganised category of persons who might be identified as Muslim' (2010: 62) cannot be sustained at either the methodological or analytic levels by Saberwal without the contemporary category of 'the Muslim' to strengthen and sustain it. If there were no 'Muslims' today — as a socio-political category — there would be little reason *from within the socio-historical narrative itself* to write the history of Muslims in India as the history of 'Muslims' because at the time itself they were not 'Muslims' in any coherent social sense. In this very specific sense, Saberwal's account generates an Islamisation of Muslim Indian history — not in the communalist sense, which Saberwal rejects explicitly and which is itself the object of Saberwal's critique — but rather through the

irresolvable paradox of Saberwal trying to write a secular, scientific history of a group that does not exist as a unified, incorporated social reality (at the national level) but primarily as a rhetorical, political and religious one.

History of course always serves the present, even as it engages the difference of the past, so this critique is not a dismissal of such historical overviews as presentist. Instead, it is a critique of the unselfconscious nature of this presentism, as it ultimately disrupts projects whose intent is to render Muslims the central agents of their own history. The consequences of not engaging with this challenge can be significant. So while Saberwal, for instance, is deeply committed to a reading of Muslims as the agents of their own history, the approach he takes leads to the opposite result: by the end of his account he judges Muslims in India to have failed. This sense of Muslim failure, a sense Saberwal shares with many others, has everything to do with what understanding of historical causality is brought to bear.

Therefore, while Saberwal carefully tracks the complex emergence of 'Muslims' as a social identity in the late 19th and early 20th centuries, the conception of causality he deploys to explain these developments is strikingly simple. In this account, the new political regime of British colonialism unsettled established relations and claims to power. Under such conditions, new claims and counter-claims began to be made, in particular, by Hindus and Muslims drawing on religious symbolism, which with time turned into a 'rising spiral of social contention' (2010: 55). This spiral made increasingly solid what had been fluid religious identities and transformed syncretic socio-religious blending into socially divisive violence. Critically, this lacks the analytic subtlety and insight that so characterise Saberwal's description of the lived history of Muslims. More generally, this suggests that having a detailed, textured sense of Muslim lives in India through time and space is not enough for either realising Muslim agency or incorporating Muslims into the nation: what is needed instead is an understanding of Muslim lives in relation to the complexities of politics.

Now we are left to wonder, as in all such histories, why the spiral of violence should have risen through the decades, rather than defusing as it has so often done in other times and places.[13] Moreover, at other times, equally unsettled, social and political differences were fought out along other lines so why should now, in the late

19th century, religion become the critical line of virulent conflict? The only explanation which Saberwal offers is that simultaneous to the growing Muslim conflict with Hindus, there were internal movements of Islamic reform that strengthened Islamic consciousness, reinforced religious and social orthodoxy and 'carried forward the ancient Islamic vision of umma' (Saberwal 2010: 56). Saberwal argues that this Islamicisation should be understood as a form of limitation which restricted engagement with Western secular debates, struggles and forms of knowledge while combining with the external violence against Muslims to encourage the retreat of Muslims into communally-marked spaces (ibid.).

In the first instance, this reading of the creation of Muslim identity in India sounds reasonable. This is a reasonableness, however, that depends on Saberwal's account fitting naturally into a particular understanding of history and modernity as a movement 'forward,' where forward is secular, liberal, and scientific. While all of these assumptions have been heavily contested for many years both by scholars in different domains as well as in our public debates, Saberwal retains these in a fashion that is at once enabling and blinding. It offers him a framework for encompassing the rich variety of Muslim history in elegant and rich detail, while at the same time alienating him from one of its core elements: the Islamic itself as a set of convictions, intentions and identities in agonistic collaboration with secular modernity. In this sense, Saberwal's account is a history of Muslim identity at odds with the history of Muslim projects in India.

Correspondingly, Saberwal's final summation is devastating. For in sum — notwithstanding Saberwal's attentiveness to the violence against Muslims — this is a narrative of the 'constitutive deficits in the Muslim space.' (ibid.: 62). These are the deficits:

> Over a mercantile and later an entrepreneurial class, over an open-minded appreciation of the diverse forms of knowledge, science and technology, and in promoting the building of institutions . . . Muslims as a category in colonial India and since, it seems, have been too distracted to generate the motivation needed for building modern institutions (ibid.).[14]

Saberwal's conclusion comes near the end of an essay that began with the desire, on the one hand, to make Muslims more visible in Indian historical sociology and, on the other hand, to understand the historical processes that preceded and, by implication, generated

Partition. It is quite critical, then, that Saberwal asserts Muslims' historical lack of interest in building modern institutions and engaging with Western modernity: the state of Pakistan, after all, is a profoundly powerful institution and perhaps the most potent exemplar of modernity one could imagine. Had Muslims truly been as un-enterprising, un-scientific, uninterested in diverse forms of knowledge, un-modern and distracted as Saberwal argues they were, then the state of Pakistan (and its contemporary nuclear capabilities) would have been utterly impossible.

As it is, the state of Pakistan is entirely unimaginable and unspeakable within the framework of Saberwal's historical narrative except as an elaboration of the anti-modern, orthodox retreat of Muslims into their own space, a space he describes as largely devoid of science and disengaged from commerce and secular ambition. Similarly, Saberwal's article utterly fails to prepare us for the rise and power of Muslim smugglers-turned politicians such as Haji Mastan Mirza or the later more violent productions of transnational mafia don Ibrahim Dawood. While highly illegal, the organisational methods, ambitions and social networks of such figures are both completely modern and highly successful far beyond any specifically Muslim domain, even as their Islamicity contributes to shaping their networks, public identities and so forth. Alongside these, there is the success of Muslim actors and producers within Bollywood and the complex negotiations in which they engage in order to succeed in a domain that is deeply secular and saturated in Hindu narratives, aesthetics and divinities; yet since the 1920s also offers an important site for the elaboration of Islamicate identities, imaginations and ambitions (Bhaskar and Allen 2009).[15] In light of these developments, what becomes clear is that Saberwal's method of selectively focusing on particular Muslim developments but not others is, in fact, what makes Muslims appear lacking in modernity, in secular and economic ambition and inclined to retreat into a traditionalist Muslim sphere.

It may be that Saberwal intended his article as a fillip to Indian Muslim entrepreneurship and endeavour and sought to achieve this through the age-old practice of exaggerated remonstration. Perhaps the intention was to create an objective and balanced assessment of Indian Muslim achievements and failures. Or perhaps Saberwal's goal was to sidestep the intractably painful issue of Partition and more generally the question of politics in order to enable a *social* history.

Notwithstanding these possibilities, it is striking that Saberwal should erase Pakistan (even as its existence is the generating impulse for this article) and with it the forms of Indian Muslim modernity and institution-building that enabled it. Though the precise reasons for Saberwal's particular choices are not clear, his approach suggests some possibilities. Most significantly, Saberwal states early on that he desires to interpret the social logics leading to the development of Muslim identity and community 'on their own terms' (2010: 38). The result, however, is that even as he recognises that 'Muslims in India have not lived in a limbo, in a world apart' (38) the cumulative effect of his method is to present Indian Muslims in a bubble. In and by itself, this focus is in some ways essential simply as a means for making Muslims visible where they have been written out of sociological histories of India. Yet, ultimately it comes at the expense of recognising their modernity and correspondingly, their agency in both its most Islamic and most secular forms.

At the root of this paradox is the fact that Saberwal does not link the key process which he traces — the development of Muslim collective identity in the late 19th century — to the larger and very modern process of socio-political identity formation simultaneously taking place throughout the world, both metropolitan and colonised, urban and rural. The organisation of collective religious identities into new social relations and political claims played a key role in this process. So Charles Tilly has shown how the movement for Roman Catholic Emancipation (reducing discrimination against Catholics) in early 19th century Great Britain, laid the foundation more generally for modern identity politics, social movement tactics and mass-membership political associations (Tilly 1998: 27).[16] In the United States, domestic and international religious missionary movements during the early 19th century constituted the first modern mass movements, alongside religiously sustained, transnational movements against abolition, for women's rights and for workers' rights; while in a European country such as the Netherlands, mass organisation along lines of religious identity in the late 19th century — in the interest of gaining state funding for confessional religious education — fuelled the creation of modern democratic party politics.[17] Such re-organisation of religious traditions as distinct social 'identities' enabling and enabled by the political claims-making that took place throughout the world, including the Islamic worlds of Asia. Throughout the late 19th and early 20th centuries — from Asia

to the Americas, from Europe to Africa — we see an intensification of both mass organisation and conflict along lines of (religious) identity, as this frequently fused with anti-colonial, nationalist and secessionist movements.[18]

While for a long time, secular histories have written out the role of religion in shaping modern political formations, practices and ambitions, there has been extensive attention to this issue in recent years. In this sense, then, Saberwal critically misreads the significance of the Deoband movement. He recognises that it is an impressive project in social restructuring (2010: 53), which offers opportunities for class, caste and status mobility for Muslims not found elsewhere in India, even among Hindus (ibid.: 57). Yet, he cannot help but read its claims to orthodoxy as primarily a form of restriction, an unwillingness to break with traditional arrangements and a resistance to engaging with modernity. In fact, it is precisely through claims to orthodoxy that the Deoband created pedagogical and social possibilities that had not been there before and broke with inherited social arrangements while internalising and engaging modernity on its own terms. These included the emphasis on mass organisation and the responsibilities of the lay individual to realise a life of self-critical perfection, in a community with like-minded individuals, working to persuade and convert others to their cause through reasoned debate and exemplary lifestyles.[19]

The modernity of the Deobandi becomes particularly clear once we understand modernity not as Western per se, but rather as a constellation of new forms for conducting politics, rationalising and contesting social relations, organising knowledge, manipulating matter and claiming moral authority. These modern forms emerged through a series of global exchanges, experiments and conflicts under conditions of rapidly changing technology, economics, politics and populations. While modernity's impetus was the explosive growth in West European power, wealth and innovation in relation to the rest of the world — as this translated into an equally explosive project of material and cultural consumption, exploitation and borrowing — this itself is not modernity. Modernity instead is the (shifting and unsettled) set of epistemes, processes, and repertoires for ordering, engaging and contesting this new world that emerged out of the interaction of all players involved. A significant part of the contest has entailed the right to claim or reject 'modernity' as such, a contest that Western players initially won easily. But this,

in fact, does not make modernity the possession of the West any more than India is the possession of Hindus. Muslims across the world, including in India, proved themselves as adept as anyone in adapting to and challenging these rules, processes and repertoires, including through organised mass movements and conversions to newly developed forms of orthodoxy and traditionalism, such as those emerging from Deoband.

Correspondingly, it is critical to locate the arrival of 'the Muslim' in India in the 19th century, rather than earlier, simultaneous with the arrival of 'the Hindu' ('the Sikh', 'the Buddhist', 'the Christian'). As socio-political groups they arrived *simultaneously*, and they arrived in a relation of close conceptual, economic, territorial and social interdependence and competition with each other. This more accurately represents the process than narratives that emphasise the extent to which Muslims in India are not only the descendants of foreign immigrants, but also overwhelmingly of indigenous converts. This latter account leaves the narrative of Islam's foreign origin and always-already *subsequent* arrival fully in place, even if there are those in India who are shown to embrace Islam when it does finally come. Of course, it is a historical fact that the influence of forms of thought and patterns of behaviour called 'Islamic' originated elsewhere and that the movement of people shaped in some way by this Islamic influence can be traced through time and space. But this historical development is not the same as the arrival of 'the Muslim' in India, precisely because the category of 'the Muslim' as a distinct identity that matters is a modern one. Such a modern 'identity that matters' should not primarily be conceived as a form of self-consciousness that shapes self-expression, personal life and/or social interaction as such, but instead as a form of self-consciousness that links individual to the collective through processes of social and political claims-making.[20] This is the modern identity that matters. In this process, both the individual and the collective are given meaning — as meaning is entangled with power — such that identity author(ise)s political agency within the context of the modern state. In this sense, the Mughals were not 'Muslim' nor was theirs a distinctly Islamic state, even as the religious affiliation of individual Mughals was Islam.[21]

From this perspective, an archetypical and exemplary moment for the 'arrival of the Muslim in India' is that moment in 1871 when the first British census made it possible to discover that the majority of those living in Bengal were 'Muslim.' As Rafiuddin Ahmed (1981)

revealed some while ago, prior to the census, Calcutta's Shia elite were more interested in British patronage than in nurturing ties with rural Muslims, who lacked both their *ashraf* status and facility in Urdu. Only after the census did it become possible — precisely *because* of the census' creation of 'Muslim' as a socio-political category that was empirically measurable and by such measurement reconfigured as a 'majority' in a new colonial regime of governance according to numbers — only after this, did it become both possible and rewarding for Calcutta *ashraf* Shia and Bengali *ajlaf* (*atrap*) agrarians to join forces across lines of caste, language, ethnicity and class as 'Muslims.'[22] Not surprisingly, this takes place roughly simultaneous with the founding of the *madrasa* in Deoband in 1867.

If we take Islamic neo-orthodoxies in the 19th century seriously as modern social movements, it becomes clear that their objectives are the same as those of other social movements: to establish their moral authority and socio-political influence on the basis of what Tilly calls displays of 'worthiness, unity, numbers, and commitment' (Tilly 2003: 609). Islamisation, even when ideologically anti-modern, has by and large succeeded through organisational and political forms that are thoroughly modern.[23] Just as, to follow Saberwal, contests over Islamic doctrine could simultaneously generate deep schisms among Muslims while strengthening their overall consciousness of being Muslim, so contests over modernity — including by those who repudiate it at the ideological level — have strengthened the terms of debate generated by modernity, along with modern means for achieving an audience, authority and influence. That is, even the most anti-modern has been modernised in the process of attempting to gain the attention and assent of others under modern conditions. In this sense, Deoband is a deeply modern phenomenon and a clear example of precisely the engagement with modernity and modern institution-building whose absence among Indian Muslims Saberwal decries.

I have chosen Saberwal's account precisely because it is so rich and well-informed, that is, for its substantive intelligence. In its subtle comprehensiveness it offers us precisely the kind of history of Indian Muslims we need. Yet this intelligence also makes it all the more striking that its net effect should be to see the Muslim achievement as a matter of deficit, of backwardness, of having failed to do what was possible, necessary and desirable. An alternative account going to work with the same comprehensive knowledge and

skill in sociological historical interpretation as Saberwal could have argued that the development of Muslim consciousness in India led to a fractured Muslim modernity. While such fractured modernity is typical of all nations, in fact, the critical point here is that this fracture was institutionalised as a very specific national rupture, the irreparable and irredeemable political and religious divide between the twin States of Pakistan and India. This moment could be read, among others, as either enabling a (convoluted) realisation of emancipated Muslim modernity, materialised in its own sovereign state, a state that by definition could only be 'outside' India, or as the rupture into two rumps of what had been a highly dynamic Indian Muslim modernity until the moment of division. And there are many other possibilities. Either way, however, Saberwal would not have been forced to jettison Indian Muslim modernity, either as a socio-historical development (including through neo-traditional and neo-orthodox forms of religious modernity) or as a contemporary constellation at work in a distinct yet inter-dependent fashion in Pakistan and India.

A second important reason for choosing Saberwal's account is its prominent position in Basant and Shariff's *Handbook of Muslims in India* (2010) as a framing device. This book was produced as an elaboration and amendment to the *Sachar Committee Report* (SCR) of 2006, an empirical fact-finding mission constituting the most important Indian state initiative towards Muslims since Independence. Both the editors of this book were members of the Sachar Committee and a number of the essays in the *Handbook* are revised versions of chapters found in the *Report*. As a strategic advance in the Indian discussion of Muslims and their profound neglect by the State, the SCR performs a vital function. Though it is unclear if its most significant proposals will ever be implemented, the commitment to empirical fact-finding, to the recognition of the State's responsibility to its Muslim citizens, and the new public discussions, activism and research that it has made possible cannot be supported enough.[24] What concerns me here, however, is the extent to which the SCR — once we consider it from a rigorously critical (rather than strategic) perspective, is deeply entangled in the contradictions of governance and identity that mark many of the world's pluralist democracies today, particularly in their relation to religious minorities, most especially Muslims. Saberwal's account sustains these contradictions, just as they themselves at moments disrupt the SCR from realising

its own intentions towards Muslims. In this way, the history we tell is clearly vital to the policies we might imagine.

The SCR at moments struggles with several lines of tension that ultimately centre on the problem of how to 'recognise' Muslims as a minority, how to theorise diversity, and how to conceive the role of the State. The grounding political precept for the Report is that of 'unity in diversity,' a precept which links together, through a simple pronoun, two concepts that otherwise appear opposed. The question then is: what is 'unity' and what is 'diversity'? As the Report continues, it quickly becomes clear that diversity means the presence of 'minorities' while 'unity' refers to their capable governance according to the principle of equality. Typically, there is a slippage between the rights of citizens and the rights of minorities that remains unresolved. A minority is imagined rather like a corporation, as a collective that is given the rights of an individual, but with the problem that minorities by and large remain unincorporated and shifting in their composition, their definition and their viewpoints. As best as possible, the State ignores this conceptual and practical problem in the interest of attempting to realise the 'human rights' of minorities, such that 'stability' is achieved and other states — embodied most especially by the United Nations — recognise the Indian State's humanity and justness. In this sense, from the beginning, the issue of minority rights and recognition is as much an international as a domestic one, in which the Indian State submits itself 'to the acid test of its being a just State' (ibid.: 1) not only according to its own Constitution but also in the eyes of the world.

The concept of 'development' here plays a critical role as it interweaves the State's moral development, its institutional development and its economic development. As in the Hebrew Genesis narrative, where two historical accounts of creation come together and co-exist uneasily, so here too in the SCR, there are two development narratives: the one centred on the constitutional and humane state and the other on the economic and developmental state. From one paragraph to the next, the emphasis shifts from a discussion of minorities' 'rights' to minorities' 'development,' and in particular, the problem of what to do when there is a 'lag' in their development, to the point that it necessary for the State to undertake steps to 'reduce economic and social obstacles to cooperation and mutual respect among all groups' so as 'to give confidence to minorities' (1). This shift from a concern with the realisation of Constitutional equality to

that of socio-economic equality goes unremarked by the authors but mirrors the larger shift taking place in the Indian State. India follows here a global trend as it shifts from a developmental State — claiming 'the moral high ground of modernity, national interest, equity, justice and even efficiency' through social expenditure 'backed by the full legal, fiscal and coercive powers of the State' (Chatterjee 2008) — to a market State more confident in privatisation than in State investment and committed most of all to establishing its justness through the successful incorporation of its citizens into that market.

In the process of liberalisation, not only is the economic domain is liberalised, but also the political and cultural. Culture itself is 'incorporated' and becomes subject to the logic of both democracy — it belongs to everyone not just the elite, and the market — it becomes a property that can be consumed and owned, one whose integrity, bounds and contents must be protected like those of any other property, intellectual or material. Under liberal market conditions, culture becomes the new territory, even as the reach of cultural identity goes far beyond the original, material territory of the (Indian) nation-state.[25] In such a setting, the most important 'work' that Muslims do for the nation-state shifts from physical/traditional labour to cultural labour. Through and in reaction to the Muslim, the Indian nation-state is defined — variously as Hindu nation-state, as secular-pluralist nation-state, and most recently, as moral market State. In all these, the Muslim becomes the measure through which the State's achievements or failure are read.

In light of this framework, the assumptions and argument of Saberwal's history discussed earlier make perfect sense. Like the market State, Saberwal reads Muslims in light of their apparent socio-economic 'lack': the absence of entrepreneurs and merchants, the religious education that is useless to achieve success in the marketplace, the failure to be 'productive' in the modern liberal sphere. Moreover, both Saberwal and the SCR are at great pains to emphasise the enormous diversity of Muslims.[26] Yet time and again, the Report simultaneously speaks of Muslims as one socio-religious community or alternatively as 'the community', much as Saberwal privileges the Islamic identity of his historical subjects at the very moment he also stresses the thinness of that identity. What we see here is a see-sawing between the emancipatory State (and emancipatory history) deeply invested in offering 'social recognition'

to India's citizens on their own terms in all their variety — and the economic (liberal) State (and liberal history) as it turns to 'bureaucratic recognition' in the interest of incorporating (religious) groups according to the terms of the existing 'system'. Crucially, such recognition has a deep secularising effect. So, through the State's recognition and accommodation of caste, political contestation and juridical processes have become more important to its relevance and continuity than the religious texts and practices that once were central to sustaining caste. Similarly, the State's official recognition of Muslims as a bureaucratic category (for example, in the process of creating Muslim reservations) would entail a 'secularisation' of 'the Muslim'. Increasingly, the category will be sustained by the State and its secular procedures as these are deeply entangled with the economic sphere. Likewise, Saberwal's explicit desire to offer a secular history of Muslims means that the internal religious developments sustaining Muslims' modernity become invisible and irrelevant to his account. At the same time, it should be noted that Saberwal's account is equally blind to the work of the State — whether colonial British, or Pakistan or India. The extent to which 'the Muslim' has emerged in interaction with the State and its (shifting) parameters makes both the modernity of Muslims invisible and the work of the State. As before, this reinforces the central parameters of the SCR, where (notwithstanding the sharp critiques of the State found in chapter 2) the State too appears to be outside the social domain, where obstacles to peaceful group relations appear out of nowhere, simply by virtue of the differences between them.

As narrated in the first chapter of the SCR, the State itself here has no role in the obstacles or disrespect facing minorities: rather the State is a mediator between groups, as they are made to work together and respect one another. This is the transcendent State which, precisely in its transcendence, both dissolves and enables the tension between citizen and minority, human rights and economic development. At the same time, the only objects of the States' attention are Muslims who either lack (rights) or lag (in development) or are short on 'confidence'. This conception of defining minorities through their deficiencies is reinforced when the *Report* later argues that the challenges facing Muslims are to a large extent not unique but significantly overlap with those facing the poor and other minorities. While opening up the category of the 'Muslim,' what this simultaneously implies is that the challenges facing Muslims

do not overlap with those of the well-off majority of India. This is one of the *Report's* greatest weaknesses: the imperative to read the Muslim, the minority, and the poor in terms of lack, so that in the very process of attempting to incorporate and accommodate them more justly, the State also alienates them all the more firmly from the nation.

An alternative approach would have been to read not only the minority but also the majority as 'deficient' and 'backward', lacking in this case a democratic commitment to equality and confidence in its own security in an egalitarian society. This is not to demean the *Report's* commitments, but to show how its own assumptions disrupt those commitments. In approaching the Muslim (the minority, the poor) through the lens of deficiency, without simultaneously addressing the deficiencies of the majority (the Hindu, the rich, the middle classes) it emphasises difference *at the expense of unity*. The Muslim deficiency is not so much specific to Muslims, or even the poor, but is an expression of the deficiency of India itself. Concomitantly, the dynamic persistence of Muslims — as Muslims — in post-colonial India, after 60-odd years of public discrimination, caricature and erasure, constitutes not a sign of backwardness but of resourceful social, cultural and religious 'development' under the twin pressures of religious nationalism and global fast-capitalism.

Notes

1. See the detailed discussion of Omar Khalidi (2008). Also see Thomas Blom Hansen (1999) on the entanglement of Hindu nationalism and democratic politics and Arvind Rajagopal (2001) on the significance of television to the political imagination of India as Hindu.
2. This is a simple summary of what is actually a constellation of subtle and complex processes that involve simultaneous shifts in governance, economics, politics, media and religion. These take place both in interaction with each other and across multiple levels (municipal, provincial, regional, national and international). The highly unstable relation between these at every juncture means that we currently struggle to find the concepts and models needed to adequately analyse these processes. One approach is to read this as the logic of being enfolded and transformed by globalist neo-liberalisation in the process of deploying it strategically at local sites in historically specific ways. For a useful attempt, see Aihwa Ong's (2006) critique of Harvey, Hardt and Negri and Agamben. For India, see Arvind Rajagopal's *Politics after Television* (2001) which is very helpful in tracking the relations between Indian

economic liberalisation, changing political and media domains and the rise of religious (Hindu) nationalism.

3. It seems reasonable, however, to assume that the *distribution* of positions within Muslim communities will differ from the distribution of positions in India as a whole, but this is impossible to test or verify at the moment.
4. Alternatively, we might say that Islam is at least as diverse as India. The concern of this essay is with the place of Muslims in India. Another essay, however, might just as usefully ask about the place of 'India' — in all her diversity — in 'Islam.' It is also useful to note that while the diversity of India and of Muslims in India, is a truism, it remains difficult to map, quantify and analyse the dynamic interactions of these differences across India as a whole, in a coherent and productive fashion, that goes beyond simple description. For a recent very useful attempt see Desai et al.'s *Human Development in India* (2010), in which the attempt to take into account categories of social and cultural difference alters the categories of 'development' while at the same time — *much like the Sachar Committee Report* — engages socio-cultural difference as an economic and development category. The report as a whole makes clear how the categories that matter at any given moment in the lives of those interviewed for the report are constantly shifting: no one category — religion, gender, class, caste, place of residence — is determinative in any absolute or consistent fashion.
5. On recent challenges to the authority and institution of the All India Muslim Personal Law Board by a variety of new Muslim clerical and feminist groups, see Justin Jones (2010).
6 Bal Thackeray is always a prolific source of such accusations: see, for example, his recent fury at Shah Rukh Khan's statements that Pakistani cricketers should not have been excluded from the Indian Premier League (after no IPL owners bid for any Pakistani players in January 2010). Thackeray suggested that Khan should be awarded Pakistan's highest civilian award, the Nishaan-e-Pakistan, in light of his support of terrorist violence by Pakistanis against innocent Indians. In the media the spectacle that followed (just as Khan's film *My Name is Khan* was about to be released) Khan's defence of his statement had to be repeatedly bolstered by defences of his Indianness, including the fact that his father was a freedom fighter. Prominent national politicians supported Khan and his film opened on time in theatres with extra security provided to them. This mix of religion, politics, sports and films as entertaining spectacle, suffused in the possibility of real violence, repeats on a public, national podium the everyday ritual of questioning and defending Muslims' Indianness, while being profitable for all: the populist, the actor and the politicians. It is the significant profitability of such ritualised squabbles among the elite that distinguish them from

the everyday, banal ritual of nationalist insult, defence and parry enacted daily, out of sight amongst the common people. At the same time, public and private rituals clearly reinforce each other in foregrounding the centrality of religious categories and inherited history for being accepted into the nation of India.

7. The emphasis within Islam on the equality of all Muslims has mitigated the excesses of caste discrimination among Muslims, but it has neither eradicated nor prevented it entirely. While for a time, caste among Muslims was difficult to discuss publicly, this has been shifting. Imtiaz Ahmed's anthology *Caste and Social Stratification among Muslims in India* (1978) is canonical in this regard. Since the implementation of the Mandal Commission's recommendations in the early 1990s, the politics of caste among Muslims has been transformed. With the designation of some low-caste Muslims as OBCs, the privileges of elite Muslims have been put under pressure by forcing them to compete with elite Hindus, generating among some (elite) Muslims attempts to achieve government reservations for Muslims as a whole, without regard for caste or class differences. Most recently, the *Sachar Committee Report* has encouraged a further shift away from an Islamic politics invested in safeguarding 'communal' linguistic, religious, legal and educational sovereignty towards a more 'participatory' Islamic politics demanding economic opportunity, social equality and political representation on behalf of a more diverse range of Muslims. Concomitantly, challenges to inequality among Muslims from within, have gained significant ground. For recent analyses of the politics of diversity among Muslims see, among others: Anwar Alam (2003); Irfan Ahmed (2003); Yoginder Sikand's discussion of an Ansari *ulama*'s (2004) critique of the application of *kafa'a* by elite Muslims; Zoya Hasan (2005); Arshad Alam (2009); Hilal Ahmed (2009); and Mohd Sanjeer Alam (2009). Issues of gender and sexual relations saturate many of these issues in practice, but are often not discussed in formal analyses, except explicitly feminist ones.
8. See here, among others, Gyanendra Pandey (1998); Mushirul Hasan (1991); Peter van der Veer (1994); Paul R. Brass (2003, 2006); Thomas Blom Hansen (2001). Also relevant and thoughtful is Aamir Mufti (2004). On the sociology and history of Muslims in India, the literature is too extensive to summarise, but see Imtiaz Ahmad (1978, 1983, 2004); Mushirul Hasan (1991, 1997, 2004, 2005); Satish Saberwal (2005, 2010); Barbara Metcalf (1982, 1995, 2002); Ashutosh Varshney (2002); Richard Eaton (1993, 2003); and Francis Robinson (1974, 1983). On the pluralities and fractures of Hindu nationhood, see Partha Chatterjee (1993).
9. Deeply implicated in imperial colonialism, the secular-liberal complex — a term denoting not a coherent development but a family of fractious intellectual, ideological, socio-political and economic endeavours — has

been closely involved with the rise of the sovereign nation-state as the pre-eminent socio-political formation of modernity. In the process, both ‘religion’ and ‘minorities’ have been incorporated as essential yet insecurely encompassed entities within these states. See here the essential work of Talal Asad, especially his *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (1993). Rather than constituting a universal logic of progress, secularism, liberalism and modernity are understood as distinct projects constituted through quite specific forms of subject-formation, of power and of politics. Of particular relevance to Muslims, here, is the hierarchy which modern colonial epistemes generated between enlightened and backward, modern and traditional/anti-modern, universal and particularist religious formations. Formulated in highly abstract terms, the body of knowledge encompassed by ‘religion,’ ‘religious studies’ and ‘world religions’ has been deeply influenced by the very concrete socio-economic politics of competition between Western (Christian) and Middle-Eastern and South (east) Asian (Islamic) traders, empires and religious institutions. All too often here, Islam was assigned the backward, anti-modern, particularist position. For a highly useful general discussion on the uses and abuses of ‘religion’ as a category of global knowledge, see the extended exchange generated by Daniel Dubuisson (2003) in the September 2006 ‘Review Symposium’ of the journal, *Religion* (119–78); as well as Tomoko Masuzawa (2005). For a comprehensive and incisive critique of the secularisation narrative in sociology see José Casanova (1998). More specifically, with regard to Islam, see Saba Mahmood’s use of an Egyptian women’s piety movement to deeply engage Judith Butler’s and Foucault’s secular arguments on subject-formation and agency in *Politics of Piety: The Islamic Revival and the Feminist Subject* (2005). With regard to India see, Anuradha Dingwaney Needham and Rajeswari Sunder Rajan (2007); Rajeev Bhargava’s on-going engagement with the work of Charles Taylor, including in his anthology *Secularism and Its Critics* (1998) and T. N. Madan’s (1987) and Ashis Nandy’s (1985, 2007) forceful critiques of secularism developed over the last three decades (see Tharamanglam 1995); and Mushirul Hasan (2004).

10. This is not to argue that references to Muslims are lacking in pre-colonial India. Leonard van der Kuijp (2006) recently traced back the first use of ‘*mu sul man*’ to a Tibetan translation of a philosophic Buddhist text by the scholar Avalokitavrata, from around 700 CE. The use of this term, however, remained extremely rare. Instead, as Brajadulal Chattopadhyaya (1998) has shown in his study of some 75 Sanskrit references to immigrants upto the 14th century, much preferred terms were *tajika*, *turuska*, *mleccha*, *parasıka*, *yavana*, *hammıra* and *sáka*, meaning roughly ‘foreigner’ or ‘west Asian’ rather than ‘Muslim.’

Following the Turko-Afghan conquest, however, there did develop a well-established tradition of formulating Hindu and Muslim religious identities in relation to each other in vernacular literature (Lorenzen 2006). My argument, developed later in this essay, is not that such a religious identity did not exist in South Asia before the 19th century, but instead it was only in the 19th century that it was transformed into a modern (geo)political identity capable of mobilising people as part of a politics of representation. It is this conception of 'Muslim' that accords with our contemporary use of it but which is read back much further into history.

11. As Partha Chatterjee among others has argued, we lack a coherent transition narrative for our contemporary reality. See his conclusion to 'Classes, Capital and Indian Democracy' (2008: 89–93). But also see Saskia Sassen's (2007) attempt to construct just such a narrative. On the disaggregation of states, see the well-known work of Anne Slaughter (2004b).
12. See Prasenjit Duara (2003).
13. See here the work of Rogers Brubaker, especially *Ethnicity without Groups* (2004). Brubaker foregrounds the extent to which the active production and deployment of ethnicity in the social and political domain is an on-going and fractured process, subject to conjunctures, in the course of which as often as not attempts by would-be leaders, organisations and ethnic entrepreneurs to generate the intense sense of collective identity required for conflict, fails to materialise. See also Paul Brass (2003) on the context-specific nature of communal violence in India.
14. I have here reversed the order of the sentences from that found in Saberwal's original.
15. Ira Bhaskar and Richard Allen (2009). An interesting side-note here is the significance of Bollywood in contributing to the specifically Muslim self-identity of young South Asian diaspora in places as geographically and culturally far away as the Netherlands. See the on-going dissertation research of M Amer Morgahi on Dutch–South Asian '*desi*' identity (2007).
16. See also Michael Walzer (1982) for his argument that the organisational form and methods of the Protestant Reformation generated the subsequent organisational and strategic repertoires of modern political revolutionaries. More generally, see the arguments of Peter van der Veer and those collected in his anthology *Conversion to Modernities: The Globalisation of Christianity* (1996), demonstrating how religion and movements for religious reform — including those that have styled themselves orthodox — have played a critical role in the process of colonial modernisation on both sides of the colonial divide.

17. More recently, it was (largely Catholic) Christian Democrats specifically who played a central role in establishing the European Union, building into it the medieval Catholic notion of subsidiarity as a founding principle (in conjunction with social scientific sociality) for ensuring the just distribution of power and decision-making across national lines. See Douglas R. Holmes (2000).
18. On the post-World War I emergence of anti-colonial nationalist movements across the world following American president Wilson's Four Freedom's speech, alongside his subsequent disinterest (at Versailles) in addressing the ambitions of colonised peoples to realise such freedoms, see Erez Manela (2009).
19. See here Barbara Metcalf's (1982) extensive oeuvre on the Deoband movement and its international influence.
20. See Charles Tilly (2003).
21. See Barbara Metcalf in her AAS presidential address says: 'The institutions of the Mughal state were bolstered by an Islamic ideology but were in their basic structures similar to those of early modern agrarian empires in China and elsewhere. A wide range of techniques, crops, and objects in general are often called "Islamic" simply because they were associated with populations that are predominantly Muslim . . . In each of these cases, alternative adjectives, and hence categories, would stimulate more contextual, more historical analysis then the overused modifier "Islamic"' (1995: 957).
22. See Rafiuddin Ahmad (1981). More recently, see also Pradip Kumar Datta (1999) and Ranabir Samaddar (2006).
23. If we turn to a more recent and extreme example, this is quite clear. The success of Osama bin Laden, after all, lies not so much in his ideology per se as in his mastery of the process of global mediality, spectacle and strategy. He offers a new repertoire, whose creativity and specificity go far toward compensating for the fuzziness of the project for a violent Islamic redemption of humanity that he proposes.
24. See, among others, Thomas Blom Hansen's (2007) concise and trenchant assessment.
25. On the capitalisation of culture, see L. John and Jean Comaroff (2009). On the intricacies of economic, political and cultural liberalisation in India and the possibilities this created for Hindutva populism, see Arvind Rajagopal. In Europe, in relation to the rise of nationalist-populist anti-Muslim parties, see Holmes, *Integral Europe*. For a very useful analysis of the incorporation of culture as a category of political philosophy, see David Scott (2003).
26. See especially chapter 10 on the significance of caste of Sumon K. Bhaumik and Manisha Chakrabarty's book (2010), as well as more generally the report's careful attention to regional variations.

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3

Policies for Muslims in India: Locating Multiculturalism and Social Exclusion in the Liberal Democratic Framework

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A few months ago, I came across a report by the Ministry of Minority Affairs (2009) Government of India, on the follow-up action taken on the recommendations of the Sachar Committee.[2] The report revealed a multidimensional approach towards the development of the Muslim minority with programmes ranging from development of minority concentration areas to furthering of affirmative action. The latter was to cover schemes like developing equal opportunity commission, cultural diversity index, national data bank, and assessment and monitoring authority. The report included programmes for enhancing skills and capital of the community members to facilitate their upward mobility in the market economy.[3] It mentioned involvement of 22 ministries in these programmes.

In the aftermath of the *Sachar Committee Report* (2006), one also comes across significant changes in the Indian administrative structure. Today, the central government has a Ministry of Minority Affairs while almost all state governments have a Department of Minority Development. Assistance of academicians is being sought to comprehend issues pertaining to minorities. Although the pace of these programmes is astounding, they fit in the image of India as a multicultural country, committed to the cause of minorities including the Muslims. However, the past experiences of the treatment meted out to the Muslim community makes one wonder about the nature of multiculturalism in India and the manner in which the problem of social exclusion is addressed in this multicultural country.

In this paper, attempts are made to comprehend the concepts of multiculturalism and social exclusion and to deliberate upon the possibilities of their implementation in a democracy like India which operates primarily on the principles of liberalism and modernism. Critically examining the policies of the Muslims, the essay discusses limitations of the modern liberal framework for addressing pressing issues confronting the minority communities like the Muslims in India.

Understanding Multiculturalism and Social Exclusion

The concept of multiculturalism addresses variant realities. McLaren's (1994) categories of conservative, liberal and critical multiculturalism indicate some of the salient usage and are significant in capturing a shift from the integrationist approach (conservative) to celebration of socio-cultural differences in the framework of liberalism (liberal) to a philosophical ideology challenging the hegemonic framework of liberal democracy in pursuit of equality for the socio-culturally different (critical).[4]

Despite differences in usage, I feel that the political philosophy of multiculturalism focuses on the key concepts of identity, cultural autonomy, liberty and citizenship. Addressing the values of social justice, it advocates 'equal' space to the 'socio-culturally different' with 'equal' referring to equality of opportunities as well as result. It does not support hierarchical integration of socio-cultural communities witnessed in the 'plural' paradigm and advocates importance of addressing historically developed structural forms of differences that shape subjectivity and social practices of the citizens in an unequal power structure. The political philosophy of multiculturalism acknowledges the importance of political recognition of 'differences' for resource distribution and brings to notice the possibility of manoeuvring of this recognition, which, many a time, does not address the social structures of differences and inequality; thus, not referring to the forces that cause disadvantage to the socio-cultural groups. Again, political recognition may be extended to one kind of structural diversity (e.g., caste inequalities) while overlooking the others (e.g., religious inequalities). The politics

of recognition accommodates group pressures without addressing relevant issues pertaining to cultural differences and outcomes, thus not working towards instituting structural changes that would promise equality and justice to the cultural groups in a polity. Such an approach acknowledges the politics of identity without getting into indicated representation of these identities in the public sphere. It also implies dealing with the issue of recognition without taking into account its implication for unequal resource distribution and power sharing.

The political philosophy of multiculturalism is best articulated in 'critical multiculturalism' which visualises democracy as a domain of cultural groups contesting for power, resources, identity and status. It recognises the hegemonic base of marginalisation, and advocates dissent against hegemonic forms of dominance. It aims towards socio-political and associated structural and ideological changes. An effective acceptance of critical multiculturalism requires changes in the mindset of people as well as in their cultural narrative of 'self', defining it in more inclusive terms. It also requires changes in the understanding of cultural differences, placing them in the unequal power structures that affect the functioning of societal institutions as well as negotiability of the different cultural communities.

As can be envisaged, the above submission of multiculturalism is difficult to implement in the liberal-democratic set up of India, which is committed to the values of equality, social justice and freedom, mainly of the individual citizens, and advocates rationality, bifurcation of public and private, superiority of reason over faith, hence separation of religion from the State. The liberal democratic framework advocates limited governmental intervention in a free market economy. Operating on the principles of neutrality and hence of uniformity, liberal democracy subscribes to the formulation of universal laws applicable equally to all citizens. This, by default, marginalises local cultural differences. Parekh (1998), Mahajan (2001) and Kymlicka (2007) have discussed that the notion of freedom promoted in liberalism is not against the notion of cultural diversity; however, in general, it does not recognise group differences for policy formulation, equating such a recognition with practice of discrimination and favouritism. It submits that freedom and autonomy attributed to individual citizens would automatically ensure diversity in the public sphere. By the 19th century, the limitation

of the principles of individualism and uniformity for actualising values of social justice and equality was realised. To quote Mahajan:

> . . . the apparent neutrality of the liberal state stems from the *uniformity* of its legal codes. However, uniformity of this kind is almost entirely blind to the unequal ways in which communities are affected by the common cultural code developed and imposed by the liberal state . . . (2001: 3–4)

By not recognising the overt discrimination perpetuated by its own codes, the State makes no serious attempt to ensure that the cultural orientation of different communities is respected and that its policies have a possibility to marginalise/exclude certain categories of population.

It was realised that the communities that had been victims of social discrimination in the past continue to be disadvantaged and are unable to compete on equal terms with the rest of society and are liable to the 'tyranny of the majority' (Mill 1869: 8). To take care of the disadvantages that stemmed from the effects of historical discrimination, liberal ideologies in the late 20th century started advocating equal opportunity for all communities (Parekh 1998). The political ideology of liberal multiculturalism supports these changes, while remaining focused on the primary need of order and cohesion for the democratic nation-state. It addresses inequality in the marginalised groups but only at the level of opportunity, not paying adequate attention to the outcome or results. It acknowledges constraints placed on the citizens due to their affiliation to certain socio-cultural groups and subscribes to the view that these constraints can be modified or 'reformed' for relative equality to be realised. Adhering to the values of neutrality and uniformity, the liberal-democratic states have extended a 'generic' approach towards group rights and have addressed only the 'general' needs 'recognised' to be associated with the socio-cultural groups. Emphasis upon the universal guiding principles and laws for all cultural groups falling in the same matrix has resulted in the negation of heterogeneity prevailing across and within these groups. Again, in general, only those cultural groups were acknowledged for special treatment which either existed through history or could get their existence recognised due to public pressure. Mahajan (2001) has

drawn attention to the fact that equality of this kind left certain kinds of inequalities intact. These inequalities were further aggravated due to a centrality given to the community leaders. Procedural aspect of representative democracy went against the interest of the poorer marginalised sections of the population.

More specifically, liberal multiculturalism as implemented in the liberal democratic states, addresses the question of development of cultural groups but in the hegemonic framework. Focus remains on developing policies that aim towards providing resources to cultural groups and pacify their discontent. Affirmative action is the most popular policy for the purpose as it helps individual members of the group to meet their disadvantages by taking economic and other support from the State. Such policies do not refer to the structures of inequality and do not challenge status quo. Such practices essentialise cultural identities, thus enhancing ethnic politics, which has negative connotation.

Taking into account the group pressures that have shaped the multicultural policies of nation-states, Kymlicka feels that liberal multiculturalism provides an answer to the problem of accommodating cultural differences in a democratic nation-state but in order to be effective, it has to be more responsive to the concerns of minorities. 'Liberal multiculturalism is the view that states should not only uphold the familiar set of common civil, political and social rights of citizenship that are protected in all constitutional liberal democracies, but also adopt various group-specific rights or policies that are intended to recognise and accommodate the distinctive identities and aspirations of ethnocultural groups' (Kymlicka 2007: 61). According to him, in order to address the issue of cultural diversity more effectively, liberal multiculturalism has to:

(a) repudiate the older ideal that the state is the possession of a single national group;
(b) repudiate any nation-building policy that assimilates or excludes members of minority or non-dominant groups. Individuals should be in a position to participate in all public platforms or access all state institutions without having to deny or hide their ethno-cultural identity.
(c) accord obligation to recognise and accommodate history, language and culture of non-dominant groups. It must acknowledge the historic injustice done to minority/non-dominant

groups and should manifest a willingness to offer rectification for them.

(d) not focus on symbolic recognition of identities only but to take into account politics of interests and redistribution of resources, and

(e) not prescribe generic rights for all members of a minority group. Different policies are required for different needs of disadvantaged groups.

Social Exclusion

The attributes of liberal multiculturalism as discussed by Kymlicka required significant changes in the ideology and structures of liberal democracy. The ever-increasing violent protest of the marginalised (Kymlicka 2007; UNDP 2004) projecting serious threat to national integration (Gore et al. 1995; Taylor 2002) coupled with global pressure to accommodate cultural diversity for actualising values of social justice and equality, made it imperative for the liberal democrats to address issues of the culturally diverse with more credibility. The concept of social exclusion gained relevance in this context. By focusing on the structures and processes of marginalisation and exclusion experienced by specific groups,[5] it provided the democratic state a space to 'visibly' address the concerns of the culturally diverse, however, in the hegemonic framework of the nation-states leaning towards market economy and economic reductionism.

The concept of 'social exclusion' was coined in France in 1970s to address the 'problematic' sections of the population like the mentally and physically handicapped, aged, invalid, abused children, substance abusers, etc. During the 1980s, the socio-psychological implications of 'new poverty' were discovered and social exclusion got recognised as '. . . an inherent feature of con-temporary capitalism' (T. May as quoted in De'carpes 2007: 634). More specifically, '*a product of the post-industrial social order dominated by globalizing capital and the super-class associated with that globalizing capital*' (Byrne as quoted in ibid.: 635, emphasis added). For the European Union and the ILO, unemployment was considered the key cause for social exclusion as it has implication for the capacity to buy services and earn a livelihood and also because, according to them, the notion of self and identity, revolves around one's

work and linked social network. Concern on social exclusion gained momentum with recognition of social polarisation associated with a rapidly growing income inequality and by the 1980s and 1990s, the discourse got focused on the ruptures in the economic and institutional bonds that hold a society together. To quote Gore et al.:

> It rather referred to a process of social disintegration, in the sense of a progressive rupture of the relationship between the individual and society, which was occurring because of increasing long-term unemployment, particularly focused on unskilled workers and immigrants, the inability of young people to enter the labour market for the first time, greater family instability and isolated single-member households, increasing numbers of homeless people, and rising tensions and periodic violence in low-cost housing settlements on the periphery of cities . . . This tearing of the social fabric of society seemed to be occurring as the result of long-term transformations in the structure and organization of economic life (1995: 2).

Gore defined the concept 'in relation to the social (human) rights of citizens . . . to a certain basic standard of living and to participation in the major social and occupational opportunities of the society . . . With this shift, social exclusion became more closely equated with poverty, but this was seen in much more multi-dimensional terms than income or expenditure' (ibid.: 2, parenthesis added). More specifically the approach towards social exclusion got more closely associated with the human rights approach well-acknowledged in the framework of liberal democracy.

The academic discourse on social exclusion attributed a people-oriented wider meaning to the concept. Emphasising its context-specific nature, Silver has defined social exclusion as '. . . a multidimensional process of progressive social rupture, detaching groups and individuals from social relations and institutions and preventing them from full participation in the normal, normatively prescribed activities of the society in which they live' (Silver 2007: 15). Kabeer (2000) has linked the concept with a spectrum of disadvantages ranging from economic to cultural. The economic disadvantages include exploitation (appropriation of the fruits of one's labour), marginalisation (exclusion from the means of livelihood or confinement to poorly paid, undesirable forms of work) and deprivation (being denied an adequate standard of living); while the cultural

refers to injustice stemming from social patterns of representation, interpretation and communication. Kabeer feels that these disadvantages result in social exclusion when the various institutional mechanisms through which resources are allocated and value assigned, operate in such a way as to systematically deny particular groups of people the resources and recognition needed to participate fully in the life situations of that society. Disadvantages also manifest in social exclusion when the dominant social groups make minority groups invisible or seek to impose dominant values on them. Routine devaluation of the culture and ways of life of a minority group also affects the psyche of the members of these groups with a high possibility of their excluding themselves from public institutions of various kinds. However, even in these wider definitions of social exclusion, one witnesses an economic reductionism. To quote Kabeer, 'While cultural disadvantage is primarily associated with despised identities, it is frequently accompanied by economic discrimination: such groups face greater difficulties in finding employment and a greater likelihood of losing it . . . The distinction made between economic and cultural disadvantage is thus heuristic rather than real since the two tend to be interrelated' (ibid.: 85–86). Similar observations can be made about Fraser (2002) when she connects identity with (vested) interest and recognition of a social group with the logic of redistribution of resources.

Nevertheless, the concept of social exclusion has its promises. The concept appears to promote a dynamic approach towards comprehension of poverty, calling for investigation of the structures and processes that lead to poverty and associated feeling of alienation among certain socio-cultural groups. The concept demands an understanding of how these structures and processes affect access to various opportunities, power-sharing as well as negotiability of these groups with the wider society, thus covering the realms of political economy as well as social interaction. In this context, the statement of a study conducted by the International Labour Organsiation (ILO) becomes pertinent. 'Institutions are important in processes of social exclusion as they structure the relationship between macroeconomic change and the pattern of economic growth, on the one hand, and the changing life circumstances of individuals, households and groups on the other hand' (quoted in Kabeer 2000: 84). The academic discourse on the concept of social exclusion focuses on the local specific community-oriented processes of exclusion taking

one beyond a generic description of socio-economic and cultural deprivation. It also draws attention towards the multi-dimensional character of deprivation revealing how one kind of disadvantage (poverty) leads to other disadvantages causing multiple deprivation or cumulative disadvantages to the actors.

Charles Taylor has drawn attention to yet another process of exclusion. He states that democracy causes social exclusion of certain populations. It calls for value neutrality and equality and the need 'in self-governing societies, of a high degree of cohesion'. Cohesion in democratic states is linked to creation of a common identity rooted in a homogeneous, cultural framework promoting a common language, culture, history, ancestry etc; thus, excluding people of 'other' origins having different culture and way of life. Exclusion generates mistrust and 'mistrust creates extreme tension and threatens to unravel the whole skein of the mores of commitment that democratic societies require to operate' (Taylor 2002: 183).

He submits that this tension may result in a 'temptation to fall back on the old ways and deny the problems either by straight exclusion from citizenship . . . or by the perpetuation of "us and them" ways of talking, thinking, doing politics' (ibid.: 184). And all of these are the result of requirements for a democratic rule, for a high degree of mutual understanding, trust and commitment. These work towards the creation of a common identity which makes it difficult if not impossible to accommodate the 'other identity'.

Kabeer has mentioned three practices of exclusion. The first refers to

> '*mobilization of institutional bias*' . . . a predominant set of values, beliefs, rituals and institutional procedures (rules of the game) that operate systematically and consistently to the benefit of certain persons and groups at the expense of others. Those who benefit are placed in a preferred position to defend and protect their vested interest . . . Institutional bias can operate to exclude those who might threaten the status quo without conscious decisions being taken by those who represent that status quo' (Kabeer 2000: 91, parenthesis in original).

Principles of membership and the forms of access defined by the institutions/structures debar certain sections of the population from social recognition, status and access to resources. The second form of exclusionary mechanism is social closure through which 'social

collectivities seek to maximise rewards by restricting access to resources and opportunities to a limited circle of eligibles' (Parkin as quoted in Kabeer 2000: 92). Unlike the mobilisation of institutional bias, social closure is usually a deliberate strategy of exclusion and virtually any group attribute — race, language, social origin, religion, caste, gender — can be used for monopolising the economic opportunities. The third mechanism leading to social exclusion is 'unruly practices' which refer to the gaps between rules and their implementation.

The problem becomes severe when we realise that, 'there has been a subtle switch in mind-set in our civilisation, probably starting in the 1960s. The idea that one ought to suppress one's difference for the sake of fitting into a dominant mold, defined as the established 'way' in one's society has been considerably eroded. Feminists, cultural minorities, homosexuals, religious groups — all demand that the reigning formulas be modified to accommodate them, rather than the other way around' (Taylor 2002: 187). This has high potential to disintegrate a nation. To quote Taylor, 'Anyone who is excluded can have no part in the decisions that emerge; consequently, these lose their legitimacy for him or her. A sub-group that is not listened to is in some respects excluded from the 'nation,' but, by this same token, it is no longer bound by the will of that nation' (ibid.: 182). However, in general, the intersecting nature of different forms of exclusion and inclusion results in the segmentation of society, and in clusters of advantage and disadvantage, rather than a simple dichotomy between exclusion and inclusion. There also remains a possibility either of partial incorporation or of getting incorporated on adverse terms. In the liberal democratic framework, the excluded or the marginalised are offered access to the resources and relations of power; but this access remains hegemonic in nature, devaluing people's identity — identity which is of value to people and which defines their self-esteem, assertion and confidence. Again, Kabeer talks of hard-core exclusion, which occurs when principles of unequal access to different institutional domains reinforce, rather than offset each other creating situations of radical disadvantage. Kabeer feels that '. . . the potential of a social exclusion perspective is unlikely to be realised if it does not help to make the connections between the various categories of people, problems and processes . . . rather than treating them as disparate ways of thinking about exclusion' (Kabeer 2000: 84).

Analysing Policies for Muslims in India

India has always been considered a multicultural country with well-discussed, consciously-framed policies for accommodating minorities in the nation-state to such an extent that Lijphart (2008) calls it a 'consociational' democracy. Similarly, Gurpreet Mahajan says:

> By focusing on the cultural policies of the state and devising ways by which cultural communities receive equal consideration in the public realm, the Indian Constitution deviated from the liberal framework. While it accepted and endorsed the twin ideals of autonomy and non-discrimination, it acted on the assumption that equal treatment to all religious and cultural communities could not be ensured by providing equal political rights or civil liberties to individuals. Consequently, the Indian Constitution devised a two-fold policy. On the one hand, it tried to ensure that no community is outrightly excluded or systematically disadvantaged in the public arena; on the other, it provided autonomy to each religious community to pursue its own way of life (2001: 4).

I, however, feel that the guiding ideology for modern Indian democratic state continues to be liberalism, aiming towards promoting individual rights, secularism and uniformity or equal treatment to all citizens. These values are much different from those required for critical multiculturalism or recognising cultural rights of those minorities, who resist assimilation or hegemonic integration. In India, cultural diversity is merely 'tolerated', that too, only to the extent it does not challenge 'unity in diversity' approach of the nation-state. Parekh's statement supports this idea, 'As such, the state is confronted with such questions as the range of permissible diversity, how to accommodate differences without losing its social cohesion, how to reconcile the apparently conflicting demands of equality of treatment and recognition of cultural differences, and how to create a spirit of common citizenship among its culturally diverse members' (Parekh 1998: 203). I feel that the Indian model of multiculturalism reflects this dilemma and addresses issues related to the minorities more as a political need to accommodate assertive minorities than a humanitarian concern to promote their socio-cultural specificities and rights. While discussing Article 23 (which became Article 30) of the Indian Constitution, Dr Ambedkar throws light on this approach of the Indian Government towards minorities (Government of India 1949: 923).

> I think another thing which has to be borne in mind in reading article 23 is that it does not impose any obligation or burden upon the State. It does not say that, when for instance the Madras people come to Bombay, the Bombay government shall be required by law to finance any project of giving education either in Tamil language or in Andhra language or any other language . . . The only limitation that is imposed by article 23 is that if there is a cultural minority which wants to preserve its language, its script and its culture, the State shall not by law impose upon it any other culture which may be either local or otherwise.

More specifically, the policies of Indian state reveal an ambiguous approach towards minority communities revealing what Michael Kammen calls 'dialectics of pluralism and conformity' (Kammen 1972: 128). This refers to the fact that differences are recognised and accommodated in ways that are thought to be community-oriented but are still either unifying or relegating marginalised position to the minorities. In line with liberal multiculturalism and human rights approach advocated by international organisations for dealing with social exclusion, India emphasised on policy-making which encourages development of individual members of the minority community with little reference to the majority–minority dynamics and culture-specific practices that influence choices and behaviour pattern of the members (see Kabeer 2000, discussed earlier). The popular model is the development deficit model, promoting affirmative action and, at the most, providing opportunities to enhance skills and capital of the members of the minority communities for earning a livelihood or promoting job prospectus in the hegemonic frame of the nation-state and its market economy. Schemes for scholarship, education loans, credit facilities, etc. are part of this model. As stated earlier, this approach reveals a kind of economic reductionism, denying social recognition to the individual's identity, way of life and the world of meaning. The individual is forced to prove her worth in an alien atmosphere as 'the other', and in a majority of cases, losing sense of worth, confidence, esteem and pride in the bargain.

However, the ethnic politics of India causes ruptures in this approach; at times, making the politicians visibly promote pro-minority policies. Such policies are symbolic in nature and conservative in orientation. They work on the stereotypical understanding of the community, denying any possibility of heterogeneity among community

members. Being centralised in nature, they seek representation of the community in traditional or visible self-proclaimed leaders, not verifying the sections of the populations claimed to be represented by them. The focus on the community leaders works on the collective sentiments ensuring vote banks for these leaders. In line with thoughts of Mahajan, very rarely, these leaders address the needs of the people. One example is the indiscriminate promotion of Urdu language as mother tongue, ignoring demands from the people for education in regional or English languages. Another example is influx of money in *madrasa* education even when reports have revealed that a very small population of the Muslim community is receiving education exclusively through *madrasas*.[6] Lack of hard data is useful for this approach as an absence of authentic information strengthens the stereotypical image of the community and extends an easy way out to politicians developing so-called pro-minority policies that appease community leaders rather than the people. Lastly, such an approach breeds negative sentiments in the larger community, developing antagonistic feelings among them, paving grounds for communalism in the country.

The *Sachar Committee Report* (2006), henceforth SCR, merits a special mention in any discussion on multiculturalism in India. The report was released in the aftermath of the Gujarat riots with the political goal to make the concerns of the ruling party for the minority community visible. Presence of eminent scholars in the committee, however, has given it the edge required for initiating a change in the approach towards minorities in India. Although endorsing the politically correct development deficit model, the report has situated Muslims in a heterogeneous context and has made reference to the conflict-ridden atmosphere in which the community survives today. The report draws attention towards social gaps existing among the cultural communities and also the fact that prejudice, discrimination and perception of discrimination affects the development of the community. It admits that the major concern is the interlinked issues of identity, security and equity. It appears sensitive towards structural problems obstructing development and feeling of well-being in the members of the minority community and seeks structural changes such as National Data Bank for collecting relevant information on a continuing basis mainly to guide policy-making. This is aimed at acquiring hard data for repealing stereotypical image of the minority communities. For

reducing gaps among cultural communities, it seeks development of a diversity index, which would facilitate creation of common public spaces and would promote proportional access of social groups to public institutions. For checking discrimination, it advocates establishment of an autonomous Assessment and Monitoring Authority (AMA), which would help in ensuring transparency and monitor various Government programmes having relevance for the cultural communities. To ensure power-sharing, it advises participation of community members in governance. For ensuring equal opportunities, the report suggests enhancing legal structure and creation of Equal Opportunity Commission to curb not only discrimination but also the fatal perception of discrimination prevailing in the minority community.

The Gujarat carnage extended a promise of political mileage to the Congress government to win over votes from the minority community by presenting itself as a pro-minority political party. This explains the promotion of the report of the Sachar Committee. The *Ranganath Mishra Commission Report* (2007) was not promoted as it has demanded reservations for Muslims, which might have gone against the interests of the majority population in India. Perhaps, similar reasons were behind the absence of public debates on the report of the study group on the Cultural Diversity Index (CDI). The politically correct report of the Equal Opportunity Commission (EOC), however, was promoted for public debates.

Due to limitation of space, the paper would confine to a critical look at the EOC proposal with the objective of revealing gaps between suggestions made in the SCR and their implementation. The discussion would support the earlier submission on compromises being made in multiculturalism and social exclusion. I feel that the liberal democratic framework of India reveals similar compromises.

Equal Opportunity Commission (EOC)

The Sachar Committee mentioned that the practice of discrimination caused a development deficit in the Muslim community but more gravely, the community is affected by the fatalistic perception of discrimination that de-motivates it from utilising available opportunities. The report submitted that to ensure equality of opportunity as well as result, it is important to look into the complaints of discrimination made by the minorities and to assure a just hearing.

For this purpose, it recommended constitution of an EOC that would have a legal base to look into grievances of the deprived groups.

The draft report of EOC recognised India as an egalitarian, multicultural society and stated that since the market forces are not favourably disposed to the ideas of equity, it becomes the duty of the State to be proactive in the matter of equalisation of opportunities. The EOC rejected the narrow understanding of the concept of 'equality' as mere openness of opportunity without discrimination and advocated the 'substantive approach' that requires neutralising the obstructing effect of the forces linked to 'institutionalised' discrimination and 'burden of history' faced by members of the disadvantaged groups.

EOC is supposed to be a legal, autonomous body with powers of a civil court (barring penal power) that would facilitate investigations and would help in developing, collecting and publishing evidence about inter-group inequalities. It is supposed to define and ensure compliance to Equal Opportunity Practices Codes and to provide legal assistance to complainants. Impact and efficacy of EOC is to be evaluated in terms of its ability to influence public opinion and in providing credible evidence. It is supposed to advocate an integrated approach that includes already existing group-specific initiatives; proactive identification of the emerging issues and problem areas; evidence-based approach towards redressal; creation of regular sources of data and promotion of a coherent body of experts to deal with issues related to inequality of opportunity. It would advocate context-specific policies and would mediate, conciliate and settle disputes. However, an advisory and auditing role rather than a grievance redressal role is considered more desirable for EOC as grievance redressal would leave little time to attend to any long term policy matters.

According to the draft report, the jurisdiction of the Commission should extend to all deprived groups who have been denied or who claim to have been denied equal opportunities. Such groups include Scheduled Caste, Scheduled Tribes, Other Backward Classes, women, minorities, children, persons with disability, elderly, denotified tribes and displaced persons. The EOC is supposed to operate at both the state and public levels. At the public level, it is supposed to influence public opinion and to keep an eye on the discriminatory practices, especially if these practices are group-oriented. At the state level, it is supposed to influence policy-making

and to monitor and audit relevant policies. In the initial stage, the EOC is expected to concentrate on two key domains of education and employment because these help in accessing opportunities and their absence is critical in transferring inequality from one generation to another.

One of the major strengths of the EOC is that it brought home the necessity of acknowledging the presence of cultural identities and inequality persisting among them. Further, it has been able to grasp the importance of historical and local inter-ethnic dynamics and has requested local specific solutions based on evidence.

Nevertheless, one envisages major problems in the operation of EOC and wonders about its utility for minorities like the Muslims. The primary problem is located in the generic approach that EOC has adopted in identifying disadvantaged groups or communities. The canvas is wide and includes not only the physically disadvantaged but also the class-oriented disadvantaged groups. No universal policy can effectively help different needs of these diverse groups especially minority groups. Further, history shows that in such circumstances, chances are high for class-oriented policies to be adopted under the belief that a substantial population of the minorities are poor, hence, programmes aimed to help the poor would automatically help the minorities. Ogbu (1982) has discussed the difference between class-based and status groups-based mobility systems. According to him, stereotypes and discrimination, especially perception of discrimination, are the major hindrances which do not allow the minority groups to take advantage of the general policies as these policies address neither stereotypes and discriminatory practices nor address the historical roots of discrimination or voluntary exclusion practised by the minority groups. One fears that the EOC working for all disadvantaged groups including class groups may not address the needs of Muslims which is a politically stigmatised and somewhat socially ostracised group. One has come across minority-dominant areas getting left behind in the implementation of general policies for the poor. Even the *Sachar Committee Report* has talked about various government programmes not reaching the areas having a concentration of minorities. This is a matter of concern especially since the EOC is supposed to be conceptualised in accordance to the suggestions made by the Sachar Committee, and has as such, not focused on the Muslims — a minority community facing unique

discrimination, disadvantage and deprivation due to historical and social reasons.

Further, in line with ILO and other international organisations, EOC has also expressed concern about the possibility of fragmentation or disintegration of the nation due to discontent prevailing in marginalised, excluded social groups. This makes one fear that the concern for minorities has a high possibility of remaining confined to pacifying the minorities rather than working towards their adequate development or providing them sufficient space in the political economy of the nation. To quote from the SCR (Government of India 2008: 10):

> While the existence of poverty and deprivation in an absolute sense is bad enough, its unequal incidence across social groups and communities makes it much worse. This is arguably the most serious challenge faced by the idea of India as a nation. In a paradoxical sense, our poverty and backwardness at the time of Independence were also a source of inspiration because they were seen as a shared burden. Relative inequalities were not as visible and absolute deprivations were emphasized, thereby serving as an invitation to join in the collective project of 'nation building'. Today, the undeniable intensification of inter-group inequalities produces the opposite effect of inciting cynicism. Poverty and deprivation become much less bearable when they can no longer be thought of as shared problems.

Such differences are bound to create tensions that may stretch the social fabric to a tearing point. In the initial stage, the EOC is expected to concentrate on the two domains of education and employment. One questions the possibility of working with these domains in a compartmentalised manner. Will concentration on education and employment give space to address the impact of communalism on education and employment or, even the impact of the fatalistic belief of non-returns from education or, hesitation in applying for jobs under the belief of discrimination?

The EOC is supposed to be working not on individual cases of grievance but on those that reflect discrimination on the basis of an individual being a member of a social group. Again, this consideration has to be evidence-based. It is very difficult to prove group-based discrimination in public institutions where the process of co-optation is found to be prevalent. Last of all, such commissions, in general, are found to be supported by anti-discriminatory acts

for effective delivery of their objectives. No such provision has been proposed in the draft report of EOC.

Conclusion

In this paper, attempts have been made to understand the concepts of multiculturalism and social exclusion from the perspectives of academia as well as policy-making. The academic work reflects a radical shift demanding equal space for the minorities in the cultural and the subjective as well as the social and material spheres. At the level of policy-making, however, one finds continued emphasis on placing minorities in the liberal democratic framework or the framework operating on the principles of equality, secularism, social justice and uniformity attuned to individual rights and mobility.

The assertive pressure of the marginalised minorities and the need to safeguard national integration have forced liberal democrats to accommodate group rights and cultural rights in their agenda but in the hegemonic framework of the liberal democracy. This explains the shift from a more demanding critical multiculturalism to liberal multiculturalism and again in the economic reductionism witnessed in the manner the concept of social exclusion has been defined by international organisations like the European Union and ILO. The concept of social exclusion has reduced socio-cultural problems being faced by the minorities to implications of long-term unemployment or 'new poverty'. Consideration of the disadvantages faced by the minorities as rooted in the market economy, justifies the focus of liberal State on to those schemes and programmes that aim towards enhancing skill and capital required to improve the economic position of members of the community. The development deficit model fits in well with this approach. The policy of affirmative action takes into account historical forces that have placed certain groups in a disadvantaged position but seeks a solution to the problem in facilitating individual mobility in hegemonic political economy or the political economy that has emerged due to the very historical forces that have placed minorities at a disadvantageous position.

In this context, one has to appreciate the *Sachar Committee Report* (2006). The Committee members appear aware of the need to bring in structural changes to meet problems of the minorities caused by the structures of inequality operating in the capitalist society. Hence, they suggested the formation of new structures to ensure

positive changes for the minorities. They suggested structures and processes for dispersion of the minorities, for adequate power-sharing and also for ensuring protection from discrimination that would repeal perception of discrimination among members of the community. The post- Sachar Committee developments, however, reveal what Kabeer has termed as 'unruly practices' or gap between rules (suggestions or recommendations in this case) and their implementation. The reports of the commissions and the study groups convened for operationalisation of the suggestions of the Sachar Committee were received differently, perhaps in accordance to their political correctness. Again, as discussed earlier, the much discussed draft report of the EOC reveals conspicuous loopholes, negating the very purpose of calling for an EOC. These developments reveal the compulsion of operating in a liberal democratic framework and expose the impact of discrimination and exclusion rooted in the historically developed antagonism towards the minorities and reluctance in society to accept the legitimate claim of the minorities for citizenship rights. These constraints extend a high possibility of not formulating relevant policies or making policies having loopholes that would make effective implementation of the same difficult, if not impossible.

Hope lies in grassroots-level pressures. Only these have the capacity to bring in changes in liberal democracy whether in the form of making it recognise group rights and cultural rights or in bringing in structural changes in the form of EOC or CDI. Such measures promise changes in the governing system. Going by the manner in which the concept of social exclusion has been defined, one understands that these changes will not be smooth. In general, public demands are accommodated in liberal democracy but reluctantly and minimally; however, once instituted, the changed structures develop their own logic and dynamics, accommodating many players having different interests. For instance, the concept of social exclusion, though presently used in a limited manner is promising, thanks to interventions of academicians, to facilitate working with historically and spatially specific structures and processes that cause marginalisation to certain communities, thus taking into account local majority–minority dynamics. Changes that appear to be accepted in a simplified manner and as such not effective in dealing with minority issues at the moment, may have a promise; a promise of an ethos (which can be formalised through changes in the institutionalised bodies),

a commitment towards minority issues which has a high possibility of developing effective programmes for accommodating cultural diversity. I feel that the establishment of an EOC and CDI are indicative of structural changes that would leave a lasting positive impact on the democracy of India.

Notes

1. The author appreciates critical comments from Taha Abdul Rauf who has helped in enriching the paper, and would like to thank Dr Abdul Shaban, without whose untiring pursuance the paper would not have seen light of the day.
2. The Rajinder Sachar Committee, appointed by the Prime Minister Manmohan Singh of India was a high level committee for preparation of a report on the social, economic and educational status of the Muslim community of India. Their 403 pages long report was tabled in Parliament on 30 November 2006.
3. Programmes like enhancing credit facilities; access to education; representation of minorities in selection committees; posting of Muslims in Muslim concentration areas; establishing civil rights centres; and of course, forming exclusive schemes for Muslim minorities with emphasis on scholarship schemes.
4. The integrationist model stands close to the concept of pluralism. It submits to the idea of existence of multiple cultural units in somewhat a common cultural and value framework. In the words of Goldberg: 'The dualism of this model is reflected in its pluralist allowances at the margins with its univocal core insistences at the centre. The central values continued to be defined monoculturally . . . The integrative mode has focused primarily on alleviating intergroup conflict and tension, improving ethno-racial relations. It has stressed more or less genuine attempts to define and service improvements in conditions for those who continue to be identified as "minorities".' (1994: 6). This multiculturalism is supposed to be effective in reducing the discontent voice of discrimination. One finds an implicit rank order/hierarchy in conservative multiculturalism.
5. The concept includes individuals; however, implications are more social than individual in nature.
6. For details see *Sachar Committee Report* (2006:77).

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4

Muslims and Politics of Exclusion

Ram Puniyani

The Indian Muslim community is under multiple discriminations. The occurrence of regular repetitive violence has left them with a deep sense of insecurity on the one hand and on the other, their representation in employment and political bodies has been steadily declining. The social indices of literacy, economic conditions, employment status and other parameters also present a very dismal picture. These have been well-reflected in two recent reports — the *Sachar Committee Report* (2006) and the *Ranganath Mishra Commission Report* (2007). The situation has come to such a pass that when the Sachar Committee was working, it faced diverse responses. 'While many welcomed and appreciated this initiative, there were others who were sceptical and saw it as another political ploy. There was a sense of despair and suspicion as well . . . tired of Memorandums, many wanted "results". The non-implementation of several earlier commissions and committees has made the Muslim community wary of the new initiative' (*Sachar Committee Report* 2006: 3). The *Ranganath Mishra Commission* (2007) observed that Muslims are lagging behind other religious communities in areas of literacy and education, industrial promotion and economic pursuits.

The sad state of the Muslims' social 'security' is reflected by the increased ghettoisation of the community. With the rise in communal violence from the 1980s onwards, the community has not only been demonised in different arenas but by becoming the subject of communal violence of increasing intensity, they have been forced to ghettoise in different cities, cut off from social interaction and social facilities like education, trade and banking. 'The message of communal agenda manifested through violence and through creating a difficult situation for minorities is now isolating them in most parts of India. So one can see the trajectory of violence as follows — it begins with pre-violence biases, stereotypes, then violence, post-violence neglect, isolation, ghettoisation and finally leads to

partitioning of the national community at the emotional and physical levels' (Puniyani 2010).

Today, the Muslim community are at the crossroads. On the one hand, there are states where Muslims are already being treated as *second class citizens* and there is also in general an overall communalised atmosphere in the country due to which they feel intimidated and marginalised. The consideration of the condition of Muslims is highly crucial to the very concept of secularism in India. 'The status of the Muslim minority is fundamental in any consideration of India as a secular state . . . the treatment meted out to religious minorities is the best gauze of any state's commitment to secularism; in the case of the Muslim minority in India, however this test is absolutely crucial' (Smith 1963: 411).

The Indian Muslims: Community Formation

The formation of the Muslim community in India took place in various stages. It first emerged along the Malabar Coast with Arab traders during the 7th century AD. Later, a section of untouchables converted to Islam to form a bulk of the Muslim population. The Muslim community was not a monolithic one. They were from different economic strata, a majority being low-caste poor peasants, and another group belonging to traders, and a very small number of landlords. The difference in interests of elite and poor was very vast.

After the great rebellion of 1857, British held Muslims responsible for the revolt and punished them severely, tried to keep them out of government jobs and other facilities. The newly-introduced modern education and government jobs were mainly filled up by Hindus. The Muslim intellectuals noticed this and criticised the British Government for this, 'Even when some Muslim intellectuals began to notice that Muslims in some parts of the country were lagging behind Hindus in modern education and government jobs, they blamed the government's anti-Muslim policy and neglect of modern education by upper class Muslims' (Chandra 1989: 414). Later, with Sir Syed's initiative, matters changed slightly but the difference in the status of Muslims and Hindus as communities continued. Muslims comprised of the more poor, uneducated sections; while a section of Hindus were able to take better advantage of both educational and employment related opportunities.

The perception of interest between the elite and poor Muslims was where the elite shared different cultural values and had aspiration for higher number of jobs and wanted to compromise with the ruling powers for their social and economic aspirations. For the upper and middle class and the pro-imperialist, aspirations got channelised through the politics of people like Sir Syed Ahmed and Jinnah; while the aspirations of lower castes were anti-imperialist and represented through the politics of people like Badruddin Tyabji, Khan Abdul Gaffar Khan and Maulana Abul Kalam Azad.

Freedom Movement: Communal Politics

The rise of communalism has been a very complex process. Colonial policies generated the growth and economic domination of merchant and moneylenders (mostly Hindus). Hindus could take maximum advantage of modern education and accordingly a place in bureaucracy. Post-1857, the anti-Muslim bias of the British gave a slight edge to Hindus, who took to modern enterprise/professions with greater keenness. British historians used the categories — Hindu, Muslim and Brahmin, etc.; while Indian historians picked up only two of these categories, Hindu and Muslim. Earlier the identities in India were more diverse along caste lines, broadly classified as Brahmanism and Shramanism. During British rule, Brahmanism was identified as *the* Hinduism and later, all other castes and traditions started being incorporated in the broad umbrella of Hinduism. It was the Hindu right wing which gradually constructed the Hindu identity for all the inhabitants except Muslims and Christians. The incorporation of Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs) into the Hindu fold went on in opposition to the 'Muslim Other'. The assertion became the common sense more after Independence, and the subtle role of the Hindu Right has been significantly instrumental in this phenomenon. Indian leadership used religious consciousness to inculcate 'modern nationalism' among the people. This resulted in the arousal of two processes: (a) nationalism, and (b) communalism.

With the introduction of modern education, industries and new transport and communication, there took place a deeper process of the rise of new classes, while the old feudal classes and princes continued their existence (Table 4.1). These two groups of classes threw up different politics during the freedom movement. 'It is not an accident

that feudal elements were leaders of both Hindu and Muslim communal forces. The leadership of the Muslim League and the Hindu Mahasabha were in the hands of upper castes and big landlords. These elements used communalism to promote their class interests' (Rai 1998: 48).

Table 4.1: Introduction of Education and Industrialisation and Associated Changes in Social Values and Relationships

	Group A Rising Classes	*Group B Declining Classes*
1.	Rise of new class of businessmen, industrialists, workers, educated classes	Decline of landlords, kings and a section of clergy associated with them
2.	These groups formed associations, such as the Bombay Association, the Madras Mahajan Sabha, etc.	Viewed new changes with fear and suspicion
3.	Their political expression took place in the form of the Indian National Congress (INC)	Fearful of the rise of new classes and INC, they formed the United India Patriotic Association (UIPA) to promote loyalty to British
4.	In due course, other political streams expressing the values of this group came up e.g., Hindustan Socialist Republican Association, (Bhagat Singh and friends), Republican Party of India, etc.	UIPA gave rise to the Hindu Mahasabha, the Muslim League. Later, the RSS came up as an ideology inspired by leaders of the Hindu Mahasabha
5.	This stream was conceptualised India as 'a nation-in-the-making'	Muslim League held that they were a Muslim nation since the advent of Mohammad bin Kasim; Hindu Mahasabha/RSS held that they were a Hindu nation since time immemorial
6.	This group held the values of liberty, equality and equal rights to be for people of all religions, castes and gender	Ideology was based on hierarchy of caste and gender, as sanctified by organised religion and clergy
7.	Participated in the freedom movement and propagated social change	Totally aloof from the freedom movement and were opposed to social change

Source: Puniyani (2010: 70).

The Partition of India was a multifactorial tragedy. During this period, Muslim communal politics, Hindu communalism and the

British policy of 'divide and rule' played a central part. The Muslim League represented the interests of the Muslim elite who wanted to appropriate maximum privileges for the wealthy Muslims. The Muslims comprised 25 per cent of the population and for passing any legislation, 2/3rd majority was necessary; however the Muslim League felt that Muslims should be granted 1/3rd representation in legislatures so that they could prevent any anti-Muslim legislations. The Indian National Congress (INC) rejected this demand and Jinnah who emerged as the major leader of the Muslim League proposed the two-nation theory that was simultaneously accepted by both the Muslim and Hindu communalists. Thus, with the birth of the INC, began two opposite but somewhat similar trends which were opposed to the secular politics of the INC. The first was expressed by Sir Syed Ahmed who opened this campaign in 1887; and the second was the Hindu revivalist stream.

The Communal Triangle

With the formation of the INC and its representation to the cause of 'rising classes' and methods of 'protest' vis-à-vis loyalty and criticism of the British Crown alarmed Sir Syed and he was 'determined to hold aloof and this may be regarded as the first step towards Pakistan' (Spear 1992: 226). He set out to organise the *jagirdari* elements amongst Muslims and with his followers propagated that the INC was meant for the interests of the Hindus and 'low born' classes. In contrast to the INC demand for representation, he supported the nomination of the elite by the British and, in fact, said the British were the best guardians of Muslim interests in India. Later, these efforts culminated in the formation of the Muslim League which stood for the interests of Muslim landlords and Nawabs of *Riyasats* (princely states).

Simultaneously, the principles of the INC were being opposed by another section. This again was the section of Hindu zamindars, traditional tradesmen (*baniyas*) and the *Riyasat* Rajas (rulers of princely state). From the 1870s, a section of Hindu zamindars, moneylenders and middle-class professionals began to arouse anti-Muslim sentiments, simultaneously opposing the INC's goal of a single common nation irrespective of the diverse religious identities present. They spoke of the tyrannical rule of Muslim rulers and the role of the British in liberating them. They came up with the

formulation that the ancient, pre-Mughal age was the golden age of India. The leader of Arya Samaj, Pandit Lekh Ram, went on to condemn all forms of Islam and demanded that Muslims should be expelled from India or converted to Aryanism. They founded the 'Punjab Hindu Sabha' and were hostile to the INC. According to them, the INC's role of uniting people of different religions into a single nation meant sacrificing Hindu interests to appease Muslims. According to them, a Hindu is a Hindu first and then an Indian. The culmination of these efforts led to the formation of the Hindu Mahasabha and later the Rashtriya Swayamsevak Sangh (RSS).

In addition to these old classes, a section of the emerging middle-class also supported communal politics in the later period. Some of these were ideologically influenced by the emotive appeal of religion-based politics and its exhortations of one's religion being in danger; while others felt insecure for their professional careers, especially sections of the Muslim middle-classes. Mushirul Hasan points out, 'The swiftness with which the idea (of Pakistan) succeeded in becoming actualised and the intensity of emotions involved had more to do with political and economic anxieties of various social classes than with a profound urge to create an Islamic/Muslim state. Both in its conception and articulation, the Muslim League's demands summed up the fears and aspirations of the newly-emergent professional groups, especially in Punjab, Sind and UP, and the industrial magnates of western and eastern India' (Hasan 2001: 56). One recalls that after Partition, it was mainly this section of Muslims who migrated to Pakistan.

British Policy of Divide and Rule

The British rulers realised the differences between the Hindu and Muslim elite and embarked on the policy of divide *et empera* (divide and rule). 'As far back as 1821, a British officer writing under the name of "Carnaticus" in the *Asiatic Review* of May 1821 declared that "divide *et empera*" should be the motive of the Indian Administration, whether political, civil or military' (Engineer 1994: 100). The British were uncomfortable with the INC demands of equal rights for all. Sir Syed's opposition to these demands came in handy for them and they encouraged Sir Syed and his elite followers in their 'communal demands'. The British played their cards well and took advantage of the Hindu–Muslim divide to snub the INC several

times. They recognised a group of Muslim *nawabs* and *jagirdars* (Shimla delegation) as the representatives of the Muslim community, and similarly encouraged the Hindu Mahasabha and RSS. None of these organisations undertook any anti-British agitation.

> The British rulers took advantage of the aspirations of the elite Muslims for playing their devious game of 'divide and rule'. As the expression of loyalty to the united platform of the INC began to abate, a communal platform appeared to express the loyalty to British more vehemently, thinking being that in the space for concessions more loyal had greater chance to win . . . . Simla (Muslim) delegation under Prince Aga Khan, which was the beginning of so called 'Muslim separatism', was comprised only of Nawabs and Zamindars (Kings, Landlords). In demanding separate electorates and excessive representation than were in councils, they were in fact angling for a greater share of power for the Muslim elite (Gadkari 1999: 18).

Thus, there are three major factors which resulted in the Partition of the country. First, the British policy of 'divide and rule'; second, Muslim communalism representing the interests of Muslim zamindars, nawabs and other elites; and third was Hindu communalism (RSS, Hindu Mahasabha and partly through Congress) which represented the interests of Hindu zamindars, brahmins and *baniyas* (traditional tradesmen).

Common Features of Communalists

The following common features of communalists can be identified in the course of history of the national movement: (i) only propertied and highly-placed educated constituted these groups in the beginning; later, a very small section of the common people supported them due to their emotive appeal; (ii) they never canvassed or supported the demands for democratic rights of the common people. The common people were heavily oppressed and exploited due to the policies of the British and the landed aristocracy; (iii) the Hindu and Muslim masses shunned these groups till after the communal riots of 1944–46, where a section of the middle-class and urban poor were drawn to their vortex; and (iv) after the departure of the British, some rajas/nawabs tried to form independent states/federations with the help of mercenary forces.

Partition Tragedy: Impact on the Muslim Community

The basis of Partition was strange — the Muslim majority areas were demarcated as Pakistan, West and East, and Muslims scattered all over India were given the option and right to stay in India with full citizenship rights. The elite section of Muslims — landlords, bureaucrats and businessmen migrated to Pakistan with the hope of reaping greater benefits. Many were accommodated and compensated in Pakistan, but later, the other Muslims moving from India to Pakistan were not welcome and relegated to a life of subjugation. A large number of Muslims living in Pakistan were deprived the basic rights and social facilities and called *Mohajirs* (the migrants). The Muslims who remained in India were from the poorer sections and a large number illiterate who worked as artisans and landless labour. They were heaped with the stigma that it was because of them that India had been partitioned. 'Radical change in the political order, amidst bloodshed and carnage was accompanied with threat to old ways of living . . . they feared the worst. As in 1857, their loyalty to the new state was suspect. They felt helpless and forlorn as they experienced distrust and hostile discrimination in their daily lives' (Noorani 2003: 1).

Time and again, communal forces assert that Muslims are foreigners and the right place for them is Pakistan. 'For Muslim communities that remained in India, partition was a nightmare. The demographic picture changed drastically in Punjab and Bengal, two provinces that had the largest concentration of Muslims in South Asia' (Hasan 2001: 6). Hasan further points out, 'Lawyers, doctors, engineers, teachers and civil servants were comfortably ensconced in Lahore or Karachi either in response to Mohammad Ali Jinnah's clarion call or to bolster their career prospects. On the other hand, the so-called Islamic community in India, which had no place in Jinnah's Pakistan, was fragmented, and left vulnerable to right-wing Hindu thoughts' (Hasan 2001: 7).

As different writers have pointed out, there is a great diversity in the culture, language and economic life of Muslims in India. Zakaria (1995) points out that while a small section of Muslim community, traders and industrialists are well-placed, the majority of them are impoverished labourers or landless peasants. Hasan sums it up: 'The fortunes of Muslim professionals dwindled and their influence

waned after partition, yet some of them have prospered during recent decades owing to expansion of trade, commerce industry and services in medium-sized urban centres and some have benefited from powerful social and class factors, and political and family ties' (Hasan 2001: 6).

Communal Violence

Communal violence is the bane of Indian society. As mentioned above, it began during the colonial period. The British policy of divide-and-rule had a great role to play in this phenomenon. Communal violence has usually been preceded by 'hate propaganda' which communal organisations spread against other communities. The Muslim League spread its venom against Hindus and the Hindu Mahasabha–RSS spread the same against Muslims in particular and of late against the Christians, in a major way.

With India adopting a secular constitution, the stench of communal violence, which was the worst in post-Partition riots, was supposed to subside. As a matter of fact, the decade of 1950s witnessed a great amount of calm, though the undercurrents of hate ideology continued even during this period. The Jabalpur riots of 1961 reminded the nation that communal ideology was not dead. And since then, it has kept visiting some part of the country or the other at frequent intervals. The situation in the country was like a saturated 'solution of communal hate', where even a small or large incident could spark the process of violence. The riots in Jabalpur sparked off following the elopement of a Hindu girl with a Muslim boy. Incidentally, the parents of both happened to be *bidi* (tendu leaf) merchants and also rivals in a sense. 'A series of major communal riots followed the Jabalpur riot. Riots took place in this phase mostly in Eastern India, in Jamshedpur, Rourkela, Ranchi and other places. In Rourkela, Hindu workers threw Muslim workers into steel furnaces and their bones were also not found' (Engineer 2006: 40).

In the Eastern India cities of Jamshedpur, Rourkela and Ranchi, most riots were sparked by tales of refugees coming from the East Pakistan. In Ahmedabad, Gujarat, riots were engineered due to opposition to the policies of the then Prime Minister Indira Gandhi such as bank nationalisation and abolition of privy purses, to which many in the Congress party were opposed and were supported by the Bharatiya Jansangh, (the previous *avatar* of the Bharatiya Janata

Party) and the then prevalent right-wing political party, the Swatantra Party. Around the same time, riots were sparked off in Bhiwandi due to a provocative speech by Shiv Sena chief, Bal Thackeray. 'Bhiwandi and Jalgaon in Maharashtra were shaken next in 1970 and the Shiv Sena played a major role in engineering communal violence in which the unofficial death toll was more than 300 most of whom were killed in villages around Bhiwandi and Jalgaon (Engineer 2006: 40). In the late 1970s, riots in Jamshedpur, Aligarh and Benaras (Varanasi) were mainly due to instigation by the RSS, which wanted to assert its presence during the 'dual membership' issue.

In the initial period, the sensitivity towards riots was minimal — even major riots like that of Bihar Sharif, where hundreds of innocent people were brutally killed, do not seem to evoke a heartfelt response, least of them from our intelligentsia committed to secularism and democracy (Engineer 1991). On the barbarity of the violence, Hussein Shaheen points out that 'seeing the horrifying nature and extent of communal riots which have occurred during the post partition period in India, one cannot but wonder whether the people of India, have made any progress at all . . .' (Shaheen 1991: 166).

The precipitating factors of violence have been changing. Despite all this, the victims of violence have been Muslims to a large extent,

> During the colonial period, the nature of the riots was . . . reciprocal between two groups, with British-officered police intervening to restore normalcy. But since the achievement of Independence in 1947, the nature of the riots has changed. In every riot since Independence, no matter when or where or how the riots take place . . . in the end, the victims are mainly Muslims, whether in the number of people killed, wounded or arrested (Khalidi 1996: 17).

This is largely due to communalisation of state apparatus and the attitude of the police force in particular. Based on his study of major riots, former senior police officer, V. N. Rai concludes that the police are partial in most riots. They do not act as a neutral force but act more like a 'Hindu force'. 'It is basically the behaviour of police in communal strife which makes the members of a minority community like Muslims view it as an enemy . . .' (Rai 1998: 89).

The discrimination is obvious in preventive arrests, enforcement of curfew, treatment of detained persons at police stations, reporting of facts and investigations, detection and prosecution of cases registered during riots. Hindus view policemen as their friends. The popular slogan shouted during communal riots has been '*Hindu–Police Bhai–Bhai*, *Beech main Vardi Kahan Se Aayi*' (Police and Hindus are Brothers, the uniform of police does not matter). Muslims by and large consider policemen as their enemies. Predominantly Hindu, the police do not shed their prejudices at the time of entering the police force and this bias is manifested during riots. The partisan behaviour of the police has a lot to do with their composition and social outlook. Most recruits are from the majority community. Thus, when even minorities come under attack, there is no one to protect them. The bias of the police force is well illustrated in the Srikrishna Commission Report (Government of Maharashtra 1998) on the Mumbai riots 1922–93. In general, the conviction rate in riot cases has been low over the years. It is very hard to prove these cases for the simple reason that witnesses do not come forward as they fear that they have to live alongside others who they do not wish to name.

The decade following the 1980s has been the worst in the period of the Indian republic. During this phase, one witnessed the rising communalisation of society. The next phase was the demolition of the Babri Masjid and political ambition of the Shiv Sena in Mumbai and machinations of the BJP in Gujarat. The riots, which were spontaneous and un-planned, came under control very fast, while those simmering for longer duration were the ones where political forces were operating from behind the scenes. Another interesting point made by V. N. Rai is that no riot could sustain beyond 48 hours, if the authorities decide to control it. Laloo Yadav's policies in a way concretely demonstrated the absence of communal violence in Bihar and the policies of Communist Party of India (Marxist) (CPI(M)) in West Bengal to some extent endorsed the validity of it. On the point that communal violence is an urban phenomenon, rather it has been noticed that communal riots erupt more often in medium and small towns, though Mumbai might be an exception. Ahmedabad and Surat too became the foci of communal violence. Villages are no more immune from the communal poison (refer Engineer 1991; 2004).

Changing Nature of Communal Violence

The earlier anti-Muslim violence occurred in poor Muslim localities. From the 1990s onwards, the violence changed its character and now even affluent sections of Muslims are targeted. This was seen both during Mumbai riots (1992–93) and the Gujarat anti-Muslim pogrom (2002).

> In most of the communal riots, the victims were largely slum-dwelling, poor Muslims. However, the pogroms in 1990s affected almost all segments of Muslim society including the hitherto protected members of the elite . . . Mrs Rahi Masoom Raza, wife of the popular mega-serial *Mahabharat*'s scriptwriter fled uptown Bombay to seek refuge amongst her co-religionists in Bhendi Bazar during the 1993 riots. (Khalidi 1996: 12).

Initially, there were multiple causes of provocation of the riots; however, the major reason remains the planned offensive by the majority communalists: '. . . that is to say, they are essentially pogroms or massacres perpetrated by a majority upon a defenceless minority' (ibid.: 14).

The trends of communal violence clearly show the biases of the state machinery as well. The rise of communalisation and role of hate propaganda has crept in very deep into society. In most riots, which have pained us since the first Jabalpur riot of 1961, one sees a common pattern. While the bureaucracy soft peddles the offence, the police play a partisan role. While the administrative machinery is 'sympathetic, to the 'Hindu sentiments' (read Hindu communal politics), the communalisation of police has been blatant.

There are instances (in Meerut-Malyana, 1987) where the Provincial Armed Constabulary (PAC) lined up around 300 Muslims besides a canal, shot them dead and the bodies were disposed off in the canal. There are instances (Bhagalpur 1989) where the police along with rioters killed 180 Muslims, buried them in a paddy field and planted cauliflower over the graves. Most of the inquiry commission reports have shown the partisan role of police during riots. The Srikrishna Commission also indicted the police especially R. D. Tyagi, Additional Commission of Police, for the shooting of innocents in the Suleman Bakery case during the Mumbai riots.

Mumbai Riots 1992–93 and Gujarat Riots 2002

The Srikrishna Commission Report (1998) clearly showed those responsible for the Mumbai violence.

> The irresponsible act of Hindutva parties in celebrating and gloating over the demolition of the Babri structure was like twisting a knife in the wound and heightened the anguished ire of the Muslims. The celebration rally organised by Shiv Sena in Dharavi jurisdiction is an example . . . the police mishandled the situation and by their aggressive posture turned peaceful protests into violent demonstration during which the first targets of the anger of the mob became the municipal van and the constabulary, both visible signs of establishment (Government of Maharashtra 1998, vol. 1: 4).
>
> The *Maha Artis* were started from 26th December 1992 and kept adding to the communal tension and endangering the fragile peace which had been established. Some (were used to deliver) communally inciting speeches and the crowds dispersing from (them) indulged in damage, looting and arson of Muslim establishments in the vicinity (Government of Maharashtra 1998, vol. 1: 13).

On 1st January 1993, there was an article in *Samna* under the caption '*Hindunni Akramak Vhayala Have*' (Hindus Should Become Aggressive Now), openly inciting Hindus to violence (Government of Maharashtra 1998, vol. 1: 13). On 4th January 1993, a large mob of Hindus led by Gajanana Kirtikar, Shri Ramesh More and other Shiva Sena activists took a *morcha* to the Jogeshwari police station complaining of lack of security for Hindus. Some of the people in the *morcha* attacked Chacha Nagar Masjid and the Muslims in the vicinity and injured them. Several Muslim huts in Magdum Nagar in Mahim jurisdiction were set on fire by the Hindus (Government of Maharashtra 1998, vol. 1, pp. 13–14). The Commission was forthright in pointing out that the Shiv Sena chief was acting like a general coordinating the carnage. The Mumbai violence changed the nature of communal violence in India. It was large-scale, well-planned and well-concealed, led by Hindu communalists and assisted by the attitude of police, bureaucracy and political leadership.

Godhra, Gujarat and Akhshardham have been the major blots on our democratic ethos in post-Independence India. In the din of the tragedies which gripped Gujarat for over a period of 10 months, different versions were floating about 'who did it?' Concerned Citizens

Tribunal was formed by the most outstanding legal brains, of the stature of Justices V. K. Krishna Iyer, P. B. Sawant, Hosbet Suresh, K. G. Kannabiran and sociologists like Prof. Ghanshyam Shah, Prof. Tanika Sarkar and social workers like Aruna Roy. The two volume report, *Crimes against Humanity*, can be considered a landmark investigation in a situation like this. The findings of the tribunal at one level are close to what many leading human rights activists and scholars suspected all along. Its findings point to the complicity of state leadership in the whole tragedy. The tribunal concluded that the Godhra incident did not seem to be pre-planned. Neither is there a proof of 'foreign hand', that was propagated with confidence. The tribunal's tentative conclusion that the fire was lit from inside and not outside will force us to review the whole, action–reaction thesis, which in a way was used to give legitimacy to state inaction in the face of one of the most severe riots in independent India (Concerned Citizens Tribunal 2002).

Why was the state political leadership so eager to jump at make-believe conclusions, and what might have been the deeper design behind the whole carnage becomes slightly clear after going through the twin volumes. The tribunal also makes it public that witnesses deposing before them informed about the meeting called by the chief minister with instructions not to take action against the 'Hindu reaction' to Godhra. This speaks volumes about the real mechanics of the whole tragedy of marathon proportions.

Insecurity: Impact on the Muslim Community

The Mumbai violence of 1992–93 was followed by the internal migration of the battered minority. Many were displaced or chose to shift to areas, which they felt were safer like Mumbra, Jogeshwari, Bhendi Bazar being the foremost. Incidentally, the population of Mumbra before the violence was less than 1 lakh; today it is more than 7 lakh! Similarly, many people from the minority community sold their houses in mixed community areas to shift to Muslim majority areas, increasing the pressure on civic amenities in these areas.

In Gujarat, terms like 'borders', 'Gaza Strips', etc. have been coined to reinforce the concept of 'mini Pakistans'. The extent of myths, biases, stereotypes against minorities are going through the roof; first, the mental partitions are created and then these partitions get converted into those of brick and mortar. The communal

partitions are the definite aftermath of the communal violence. In Gujarat, the victims of violence were not permitted to return to their own houses, even the written undertakings were demanded from the victims that they will not seek legal justice for whatever happened to them during the violence. Asghar Ali Engineer observes,

> Five years after the carnage, more than 5000 families are rotting in horrifying conditions in various refugee camps. Not only this, Modi recently returned more than ‘ 19 crores to the Central Government saying funds are no more needed as all have been ‘settled’ (Engineer 2008: 143).

Today, nearly a decade after the Gujarat carnage, nearly 5 lakh Muslims have to live in isolated ghettoes and that too in abysmal situations. The extension of civic and other amenities to these areas is conspicuous by its absence. Water, sanitation, health, education, banking and other amenities and facilities are not reaching these areas. These internally displaced people are being helped only by conservative Muslim groups, who are competing with each other to increase their influence within the community. In a survey conducted by social group Anhad, showed the dismal condition in which the victims of the Gujarat violence are living,

> While a large number of people have heard about the massacre of 2,000 Muslims during the Gujarat pogrom of 2002, a majority remain ignorant about the existence of thousands of ‘second class’ citizens who have not been able to return to their homes six years after the carnage (Raza and Singh 2008: 5).

The shelter camps in many parts of Gujarat and Muslim ghettoes in cities are ridden with poverty, illiteracy, hunger, disease and misery providing a fertile ground for Muslim fundamentalist groups. Who is to be blamed — a particular religion or communal politics? In a state like Gujarat that has seen massive genocide, BJP rulers continue to dictate state policies by abandoning the responsibilities of the victims of violence who feel insecure and have shifted or forced to shift to areas like ghettoes or shelter camps.

The message of the communal agenda manifested through violence and creating a difficult situation for minorities is now isolating them in most parts of India. The trajectory of violence is as follows — it begins with pre-violence biases, stereotypes, then violence, post violence neglect, isolation, ghettoisation and finally leads to the

partitioning of the national community at the emotional and physical levels. Communal violence always polarises communities. In the initial phase (till the 1970s), ghettoisation was minimal. From the decade of 1990s, onwards, communal violence has gone to a higher level where 'hate the other' sentiments have worsened and 'non-sale of housing units to the Muslim minority' have become the unwritten norm. What can be more ironical than the fact that a housing rights activist herself is denied a house, just because she carries a Muslim name!

The Sachar and Rangnath Mishra Reports

To understand the socio-economic situation of Muslims in the country, the Government of India appointed the Sachar Committee, which submitted its report in November 2006. Following extensive research and study, the Committee observed that the Muslim minority community was way behind the national average in most parameters of social development. Its economic status has been sliding seriously, representation in jobs, bank loans is abysmal, and representation in the political process has been very poor and is continuing to worsen. Its significant findings can be presented as the 'percentage of Muslims in government employment was a mere 4.9 per cent of the total 88,44,669 employees' (*Sachar Committee Report* 2006: 165).

The report points out that the number of Muslims in security agencies was 3.2 per cent: 60,517 out of the total of 18,79,134 in CRPF, CISF, BSF, SSB and 'other agencies'. In many states, Muslims are significantly overrepresented in prison. In Maharashtra, for instance, Muslims make up 10.6 per cent of the population but 32.4 per cent of those are convicted or facing trial. Among district judges in 15 states surveyed, 2.7 per cent were Muslim. As per the report, the literacy rate is about 59 per cent, compared with more than 65 per cent among Indians as a whole. On an average, a Muslim child attends school for three years and four months, compared with a national average of four years. Less than 2 per cent of the students at the elite Indian Institutes of Technology are Muslim. Equally revealing, only 4 per cent of Muslim children attend madrasas.

In sum and substance, the Muslim community is under-represented in most areas of society, barring jails. The *Gopal Singh Committee Report* 1982, which revealed the poor status of this minority

was ignored and instead issues like the Ram Temple continued to hog national attention. To add up, one can say that this community's representation as a riot victim is way above its percentage in population. The Sachar Committee has recommended that an Equal Opportunity Commission should be set up, a national data bank started, a nomination procedure initiated to ensure their participation in public bodies in order to promote religious tolerance and a procedure to evaluate textbooks for appropriate social values, among others.

Whatever one can glean from policies being contemplated in the wake of the *Sachar Committee Report*, it seems a lot needs to be done. Steps are being contemplated, short of reservations, to improve the lot of Muslim minorities. It is a matter of conjuncture whether the present Government is really serious about it or is it a mere replay of the earlier broken promises made during the last several decades where one government after another have been promising to look into the problems of Muslim minorities, with little result. One among the multiple reasons for this neglect of the Muslim minority has been the aggressive propaganda of the Hindu right-wing that the Congress party is out to 'appease' the Muslims so that they can be used as vote banks. One does not know whether this aggressive anti-minority propaganda did contribute to the policies of the government, but one can say for sure that this 'appeasement of minorities' had become a part of 'social common sense' in the face of the worsening situation of Muslims.

The National Commission on Religious and Linguistic Minorities led by former Chief Justice of India, Ranganath Mishra, submitted its report to the Prime Minister on 22 May, 2007. It confirms the findings of the Sachar Committee on the backwardness of Indian Muslims and goes on to recommend 10 per cent reservation for Muslims in education and employment to improve their condition. It is another matter whether or not the government will be able to gather strength to implement such a dire necessity!

Conclusion

The exclusion of the Muslim is worsening at the economic, social and political levels. There have been multiple reasons for this, some historical and others political. The bulk of the Muslim community in India comes from lower castes. The 1857 rebellion was attributed by the British to Muslim leadership and there was a severe backlash

on the common Muslims. Thus, while Hindus partook of education and jobs, Muslims as a community were left fairly behind. The efforts of Sir Syed and others resulted in the process of education and jobs mainly for the elite upper caste Muslims. The partition process was also a major setback for those Muslims who chose to stay back here; who were also from the lower socio-economic strata of society. With the communalisation process and land reforms not taking place, communal politics asserted itself and further intimidated the community through communal violence. During this process, there was also a failure of leadership to pull the community from this morass and take them to the path of modern education and jobs in a big way. There has been a definite discrimination against the Muslim community due to which they have remained marginalised from jobs. The rising crescendo of communal violence and later their demonisation and linking them with terrorism has put immense pressure on the efforts of the community to progress in modern fields. All this has resulted in the exclusion of Muslims as a community from the social arena.

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5

Indian Muslims: Political Leadership, Mobilisation and Violence

Irfan Engineer

Indian Muslims as a whole today enjoy less education than the average Indian, and suffer economic disadvantage and social discrimination (*Sachar Committee Report* 2006; *Ranganath Mishra Commission Report* 2007). They also suffer from the growth of extremist Hindutva (anti-Muslim and anti-Christian) ideologies and the resultant cultural hostility and violence. The Muslim community's perception that the post-2001 'War on Terror' has been a cipher for anti-Muslim mobilisation and the tacit strengthening of anti-Muslim attitudes in the guise of security concerns regarding radical ideology and militancy. The state-sponsored violent attacks on Muslims in the state of Gujarat have created a sense of crisis in the community. The global crisis, conflicts within the country and growing alienation raises the question whether the community can find the coherent political will and voice to build the necessary political alliances with non-Muslim communities and address the challenges that currently beleaguer it. The outcome of this would be critical not only to the welfare and security of the Muslim community, but to India as a whole.

Islam arrived in the Indian subcontinent during its first century of existence, in the 7th century (Elliot and Dowson 1867). Over the years, Islam became an integral part of Indian culture and history. Muslim monarchs and elites, always a minority across the subcontinent as a whole, ruled substantial portions of the territory that today constitutes India, Pakistan and Bangladesh. The separation of the contiguous Muslim-majority areas of the subcontinent during the Partition and Independence in 1947 could not undo the pervasive Islamic influence on Indian life, culture and thought. The forging of a secular and Hindu identity also hinges on the history of Muslims in India.

The shared cultural and intellectual history throughout the subcontinent gives Indian Muslims a sense of a shared history and identity with those in Pakistan and Bangladesh. This has often led to

questions among some non-Muslim Indians about national loyalties of Indian Muslims. The instinct lurks close to the surface to blame Muslims as a group for the 'dismemberment' of India. There is no question that some Indians have found a sense of cultural and historical unity with their co-religionists in other countries of the region (though even here the question of identity is more complex than commonly understood), but Indian Muslims have thought of themselves as equally both — Indians as well as Muslims, and have distinguished themselves in combat or competition against armies or sports teams of neighbouring countries.

As is often the case with beleaguered minorities, issues of identity and culture have loomed large in the Muslim community's political mobilisation. While these issues will remain important, and perhaps even gain further importance if the community continues to face discrimination and violence, the issues that are of immediate concern to Indian Muslims are all those which they share with many non-Muslims, and can only be addressed as policy issues within the context of the broader Indian polity. The present paper examines the evolution of Muslim leadership, symbols and issues of mobilisation and the socio-political situation in which the leadership developed, became assimilative or separatist. The paper especially throws light on the role of the Indian syncretic culture, right-wing Hindutva leadership and violence against Muslims as important conditioning aspects of Muslim leadership.

Syncretic Culture as a Foundation of Hindu–Muslim Unity

Notwithstanding the fact that Muslim rulers established kingdoms by force of arms in the subcontinent, the spread of Islam was by and large a peaceful affair. Conversions to Islam were mostly the work of Sufi saints who embraced all human beings and considered the love of god as the highest form of worship. The Sufis believed in *tawhid* or the unity of being, that all humans are God's creation. The Sufi saints did not dispute other ways of worship and also embraced the poor and backward castes.

As a result of this encounter and dialogue between various religious communities, even to this day, one finds various syncretic communities following a composite Hindu-Muslim religious culture. These include Meo Muslims, Pranam Panthis and Rajput Muslims.

Meo Muslims, who live in the Mewat belt south of Delhi extending from Haryana to Rajasthan, excel at reciting the Hindu epics, Ramayana and Mahabharata. Though Islam permits even first cousins to marry, the Meo Muslims strictly observe the Hindu lineal restrictions on such marriages. Marriage between Meo Muslims is never complete without *saptapadi* (seven rounds) around a holy fire as followed by the Hindus. Among Meo Muslims, a marriage can be declared as having been solemnised, only after both Hindu and Muslim rituals are completed. The holy book of the Pranam Panthis, called *Kulzum Sharif*, has both sacred songs from the *Bhagavad Gita* and verses from the Quran and can be touched only by a Pranam Panthi or a Muslim and none else. Ablutions have to be performed before touching the *Kulzum Sharif* as Muslims do with the Quran. On the death of two male siblings in a family, one is buried like a Muslim and the other cremated like a Hindu.

Likewise, a vast majority of Indian Muslims are thoroughly rooted in the local culture and Muslims from another regional culture may not be identified as a Muslim. For example, on one occasion, a Muslim widow from a village in Kerala introduced to an Islamic scholar from Bombay doubted that he could be a Muslim since he did not speak Malayalam.[1] Thus, language and culture often predominate over religion as a basis of group identification. A Mappila Muslim from Kerala will feel greater kinship with a Kerala Hindu than with north Indian Muslims.

Hindus and Muslims in rural areas and small towns actively participate in each other's religious festivals. Whether it is the festival of Lord Ganesha in Western India or the worship of Goddess Durga in eastern India, Muslims contribute and participate in these local festivals, often as office bearers of organisations which organise these cultural programmes. When images of Hindu gods and goddesses are taken in a procession, Muslims of the village or locality gather to welcome the procession and offer refreshments. Likewise, when Muslims take a *tazia* (procession) through villages or towns, Hindus worship the *tazias* in their traditional manner and it has become a part and parcel of Hindu rituals in many areas. There are many syncretic shrines where people of all religious communities pray together. In shrines where Sufi saints are buried, such as Haji Ali in Mumbai, Khwaja Moinuddin Chishti in Ajmer, Nizamuddin in Delhi and Saibaba in Shirdi (Maharashtra), one finds non-Muslims alongside Muslims.

Transformation of Muslim Leadership and Ideology during Colonial Period

During the ascendancy of Europe and the decline of Muslim power in India in the 18th and 19th centuries, Muslim elites almost uniformly resisted western education, and intellectual currents in the form of theological schools like the Wahabi, Farizi and Deobandi, argued against it. Following the final abolition of the Mughal Empire and the establishment of formal rule by the British Crown in 1857, a section of reformers sought to encourage Muslims to embrace modern education. The Mohammedan Anglo-Oriental (MAO) College in Aligarh was one such institution that laid the foundations for the Muslim middle-class, based on professions. These reformers argued that with the end of the old order, unless Muslims embraced modern education their status would continue to decline compared to Hindus.

The counterpoint of modernism and traditionalism cut across religious lines. Militant revivalist movements among Muslims that resisted western influence as an anti-colonial commitment as well as a religious one offered a basis for unity with similar movements among Hindus. Hindus joined enthusiastically in the movement to restore the Khilafat movement after World War I, which modern Muslims found puzzling.

Three major tendencies may be identified in Muslim leadership before Independence — nationalist Indian Muslims in the Indian National Congress (INC) believed that the common national struggle was in Muslim interest and more important than religious distinctions. The Muslim League represented the interests of Muslim elites; specifically a section of feudal elites from North and Eastern India in Uttar Pradesh and Bengal, modernist Muslim elites who had acquired modern education in the Mohammedan Anglo Oriental College and aspired to high positions in bureaucracy, and a section of entrepreneurs from the Northwest (Puniyani 2003). Finally, in Bengal, the Muslim peasantry in a province dominated by Hindu landlords supported the secular populist Praja Krishak Party led by Fazlul Huq, Premier of Bengal from 1937 to 1943, whom the British authorities found unhelpful to the war effort owing to his persistent demands for help from the Central Government for food grains to mitigate the impact of famine in Bengal (Batabyal 2005).

With the separation of Punjab and Bengal from India under the Muslim League's leadership, Indian Muslims lost two political traditions — modernism and radical populist propeasant organisation — to the areas that became Pakistans.

Most of the emergent Muslim middle class, educated and mercantile, migrated to Pakistan in the wake of Partition, expecting better economic, professional and political opportunities there. Whereas some educated members of the Muslim elites remained and prospered in India, the community left behind was largely backward — socially, educationally and economically — consisting of landless labourers or small peasants, urban hawkers, self-employed artisans and petty traders.

However, over a period of time, a small middle-class emerged in independent India from amongst the artisans. Some entrepreneurs from amongst the Muslim brassware artisans in Moradabad emerged as traders and financers in the brassware business, particularly with the growing demand in export markets. A section of Muslim weavers of Varanasi similarly graduated as traders and financers in the *saree* (sari) trade with a growing demand for Varanasi *sarees*. Likewise, the workers of the scissor industry in Meerut, the lock industry in Aligarh, and the *beedi* industry in Jabalpur took over the reins of trade and emerged as the new middle class.[2]

The new middle class that was emerging in the Muslim community was from amongst the *ajlaf* (low caste) Muslims. The emergence of this new middle class brought new aspirations and new dynamics into play within their communities. Unlike the old feudal class, which supported *madrasa* education and religious symbols, this new emerging middle class initially supported secular education and emphasised regional identity.[3] However, communal conflicts and riots, in part fuelled by competition between this emerging Muslim middle class and established Hindu traders and in which the property and businesses of Muslims were the prime targets, changed the situation.

The communal riots pushed the emerging middle class to seek refuge in homogenous communal identity and they turned to support an identity-based political agenda proffered by the moderate communal leadership. The new middle class became the social base of the moderate communal leadership for another reason too. With their newly acquired economic status, the emerging middle class was not happy with their former backward and lower class *ajlaf*

identity, which continued to stick to them. They were struggling for a more dignified identity with higher social status. In spite of the syncretic traditions, there was no identity that offered the emerging middle class appropriate social status commensurate with their new economic status. The emerging middle class therefore adopted Islamisation as a strategy for upward social mobility. They imitated *ashrafs* even while not completely breaking with their former caste-based *ajlaf* identities: on the one hand, they generously contributed towards mosques and community religious institutions and on the other still relied on caste networks for marital relations and socialisation. The more fundamentalist ideologies appealed to this emerging middle class.

The middle class within the Indian Muslim community today is very small. Only about 5 per cent of Muslims can be called middle class, which include those in government jobs, other respectable employment, and small or medium business enterprises (there are few tycoons such as Azim Premji and the Khorakiwalas). While this middle class may be finding its own way to a working ideological construct, the rural and urban poor suffering discrimination and have no distinct ideology to answer to their needs other than those devoted to poor Indians in general. They are finding themselves increasingly isolated from Muslim elites and are facing increased hostility and violence sponsored by the Hindu right-wing.

The impact of Partition on Indian Muslims was profound. Separated from the large Muslim populations of Bengal and Punjab provinces, they saw their demographic significance declining. The animosities unleashed by the violence that accompanied Partition took some time to settle, posing a special challenge to Indian Muslims. This was interesting as those who chose to remain in India as a minority rather than migrate to Pakistan were implicitly opting for the national identity they shared with other Indians over that based on religion.

Muslim Leadership and Political Transformation of India after Independence

The first generation of Muslim leadership after Independence consisted of nationalist members of the Congress such as Maulana Abul Kalam Azad (who as Indian National Congress President in 1946 negotiated with the Cabinet Mission Plan, the British government

and the Muslim League), Dr Zakir Hussain (the third President of India), Chief Justice Chagla of the Bombay High Court and educationist Syed Hamid. Their common commitment was for communal harmony, composite nationalism and secularism, with a strong emphasis on education.

During this period, Kashmiri Muslims wholeheartedly supported the accession of Kashmir to India and helped the Indian army in their efforts to push the Pakistani army out of Kashmir. Sheikh Abdullah, leader of Kashmir's Muslims, supported the integration of Kashmir into India, though he bargained for autonomy within the Indian Constitution. This phase of integration of Muslims into India lasted till the early 1960s.

One important reason that the religious divide did not threaten this phase of communal integration, in spite of the Partition-inspired violence, was because other than mobilisation for economic development, the focus of mass political mobilisation was on the issue of reorganisation of provincial/state boundaries on a linguistic basis. Muslims whole-heartedly supported the linguistic reorganisation of states, thus making common cause with their non-Muslim co-linguals. The Muslim poet Amar Sheikh wrote Marathi folk songs that inspired the struggle for reorganisation of Bombay province into Maharashtra and Gujarat. This affirmed and strengthened regional and linguistic identity across religious lines. People were uninterested in communal mobilisation. By 1960, all the states were reorganised along linguistic lines.

An economic crisis occurred in the mid-1960s. The value of rupee had dipped to an all-time low by 1966 and there was unprecedented inflation. Under Public Law (PL) 480, the country was dependent on America for its supply of wheat. Agricultural production also declined. The consequent unrest led to unprecedented gains for the opposition political parties. In many north Indian states, the Congress lost at the state level for the first time. Opposition parties formed united fronts and coalition governments in Bihar, Uttar Pradesh, Madhya Pradesh and Rajasthan. The Hindu extremist Jan Sangh, precursor of today's Bharatiya Janata Party (BJP), enjoyed power for the first time as part of these coalitions. With the split in the Congress party, opportunistic political mobilisation included the use of anti-Muslim sentiment and other official machinery to spread Hindutva ideology. Communal riots became the tool to mobilise and consolidate Hindus across caste and regions.

Mobilisation based on religious identity was but one tendency at this time, and a minor one at first. The Praja Socialist Party mobilised people on the issue of price rise and economic crisis, and was particularly successful in mobilising the backward classes on a programme of opposing caste-based oppression and domination by upper castes. The followers of the Bharatiya Jana Sangh party questioned the ideology of inclusive nationalism where minorities were accommodated and given their space, albeit under-represented and within the dominant ethos of Hinduism. The Jana Sangh considered this to be an appeasement of Muslims. The Hindutva agenda was to exclude minorities altogether and treat them as second-class citizens.[4]

In 1961, there was a major riot in Jabalpur in which more than 400 persons were killed. The riot shook the secular foundations of the country. The Congress leadership particularly was disturbed by the first major riots after the violent Partition of India. The media as well as the state administration was partial to Hindus (Agnihotri 2007: 171, 176, 186) and the message was not lost on the Muslims of the country as to their place and status in India. No doubt, the main factors behind the riots were economic, social and political rather than religious. There was tough competition between a Hindu *beedi* magnate and an emerging Muslim magnate in the *beedi* industry. The media's highly provocative reporting of the inter-marriage of a Hindu scion and a Muslim scion led to rioting (see Agnihotri 2007; Kolpe 1984). The official response to the riots in Jabalpur widened the divide between the two religious communities along social and communal fault lines.

Subsequently, there were communal riots in Jamshedpur and Ranchi-Hatia in eastern India in 1967, and the textile city of Ahmedabad in western India, witnessed riots in 1969 that claimed over 2000 lives. In 1970, major riots rocked Bhiwandi, Jalgaon and Mahad in Maharashtra — over 600 were killed — which shook Muslims' confidence in Indian democracy. The 1980s was marked by riots in northern and western India.

In the mid-1970s, the Janata Party formed by a coalition of socialists, conservatives and adherents of violent Hindutva, in opposition to the dictatorship of then Prime Minister Indira Gandhi (who had imposed a state of Emergency), significantly confused the ideological picture in terms of Muslim interests. The resulting victory of the Janata Party at the Centre and the states brought to the fore the

Bharatiya Jana Sangh. The Muslim vote had shifted away from the Congress party on account of the disproportionate impact of Indira Gandhi's policies on Muslim communities, which included forced sterilisation and bulldozing of Muslim slums without notice and it helped the Janata Party win these elections.[5]

The unravelling of the Janata Party soon after its formation, principally (though not exclusively) on the issue of dual loyalty of some members to Hindu revivalist political movements, also led to a struggle for dominance within the Hindutva camp. Having tasted power, the Bharatiya Janata Party also intensified the militancy of its competition with secular political parties. This led to the intensification of Hindutva exploitation of many of the social and economic conflicts that Muslims and other Indians shared as participants in a poor and rapidly developing society. There was competition between upwardly mobile lower castes and Muslims for land and other resources. Religious identity was a ready tool for political leaders on both sides. As a result of the mobilisation and counter-mobilisation of the backward classes and the Muslims, there were a series of communal riots in 1980s, particularly in Gujarat, Uttar Pradesh, Madhya Pradesh, Bihar and Rajasthan (see Engineer 1984a; 1984b; 1995; 2004).

Muslim Mobilisation Issues

After Independence, 'moderate Muslim' leadership comprised of second-generation leaders who developed in the above circumstances. They were bolder and more assertive than the first generation leaders who led cautiously on the issue of Muslim identity in the aftermath of Partition. The new leadership emerged in the late 1960s but consolidated their hold on political discourse in the 1980s. The political mobilisation of Muslims in India consolidated around three emotional issues: the rights of a distinct jurisdiction to govern family and inheritance law for the Muslim community, preservation of the Muslim character of institutions such as the Aligarh Muslim University (successor to the MAO College), and preservation of the Urdu language, which is almost indistinguishable from the Indian national language Hindi in its spoken form, but is written in a distinct Persian script, and enjoys its own distinct literary and historical traditions. Urdu is also the national language of Pakistan.

However, this new moderate political leadership and leaders of religious institutions cooperate very closely on the issue of Muslim

Family Law. Article 44 of the Constitution of India (in the chapter on Directive Principles of the State) provides that the State shall strive to enact a Uniform Civil Code (Basu 1993). Muslims fear that family laws based on Hindu traditions and customary practices would be imposed on them in the name of this Uniform Civil Code. The religious leadership and the political leadership have very assertively and aggressively taken a stand that *shari'a* is divine and there can be no human interference in matters of *shari'a*. Religious leaders, as sole arbitrators of the *shari'a*, naturally have a vested interest in holding it as divine. For political leadership, the issue is one of self-determination in a context of a beleaguered cultural identity.

Muslim political and religious leadership belonging to all schools of Muslim jurisprudence came together and constituted the Muslim Personal Law Board in April 1973. The Muslim Personal Law Board has acquired much financial and political clout and deliberates on all the issues affecting the community. It strongly resists any effort to reform the *shari'a* or even reinterpret the *shari'a* according to contemporary conditions and needs. The Muslim religious theological leadership in India has gone to the ridiculous extent of validating divorce which may be sent via a cell phone text message by writing the word *talaq* (divorce) thrice or by pronouncing the word thrice over the phone, even while in an inebriated condition, fit of rage or sleep-talking. The Quranic requirement for divorce is of course more exacting: pronouncement of the word, *talaq* must be followed by arbitration by representatives appointed by the husband as well as wife (Quran, Surah 4, Verse 35). Reforms enacted in a majority of the Muslim countries have been resisted in India, not only by traditional religious thinkers but also by the second-generation moderate leadership. Though there have been Indian Muslim voices from the margins demanding the framing of a model *nikahnama* wherein women could stipulate conditions for marriage, such as the husband could not take a second wife without her permission and that she would also have the right of divorce.[6] However, the voices are extremely weak due to the feeling of insecurity that the community is undergoing.

The issue of Aligarh Muslim University (AMU) has served to be another emotive one that can mobilise the community and bring them to the streets. AMU was initially established as the MAO College to encourage modern education amongst Muslims during the colonial rule. Interestingly, the religious leadership opposed any attempt to

equip Muslims with modern education when Sir Sayyed Ahmed established it during the colonial period (Lelyveld 1996; Troll 1978). Slowly, the community saw the importance of the college and modern English education. The graduates of MAO College later provided the leadership to the Muslim League, which demanded Partition of India (Robinson 1974; Lelyveld 1996; Troll 1978). After Independence, through parliamentary legislation, the MAO College was converted into a Central University. The Muslim community always demanded that the University should remain an institution of minority character, established and administered by the minority community. The controversy was settled by setting-up a convention that the Vice Chancellor of the University would always be a Muslim and the majority of the members of the Court (which runs the University), should also be from the Muslim community.[7]

Mobilisation on the issue of Urdu reflects the fact that the moderate Muslim leadership is largely drawn from north India. Muslims from south India, West Bengal, and Assam are least concerned with the language as they do not speak it, except those in Hyderabad who speak a variant known as *Dakhani* Urdu. Although it was originally a *lingua franca* transcending religious identities during the colonial rule, Hindu revivalists rejected Urdu written in Persian script and mobilised Hindus to accept Hindi, which shares the vocabulary and grammar with Urdu but written in the Devnagari script.

With the Pakistan Movement, Urdu came to be considered in popular perception as a language of Muslims. Since it is now also the national language of Pakistan, this perception has continued in the minds of many non-Muslim Indians, despite the historical fact that many prominent scholars of Urdu literature have been Hindus. Premchand, the celebrated Hindi short story writer, initially wrote in Urdu. Other popular Hindi–Urdu writers include Kishan Chander and Jagannath Azad.

Urdu has been neglected by the Government's educational and cultural policy. The Government has stifled Urdu schools with lack of funds, resulting in lack of teachers and poor school buildings. However, a part of the language's decline is also a reflection of larger cultural developments. Graduates from Urdu schools have little prospect of higher education or employment. Readers of Urdu language newspapers are on the decline as there are fewer graduates produced by Urdu schools. In some instances, there is a combination of factors at work. Urdu newspapers are discriminated against by

the government, which does not place tender notices and other paid public information and advertisements in them. Because the Muslim middle class of entrepreneurs and professionals form a very small section of the community, the Urdu press also has difficulty obtaining revenues from private advertisements. The Bollywood film industry which showcases Urdu songs and popular Urdu poetry, is the only avenue through which Urdu is surviving in this state of neglect.

The neglect of Urdu stems from a public perception that it is a language of the Muslims and separatist Muslims at that; common Muslims evince commitment to its survival as a symbol, whether they speak Urdu or not. The decline of Urdu and the onslaught against it, is seen as a symbol of the beleaguered state of the community. Whereas appropriate policies for the encouragement and survival of Urdu have been the demand of national moderate leadership, Islamists and religious fundamentalists have promoted it as a distinct *lingua franca* for all Muslims in India.

In the 1980s, the moderate Muslim leadership took up the challenge to defend the Babri Masjid (Mosque of Babar), which was demolished by Hindu zealots in 1992 who argued that the mosque stood on the birthplace of the Hindu god Rama. Although the moderate leadership made emotional speeches to the effect that they would not allow the Babri Masjid to be touched, they had no coherent political strategy to work through democratic institutions. Popular mobilisation on the streets was futile, as the Hindu zealots could command greater numbers there and enjoyed the tacit sympathy of the law enforcement agencies (Asghar Ali Engineer 1995; Vibhuti Narain Rai 1997, 2007). The moderate leader-ship found itself badly divided and without any strategy. The two organisations which were formed — the Babri Masjid Action Committee and the Babri Masjid Coordination Committee — worked at cross purposes. They competed with each other in occupying the moderate space within the community and posing themselves as champions of Muslims instead of focusing on saving the mosque. Although the issue of the Babri Masjid was as much a symbolic one of identity as any other noted here, its significance was far more serious as it was both a reflection and a trigger of militant and often violent mass mobilisation by the Hindu extremist movement. The failure of the Muslim leadership (that so far enjoyed the confidence of the community) to offer an effective response on the community's behalf to this challenge left a vacuum.

Traditional religious leaders are organised around their own fora in various towns, or according to *fiqh* (Islamic schools of jurisprudence). Their debates often revolve around issues of the superiority of one sect or *fiqh* over another, often branding opponents as *kafirs* (non-believers) and their practices as *shirk* (polytheism). There have also been occasional violent conflicts between the Deobandis and Barelvi factions. However, neither the political nor religious leadership address the issues of political, economic and social exclusion faced by the Muslim community. More significantly, they have not been able to address an issue of far more primary importance — that of bringing the perpetrators of communal riots to justice and other related issues of security.

A small group of Muslim liberals oppose both the moderates' reactionary emphasis on identity and fundamentalism and political Islamist ideology. When the Supreme Court decided the case of Shah Bano in 1985, granting maintenance to a divorced Muslim woman in accordance with secular law, the judgment was vociferously opposed by the moderate Muslim political leadership and political Islamists. Arif Mohammed Khan, a senior Congress party figure and Minister of Sports in the Rajiv Gandhi cabinet, defended the judgment in the Parliament, only to be sidelined when Prime Minister Rajiv Gandhi yielded to pressure from the moderate leadership and political Islamists and took Parliamentary action to overrule the judgment.

The moderate leadership has sought to ensure unity of the Muslim community. In this, it has found itself tacitly promoting policies and strategies that bear similarities to the Islamist goals of homogenising the culture of the Muslim community around Urdu on one hand and religion on the other. They have mobilised around communal demands to maintain Muslim identity and other cultural issues, such as declaring Prophet Mohammed's birthday as a public holiday.

However, this strategy of unification has had serious liabilities. It is the Muslim women who suffer the most from the rigid approach to the Muslim Family Law and the refusal to reform it even within a Quranic framework. The moderate Muslim leadership do not address the socio-economic issues of the community, even though the community is educationally and economically backward. The moderate leadership has also utterly failed in securing justice for the victims of recent communal riots. None of the instigators, abettors or conspirators were punished and in most cases not even brought

to trial; nor the overt and covert collaborations of law enforcement agencies with the rioters were prosecuted and punished.

Successive governments have been happy to concede symbolic religio-cultural and identity related issues that do not burden the exchequer. In some cases, this has helped mobilise Muslim votes for secular political parties. The moderate leadership advancing these symbolic issues have thus demonstrated their prowess and clout with the political establishment and continue to enjoy the support of the community. These leaders with vision and ideology and more responsive to the pressing needs of the community have been marginalised by successive governments resisting their demands. Thus, they appear weak and futile to the Muslim community. Notwithstanding government responsiveness on issue of identity, Muslims have continued to be discriminated against socially, educationally and in government jobs. They have also been victimised by law enforcement agencies.

The Impact of Islamist Political Ideology

The political Islamists aim to establish an Islamic state and enforce Islam as understood by one sect or another. They go significantly further than the moderates, who are content using symbols to mobilise Muslims. Islamists use the state to enforce compliance with Islamic cultural norms and desire to see Muslim society homogenised in the face of diversity of culture within Muslim society. They not only encourage Muslims to learn Urdu but also, without much success, discourage other languages. The idea is that Muslims should have not only a common religious identity but also a common culture. In this, they demonstrate similarities to right-wing Hindu parties, with emphasis on a common and homogenous culture and the blunting of local regional identities. The idea is that a culturally unified and homogenised Muslim community will be stronger and better equipped to fight the onslaught of Hindu extremism.

Maulana Abu Ala Maududi founded the Jamat-e-Islami (JI) in 1941. Maududi argued that it was the duty of every Muslim to fight to establish an Islamic state in India. Initially, JI opposed the demand for Pakistan even though its JI objective was to fight for an Islamic state within the country. As soon as Pakistan was created, Maududi moved to Pakistan and established the JI and a branch continued its activities on the Indian side of the border. In India, the JI laid

low for some time after Independence and did not have much of a following, concentrating instead on building its cadre by training students. The Students Islamic Movement of India (SIMI) was its front organisation through which it reached out to the students and recruited its cadre. It emphasised character-building of young Muslims and provided ideological training to a select few.

During the 1980s, when there was a series of communal riots throughout India, and with militancy rising in Jammu and Kashmir, the stance of some SIMI leaders hardened, and they adopted violence as a means to achieve the objective of establishing a unified Muslim community. SIMI split when those opposing violence left the organisation and formed the Students Islamic Organisation. The rise in the level of violence against ordinary Muslims in society was a catalyst for the radicalisation of a section of the Muslim youth. SIMI, after its radicalisation in the post-Babri Masjid demolition period, existed only in few urban and semi-urban pockets with significant Muslim population. A few score educated youth were attracted to SIMI due to increasing structural and physical violence, discrimination, communal profiling by intelligence agencies and marginalisation of the community on the one hand and desire for revenge for targeting the community, indoctrination and Inter-Services Intelligence (ISI) support on the other hand. SIMI activists put provocative posters in Kanpur in March 2001 praying Allah to send one more Saladin — the crusader Sultan (to fight the present day enemies of Islam). The poster campaign was to protest the burning of Quran in Delhi on 9 March 2001. SIMI also organised a small march in Kanpur to protest burning of Quran. The posters posted by SIMI were extensively condemned by Muslim leaders and yet it was used as an excuse to attack Muslims of Kanpur by Hindu-right wing organisations. The protest march in Kanpur seems to be the last demonstration of its strength in public by SIMI. Before its proscription, SIMI, according to one estimate had about 400 *ansars* or full-time workers and about 20,000 members in the states of Uttar Pradesh (Kanpur, Rampur, Moradabad, Saharanpur, Lucknow and Azamgarh), Delhi, Madhya Pradesh, Gujarat, Kerala, Maharashtra (Aurangabad, Malegaon, Jalgaon and Thane), Andhra Pradesh and Assam. After SIMI's proscription in 2002, the little following that SIMI had was adversely affected. Dr Shahid Badar Falahi functioned as the national president and Safdar Nagori as the

general secretary till the organisation was proscribed under the Prevention of Terrorism Act, 2002. The Delhi Police arrested Falahi on September 28, 2001, from SIMI's office in the Zakir Nagar area of Delhi and he has subsequently been charged with sedition and inciting communal disharmony in the State of Uttar Pradesh.[8] However, on account of communal attitudes within the police force and systematic infiltration of the police force by the Hindu right-wing organisations, young Muslims are killed in staged encounters and the cold-blooded murders in the name of encounters. The persons killed are then declared to be SIMI activists. Such regular encounters persuade common persons to believe that SIMI must be widespread in every town and village in India.

Following the demolition of the Babri Masjid, the JI mellowed its stance, professing peace and reconciliation and also offered a platform for communal harmony that included prominent secular intellectuals from the Hindu community. Now, it emphasises and organises programmes for communal harmony. It has also formed an organisation called Movement for Peace and Justice and JI cadres working in this organisation have taken up issues of social justice pertaining to all castes and communities. The Jamat claims a membership of 300,000 in 20 states in India. Kerala is a strong base of Jamat where it is competing for moderate space with the Muslim League. Students Islamic Organisation is Jamat's student wing and its girls wing is called Girls Islamic Organisation of India. In Kerala, the Jamat aligns with the Left Front and even contests elections.

Contemporary Mass Mobilisation Strategy and Hindutva Violence

The demolition of the Babri Masjid has had a profound impact on the Muslim political leadership and on the ideological emphasis of Muslim political discourse. The moderate leadership's standing was reduced with its utter failure to stop the demolition of the mosque and that exposed its empty rhetoric. In recent years, Muslims have been far less responsive to emotional issues related to identity. There is a growing feeling within the community that education is the way forward. Organisations focusing on secular education have gained popularity post demolition of the Babri Masjid. This has been accompanied by greater resolve on particular instances of resistance to repressive traditions from within the community.

In response to the new challenge, the moderate leadership is reconfiguring itself and re-working political alignments. The demolition of the mosque by a mob in defiance of court rulings also served to engender in the community a sense that the issue was larger; that the only solution lay in united action with all secular Indians for the survival of secularism, the rule of law, and democracy. Those Indians who were most principled about the defence of secularism and the rule of law were also the most socially and culturally liberal elements, and least likely to be attracted to the reactionary defence of a hidebound Muslim identity. This sense of a need for alliances based on secularism was reinforced by the Muslim recognition that this was a matter of immediate security, as the demolition was followed by communal riots throughout the country.

Muslims drifted away from the Congress in even greater numbers after the party failed to prevent the demolition of the Babri Masjid. The moderate leadership started actively seeking and establishing alliances with regional parties, most of them anti-Congress alliances and some merely non-Congress alliances. The social base of Congress before the demolition of Babri Masjid was a social alliance of upper castes (mostly Brahmins), *Dalits* (untouchables) and Muslims. While, the alliance was dominated by upper castes, it did accommodate Muslims. However, with Muslims walking out of this alliance, the social base of Congress shrunk and it lost power. By aligning with regional parties, Muslims aligned with upwardly mobile backward classes in the states of Uttar Pradesh, Bihar, Kerala, Andhra Pradesh, Maharashtra, Karnataka, Tamil Nadu and West Bengal. In states with no strong regional party, like Gujarat, Rajasthan and Madhya Pradesh, it was a straight contest between the Congress and the BJP and Muslims continued to support the Congress.

There have been exceptions to this trend of moving away from emotional issues of identity, as highly sensitive issues with global attention have arisen, such as the publication of the literature or images considered offensive to Islam. Hundreds of thousands gathered on the streets to protest against Danish cartoons of Prophet Mohammad in Mumbai, Delhi, Kolkata, Bangalore and other cities and towns all over India. Muslim commercial establishments were closed down on that day and employees were asked to join the rally. Imams in most mosques asked people to join the rally. The mobilisation also coincided with President Bush's arrival in India in March 2006,

and anti-American and anti-Bush slogans were also raised in the rally opposing the war in Iraq and Afghanistan. As several issues were combined in this protest, what may have been the largest mass gathering of Muslims ever, may have been a more general response to feelings of victimisation by the US policies, by India's law and order machinery and feelings of discrimination and treatment as second class citizen.

The influence of Pakistani intelligence agencies seems to have increased considerably after the demolition of the Babri Masjid and the following communal riots in which Muslims were victimised. Underworld kingpin Dawood Ibrahim and gold smuggler Tiger Memon conspired with the Pakistani Inter-Services Intelligence (ISI) to carry out serial bombings in Mumbai on 12 March 1993. Muslim youths trained in Pakistan by the ISI carried out the bombings killing over 287 people. A small section of Muslim youth, attracted to the concept of revenge for communal riots, were psychologically prepared and shown video clips of the Babri Masjid demolition and the communal riots that followed. Anti-social elements amongst the Muslim community in south India were also attracted to religious fundamentalism after 1992, and a plethora of communal organisations like Al Umma, Muslim Swayam Sevak Sangh and Popular Front, sprang up in south India for the first time. Muslims here have historically identified themselves with the Dravidian Movement, anti-upper caste in its orientation and working across religious lines. However, after 1992, there was a rise of militant Islamic thought. The headquarters of the Rashtriya Swayamsevak Sangh (RSS), a radical Hindu extremist organisation closely allied to the BJP, were allegedly bombed in Chennai, Tamil Nadu on 8 August 1993 by radical Islamists belonging to Al-Ummah, to seek revenge for the demolition of Babri Masjid (Subramanian 1998).

The backward classes amongst the Muslims are currently working towards obtaining the benefits of affirmative action in government employment, hitherto restricted to disadvantaged Hindu castes. In doing so, they emphasise their regional identity and identity of the caste from which their forefathers had converted to Islam. The Pasmanda Muslim Mahaz (Forum of Backward Muslims) in Bihar is one such organisation. This reflects a variegation of Muslim identity and suggests the existence of a plural culture within the Muslim community. By emphasising common interests with disadvantaged Hindu groups, these efforts also act to build inter-religious unity.

Finally, they also thereby focus on demanding favourable social and economic policies from the government.

It is also important to understand the ideological currents in the larger Hindu community that shape Indian Muslim fears, anxieties and political calculations, and magnify their longstanding concerns. The demolition of the Babri Masjid by the Ram Janmabhoomi movement was a watershed moment in the development of Muslim leadership and political opinion, and in the fortunes of the Hindu extremist movement that has come to pose such a threat to Muslims. The former experienced a decline in confidence and security; and for the latter, it was a huge rise in popularity and increase in political power.

At the heart of Hindutva, lies the myth of a continuous struggle, thousands of years old, of Hindus against Muslims as the structuring principle of Indian history. Both communities are assumed to have been homogenous blocks — Hindu patriots, heroically resisting invariably tyrannical 'foreign' Muslim rulers. More recently, it is said, the policy of appeasing minorities, i.e., of special treatment for Muslims and other religious minorities, has perpetuated the perception of oppression of Hindus. The contemporary social, economic and political malaise that is ostensibly gripping Hindus society is seen to lie in this policy of appeasement (Crossman and Kapur 1999). This sense of victimisation of the majority is a familiar pattern in many contemporary instances of ethnic competition that has turned into violent conflict.

Propagating such stereotypes against the minorities and spreading hatred against them has led to violent clashes and communal riots. The Hindutva organisations do not limit themselves to propaganda to spread hatred and stereotypes against the minorities. They have also trained men in wielding *lathis* (long bamboo sticks) in their over 40,000 *shakhas* (branches). VHP regularly organises *trishul deeksha* programmes in order to distribute tridents. They justify tridents as a religious symbol.

The alleged state-sanctioned pogrom that took place against Muslims in Gujarat following the torching of the Sabarmati Express train in Godhra on 27 February 2002, left in its wake more than 2,500 Muslims brutally massacred and many Muslim women sexually assaulted. Two aspects of these events are most troubling. The state machinery of police, along with electoral rolls and other records, was used as a deliberate plan to identify and target Muslim neighbourhoods

and homes. The failure of accountability of state institutions has been a source of concern and fear for Muslims throughout India, and looms as a large question mark over the future.

In the millennium of Islam's presence in India, though there were many conflicts to which Hindus and Muslims were a party, rarely were the conflicts about religion or religious identity. In fact the dominant trends are peaceful co-existence, composite culture and syncretic religious practices. The practice of using religion and religious symbols as a tool to mobilise the community started during the colonial period. Colonial rule was shaken by the First War of Independence in 1857, sparked off by a mutiny of Indian soldiers. People from various regions and both religions united against British rule. The rebel soldiers, including the Hindu soldiers, requested the Mughal Emperor, Bahadur Shah Zafar (from whom the British colonialists had usurped power) to lead them and helped restore the throne to him. However, this rebellion failed. Thereafter, the British introduced policies and measures that systematically strengthened and deepened Muslim and Hindu identities. They privileged these identities and encouraged the elites of each community to petition them for concessions and privileges along communal lines.

During the Independence movement that followed, secular and plural nationalism was joined by two communal ideologies: Hindutva and Muslim separatism. Each represented the political interests of the elites of respective communities. The Muslim separatist ideology represented the interests of feudal landlords and the emerging educated, salaried middle class. The Muslim elites felt that their future was not secure in a united and independent India and that they would be discriminated against and marginalised. The Muslim League, representing the Muslim elites and the demand for Pakistan, bargained for their share in political power.

While Hindu revivalism in general dates back to the 19th century, attempts to revitalise Hindu culture and pull the Hindu community out of its stupor as a strategy of resisting colonialism (Crossman and Kapur 1999) — the modern Hindutva — has a narrower agenda. The Hindu Mahasabha and Rashtriya Swayamsevak Sangh (RSS) were two Hindu communal organisations which adopted Hindutva as their guiding ideology and competed with Muslim elites to collude with the British colonial power and bargain for a greater share in political power under British patronage. The Hindu Mahasabha represented the interests of the feudal landlords during the freedom struggle.

The broad-based secular and nationalist Indian National Congress, comprising members of all religions, had already declared its support to land reforms and this in turn had broadened its base amongst the tenants and small peasants. After Independence, Hindutva extended its appeal to a section of the Hindu middle class.

In India today, Muslims are routinely attacked as 'anti-nationals' and 'terrorists'; as 'criminals' and 'anti-social elements'; and as 'traitors who partitioned the country'. Time and again, Muslims are alleged to be loyal only to Pakistan, and thus, are a threat to India's national security. The common slogan of Hindutva militants is '*Musalman ke do hi sthan — Pakistan ya Kabrastan*' ('There are only two places for Muslims — either Pakistan or the cemetery'). Their state of mind may be summarised as follows: 'The Muslims got their Pakistan. Even in a mutilated India, they have special rights. Their population is multiplying and very soon they will surpass the Hindu population. They have their own religious schools. Restrictions are placed on our (Hindu) festival, where processions are always in danger of attack. Expression of our (Hindu) opinion is prohibited and our (Hindu) religious beliefs are cruelly derided.' This is often followed by increasingly violent rhetoric calling on Hindus to fight back against these Muslim oppressors and secularists within Hindus who accepts deprivation of Muslims and ask for affirmative policies from the Government.

Conclusion

Muslims constitute the largest minority group in the country. The growth of Islam in India since the 7th century has also witnessed a plethora of syncretic traditions that have laid the foundations for a shared cultural past with other communities in the country. This has also been reflected in the establishment of Hindu–Muslim political unity, especially during the freedom struggle. Though sections of Muslim elites charted their own path, a sizeable section of the community and its leadership was part of the nationalist struggle. Post-Independence, there has been a growth of both liberal as well as fundamentalist thought around issues relating to identity, etc. Over the last two decades, with the rise of Hindutva movement, there has been a growing tirade against the community, reflected in riots, killings and general discrimination in everyday life all over the country. To add to its woes, the community has gradually become

marginalised in almost all indicators of development as reflected in a number of reports and committees in recent times. The Muslim leadership has become marginalised and the course of development of the community largely depends on the effectiveness of secularists from the majority community.

Notes

1. This Islamic scholar is none other than the author himself and he often recalls this incident in his talks.
2. A type of thin cigarette filled with tobacco flake and wrapped in tendu leaf, tied with a string at one end.
3. For example, in Maharashtra, the Muslim converts from backward classes regularly organised *Muslim Marathi Sahitya Parishad* and the papers presented during these conferences were as much about their Marathi and Maharashtrian identity as their Islamic identity. The participants lamented that the leadership which was largely drawn from the *Ashraf* sections emphasised on issues of identities whereas what the community needed was educational and employment opportunities. Also see Asghar Ali Engineer 2003: 159–163.
4. See for example, Shamsul Islam (2006). M. S. Golwalkar, the Hindutva ideologue, sets out exclusion of minorities as the political objective of Hindutva. See also Bhartiya Jana Sangh (1973).
5. The reference here is to the demolition of the slums in Turkman Gate area during the Emergency period. Forced sterilisations were largely carried out under the five-point programme proposed by Sanjay Gandhi which included family planning. See also http://en.wikipedia.org/wiki/Sanjay_Gandhi, (accessed 8 November 2010).
6. See the *Model Nikahnama Aur Iqrarnama* prepared and published by Bharatiya Muslim Mahila Andolan (2008). Also, Chavan and Kidwai (2006).
7. The Aligarh Muslim University Amendment Act, 1920 was amended in 1951 and 1965 and the substantial change was Section 23 (1) of the 1920 Act, which required 'all the members of the court would only be Muslims', to be deleted. Thus, by the said amendments, non-Muslims could also become members of the Court. The 1920 Act was once again amended vide amending Act 62 of 1981 and Section 2(l) was introduced defining 'University; as the educational institution of their choice established by the Muslims of India, which originated as the Muhammadan Anglo-Oriental College, Aligarh, and which was subsequently incorporated as the Aligarh Muslim University'. Sec. 5 was also amended and the powers of the University vide Sec. 5 (2) as per the 1981 Amendment Act read thus '1(a) to promote Oriental and Islamic studies and give

instruction in Muslim theology and religion and to impart moral and physical training; 2(b) to promote the study of the religions, civilisation and culture of India; 3(c) to promote especially the educational and cultural advancement of the Muslims of India'; for the Act, refer: http://www.commonlii.org/in/legis/num_act/amua1920303/(accessed 11 November 2010). Also see the judgment of the Supreme Court in *Azeez Basha versus Union of India* reported in AIR 1968 SC 662.
8. http://www.satp.org/satporgtp/countries/india/terroristoutfits/simi.htm (accessed 12 February 2011 at 4.00 p.m.).

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6

Precedents and Exceptions: BJP's Engagement with the Muslims

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In the 30 year history of the Bharatiya Janata Party (BJP) and in its previous *avatar* as the Jan Sangh, it has never sought the Muslim vote. It has instead quite steadily been in the pursuit of a consolidated, often shadowy 'Hindu vote', and met with mixed success. The BJP never says it does not want the Muslim vote; and in fact, appears quite envious of parties which receive what is termed the *en bloc* Muslim vote. However, neither does it exert itself to attract it nor does anything to stop any attempt to repel the community.

The party's political journey has been to first try and wrest the Hindu, upper-caste vote from the Congress and later to propel itself as a national party of equal strength as the Congress. In this attempt, some engagement has occurred with the Muslim community, mostly when the party has been in power and surer of its support base; but this has always been more of an exception than the rule. Akhand Bharat, or undivided Hindu India, remains a political goal for the party and its ideological parent, the Rashtriya Swayamsewak Sangh (RSS), which asserts this identity whenever the party is in a crisis.

As a political party, the BJP has positioned itself between two poles — a hard-line right wing Hindu party, and a more centrist one which looks at itself as part of a larger anti-Congress coalition. In simplistic terms, within the BJP, this has meant that the two towering leaders in the party, Atal Behari Vajpayee, the dove in this scenario, and L. K. Advani, the perceived hawk, have successfully played a game of tag to occupy both positions in Indian politics (Jaffrelot 1999: 38).

Amidst this, a recurring theme has been the right wing party's pattern of behaviour towards Muslims. When in power at Centre during 1998–2003, the BJP gave Haj subsidies, threw lavish *iftar* (*ramzaan* fast-breaking) parties, a Cabinet berth to its lone Muslim Lok Sabha Member of Parliament (MP) and of course helped elect a

Muslim as the President of India. Out of power, the party unleashed its Hindutva rhetoric, sometimes even more. During the heydays of National Democratic Alliance (NDA) rule (1998–2003), Vajpayee as the Prime Minister would sprout poetry at the Minar-e-Pak in Lahore but in 2005, Advani was pilloried for calling Jinnah secular. It can therefore be said that the party has only positively engaged the Muslims at its confident best, while harking back to its 'core values' when not in power.

Therefore, one also saw, just before the 2004 General elections, the setting up of the Atal Himayat committee, projecting the then Prime Minister Atal Behari Vajpayee as a more palatable face for the minority community. The eve of that election also saw minority faces like Najma Heptullah and Arif Mohammad Khan join the party. Since then, as an opposition party, the BJP has not attracted or exerted itself to attract either the Muslim leader or voter. In this chapter, the attempt is to look at these exceptions, of the BJP's engagement with the Muslims, electorally and developmentally, and at the two Muslim 'cadre men', Shahnawaz Hussain and Mukhtar Abbas Naqvi.

The BJP and Its Engagement with Muslims

The BJP is very fond of claiming that there are Muslims who do vote for them. Election figures sourced from its party headquarters always show at least a marginal percentage of votes having come from the Muslim community. The election of the lone Muslim MP, Shahnawaz Hussain to the Lok Sabha (in his third term now), and the electoral successes of Arif Baig, Sikander Bakht and Mukhtar Abbas Naqvi in the past, are touted as proof. In fact, a routine set of figures trotted out by the party is that in the 1998 parliament election, it got 6 per cent of the Muslim votes, in 1999 election it was upto 11 per cent and in 2004, this figure plummeted to 2–3 per cent. While these are internal assessments of the party, only the last figure appears a little believable — that figure coming up right behind the events in Gujarat (Upadhyaya 2003: 29). Significantly, the riots in Gujarat in 2002 are said to have occurred against the background of surveys which showed that the party could lose its grip on the state in the 2003 Assembly election.

The Muslims, who apparently vote for the BJP, are invariably claimed as 'more nationalist' than others who cleave unto India rather than a larger Muslim brotherhood (ibid.) or a pan-Islamic identity.

This disenchantment with a pan-Islamic identity is of course a reflection of the party's origins from the feeling of frustration with the Khilafat movement which gave rise to the Hindu Mahasabha in the 1920s and the development of a Hindu nationalist stream in Indian politics thereafter. Therefore, while Muslims are acknowledged as a part of the country, they are required not to emphasise other identities which surpass national boundaries.

Where the party has made certain believable gains in terms of engaging the minority community (whether intentionally or not) has been in forging the NDA with such diverse ideological partners as the Janata Dal (United), previously known as the Samata Party and the right wing, Shiv Sena. Within the alliance as a nod to real politik, the BJP also set aside three of its most important issues — the question of the uniform civil code, the abolition of Article 370 and the biggest concession, to put on hold any plans for the construction of a Ram temple in Ayodhya.

During a personal interaction with BJP leader L. K. Advani in March 2010, Advani related how the seeds of the party's friendship with the JD(U) were sown. 'It was at the (BJP) national council meeting in Mumbai in 1995, when I heard that George (Fernandes) was unwell and admitted to a hospital in Mumbai, I went to see him. Nitish Kumar was also with him at that time and I invited both to attend the meeting of the council. George said he was unwell, but Nitish agreed and I believe that is when we started getting closer, more than a decade after the Emergency', said Advani (personal interview).

The Janata Dal leaders were old colleagues of Advani's from the Janata Party government days (1977–79). In the past, as is now once again evident, the Jan Sangh coalesced with the socialists in a largely anti-Congress umbrella, but had to part ways once the experiment went awry and the question of the Jan Sangh leaders' dual membership to both the Janata Party and the RSS became a big issue (Sharma 2005: 206, 209) in 1980. Once again, in 1995, the huge Ram Janmabhoomi movement was propelling the BJP and this confidence gave the party and the RSS the go ahead to woo ideologically differing allies to achieve critical numbers in terms of electoral numbers. Despite being 84 per cent of India's population, the Hindu vote is often tendered on caste and regional lines, something that prevents a purely 'Hindu' party from coming to power on its own.

This scattering of the Hindu vote in fact is a source of great frustration to the BJP which, even during the height of the Ram Janmabhoomi–Babri Masjid movement, could not get critical numbers to form a majority government at the Centre. This can be explained by the caste classification followed in Hinduism and also regional parties and their influence which prevent a consolidation of votes on purely religious lines. For example, the BJP's interpretation of Hinduism is highly Sanskritised and although its parent organisation, the RSS, frequently says that it is against the perpetuation of the caste system, the RSS' main leadership for many years now has comprised of upper-caste men. This largely Sanskritic, textual and upper-caste interpretation of Hinduism keeps Dalits, and other significant groups away from the BJP. In the 1990s, the party under the stewardship of its charismatic general secretary K. N. Govindacharya had tried what it termed 'social engineering' by grooming Other Backward Class (OBC) leaders like Uma Bharati and Kalyan Singh. Both became chief ministers of the big states of Madhya Pradesh and Uttar Pradesh repectively but had ignominious exits from the party, ostensibly at the hands of upper-caste leaders. The perception that the BJP, mainly an upper-caste party representing a kind of Hindu vote, persists, and it cannot therefore breach the pan-Hindu vote divided on caste lines.

While the BJP claims that the NDA rule of six years saw an environment which was relatively free of communal tensions, critics like various human rights groups dispute these claims. All arguments of any positive engagement with the Muslim community under the NDA umbrella came to an end when riots broke out in Gujarat in 2002. The BJP's political engagement with the Muslims can be demonstrated through a look at the way the BJP deals with them when they are in power on their own in states like Gujarat and Karnataka and in a coalition in states like Bihar.

Gujarat and Karnataka have quite clearly been the Hindutva laboratories for the BJP and the RSS and the path of a strong Hindu line has been taken in both states. In Gujarat, the party has also been able to swing the Lehva Patel vote, a significant and dominant community in the state as well some of the tribal communities. When Narendra Modi took over as chief minister of Gujarat in 2002 from old warhorse Keshubhai Patel, the party had been in trouble electorally. Patel was from the Lehva Patel community and they did not take well to their leader being replaced after a diktat from the

central leadership. The Godhra train incident and the riots that followed, had the effect of consolidating a unified Hindu vote. The uncertainty of the 2003 Assembly polls were all gone, with Modi romping home for a second term. Since then, while encounter killings have been grabbing headlines, the state has remained riot free and the BJP firmly in the saddle.

In Karnataka too, the party has been able to mobilise support from the powerful Lingayat community, one of the two dominant castes in the state. And while there had been riots in 1999 in South Kanara district, when a Congress government was in power, the BJP in the state has been in an adversarial position more with the Christian community than the Muslim community. It is in Bihar, however, that the JD(U) and the BJP have forged a new way of engaging the Muslims, with the BJP following Nitish Kumar's lead, albeit unwillingly at first and sceptically later.

Muslims constitute 16.5 per cent of the electorate in Bihar. Nitish Kumar made it clear to the BJP that he had his eyes firmly on this electorate, which has till now stayed steadfast with Lalu Prasad Yadav, the man who had arrested L. K. Advani in 1991. He had consistently supported reservations for Dalit Muslims and Christians contending that conversion did not ameliorate caste discrimination. This is diametrically opposed to the BJP's own views on the matter. And, if elected to power, he promised to do more.

As the NDA government took over in 2005, one of the first acts of Nitish Kumar as Chief Minister had been to set up the N. N. Singh Commission to look into the relief claims of the families of 128 victims of the 1989 Bhagalpur riots. In November 2007, he announced a compensation package for the victims and a pension of ₹ 2,500 per month pension for one member of every affected family. This, of course was still 2007, and the 2009 drubbing of the BJP in the general elections had not happened then.

Next, Nitish Kumar announced several measures specifically targeted towards the Muslim community. A ₹ 10,000 cash incentive to each Muslim student who secured a first division, to be disbursed through Islamic trusts such as Idar-e-Sharia, Imarati-e-Sharia and Rahmania. All these are targeted specifically at *passmanda* (backward) Muslims in the state and was an attempt to break the consolidated Muslim vote on caste lines.

An additional programme of skill development for young Muslim girls, called Hunar and Aujar were also announced recently. Statistics

sourced from psephologist Yashwant Deshmukh (from CVoter Foundation, New Delhi) show an interesting trend in the voting behaviour of Muslims in the last two assembly elections and the recently concluded general elections. While during the assembly elections in February 2005, the percentage of Muslim votes for the NDA partners was 10.7 per cent, it came down to 10 per cent in the November 2005 elections (the earlier elections had ended in a hung assembly and President's rule in the state). Finally, in 2009, this figure went up again to 10.7 per cent. The last figure, in fact, quite clearly reflects place in the alliance in the state. While problems exist within JD(U) itself, the BJP has found itself quite at odds with Nitish Kumar's minority ways and had been opposing many of his actions. This singling out of the community for special favours, however backward it may be, goes against the grain of the party which terms it as appeasement in every other non-BJP ruled state. For the BJP, the development of Muslims has to occur organically with other communities. As other communities partake of government largesse, so too should the Muslims, if they fall into any of the entitled categories.

One of Nitish Kumar's moves, quite in opposition to his alliance partner, was the proposal for a branch of the Aligarh Muslim University in Kishanganj, a district bordering Bengal with over 60 per cent Muslim population. The student wing of the BJP, the Akhil Bharatiya Vidyarthi Parishad, (ABVP) had in fact has launched a campaign against the move, even going so far as to burn Nitish Kumar's effigy (Iyer 2010).

However, these developments have to be viewed through the prism of local factors and infighting in the BJP and the JD(U) in Bihar, as well as in the context of what is happening to the BJP nationally. The 2004 electoral loss for the BJP was a shock, but it was nothing compared to the free fall of the 2009 elections, which saw the party come down to 116 MPs in the Lok Sabha. This, coupled with crippling in-fighting within its national leadership for the post-Vajpayee-Advani space in the party, forced the RSS to step in and try and reassert the right wing over the centrist forces.

After the poll debacle of 2009, the RSS has, in fact, moved to the forefront of affairs in the BJP, putting its faith on Nitin Gadkari as BJP president, a man loyal to Nagpur, the headquarters of the RSS. In a series of moves, RSS men have been moved into official positions in the party in a bigger way. Even the Sangh's 3-year training

programme for its *swayamsewaks* or volunteers is being mimicked in the party, to recreate a forgotten ideological cadre purity (Hebbar 2010).

Against this background, Nitish Kumar's moves in Bihar had created a difficult situation for the party, which had wanted to withdraw into itself, rediscover and renew its roots, and weed out what the RSS conceived as the impurities that had crept in due to the corruption of being in power for the six years from 1998–2004.

All this of course changed after the Allahabad High Court verdict on the Ram Janmabhoomi title suit case on September 28, 2010. The verdict tried to walk a thin line between both communities, Hindus and Muslims and surprising or perhaps not surprisingly, communal tempers remained at bay and both the BJP and Islamic groups reacted with maturity as regards the verdict. The verdict divided the disputed land into three parts awarding one part each to the three main disputing parties (Allahabad High Court 2010). There were many reasons advanced to explain the calm acceptance of the Allahabad verdict but it seemed to have an electrifying effect on the BJP's strategy for Bihar. In what seemed like a final resting of the ghost of Babri Masjid, the party decided to keep its Hindutva line at bay.

Nitish Kumar's policies in the state stress on development work (the state's growth rate had gone upto an unprecedented 11.06 per cent), coupled with a Muslim community which was not totally antagonistic to the NDA formation, encouraged the two parties to contest elections together. Despite embarrassment to itself, the BJP kept Gujarat chief minister Narendra Modi, its Hindutva mascot, out of all campaigning in the state and instead made sure that its lone Muslim Lok Sabha MP, Shahnawaz Hussain, was sent to each constituency where the party was campaigning.

The results of the Bihar Assembly polls shocked even the BJP. While the Janata Dal (U) was expected to do well, the BJP got 91 out of the 102 seats its contested in state. Quite frankly, it proved that it managed to grab votes from everyone, even Muslims.

Having said that, while the party is elated over its results in the state, no one is quite convinced that it signals supremacy of the centrist agenda over the right wing. It worked in Bihar due to Nitish Kumar's Janata Dal (U) being the dominant partner and its distinctive secular appeal. Whether this could be a transforming election for the BJP is yet to be seen. The Bihar election results are expected

to have an multilayered effect on the party and may even tweak the patterns of the BJP's engagement with the Muslim community.

Being the Token Muslim in a Hindu Party

There are not too many Muslims in the Indian political system. The community comprises a solid 12–13 per cent of the electorate but the number of Muslims as Members of Parliament barely make it to double figures. The fact that one of these members is from the BJP is a constant source of fascination for many.

The Hindu right-wing has always had a Muslim or two representing it in Parliament. During the Jan Sangh days, there were Sikandar Bakht and Arif Baig. In fact, Arif Baig was the first ever Muslim to win on the lotus symbol of the BJP from Betul in Madhya Pradesh, in 1989. He had earlier bagged the seat from Bhopal in 1977. Bakht tried to get elected from Chandni Chowk in 1980, but could not; instead, he was made general secretary of the BJP the same year, an important achievement. These two leaders dominated the small space afforded to Muslims in the party till 1998, after which Mukhtar Abbas Naqvi and Shahnawaz Hussain took their place.

Shahnawaz Hussain, an MP from Bhagalpur in Bihar and former Union minister and now party spokesperson, joined the BJP in 1987, soon after the Shah Bano judgement when the Congress introduced the Muslim Women (Protection of Rights on Divorce) Bill. 'This was felt very keenly by many Muslims as just a cynical move by the Congress party to appease one section of Muslims. At that time, my friend Sudesh Shrivastav, who was in the BJP said that I must give this party a chance, and that perceptions about it were at variance with the reality,' said Hussain in a personal interaction in April 2010.

Hussain first joined the party's youth wing, the Bharatiya Janata Yuva Morcha (BJYM), which was then led by the fiery Uma Bharati. Neither he nor party vice president Mukhtar Abbas Naqvi deny that chances of advancement in the BJP appeared bright to them, as they were a rarity in the party. The Congress had its own set of Muslim leaders, families associated with the party from the freedom movement onwards, yielding little space for newcomers.

For Mukhtar Abbas Naqvi, the progression was a little more long drawn out. He said during a personal meeting in April 2010:

> I was a Socialist during the JP movement (named after its leader Jayaprakash Narayan) and was in Naini jail under the dreaded

> Maintenance of Internal Security Act (MISA). In 1980, the Janata Party split and I drifted along for some time. Then came the Shah Bano judgement, and I felt betrayed by the Congress government's attitude. I felt that this Islamic fundamentalism, pandering to obscurantism was legitimising Hindu fundamentalism. I felt nationalism was the future, and Arif Baig in fact persuaded me that what is perceived of the BJP and the reality are two different things.

Both of them refer quite often to the formulation of the term 'pseudo secular' as being an important one for them.

> It clarified for the first time the way the Congress was pandering to certain sections of the Islamic priestly class in return for a guarantee on votes. I know of many liberal Muslims with whom this formulation touched a cord.

Both leaders feel that the way forward for the community is to remain engaged with the party. 'It is too big a party to ignore, and it is not a good idea to give a captive vote bank to just one set of people, they tend to take you for granted', Naqvi said. 'Muslims want to participate in power, this is an absolute fact, and in such a scenario to exclude the BJP is unfair', he says.

Both their histories in the party are fascinating to those following contemporary Indian politics. As Muslims they lived through some of the most communally charged times of contemporary India e.g., the Ram Janmabhoomi movement, and since they were on the other side of their community, they did in fact spiritedly defend their party on all fronts. Naqvi in fact got 'accolades' from the current RSS *sarsanghchalak* Mohan Bhagwat. 'There were many Muslims (at the *kar sewa* on 6 December 1992, the day Babri Masjid fell). Prominent names that I can remember include senior BJP leader Mukhtar Abbas Naqvi', he had said (*Times of India* 2009). Shahnawaz Hussain recounts organising a series of 28 Muslim youth conferences in 1997, his ability to pull a crowd, he says, forced even Vajpayee to acknowledge that he had 'never expected so many Muslim youth to want to listen to BJP leaders'.

These accolades apart, it is often a lonely existence for the two. Naqvi says that he does not feel at all awkward or embarrassed at some of the rhetoric, but does admit that some of the programmes held by the Vishwa Hindu Parishad (VHP) and its extreme rhetoric does make him a little upset. He also said that at the height of the

Ayodhya movement, some members of his community in Rampur, in Uttar Pradesh (the constituency Naqvi won from in 1998) did look askance at his continuance in the party. 'But I was convinced about cultural nationalism, and explained it away as such', he said.

Shahnawaz Hussain, however, has lately not been very diplomatic about his objections to the more extreme forms of Hindutva rhetoric. After the 2004 general elections, it was said that he had blamed the Gujarat riots for the consolidation of Muslim votes across India against the NDA government, something later agreed to publicly by Atal Behari Vajpayee himself. When Varun Gandhi made inflammatory speeches during the General Elections 2009, Hussain and Naqvi also criticised him.

In fact, the Bajrang Dal, another extreme right wing outfit associated with the Sangh Parivar had reportedly threatened to 'make Shahnawaz Hussain face the consequences' of criticising Varun Gandhi (*Business Standard* 2009). Later, both Naqvi and Hussain fell in line with the party's official position that Gandhi's hate speeches had in fact been doctored (*The Telegraph* 2009).

In a candid moment, Naqvi acknowledges that the party's engagement with Muslims often follows this very abrupt trajectory. 'It always happens that just as there is a period of low rhetoric, an event would take place which would reinforce the perception that the party is anti-Muslim. The NDA government did a lot for development, but the perception of the party remains the same', he said.

Interestingly, Hussain seems to have affected a sartorial transformation from his days as a minister, as some kind of statement on his own changing perception of his role as a Muslim in the BJP. 'When I became minister I used to wear a *sherwani pyjama*, usually worn by Muslim men, and used to head the committees on Haj, etc. After we came into the opposition, I have decided to wear the normal attire of an Indian politician, *kurta pyjama* and a waistcoat or *bundy* even my warm *bandhgalas* are of shorter length,' he said. He is also particular about not keeping a beard.

His need to affect this transformation, he said, arose from his desire to become what he termed as 'a BJP leader who happens to be a Muslim, rather than a Muslim leader in the BJP'. This is not very far from the formulation set by Deen Dayal Upadhyaya that Muslims not cleave to any pan-Islamic identity.

While both their motivations in joining the party appear to be a mixture of conviction and opportunism, they have persisted and

successfully filled the shoes of their predecessors in this role, Sikandar Bakht and Arif Baig. But some problems however remain. The two remain relative outsiders to the system, despite being given party posts as early as 1991and party tickets to contest in 1998.

Till date, neither has been made a general secretary in the party, a position which is key in the organisation, nor has either been made a member of the parliamentary board of the party which is the highest decision-making body there. In fact, in 2010, there was talk that Shahnawaz Hussain would be made general secretary; however, he was made one of seven spokespersons in the party. His appointment as general secretary had been shot down, reportedly by the RSS (Mishra 2010).

In fact, in party circles, both have been asked whether or not they have been able to attract sufficient support from their community. A demand for accountability exists, which does appear a little unfair considering the number of senior party leaders who do not even contest elections. But as Naqvi presciently points out, 'why blame the BJP, the Congress too has token Muslims'.

Entitlement and Development

The UPA government set up the Sachar Committee to go into the socio-economic status of Muslims in the country and thereby changed some contours of the development debate. The findings of the Committee showed quite clearly that the community is under-represented in various sectors of the economy and suffers from backwardness and attendant ills. It also showed that the BJP-ruled states did not perform any better or worse than any other state. In fact, it was seen in Narendra Modi-ruled Gujarat that Muslims in the state as having the highest per capita income in India than in any other state. Communist-ruled West Bengal, on the other hand, was shown having the worst representation for Muslims in government jobs. Of course, there are arguments put forward by both sides on why this is so.

For political parties, however, these are side issues; the main question is whether development or moves towards development would get you electoral traction. The high communal temperature of the last few years have obscured this fact to some extent. Where the concern is for physical safety and basic identity, bread and butter issues take a back seat. Political parties too are clear that development alone does not get you elected, but in the absence of

high decibel emotional issues, it does help as demonstrated by the 2009 General Elections.

What this has done is blown the debate over reservations and entitlements wide open. The BJP which opposed even collection of data by Justice Sachar during the functioning of the committee now liberally quotes from the report to prove that Muslims can benefit from a general category of entitlements during the regime of a favourable government, as in Gujarat. The argument on *Sachar Committee Report* (2006) is thus turned on its head — when Gujarat can do it, why try for separate entitlements.

This, however, does not distract it from what it perceives as the Congress party's grand designs. The Congress is attempting to do what the BJP tried to do in the 1980s and 1990s. On the one hand, the party has Manmohan Singh and Rahul Gandhi to appeal to an urban, upper caste, young, aspirational vote, while the party itself assiduously courts the minority sections with the promise of entitlements. The minority vote is considered crucial to the Congress' revival in the Hindi heartland of Uttar Pradesh and Bihar where it had been all but wiped out during the Mandir–Mandal era in the 1990s and early 2000s. Upper castes, which during the Mandir movement came to the BJP, also appear to be shifting to first Mayawati and later the Congress. The latter's strong showing in Uttar Pradesh in 2009, with 21 seats, shocked even itself. The demand for implementing the recommendations of the *Ranganath Mishra Commission Report* (2007) asking that 15 per cent (10 per cent for Muslims) of government jobs and seats in educational institutions be reserved for minorities, is fast gaining ground.

This marks a shift in the attitude of secular parties in terms of wooing the Muslim community not just by a promise of physical security but actual entitlements. A lesson which seems to have again come from Bihar, where Lalu Prasad Yadav was voted out in 2005, and almost decimated in 2009 (Hebbar 2010).

Therefore, under these new rules of engagement, each party is trying to redefine its relationship with the community. The BJP is opposed to any reservations based on religion, and has put its political and legal weight behind fighting the matter out. Senior leaders in the party feel that the upper-caste, middle-class voters antipathy to reservations of any kind be highlighted and emphasised.

In an era where everyone is brought under the umbrella of entitlement, being left out would make you a powerful constituency in your

own right — a move which again leaves the Muslim community out of the orbit of the BJP. The Mandal–Mandir era of Indian politics established identity politics in India with a virulence that is attested by its longevity. The Allahabad High Court's judgement has brought closure to the Mandir issue for now and the BJP, like the Congress and the Samajwadi Party, will have to go back to the drawing board on its engagement with the Muslim community. From symbolic to actual entitlements, the political class appears to be responding to some recalibration in the politics of the Muslim community in India. The BJP's terms of engagement with the community has remained unchanged for so many years; and the six years in power, however, was ambiguous.

Conclusion

The engagement of the BJP with the Muslim community is explained more in terms of precedents and exceptions rather than any consistent policy. The BJP continues to grapple with the community, which despite the mass migration after Partition, is the second largest Muslim community in the world and hence, numerically of undisputed importance to electoral politics in the country. The BJP's formulation of nationalist Muslims notwithstanding, the party has not been able to come to terms with electoral reality. The Ayodhya movement revealed to the party the possibilities of large scale mobilisation of a Hindu vote, but it also demonstrated the limits of depending on a consolidated Hindu vote, a difficult feat to achieve even at the height of the movement. The party has always engaged the community at its confident best, while casting itself in an adversarial role when it needed to reach out to an alienated, committed vote bank. In the constant battle within itself over a right-wing and centrist agenda, the Muslim community is indisputably given space in the latter. The party, it appears, will have to take some serious therapy to break this schizophrenia embedded in its DNA.

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7

Structure of Violence and Muslims

Taha Abdul Rauf

The *Sachar Committee Report* (SCR 2006), for the first time in independent India, empirically ascertained the socio-economic status of Muslims to be generally worse off than most other socio-religious categories, in terms of their access to public and private sector jobs, education, infrastructure and credit. The debates following the release of the report have focussed upon the relative development deficit faced by Muslims in India, while little attention has been given to scrutinise the processes that have led to their current socio-economic condition in the first place. Such debates have lead to the formulation of policies that locate deficiencies solely within the Muslim community, sought to be addressed by providing capacity-building measures such as schemes for coaching, leadership, scholarships, etc. Such an approach bypasses majority–minority dynamics embedded in social relations. Recognition of various forms of social, economic and political violence, over and above mere relative development deficit, is a prerequisite in resolving inequality among Muslims. The interplay of identity, equity and security is at the core of the socio-economic and political processes that the community is exposed to on an everyday basis (Basant and Shariff 2010: 2; Sachar 2006).

This chapter underscores factors that are not just due to discrimination in opportunities but also due to structural processes embedded in everyday life that altogether mutilate generational and life course dynamics for achieving equal outcome of opportunities by Muslims in India. The Gujarat pogrom of 2002, the most recent, massive and extensive violence upon Muslims, serves to draw attention away from the discussion on development deficit as multidimensional forms of violence defined by Galtung are investigated within it (Galtung 1990). Undoubtedly, all factors related to the multidimensional violence upon Muslims in Gujarat cannot be generalised for Muslims in the whole country. However, similarities are available increasingly since the pan-India expansion of Bhartiya Janta Party (BJP), the ruling party of Gujarat during the pogrom.

The paper employs Galtung's theory that classifies violence along three lines: structural, cultural and direct. This theory provides a framework explaining the interdependence between and functions of structural, cultural and direct violence in achieving a systemic exclusion of a population (Galtung 1990). Structural violence, for example, poverty, among a particular ethnic group, encompasses different forms of domination, exploitation, deprivation and humiliation that emanate from societal structures and not necessarily forms of violence that Koessler describes as a 'manifest exertion of physical force' (2008: 33). In this conceptualisation, often cited to describe the prevalence of caste, class and ethnic inequalities, power relations and domination occupy a central place that lead to unequal life chances and outcomes. Direct violence, like street fights or international wars, harms or kills individuals or members of a group in a targeted manner. Cultural violence is referred to as those aspects of culture, the symbolic sphere of our existence — exemplified by religion and ideology, art and culture or empirical and formal science — that is used to justify or legitimise violence in its direct and structural form, e.g., the media glorification of violence (Galtung 1990). While substantiating between forms and expressions of violence, anthropologist Phillipe Bourgeois (2001: 5–34) also argues that violence plays out not only during wars but also during times of peace. He classifies four forms and expressions of violence: direct political violence (targeted physical violence and terror), structural violence (historically entrenched political-economic oppression and social inequality), symbolic violence (internalised humiliations exercised through misrecognition) and everyday violence (daily practices and expressions of violence on a micro-interactional level).

During the Gujarat pogrom of 2002, political gist and not just senseless mob violence could be observed in the various layers of cultural significations embedded in direct violence meted out upon Muslims. The forms of violence such as burning of bodies, sexual atrocities on women and killing of unborn foetuses have a particular subtext to it, rooted in devices such as the concept of 'alien' Muslim, 'other' Muslim and the 'dying Hindu race' that demonise Muslims through manipulation of historical truth, mass hysteria and the notion of Muslims as a 'past and future threat'. The 'dying Hindu race' factor is a major reason why such constructions originated in the first place in colonial India, depicting Muslims as a threat for the radical Hindu nationalist. Consequent constructs justified and

perpetuated acts of direct as well as structural violence by changing the moral colour from red/wrong to green/right or at least to yellow/acceptable (Galtung 1990: 292); an example being, murder on behalf of oneself being wrong while murders of Muslims on behalf of the country being right.

The Dying Race Syndrome

The anxiety about the 'dying Hindu race' is of chief importance while exploring violence upon Muslims. In order to sustain its colonial rule, Datta (1993: 1305–19) argues that the British Empire in India strained communal relationships through the use of a variety of texts, forms and methods. Religion was dexterously called upon to achieve this end, not only in the census, but also, according to Pandey (1989: 132), in other discourses such as periodisation of Indian history in terms of Hindu and Muslim, unlike the ancient, medieval and modern categorisation of European history. In his seminal paper on communalisation of census, Bhagat (2001) argues that religion introduced as a category since the census began in 1872, instilled a geographical and demographic consciousness among religious communities. The people, who till now did not know the length and breadth of their religious community and its strength in number, were, after the census, members of either one or the other of the enumerated communities (also see, Das 1994). Hasan (1980: 1395–1407) explains that the political instruments of separate electorate, wherein religious minorities were given separate seats in legislative bodies according to their proportion of population in the provinces, and extension of communal electorates to the local bodies by the Morley-Minto reforms, served to entrench communal politics among the grassroots so as to consolidate enumerated communities into political communities (Bhagat 2001: 4353). The census data gave rise to a communal debate on the size and growth of religious communities, hinting at a declining Hindu population. Soon, the stereotype of the emasculated Hindu arose and gave shape to the threat to the Aryan race from Muslims (Datta 1993; Zavos 2000). Particularly U. N. Mukherjee's 'Hindus: A Dying Race' (which gave a communal colour to the declining Hindu population) in 1909 (cited in Datta 1993) and Swami Shraddhanand's 'Hindu Sanghatan: Saviour of a Dying Race' in 1926, entrenched this fear in the psyche of a section of Hindus. Later, in 1912, Mukherjee concocted the horror

of Hindus becoming extinct in the next 420 years (Bhagat 2001). It was asserted that the Hindus were required to be a politically uniform community disregarding caste, class or sect affiliation in defence of their threatened existence. Thus, as Bhagat substantiates, divide and rule was made possible, by reconstruction of homogeneous and mutually exclusive communities (ibid.: 4355).

The idea of demographic decline was interpreted as political decline and formed one of the first elements of the perceived Muslim threat. The Arya Samaj, the Hindu Mahasabha and the Rashtriya Swayamsevak Sangh (RSS), set themselves the task of creating a mythology of the period beginning from Alaudin Khilji to the present, about the forceful abduction of Hindu women, their rape, pillage and conversion. The Maratha and Sikh communities, with a recent history of battling Mughals, were celebrated and extolled for their valour and brought into the fold of a collective Hindu identity (Chakravarti 1989). If centuries of Muslim and British rule had emasculated Hindus, the virility was to be rejuvenated by defeating the present Muslims. Fixation over alleged ultra-virile 'invader' male bodies and threatening over-fertile female bodies were visible in the use of sexual assault as a mass weapon during the Gujarat pogrom. The unusual virility of the Muslim male arises from the alleged raping spree of Muslim invaders while women are considered as over-fertile due to the alleged high fertility rate among Muslims propounded by the census data, in both pre and post-Independent India that primarily dwelled upon population growth and differentials pertaining to religions (Bhagat 2001: 4355). Therefore, Muslim men had become a threat to Hindu women and had to be eliminated. The danger to their future generations is thus also taken care of by destroying the female, the carriers of the culture, ideology and the future generations (Kandiyoti 1991; Yuval-Davis and Anthias 1989).[1]

Similarly, usage of words such as 'love jihad' for inter-religious marriages asserts them as a religious project. The leftist chief minister of Kerala argues that through such a project, Muslims aim at increasing the Muslim population and reducing the Hindus to a minority (*Economic Times*, 2010). This is a reflection of the patriarchal temperament of Hindutva where the woman is valued primarily for the functions of reproduction and child-rearing within the family. The inter-religious marriages, apart from doubting the ability of the women to control her sexuality, are translated as a question on the masculinity of the Hindu male who has failed to prove himself as masculine enough for the female. Such an interpretation gives

impetus to 'penis envy' that can only be overcome by inverting the image of the manly Muslim male — taking an aggressive militant stand revealed in killing the Muslim male bodies. The manhood is proved through forced intercourse with Muslim women, which is emblematic of physical and sexual prowess of the macho male, generating an inverse kind of imaginary castration of the Muslim (Bharucha 1995). The myth of an unnaturally high fertility rate, which is indifferent to geographic, educational and socio-economic factors, as well ignorant of the declining fertility gap between Muslims and other Hindus (Kulkarni 2010; Shariff 1995), contributes to add to the fascination with the Muslim women's body as sumptuous of sexual drive. Riots provide an opportunity to access these bodies and prove the Hindu male's allegedly tainted sexual libido.

Conflicts are often fought over a women's body the world over and India is no exception. This was illustrated repeatedly since Partition when countless women were raped, abducted, or killed to dishonour one religious community or another (Butalia 2000; Menon and Bhasin 1998). During the Gujarat pogrom, the sexual assault of Muslim women to dishonour the Muslim community was prominent (Hameed et al. 2002; Helie et al. 2003 and Sarkar 2002). Revenge against alleged past excesses suffered by the Hindu community found a release in violence on women. The notion that honour of a community is represented by the women serves as an impetus to violate the women's body (Kandiyoti 1991; McClintock 1997; Yuval-Davis and Anthias 1989; Yuval-Davis 1997) so as to prevent the extension of honour to successive generations the women assumed to be reproducing. Thus, the Muslim identity, superimposed upon the physiology of women, constituted the female variant of the threat — as an object of fascination as well as disgust.

The fear of alleged higher Muslim fertility, Muslim proclivity for violence and the image of the impotent Hindu male, contributes to an image of an endangered Hindu race, struggling for its survival. Muslim children, born and unborn, representative of the Muslim future, thus came to signify danger to the existence of the Hindu race and they were thus obliterated in Gujarat (Hameed et al. 2002; Sarkar 2002: 2875). Sarkar (2002) elucidates that the concluding act of burning of bodies, symbolic of cremation (a Hindu ritual), denied proper Islamic burial to Muslims while ceremonially representing not only forced reconversion of Muslims into the Hindu fold but also civilisational retaliation to the supposed Muslims excesses on

Hindus. Violence upon Muslim men, women and children, thus served to assert and justify the capability to respond to Muslims as a threat in the past, present and future.

Countering the 'alien' Invasion

The pretension of a pre-existing essence, which defines the culture once and for all, negating external influences and diversity within, is present in all cultures on account of ideology and not history (Said 2003: 141). For undermining the cultural interrelatedness of Muslims with non-Muslims, the representation of Islam as an intolerant creed in opposition to an all-embracing Hinduism is crucial. The bipolar discourse on tolerance consists of a largely mythical image of a tolerant Hinduism that measures patriotism based on the veneration of *Bharat Mata*, the icon of a Hindu identity for Bharat (Hashmi 2008). Elaborating further, Hashmi argues that in order to perpetuate the myth of tolerance, a very large part of the 'pre-Islamic' past is reinvented and uncomfortable questions airbrushed out of recollection. Some of the past that is brushed under the carpet includes the Brahmanical monopoly on religious texts, the exclusion of women, shudras, ati shudras and the aboriginal people of India from all social processes (ibid.). It is this frame of selective omission and commission that is used to build the image of *Bharat Mata* as a goddess, as opposed to a homeland.

Such veneration of a goddess, unacceptable as per the Islamic principles, automatically excluded Muslims from the Indian cultural fold. It made them 'alien' entities, invading the goddess *Bharat Mata*. It is such a policy of homonationalism that attempts to remove all traces of Muslim history, culture and identity from public consciousness and construct a false narrative of historical antagonism for justifying violence upon Muslims. Thus, mosques and *dargahs*, including the historical monuments of Muslims such as the Babri Masjid are demolished. Caste Hindu symbols were placed inside Babri Masjid such as saffron flags and idols (Mander 2009). The Gujarat pogrom saw 298 *dargahs* (visited by non-Muslims as well) and 205 mosques being damaged or demolished (Pandey 2002). To be Hinduised, the idol of '*Huladiya Hanuman*' or 'riot Hanuman' is placed inside several of these structures (Mander 2009: 192). Such acts were not only attacks on the socio-cultural symbols of Muslims, motivated by revenge for what are considered to be alleged historical wrongs, but also reclaimation of history and heritage by Hinduisation

of the 'alien' Muslim's spaces, thereby denying the space to cultural diversity and interrelatedness.

Muslims as 'other'

Mamdani (2005) and Roy (2005) are of the opinion that globally, debates forming post 9/11 are increasingly equating Muslims with terrorism, anti-modernity and religious hysteria. The rhetoric of the Gujarat Chief Minister Narendra Modi that all Muslims are not terrorists but all terrorists are Muslims (*Vandegujarat* 2008) and the then Prime Minister Vajpayee's pronouncement that Muslims are source of problems all over the world (Bhatt 2002; Varadarajan 2002: 450–52) associates the Indian Muslim to a similar globally-prevalent image of terrorism being the monopoly only of the Muslims. The Muslim is painted as acting in concert, unanimously depriving them of their locality and differences and pitting the presumed Muslim civilisation against others. Muslims are believed to accord primacy to their own religion, which transcends the nation-state. The brave new world of Indian media, with aggression bordering on inquisition and snap judgements, feeds on such rhetoric. Terrorist activities are quickly labelled as handiwork of the 'Muslim terrorists' and the news reader whips up hysteria about national security and the ever-looming war on India (Sambrani 2002).

The Muslim is then clubbed with non-Indian Muslims during anti-terrorism and anti-Pakistan rhetoric and consequently, 'othered' into an invisible and non-touchable foreign figure with whom nobody has any experience of a human relationship. The figure is reinforced by the trend of spatial segregation through ghettoes (Panikkar 2006; Robinson 2005). In the minds of the Hindus, these ghettoes constitute an anonymous mass popularly called as 'Mini-Pakistan'. Framed as an anti-social, criminal underclass, they become ineligible of being accepted into the imagined rosy reality of India (ibid.). Such popular perceptions lead to the internalisation of worthlessness among Muslims that takes root in the form of 'stigmatisation'. The climate of prejudice often results in under-achievement of minority groups, especially children. Burns and Aspeslagh (1996: 166) argue that such an environment may sometimes be coupled with problems of identity and cultural worth for inducing hatred towards oneself; their own history; markers of identity such as skullcap, burkha or beard; towards community leaders; and the community's own struggle for whatever little emancipation worth it has

resulting in political stigmatisation as well. It is with reference to such geographies of disadvantages, devoid of the opportunity and right to define themselves, at remote distances from more 'civilized' parts of the city, that the 'other' is constructed as having neither name nor face. New building projects in cities such as Delhi and Mumbai are marketed on caste/community lines where one can live in without the troubling presence of the 'other'. The Supreme Court of India validated such trends by upholding the formation of cooperative housing societies, which restrict membership to persons from the same caste or religion (Khan 2007: 1532).

Galtung (1990) argues that once depersonalised into a 'demonic, larger-than-life but less-than-a-citizen' figure, direct violence can then be blamed on the victim itself, making extermination a psychologically possible duty. He elaborates that the causal factors of violence are avoided by the perpetuator through a long and empirically unverifiable chain of factors traced only to the demonised victim. Direct violence puts a spatial seal over this divide between communities, re-engineering societal structures based on mutual hostility and opposition between communities. Such reconfiguration of space through events of direct violence strengthens and expands structural violence. Subsequently, the cultural violence needed to sustain and legitimise both, produce a self-fulfilling vicious triad of endemic violence.

The re-engineered relationships have transformed the bargaining power of Muslims in Gujarat, fortifying the scope of structural violence against them. Muslims have been reduced to second-class citizens facing socio-economic boycott from their fellow Gujaratis (Mander 2009).[2] In villages in Gujarat claiming to be 'cleansed' of Muslims, the Vishva Hindu Prishad (VHP) has erected boards saying 'Welcome to this Hindu village in the Hindu Rashtra of Gujarat' since 1998. References to 'their' ghettoes and 'our' shining cities in Gujarat where borders have been drawn up segregating one community from other are common (Mander 2009: 6; Panikkar 2006; Robinson 2005).[3]

Manufacturing Consent for Violence

The word 'Hindutva' suggests a monolithic, non-stratified and homogenous Hindu entity that is absent of contradictions within. Jan Breman (2002: 1485) argues that the Hindu majoritarianist's opposition to a society based on diverse and open-ended social segments

necessitates creation of an enemy to unite the hierarchically placed castes against it. Tagging societal exclusion and subjugations as domains of Muslims while the unity of higher and lower castes is rhetorically emphasised, serves such an end. The tribals are asked to worship Hanuman, a Ram *bhakt*, while the brahmin–*bania* combine worships Ram and because Hanuman was devoted to Ram, so must the tribals be to Ram *bhakts*. Foot soldiers are made out of the tribals during pogroms such as the Gujarat 2002 (Mander 2009: 124). The tribals played a complicit role in the violence on Muslims such as those belonging to the north-eastern belt of Gujarat, where three months before the pogrom, the RSS, the militant Hindu organisation dominated by upper castes, had organised a large gathering of *adivasis* (tribals) from Gujarat, Rajasthan and Madhya Pradesh on the theme of 'anti-conversion' and presided over by RSS chief Sudarshan (Yagnik and Sheth 2002: 1009). They further argue that due to a growing state of flux in the caste balance caused by upward mobility and simultaneous sanskritisation, both the dalit and *adivasi* find opportunity in such events to rid themselves of their 'inferior' status and get included in the growing Hindutva fold (ibid.). The acceptance is hence being bought at the price of antipathy to Muslims, in acts of direct violence on behalf of the upper castes (Breman 2002: 1485).

In addition, the biased role of the police was not new but the fact that the whole state machinery from the governor, prime minister, home minister and BJP allies to the district administrators, judicial magistrates, even doctors and hospitals who refused to treat the Muslim victims, were brought together to ensure the success of the pogrom was unseen before (Mander 2009: 76; Sarkar 2002: 2873). The state apparatus — both the leading political party and the state agencies — condoned or even facilitated the pogrom (Breman 2002: 1485). According to Mander (2009), even civil society preferred to stay safely indoors as almost none of the national as well as international humanitarian organisations came forward to set up rehabilitation camps for Muslims refugees as they had done during the Gujarat earthquake of 2001. As if, Muslims themselves were to be blamed for the violence they suffered, therefore, not meriting any assistance.

The pogrom also saw participation from professionals and the propertied middle-classes where success is defined in terms of competition with one's peers; thereby, reflecting individual talent and

achievement (measured in material advancement) rather than any wider social process. Jayati Ghosh (1999) argues that in the absence of such success, the alienation induced can be easily directed towards any apparent or potential competitor. The inability to vent frustration on the elites, holding power to distribute material largesse to the middle-classes, is then redirected towards the Muslim (ibid.: 125) who on account of being 'less than a citizen figure' has to forfeit his claim to national resources. Labelled as a past, present and future threat, violence against them stands justified. Therefore, it is not only the Hindutva extremists or the rabble-rouser alone who talks of hurt pride and injustice done to them, the urban and the urbane have increasingly started saying so too (Mander 2009; Sambrani 2002: 1309).

Sarkar (2002: 2873) writes that the recruitment of widely divergent social groups, the training in combat action and the mobilisation of an immense will to violence, bespeak tenacious and long-standing political activity across classes that infiltrated each thread of the state fabric and society. It is by forging a new understanding of the 'self' in opposition to a common 'other' through a combination of circumstantial positions, that the structural and often conflicting differences of caste and class within the Hindu denomination are sought to be circumvented.

The new understanding was represented by the legitimised status of the BJP in the coalition government led by the National Democratic Alliance (NDA) 1999–2004. While the demolition of Babri Masjid a decade ago was condemned by all political parties outside the Hindutva fold, Ahmed (2002: 27) and Ghosh (1999: 117) confirm that this time the BJP was sheltered by an array of regional parties, indicating how much of the political centre had shifted towards the right. The allies of BJP in the NDA, Banerjee (2002) writes, constituted self-proclaimed socialists who were part of the Jai Prakash Narayan led anti-corruption movement of the 1970s, regional parties and those claiming to represent historically marginalised castes in India. Mander notes that today the sympathy for right-wing majoritarianism is openly and clandestinely displayed among the centrist and even the left political formations (2009: 32). The trend represents acceptance of the second-class citizen status of Muslims whose needs and concerns regarding identity, security and equity, let alone demands, can be conveniently sidelined from the political equations of the country. Even the multi-level process

involved in the constitution of the government is based on the majority principle that automatically excludes and suppresses the Muslim minority from exercising any negotiating power (Shariff 2008).

Structure of Violence

In the aftermath of the pogrom, thousands of Muslims were abruptly thrown out of jobs and those who dared to return to their homes continue to face social and economic boycott, even from professionals such as the doctors, lawyers as well as traders in urban and rural settlements. Villages and cities in Gujarat have even spatially excluded the Muslim, drawing borders between what are now known as 'their' ghettoes — the Muslim residential areas, and 'our' shining cities (Mander 2009). The environment in Gujarat is filled with fear and hostility for Muslims who re-negotiate their socio-economic existence only to live as second-class citizens (ibid.). Moreover, Vora and Palshikar (2003) argue that such localities imprisoned either by spatial or community location lead to a social existence that results in political ineffectiveness. The concealed nature of such violence, embedded in re-engineered spaces and relationships produced by direct and cultural violence, fuels structural violence, a continuous process in itself.

It is such structural violence manifested in varying combination of economic, political and social spheres that affects all facets of Muslim lives. Children, especially girls, do not participate in normal and regular schools for fear of life as most often such facilities are found in living spaces where the Muslims do not reside (Shariff 2008). Muslim women will not come out to secure employment in common places such as markets and even the well-educated and qualified Muslim men may not be employed in the private sectors, as they are not considered trustworthy (ibid.). Glorification of 'encounters' with alleged Muslim terrorists and detention of innocent Muslim youth in combing operations after every terrorist attack, induces a terror phobia gripping each member of the Muslim community that only enhances the perception of discrimination, especially in public institutions. In addition, Muslims are seen with suspicion and viewed less favourably than equally meritorious non-Muslim counterparts by potential employers. Thus, the perception of discrimination in the public and private sector, recognised by the SCR is founded on

such terror-inducing components of governance and unequal life opportunities and outcomes that erode belief in democratic spaces and processes, effectively suppressing Muslims from realising their rights and potential.

Since Independence, there has been an increase in the educational status of social groups pushed by the secular increase in educational infrastructure and resulting opportunities. The Scheduled Castes (SCs) and Scheduled Tribes (STs), the most deprived of all at the time of Independence, have been the fastest among all social groups to make the longest strides in educational attainment. On the other hand, according to Das (2008), the Muslims who started off with better growth rate in educational attainment are showing a deteriorating rate of increase in educational attainment. The already lagging girl child is bound to be the worst sufferer in such a scenario. The fact that a majority of Muslims tend to be self-employed gives impetus to the fact that Muslim are in most probability discouraged by the failure of the accruing market returns on education due to discrimination, thereby propping up the perception of discrimination and further pushing them into ethnic economic enclaves (ibid.). The crucial work of Sengupta et al. (2008) substantiates that Muslims had the lowest level of decline in poverty — 2.9 per cent during 1993–94 to 2004–05 with 95 per cent employed in the unorganised sector as of 2004–05. Jeemol Unni (2010) empirically verifies that the highest home-based self-employed are Muslim women (at 56 per cent) of all socially vulnerable groups. She suggests that it might be a response to distress conditions or income shocks that compels women to support the family economically in such a dismal scenario.

Legitimising the Multi-dimensional Violence

> If the conflicts are not solved creatively and the political culture defines violence as legitimate in such situations, then structure implies conflict implies violence [sic]. But conflicts do not necessarily lead to violence; that depends more on culture (Galtung 1994: 141).

The right-wing majoritarianists make use of nomenclature and symbolic imagery to legitimise the acts of direct violence of the likes of the Gujarat pogrom and the fact of structural violence that oppresses and represses the socio-economic and political status of Muslims. Galtung (1990) theorises that the triangle of violence

constituting structural, direct and cultural violence, when on its legs of direct and structural violence, projects the image of cultural violence as the legitimiser of both. When the head is constituted by the act/s of direct violence; the source of cultural and structural violence is revealed. With direct and cultural violence at the foot, structural violence is revealed as the social, economic and political status of the violated.

Galtung claims that cultural violence motivates actors to commit direct violence and omit counteracting structural violence in so far as it embeds the inevitability and righteousness of violence into people's world views in terms of 'Dualism-Manichaeism-Armageddon' or conflict between the good and evil (1990: 296–301; 2002: 5–6). Nowhere is the battle between good and evil played out more adroitly than in the commission and omission of the historical truth, for there is a strange symmetry between the historical truth and the present violence. Forcible conversion to Islam by Muslim rulers, something yet to be established, is highlighted, while the question of why Dalits opted out of Hinduism from the time of Buddha and continue to do so even today, is not explored. The destruction of temples by Muslims is talked about while the same done by Hindu rulers is buried out of sight. What is hidden away is the fact that Aurangzeb ordered the execution of Muslim Sufi Sarmad Shah and not just Guru Tegh Bahadur.

Rouhana and Bar-Tal (1998: 762) explain that the collectively held ethos that justifies one's position while degrading the other's, generate intense animosity that becomes integrated into the socialisation process, through which conflict-related emotions and cognitions are transmitted to new generations. The collectively cultivated and shared memories provide a historical dimension to the conflict — maintained, revived and promoted by politicians, national historians, textbooks, school curricula and the media, thereby affecting the views that the individual member of the collective is likely to hold (Salomon and Nevo 2002). They affect the way an individual interprets the actions of the other and the way an individual relates to the other in a manner that justifies their unequal status in the political economy and social interaction (ibid.). Galtung writes that with structural violence institutionalised and the violent culture internalised, direct violence also tends to become institutionalised, repetitive, and ritualistic, like a vendetta (1990: 302).

Conclusion

It is clear that socio-economic inequality among Muslims not only arises out of a development deficit but is also an outcome of right-wing Hindutva majoritarianism thought that seeks to define and intertwine Muslim identity with myth, hysteria and hostility, to forge a 'self' in opposition to a society based on open-ended social segments. It is such a project that seeks to prohibit Muslims from partaking in activities of the citizenry as equals that define them not only as numerical but also as social, political and economic minority. For there to be absence of violence, in totality, not just direct violence, the oppressive social, economic and political societal structures that give rise to socio-economic inequality and injustice need to be recognised, reconstructed and transformed (Galtung 1994: 134–36; Hamber and Kelly 2004: 4).

For Indian democracy to reaffirm its credentials of multiculturalism, it is imperative that religious diversities and not 'others' are affirmed, politically recognised as equal (though not same) and entitled with legitimate space, freedom and opportunity in structures and invisible processes of everyday life. For only when there is consensus and will to transform social relations can cultural differences — exploited by exclusionary forces — be naturalised and a Muslim's access to opportunities, participation in democratic processes and negotiability in everyday life, be free of violence and inequality.

Notes

1. When the role of women is considered to constitute ideological reproduction of culture and religion through socialisation of the next generation as well as biological reproduction, they come to be perceived as crucial markers of community boundaries (Kandiyoti 1991; Yuval-Davis and Anthias 1989).
2. Researchers report that in some of the villages in Gujarat, Muslims are prohibited from even cultivating their own fields. Labourers are hired only when all labourers from the non-Muslim community have been hired (Mander 2009). Galtung explains that such an economic boycott hits the weakest first, i.e., women, children and the aged. By making the causal chain longer, the actor avoids having to face violence directly. The victim is given a chance to trade his freedom and identity for loss of life and limbs (Galtung 1990: 293).
3. In Gujarat, physical borders have also come up demarcating Muslim communities from the other. The infrastructure in the Muslim areas is

considerably low and villages even prohibit the Muslim from using public resources such as ponds (Mander 2009).

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8

Hindu–Muslim Riots in India: A Demographic Perspective

R. B. Bhagat

Some scholars of Indian history believe that Hindu–Muslims riots were a rare occurrence before the late 19th century (Pandey 1989; Sarkar 1983); however, others have contested this (Bayly 1985). In the more recent past, the division of the country into India and Pakistan in 1947 not only led to massive displacement of people across the new border, but was also witness to the worst frenzy of Hindu–Muslim riots resulting in the massacre of half a million people which continued till 1950 (Engineer 2004: 5). On the other hand, the period from 1950 to 1960 was relatively riot-free (Hasan 1982: 32). However, there was a sudden spurt in the incidence of riots in 1964 following the death of India's first Prime Minister Jawaharlal Nehru, popularly considered the architect of modern India. Similarly, the period 1971–77 was riot-free during which a state of Emergency was clamped on the Indian republic from 1975–77.

The country saw a new low in Hindu–Muslim relationships at the time of two major political issues — the Shah Bano case during the 1980s and the Babri Masjid–Ram Janmabhoomi dispute during the 1990s — that divided people from both communities and led to communal agitations. In the former case, a major controversy erupted when an elderly Muslim divorcee, Shah Bano sued her husband for maintenance beyond the *iddah* (waiting period of three menstrual cycles after divorce to be observed by women as per the Sharia). The Supreme Court of India granted maintenance to the woman. However, this was unacceptable to several political and religious Muslim leaders who felt it was an infringement of their Personal Law and forced the government to scuttle the judgment. The then Central Government under Prime Minister Rajiv Gandhi, enacted a legislation called The Muslim Women's (Protection of Rights and Divorce) Act 1986, nullifying the Court's decision (Bhatia 2006). This annoyed Hindu leaders who saw it as a tactic

of appeasement and an effort to garner Muslim votes. On the other hand, the persisting Ram Janmaboomi–Babri Masjid controversy led to the demolition of the Babri Masjid in Ayodhya on 6 December 1992, believed to be the birthplace of Lord Rama — a Hindu god with many devotees in northern India. Following this, the country saw some of the worst riots in Indian history and the geographical expansion of riots to areas hitherto unknown in the country. As a result, there has been an upsurge in the number of riots during the 1980s and 1990s (Wilkinson 2000). The average number of riots in the 1970s was 220, much less compared to the 1950s during the Nehru era. On the other hand, the number of riots rose to 700 per year during the 1980s and 1000 during the 1990s (Desai 2005: 254). The rise in the number of riots coincided with the decline of the political base of the Congress party following the assassination of Prime Minister Indira Gandhi in 1984 and the rise of the Hindu nationalist party, the Bharatiya Janata Party.

Several scholars have attempted to explain the incidence of Hindu–Muslim riots. Varshney (2002) argues that riots are a highly localised phenomena that occur in some cities largely due to the decline in civic institutions. So far, political parties, trade unions, business associations, etc., had a fair representation of Muslims during the freedom struggle. These institutions promoted greater interaction in formal and informal ways, contained rumours and built bridges, notwithstanding the extant tensions between Hindus and Muslims over the decades. On the other hand, Engineer (2004) traces economic competition and business rivalry, electoral politics, socio–economic backwardness and the rising frustrations among Muslims as the reasons for riots being concentrated mostly in urban India. Brass (2003) thinks that a riot is an institutionalised production carefully crafted by vested interest groups. However, he does not explain why riots occur in some places and not in others. Meanwhile, Wilkinson (2004) attributes the occurrence of riots primarily due to its role in electoral polarisation at the state and town level. He argues that some states encourage ethnic violence while others try to prevent it depending upon electoral incentives. According to Nobel Laureate Amartya Sen, religious identity takes precedence over all other identities during the time of a riot which unleashes violence and suffering on the poor irrespective of religious identity. Recounting the deadly 1940s Hindu–Muslim riots in Bengal, which he witnessed as a 11-year-old, Sen observes:

> In the Hindu–Muslim riots, Hindu thugs killed poor Muslims underdogs with ease, while Muslim thugs assassinated impoverished Hindu victims with abandon. Even though the community identities of the two groups of brutalised prey were quite different, their class identities (as poor labourers with little economic means) were much the same. But no identity other than religious ethnicity was allowed to count in those days of polarized vision focused on singular categorization (Sen 2006: 170).

According to him, this singular and solitary characterisation of identity ignoring social, economic and professional identities of an individual is the root of communal violence associated with utter confusion and illusion of the destiny of Hindu–Muslim identities.

A Demographic Perspective

So far, scholars have made very relevant observations in understanding the genesis of Hindu–Muslims riots in India from the political and economic points of view. On the other hand, not much attempt has been made to unravel the role of demographic factors, even though demographic differentials between Hindus and Muslims such as population growth, fertility and family planning have been important issues that have widened the antagonism between the Hindus and Muslims in the past as well as in contemporary India (Basu 1997).

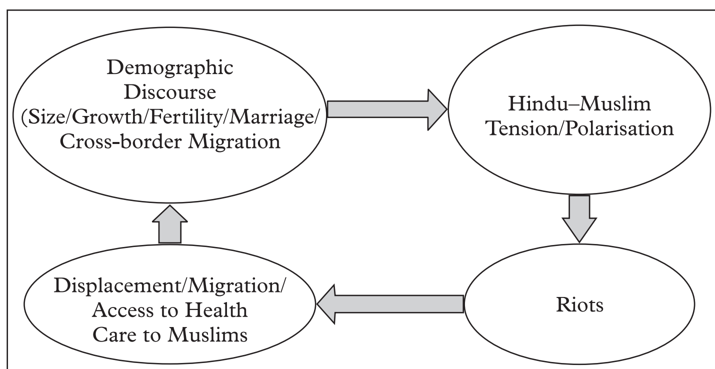
Among the reasons of Hindu–Muslim conflict, demography was added following the first census in 1872 that clearly revealed that Muslims were a minority and Hindus, the majority,[1] thus creating a syndrome of majority and minority in the political processes. The new information on size and distribution of the Muslim population was used in administrative practices as well. The most glaring example was the division of Bengal province in 1905 based on the size and distribution of Muslim population. A Muslim-majority province of East Bengal and Assam was carved out from Bengal by the colonial government. In addition, a separate electorate based on religion was also introduced in the election of urban local bodies, which made the Hindu–Muslim relationship even bitter (Hasan 1980). Finally, such efforts culminated in the creation of Pakistan, based on size and distribution of Muslim population in 1947. There were also tensions on account of the declining proportion of Hindus in the successive census both in colonial and independent India

(Datta 1993; Bhagat 2001; Jones 1981). In this way, demography emerged as an important factor and demographic anxiety shaped Hindu–Muslim relationship in India.

The relationship between Hindu–Muslim riots and demographic aspects can be viewed from two angles (see Figure 8.1):

i) Demography is not directly related to riots, but has a close association with communal discourse and communal strategy of violence by creating a demographic anxiety.
ii) Demography is closely associated with consequences of riots — displacement, migration, loss of livelihood, access to health care, sexual and reproductive health violence, morbidity, mortality, etc.

Figure 8.1: Demography, Communalism and Riots



Source: Author.

This paper examines Hindu–Muslim riots and presents a systematic analysis of the spatial pattern of riots and its demographic correlates in urban areas.

Data and Method

This study is based on three main sources of data on Hindu–Muslim riots. For the pre-Independence period, information is culled from a comprehensive description of riots contained in a work of G. S. Ghurye (1968) who contextualises the riots, places of occurrence and geographical spread, as well as the number of people injured

and killed. For the post-Independence period, data on the number of deaths in Hindu–Muslim riots are taken from the publications of Engineer (2004) and Varshney (2002). Engineer has compiled statistics of deaths from 1960–2002 from 15 states and 31 cities. Comparable data of deaths for most of these cities from 1950–95 are also made available by Varshney (2002) who has also provided the magnitude of riot-proneness of the given cities based on the number of deaths and frequency of riots. The data on demographic correlates have been taken from the Census of India. It is important to mention here that the 2001 census, for the first time published data on education and occupational status by religion in the post-Independence period. Demographic data by religion is very valuable and throws light on the magnitude of variations in Hindu–Muslim riots in relation to religious composition and distribution of population at the state level. This available data is converted into suitable indicators relating to population base and are also mapped and analysed, using multivariate techniques. The demographic correlates are proportional to the Muslim population, female-to-male ratio, literacy rates and population size of the city. However, it may be cautioned that no single data source on Hindu–Muslims riots is complete as information is largely compiled from English daily newspapers and there is a possibility that some low intensity clashes might have been missed. On the other hand, in the absence of clear evidence of involvement of either Hindus or Muslims in a riot, it is also possible that some violence would have been labelled as Hindu–Muslim riots. According to Brass, Hindu–Muslim riots 'is also a matter of public interpretation and labelling that takes place on the streets, in the media, in the legislatures, in cabinet meetings and in the civilian and police administration' (2003: 66).

Spatial Dimension of Riots and Demographic Differentials

Among demographic factors, size and composition of ethnic groups are closely associated with a balance of power. The demographic anxiety among Muslims of being overpowered by Hindus who were not only in a majority numerically in British India but also better educated than Muslims, was the most potent factor for the demand of the creation of Pakistan during the freedom struggle. In most provinces of British India, Muslims were in a minority. It ranged

from 8 per cent in Madras to 33 per cent in Assam and Delhi. In the heartland of India, Muslim constituted 15 per cent in the United Province (present day Uttar Pradesh); in Bengal (that includes present-day Bangladesh) and Punjab (that includes the part of Punjab in present-day Pakistan), Muslims were a marginal majority with 55 and 51 per cent of the total population of the respective states in 1941. However, in the states of Sindh and North-West Frontier Province (provinces of present-day Pakistan), they had an overwhelming majority of 72 and 91 per cent respectively. Overall, Muslims constituted nearly 25 per cent population of undivided India (Desai 2005: 211).[2]

Table 8.1 presents the religious composition and growth rates of population by religion in contemporary India. Muslims comprise 13.4 per cent (138 million) of the total population according to 2001 census followed by Christians 2.3 per cent and Sikhs 1.9 per cent. The last decade (1991–2001) shows a decline in the growth rate of Muslim population, but continues to be higher than Hindus and other religious groups. At the state level, Muslim constitute a majority in Jammu and Kashmir (67 per cent) followed by one-third in Assam (31 per cent) and one-fourth in West Bengal and Kerala (25 per cent each). In the rest of the states, the proportion of Muslims is not more than 18 per cent. Nearly one-third Muslims (49 million) live in

Table 8.1: Religious Composition of Population and its Growth Rate in India, 1961–2001

Religious Community	*Population (in million) 2001*	*Population (in %)*	*Decadal Growth Rate* (%)			
			1961–71	*1971–81*	*1981–91*	*1991–01*
All	1028.61	100.00	24.80	24.80	23.80	21.50
Hindus	827.57	80.50	23.40	24.20	22.80	20.00
Muslims	138.18	13.40	31.20	30.80	32.90	29.30
Christians	24.08	2.30	36.00	19.20	17.00	22.10
Sikhs	19.21	1.90	32.00	26.20	26.50	16.90
Buddhists	7.95	0.80	17.00	25.40	36.00	23.20
Jains	4.22	0.40	28.50	23.70	4.00	26.00
Others	6.63	0.60	97.70	26.60	13.20	111.30
Religion not stated	0.72	Negligible	–65.70	67.10	573.50	76.30

Source: Census of India 2001.

Note: Census was not held in Assam in 1981 and Jammu and Kashmir in 1991. The growth rates exclude the states of Assam and Jammu and Kashmir for all decades from 1961 to 2001.

urban areas compared to one-fourth Hindus. However, literacy rates among Muslims are lower than that of Hindus at the national level.

Being more urban-based, a higher percentage of Muslims are engaged in non-agricultural activities. However, in urban areas, most of the Muslim workforce are self-employed in business, trade and household industry (52 per cent) compared to Hindus (37 per cent). Similarly, regular salaried workers constituted only 27 per cent among the Muslims compared to 43 per cent among Hindus. This shows that Muslims fall behind in both education and employment and are largely self-employed at the national level (NSSO 2001: 22).

In several parts of India, religious fervour on the occasion of festivals has triggered an outbreak of riots. Sometimes, the Hindu festival of Ramnavami[3] and Muslim festival of Muharram[4] fall on the same day and foment trouble. Further, the mode of celebrating some festivals has gone through a sea change since the late 19th century. For example, in Maharashtra, Lokmanya Tilak initiated the Ganapati festival[5] as an organised celebration with mass participation in 1893 (Ghurye 1968: 316). The process of mass mobilisation and celebrations of festivals was not confined to Maharashtra only but also influenced other states. For example, in Bengal, Kali[6] worship was revived in the pattern of the Ganapati festival. This period also coincided with the partition of Bengal based on religion in 1905 and boycott of foreign goods. According to a noted Indian sociologist, 'The partition of Bengal made in 1905, the great revival of Kali worship, giving it the form of group performance on the pattern of the Ganapati festival and the inauguration of the boycott of foreign goods initiated the new era of riots in Bengal' (ibid.: 308). More importantly, most riots during the pre-Independence period (uptil the 1924 Gulbarga riots), occurred in the British ruled territory, and later spread to other areas ruled by local rulers known as princely states (ibid.: 312).

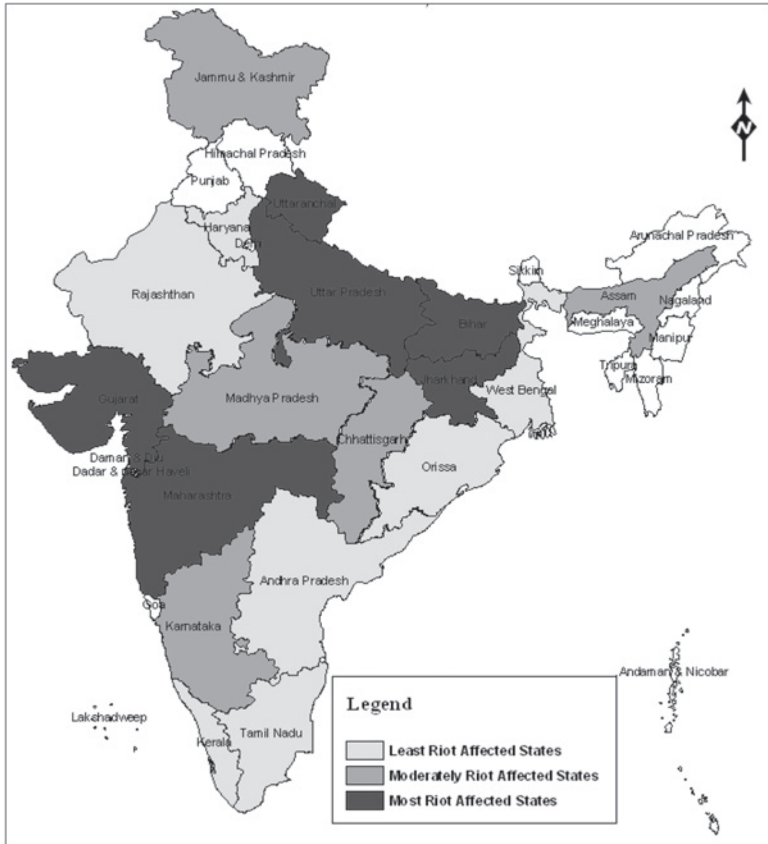
The post–Independent India saw a shifting of the centres of riots predominantly to western and north-western India (Gujarat and Maharashtra, Western Uttar Pradesh, Rajasthan and Delhi). Table 8.2 shows the number of deaths per million population in the states of India during the period 1960–2002 along with state level information on the proportion of Muslim population, literacy rates and non-agricultural employment by Hindu–Muslim status. The state of Gujarat tops the list of states with 47 deaths per million followed by Maharashtra (26), Bihar (14) and Uttar Pradesh (12).

On the other hand, the number of deaths were as low as 2 per million in the states of Kerala and Haryana. Almost all the states of south India are less riot-prone. Based on the number of deaths per million population, the states have been grouped into three categories: i) most riot-affected states comprise of Gujarat, Maharashtra, Uttar Pradesh and Bihar ii) moderate riot-affected states are Jammu and Kashmir, Karnataka, Assam and Madhya Pradesh, and iii) the least riot-affected states are Andhra Pradesh, Tamil Nadu and Kerala from south India; Orissa and West Bengal from eastern India and Rajasthan and Haryana from north India (see Figure 8.2). Although the state of Bihar falls under the category of most riot-affected states, it has been almost riot-free post 1990s.

The spatial distribution of Muslims shows that they are highly concentrated in a few states where they are educationally more backward than the Hindus. These states are West Bengal, Assam, Bihar, Haryana, Jammu and Kashmir and Uttar Pradesh, which comprise nearly two-thirds of the Muslim population of the country. Thus, on an average, most Muslims are socio-economically backward at the national level and most inhabit the northern and eastern states of India. The occurrence of deaths in Hindu–Muslims riots in this vast territory of northern and eastern India shows a varied picture where Uttar Pradesh and Bihar are more affected than others (see Table 8.2).

Among the four most riot-affected states, the states of Maharashtra and Gujarat are also among the most developed states of India. Maharashtra shows the highest per capita income in recent years superseding the state of Punjab — a state with a predominant Sikh population. Although Muslims in both Gujarat and Maharashtra constitute only one-tenth of the population in each state, they have emerged as the most riot-affected states of India. Muslims in these two states are more urbanised and literate than their Hindu counterparts and have a substantial higher proportion employed in non-agricultural pursuits (Table 8.2). More than half the Muslim population lives in urban areas compared to one-third of the Hindu population. In contrast, the other two most riot affected states of Uttar Pradesh and Bihar with a substantial Muslim population of 16 and 18 per cent respectively are less educated. Both states also have one of the lowest per capita incomes in the country and a very low level of urbanisation. However, the situation is entirely different in most southern states where Muslims constitute low proportions of population (except Kerala), are highly literate and urbanised

Figure 8.2: Riot-Affected States in India, 1960–2002



Source: Based on data from Engineer (2004: 229).

and have been least affected by riots. Thus, riots have occurred in contrasting demographic situations.

A special mention of three states namely Kerala, West Bengal, and Jammu and Kashmir would be appropriate here (see figure 8.2). In the former two states, Muslims have substantial presence (one-fourth), while in Jammu and Kashmir they are in a majority (two-thirds). Muslims of all three states are predominantly rural-based. The state of Jammu and Kashmir, which shares only 5 per cent of India's total Muslim population, has lower literacy rates and are engaged in non-agricultural pursuits compared to their Hindu

Table 8.2: Deaths during Hindu–Muslims Riots and Characteristics of Riot-Affected States in India, 1960–2002

State	*No. of Deaths (1960–2002)*	*No. of Deaths per million*	*% Muslim*	*% Urban Muslim*	*% Literate Muslim*	*Muslim–Hindu Differentials in Literacy Rate*	*% Muslim in Non-agricultural Sector*	*Muslim–Hindu Differentials in Non-agricultural Sector*
Most Riot-Affected States								
1. Gujarat	1569	47.0	9.1	56.6	73.5	5.2	73.3	27.3
2. Maharashtra	1492	26.2	10.6	69.1	78.1	1.9	74.3	33.0
3. Uttar Pradesh*	1298	12.0	18.2	35.8	47.8	–10.2	54.1	22.3
4. Bihar**	917	14.0	15.8	15.0	42.0	–5.9	33.8	9.0
Moderately Riot-Affected States								
5. Jammu and Kashmir	50	9.0	67.0	22.1	47.3	–6	48.4	–6.0
6. Karnataka	313	9.0	12.2	58.8	70.1	4.5	72.6	32.2
7. Assam	140	8.0	30.9	6.3	48.4	–21.6	39.8	–11.0
8. Madhya Pradesh***	391	8.0	5.2	61.3	70.3	7.5	65.3	40.3

				Least Riot-Affected States				
9. Andhra Pradesh	379	7.0	9.2	57.3	68.0	8.6	70.7	35.6
10. Tamil Nadu	216	5.0	5.6	72.0	82.9	10.9	72.6	32.2
11. Rajasthan	133	4.0	8.5	48.1	56.6	–3.6	54.4	22.4
12. Orissa	100	4.0	2.1	40.7	71.3	8.0	74.3	39.2
13. West Bengal	175	3.2	25.2	16.7	57.5	–14.9	53.1	–4.2
14. Kerala	46	2.2	24.7	25.3	89.4	–0.8	82.6	6.4
15. Haryana	20	2.0	5.8	14.5	40.0	–29.4	86.7	38.7

Source: Information on number of riots is taken from Engineer (2004: 229).

Note: Figures for Hindu–Muslims refer to 2001 Census. Number of deaths per million refers to the base population of 1981 (the mid period from 1960–2002).

*- includes Uttaranchal created in 2000.

**- includes Jharkhand created in 2000.

***- includes Chhattisgarh created in 2000.

Number of deaths in Hindu–Muslim riots were unavailable for the state of Punjab.

counterparts in the state. It is evident from Table 8.2 that the state of Jammu and Kashmir falls in the category of moderately riot-affected states. Since the 1980s, Jammu and Kashmir has been experiencing more terrorist violence than communal riots. The state of West Bengal is a notable example, which was first occupied by the British East India Company and among the earliest where modern education started. However, Muslims of West Bengal are predominantly illiterate and rural-based (four-fifths). Several riots have occurred in the past, but the state has been relatively peaceful in recent decades and during the great waves of riots in the 1990s. The communists have ruled the state over the last three decades.

Spatial Dimension of Riots: City-level Variations and Demographic Correlates

A remarkable feature of Hindu–Muslim violence is its occurrence in urban areas. Table 8.3 lists cities that have experienced Hindu–Muslim riots in the pre-Independence period. According to Varshney (2002), deaths due to communal violence in the period 1950–95 in villages (that comprise two-thirds of India) was only 4 per cent. This is also true for Africa where ethnic riots were more common in urban areas (Wiseman 1986: 510). A review of riots in the post-Independence period by Engineer (2004) indicates communal riots had erupted more often in medium-sized cities than metropolitan cities. This observation is in contrast to the observation made by Varshney (2002) who says that Hindu–Muslim riots are highly concentrated in metropolitan cities, that too, in the eight cities of Ahmedabad, Bombay, Aligarh, Hyderabad, Meerut, Baroda, Delhi and Calcutta (refer figure 8.2). Except Aligarh, all metropolitan cities (population more than 1 million) account for nearly half the deaths in Hindu–Muslim violence during 1950–95 (Varshney 2002: 7). More importantly, a notable feature of most riot-prone cities is where Muslim artisans and businessmen have achieved a relative degree of economic prosperity and also where there exists a relative Hindu–Muslim balance in the composition of population (Engineer 2004: 15). Among the most riot prone states, Hindu–Muslim violence is highly concentrated in a few cities only. For example, in Gujarat, most of the violence has occurred only in Ahmedabad and Baroda. In Maharashtra, around half a dozen cities and towns account for most deaths due to communal violence — Mumbai,

Table 8.3: Hindu–Muslim Riot-Affected Towns/Cities in Pre-Independence India (Present-Day India Only)

	Town/City/Area	*Year*	*Remark/Reason*
1.	Ahmedabad	1713	Many Hindus and Muslims killed; Holi[7] bonfire before a Muslim home and cow slaughter before a Hindu home
2.	Kashmir	1719–20	18 killed; Vendetta
3.	Delhi	1729	Violence broke out after Friday prayer
4.	Balapur (Berar, Vidharba), Morchudpur (Haveli Taluka—Maharashtra)	1786	Attack on religious procession
5.	Benares	1809	Mosque–temple dispute
6.	Bareilly	1838	–
7.	Moradabad	1840	14 killed
8.	Bijnor	1857	Aftermath of Mutiny of 1857
9.	Bareilly, Pilibhit	1871	Ramnavami and Muharram coincided on the same day
10.	Malabar (South India)	1873, 1885, 1894, 1896	Agrarian dispute
11.	Central Province	1889	–
12.	Prabhaspatnam (Saurashtra)	1893	During Moharram festival
13.	Bombay (Mumbai)	1893	81 killed; lasted three days in 1893; 25,000 people involved
14.	Pen	1893	14 injured
15.	Ballia, Mau, Bareilly	1893	Sacrifice of cow during Eid-ul-Adha
16.	Yeola (Nashik district)	1894	5 killed, 25 injured; damage to property
17.	Porbander	1895	Muslim procession passing through Hindu locality; 3 persons killed, 30 injured

(*Table 8.3 Continued*)

(*Table 8.3 Continued*)

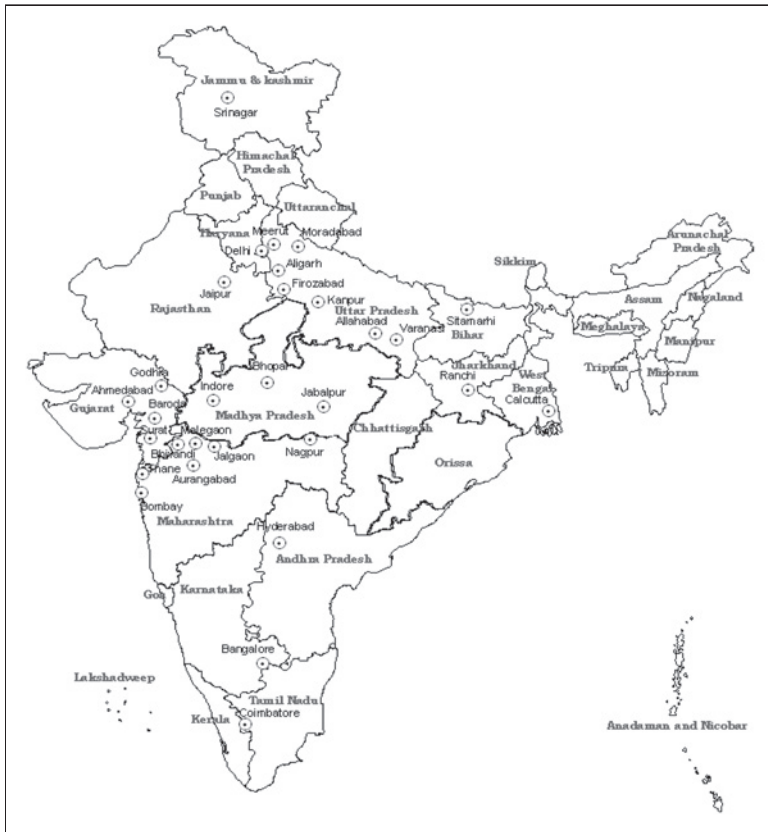
	Town/City/Area	*Year*	*Remark/Reason*
18.	Dhulia	1895	Ganapati procession
19.	Malda	1907, 1918	–
20.	Malegaon, Malabar, Bangalore	1921	–
21.	Amritsar, Shahjahanpur	1923	–
22.	Allahabad, Calcutta, Delhi, Gulbarga, Jubbulpore, Kohat, Lucknow, Nagpur, Shahjahanpur	1924	In Gulbarga, 3 persons killed and 12 injured. Attack on religious procession
23.	Calcutta	1925,	–
24.	Delhi, Patna, Allahabad	1926	–
25.	Danapur, Surat, Bettiah, Bareilly, Nagpur, Ahmedabad, Dehradun, Delhi	1927	Eid-ul-Adha and sacrifice of cow controversy in Danapur
26.	Bangalore, Surat, Nasik, Hyderabad, Kalipalayan	1928	–
27.	Bombay	1929, 1930	Labour dispute
28.	Benaras	1930	–
29.	Bombay	1932	Two riots
30.	Alwar, Bhudala (Hissar)	1932	–
31.	Alwar	1932	–
32.	Calcutta, Beldanga (Murshidabad district)	1933	–
33.	Bahiranga (Muzzaffarpur District), Cannanore (Malabar)	1934	–
34.	Hazaribagh	1935	On the occasion of Ramnavami and Muharram

35. Firozabad, Phenhera (District — Champaran), Sikandrabad	1935	14 deaths in Firozabad
36. Poona, Khanapur (Belgam District)	1936	–
37. Jamalpur (Bihar)	1936	A Hindu wedding party passing with music before a mosque was attacked
38. Bombay (Byculla)	1936	Temple–mosque dispute
39. Asansol, Delhi, Cawnpore, Benares, Cassipore (near Calcutta), Gaya, Sholapur, Meerut	1939	Attack on Hindu marriage party in Cawnpore; 50 people killed and 300 injured; 11 persons kicked and 90 injured in Gaya
40. Calcutta	1941	On the occasion of Muharram
41. Ahmedabad, Bombay, Badlapur, Bhiwandi	1946	–
42. Ahmedabad, Calcutta, Allahabad, Bombay, Noakhali, Patna	1946	On the eve of Partition; there were repeated riots in Noakhali, Calcutta and Bombay

Source: Based on data from Engineer (2004); Ghurye (1968) and Varshney (2002), prepared by author.

Aurangabad, Jalgaon, Nagpur, Nasik and Malegaon with Mumbai being predominant in the communal map of Maharashtra. In Andhra Pradesh, the city of Hyderabad is the only one that accounts for most deaths due to Hindu–Muslim violence (Varshney 2002: 7). In the state of West Bengal, where several riots had occurred in the cities of Kolkata, Malda and Noakhali in the past (see Table 8.3), it has been relatively peaceful in the recent decades even when the country was hit by waves of riots during the 1990s. Cities also dominate the map of riots in other states as well which supports the view that Hindu–Muslim riots are highly localised geographically. Figure 8.3 shows that most cities are located in north and western

Figure 8.3: Most Riot-affected Cities in India, 1950–2002



Source: Based on Ghurye (1968), Varshney (2002); Engineer (2004).

India. When a riot occurs in a city, it may sometimes diffuse to the adjoining town but not always (Ghurye 1968). Further, a riot does not occur anywhere in the city but in a locality where there is a substantial presence of Hindu–Muslim communities and then spreads to other parts (Brass 2003: 169). The newly urbanised areas with a substantial migrant population easily get involved when riots spread. Thus, geographically speaking, there are epicentres of riots both at the local and state levels.

In many towns and cities, there exists a spatial segregation of Hindu and Muslim communities. Each spell of riots further strengthens this segregation and ghettoisation of Muslim communities. This makes some cities perpetually riot-prone. The outcome is the spatial marginalisation, growing mistrust and increasing vulnerability of Muslims in urban areas (Mahadevia 2007).

Table 8.4 presents number of deaths per 1,00,000 in most riot-affected cities in independent India. It shows Bhiwandi — a small city near Mumbai, as the most violent urban place having experienced deaths as high as 168 per 1,00,000 population both during 1950–95 and 1960–2002; next is Sitamari (122 deaths) during 1950–95 and Godhra (85 deaths) during 1960–2002. Among the six metropolitan cities of Mumbai, Delhi, Calcutta, Hyderabad, Ahmedabad and Bangalore, the most violent metropolitan city is Ahmedabad followed by Mumbai and Hyderabad. On the other hand, Bangalore and Calcutta are the least violent. Among the non-metropolitan cities, Meerut and Aligarh have experienced very high level of deaths in Hindu–Muslim riots per 1,00,000 population of the city. Varshney (2002) observes that small cities allow greater routine interaction between Hindus and Muslims, whereas there is a relative higher anonymity in bigger cities. Alternatively, it is extremely difficult in bigger cities to control violence when it breaks out (ibid.: 106). In contrast to Varshney's observation, Engineer (2004) points out that there is a greater competition in business and trade between Hindus and Muslims in small- and medium-sized cities and many have experienced frequent occurrence of riots in the past. The examples of some medium-sized cities of Aligarh, Firozabad, Moradabad, Meerut, Bhiwandi, Godhra, Malegaon,[8] Biharshariff, etc. is where riots have occurred due to economic competition and limited economic opportunities in business and trade (Engineer 2004: 14–17; Hasan 1982: 32).

Table 8.5 shows the correlation matrix between number of deaths per 1,00,000 population, proportion of Muslim population, literacy

Table 8.4: Most Riot-Affected Cities in India, 1950–2002

	Town/City	*Deaths (1950–1995) Varshney*	*Deaths Per 1,00,000**	*Deaths (1960–2002) Engineer***	*Deaths Per 1,00,000*
1.	Bombay	1137.0	14.0	906.0	11.0
2.	Ahmedabad	1119.0	48.0	1103.0	47.0
3.	Hyderabad	312.0	14.0	331.0	15.0
4.	Meerut	265.0	63.0	263.0	63.0
5.	Aligarh	160.0	50.0	146.0	46.0
6.	Baroda	109.0	15.0	126.0	17.0
7.	Delhi	93.0	2.0	148.0	3.0
8.	Calcutta	63.0	2.0	64.0	2.0
9.	Jamshedpur	198.0	43.0	194.0	42.0
10.	Bhiwandi	194.0	168.0	194.0	168.0
11.	Thane	–	–	69.0	22.0
12.	Surat	194.0	25.0	–	–
13.	Moradabad	149.0	45.0	166.0	50.0
14.	Firozabad	–	–	25.0	12.0
15.	Varanasi	–	–	44.0	6.0
16.	Bhopal	108.0	16.0	–	–
17.	Kanpur	81.0	5.0	86.0	6.0
18.	Jabalpur	59.0	9.0	–	–
19.	Bangalore	56.0	2.0	28.0	1.0
20.	Jalgaon	49.0	34.0	52.0	36.0
21.	Sitamarhi	47.0	122.0	–	–
22.	Indore	45.0	5.4	45.0	5.0
23.	Allahabad	37.0	6.0	43.0	7.0
24.	Nagpur	37.0	3.0	–	–
25.	Jaipur	32.0	3.0	–	–
26.	Aurangabad	30.0	10.0	30.0	10.0
27.	Srinagar	30.0	5.0	29.0	5.0
28.	Ranchi	29.0	6.0	32.0	7.0
29.	Malegaon	23.0	9.0	35.0	14.0
30.	Godhra	18.0	21.0	73.0	85.0
31.	Coimbatore	–	–	110.0	16.0

Source: Engineer (2004); Varshney (2002).

Note: * Base population relates to the Census 1981; cities refer to administrative cities and not urban agglomeration.
** In Engineer's estimate, riots are predominantly Hindu–Muslim riots, but he also includes Hindu–Sikh riots occasionally. The estimate of Delhi excludes 2,000 deaths following assassination of the then Prime Minister Indira Gandhi, in 1984 (Engineer 2004:76).

Table 8.5: Correlation Matrix of the Number of Deaths in Riots (per 1,00,000) and Selected Variables: City Level Relationship (N = 31)

Variables	*Deaths per 1,00,000 (1950–95)*	*Deaths per 1,00,000 (1960–2002)*	*% Muslim*	*% Literacy*	*Female-to-Male Ratio*	*Natural Log City (Population)*
Deaths/1,00,000 (1950–95)	1.000					
Deaths/1,00,000 (1960–2002)	.952**	1.000				
% Muslim	.250	.185	1.000			
% Literacy	–.248	–.223	–.433*	1.000		
Female-to-Male Ratio	–.394*	–.304	–.024	–.169	1.000	–
Natural Log City (Population)	–.559**	–.633**	–.170	.413*	–.126	1.000

Source: Author.

Note: **Correlation is significant at 0.01 level (2-tailed); *Correlation is significant at 0.05 level (2-tailed). Data for variables other than riots pertain to the census year 1981; N = 31

rate, female-to-male ratio and natural log of city size. It shows that number of deaths per 1,00,000 population has a significant negative relationship with city size. The small and medium-sized cities also have lower literacy rates and are relatively less modernised compared with large metropolitan cities. Further, a significant negative correlation between literacy rate and the proportion of Muslim population indicates that Muslims have lagged behind in cities where they constitute a sizeable proportion of the population.

The proportion of Muslims and literacy rates are not significantly related with number of deaths in Hindu–Muslim riots, but female-to-male ratio has a significant negative relationship with it. This is also confirmed by multivariate regression analyses presented in Table 8.6. The sex ratio in cities gets imbalanced due to single male migration. It seems that cities with lower female-to-male ratio are more violent. This also indicates about the changes in the gender composition at the household level in cities and its relationship with Hindu–Muslim violence. Thus, it may be argued that the masculinisation of cities as a demographic process has influenced Hindu–Muslim violence. On the other hand, several studies show that the women are the worst victims of riots (Khanna 2008). Despite this, women's role in promoting peace is paramount and a balanced sex ratio seems to provide a condition in promoting women's agency in building a peaceful city.

However, most importantly, the conclusion which may be drawn from this study is that the size of the Muslim population has no

Table 8.6: Regression Analysis of Number of Riot Deaths (per 1,00,000) and Selected Variables: City Level Relationship (N = 31)

Predictors	*Deaths/1,00,000 1950–95 (Standardised Beta Coefficient)*		*Deaths/1,00,000 1960–2002 (Standardised Beta Coefficient)*	
Constant	496.330**	(5.000)	506.810**	(5.000)
Natural Log City Population	–.572**	(–3.900)	–.679**	(–4.700)
% Literacy Rate	–.036	(.223)	.023	(.150)
% Muslim	.126	(.850)	.071	(.480)
Female-to-Male Ratio	–.470**	(–3.500)	–.384**	(–2.900)
Adjusted R Square	46.9%		48.6%	

Source: Data on deaths for 1950–95 are taken from Varshney (2002) and for 1960–2002 from Engineer (2004).

Note: ** Significant at 1 per cent level; data for independent variables pertain to the census year 1981; figures in bracket are t values.

empirical relationship with riots, which shows that communal discourse inducing demographic anxiety has no scientific basis.

Conclusion

Hindu–Muslim riots occur in areas of both high and low proportions of Muslims. There is also no consistent pattern with regard to literacy rate, level of urbanisation and proportions of Muslims in non-agricultural occupations. Two of the most riot-affected states, namely Maharashtra and Gujarat, have low proportions of Muslims, but they are highly urbanised, more literate and have higher engagement in non-agricultural occupations. This stands in contrast to the states of West Bengal and Kerala where Muslims constitute higher proportion of population, but most live in rural areas. Both the latter states are least affected by riots. Thus, the two groups of states present a contrast in demographic regimes and pattern of communal riots. Further, in the states of Bihar and Uttar Pradesh, where riots had occurred more frequently in the past, there were few riots, particularly in Bihar in recent years.

Unexpectedly, the state of Jammu and Kashmir — a Muslim majority state — falls under the moderate category of riot-affected states. This is because most violence during the last two decades are due to terrorist attacks rather than Hindu–Muslim riots.

Among the most riot-affected states, only a handful of cities and towns experience riots. The proportion of Muslims and literacy rates also do not emerge as significant factors associated with Hindu–Muslim riots. On the other hand, lower female-to-male ratio is associated with higher Hindu–Muslim violence. In other words, masculinisation of urban space is associated with higher proneness of Hindu–Muslim riots. Finally, there is a serious lack of data on Hindu–Muslim riots which are only occasionally compiled by individual researchers. There should be a systematic and regular effort in collecting data related to riots at the institutional level.

Notes

1. It was decided by the British Government as early as 1856 to conduct a census in India in 1861. But the census could not be held due to the 1857 mutiny. In 1865, the Government of India and the Home Government agreed upon the principle that a general population census would be taken in 1871. However, the period 1867–72 were actually spent in

recording census data and was known as Census of 1872, which was neither a synchronous census nor covered the entire territory controlled by the British (Srivastava 1972: 9).

2. Muslims ruled India for several centuries until the 18th century till the British took over from them. It is amazing that Islam being a proselytising religion, the Muslim population at the close of 19th century was only 20 per cent (Davis 1951: 179). The main reasons, for low percentage of Muslims may be due to political reasons the lack of interest of most Muslim rulers in proselytisation and also the resistance posed by the indigenous population (Krishna 1976: 146).
3. Ramnavami commemorates the birth of Lord Rama — an incarnation of the Hindu god Vishnu who is believed to sustain humankind. Ramnavami is celebrated in the month of April.
4. Muharram is a festival of mourning celebrated among the Shia community of Muslims in the memory of Imam Hussan — the grandson of Prophet Mohammad who was killed in the battle of Karbala in 680AD. The mourning is observed in the street processions and public demonstrations of passionate lamenting and grieving.
5. Ganpati festival is celebrated by Hindus in September where a clay idol of the elephant-headed god of wisdom and prosperity, Ganesha, is worshipped all over Maharashtra. During the 10-day celebration, processions are taken out and the idol immersed in either a pond, river or sea.
6. Kali festival is celebrated in West Bengal and this is known as Diwali in other parts of the country. In West Bengal and its adjoining states, the idol of Goddess Kali is worshipped in the November and people celebrate this festival by lighting lamps on this occasion.
7. Holi is a festival of colours, celebrated in March, heralding the onset of spring. This festival is marked with gaiety where people throw coloured water and powder on each other and bonfires are lit.
8. On the frequent occurrence of riots in Malegaon, we find the following excerpt:

   The riots of Malegaon, right from 1963, never occurred on their own. They used to be instigated by the business community. Malegaon, with a 7,00,000 population, survives on the powerloom industry. The owners and workers are Muslims while loom suppliers and buyers are the Hindus. This creates tension. (DNA 2006)

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9

Police Conduct during Communal Riots: Evidence from 1992–93 Mumbai Riots and Its Implications

Jyoti Punwani

Can the police be blamed for being partisan in a Hindu–Muslim riot? While firing at a mob, do they stop to think whether it is a Hindu or Muslim mob? Is it fair to expect strict adherence to rules when they are confronted with armed mobs of both communities? The Babri Masjid was demolished by mobs organised by the Rashtriya Seva Sangh (RSS) and its affiliates — the Bharatiya Janata Party (BJP)/Vishwa Hindu Parishad (VHP)/Bajrang Dal (BD) — and the Shiv Sena, on 6 December 1992. Immediately, riots broke out in Mumbai that lasted till 12 December and flared up again around 6 January, 1993. In the intervening three weeks, sporadic incidents and a number of acts, calculated to keep communal feelings on the boil, kept taking place.

During these riots, the police conduct was *consciously* partisan, pro-Hindu and anti-Muslim. From the stage of preventing violence to controlling it — whether arrests of miscreants or investigation of riot offences — at every level, the Mumbai police revealed itself to be a highly communal force, not worthy of the trust reposed in it nor of the power it commanded. What made it worse was that this unprofessional conduct was not just displayed by lowly constables bearing the brunt of mob violence, but also by senior officers. The bias existed right from the top beginning with the Police Commissioner. Evidence of such conduct exists in the proceedings and report of the B. N. Srikrishna Commission of Inquiry into the 1992–93 riots. In front of the Commission, everyone had their equal say and all were cross-examined at length. The police had their own lawyer and were given enough opportunity to defend themselves. Most of the documents relied upon by the Commission were police records. Victims who testified against the police were subject to rigorous and often hostile cross-examination not only by the lawyer

representing the police but also lawyers of the state government and the Shiv Sena. Hence, when Justice Srikrishna concluded that often, the police's attitude of 'one Muslim killed is one Muslim less' (*B. N. Srikrishna Commission of Inquiry into the 1992–93 Riots in Mumbai*, Government of Maharashtra 1998: vol. I, Chapter IV, para. 1.11), he had reason enough to say so.

Tales of police atrocities towards Muslims during communal riots are all too common. The Mumbai riots too had their share of them. However, what has not been documented in most riots is the thought process of the police. Fortunately, the Srikrishna Commission gave us the rare opportunity to discover how the mind of the police works — through affidavits filed by the police before the Commission and also through their depositions in the witness box. Their attitudes led to conclusion that the Mumbai police shared the same attitudes and values of the Hindutva groups. This paper proposes to deal at length with their attitudes rather than their acts, since one led to the other. How could they take action against those who, according to them, were doing no wrong?

Thus, whether it was the inflammatory slogans and speeches of the VHP during their long campaign leading up to their proposed action (termed by them as '*kar seva*') in Ayodhya on 6 December 1992, or the Shiv Sena victory rally held after the demolition of the Babri Masjid; whether it was the lack of preventive arrests of known communal anti-social elements or the treatment of the obviously political '*maha aartis*' as religious affairs; or the indifference towards the incendiary writings in the Shiv Sena newspaper *Saamna* — the police's benevolence towards actions by the Sena–BJP can be understood when one accepts that in their thinking, these acts were legitimate, or at least, not objectionable.

VHP Campaign: No Offence Taken Though Offence Was Meant

Two slogans were discussed threadbare again and again in front of the Commission. The first was: '*Saugandh Ram ki khaate hain, mandir wahin banayenge*' ('We vow in the name of Ram that we will build the temple on that very site'). This was the VHP's key slogan throughout its Ayodhya campaign, conducted through street corner meetings and processions in slum areas. Interestingly, though this slogan was jotted down by the local constables in their

'Mill Diaries' (a record of all important meetings and incidents in the police station jurisdiction), none of the inspectors in charge of police stations or their seniors who deposed, found it communally provocative. It always took a patient step-by-step dissection of the meaning of this slogan, often by Justice Srikrishna himself, for the policeman to reluctantly admit that a slogan that vowed that a temple would be constructed on the very spot (*wahin*) where the Babri Masjid stood, could hurt the feelings of Muslims. Especially since in the VHP's campaign, Muslims were called '*Babar ki aulad*' (Babar's progeny).

More than one policeman replied that what they understood by the slogan '*Mandir wahin banayenge*' ('We will build a temple on that very site') was that the temple would be built 'somewhere in Ayodhya'. Asked whether they were not aware that the agitation for the Ram temple implied that it would be built at the site where the Babri Masjid stood, after demolishing the latter, the senior inspector of Dharavi answered: 'No such thing was implied. I did not feel such an agitation or slogans were likely to agitate Muslims'.[1]

This response was from just an inspector. However, even a senior police officer like the then Joint Commissioner R. D. Tyagi told the Commission that the speeches made by BJP leaders during their Ayodhya campaign never advocated the demolition of the Babri Masjid, but only the construction of a Ram temple in Ayodhya. 'Ayodhya was a big place', he added. He explained that the BJP advocated the removal of the Babri Masjid without demolishing it and the building of the Ram Mandir at the exact spot. To a question by Justice Srikrishna whether such a thing was possible, Tyagi replied, 'It appeared that they were talking for the purpose of propagating a political ideology and they were not really serious about it'.

The Ayodhya campaign had at that time completely taken over the country; there were daily meetings by Prime Minister Narasimha Rao with various parties to resolve the issue. The Supreme Court too was passing directions on the matter. Is it believable that the police, who are supposed to monitor the rise in communal tension in the country, were not aware of the implications of the campaign? That they did nothing to check this rise is an indicator that they did not find anything basically wrong in the campaign.

Here, it is instructive to look at the testimony of the then Police Commissioner S. K. Bapat who told the Commission that he did not think L. K. Advani's *rath yatra* in 1990 (aimed at building support

across the country for the demolition of the Babri Masjid and for the construction of a Ram temple in its place) was the cause of communal riots. For the record, the *rath yatra* had left a trail of riots in its wake, in many cities of Karnataka (hitherto not known for Hindu–Muslim enmity), as also in Bhagalpur, Indore, Jaipur, and Gonda. All these incidents were reported widely in the press. At that time, Bapat was Joint Director in the Intelligence Bureau (IB) at the Centre. The *rath yatra* crossed cities in a long convoy, blaring provocative slogans and with Advani giving passionate speeches. The BJP claimed that the Babri Masjid had been built after demolishing a temple built at Lord Ram's birthplace; and now, the Masjid had to be demolished and a Ram temple built in its place to restore 'national honour'. Despite these declarations made by Advani at public meetings, Bapat maintained that the *yatra* had not generated communal tension. According to him, the tension had been generated by Muslims gathered en route to oppose the *rath yatra*, an act he considered unconstitutional. If the Muslims had any grievances, he said, the constitutional method would have been to approach the court.

Bapat's view was echoed by another policeman, Sr Inspector Mahadeo Zende of Nirmal Nagar police station (located in Bandra East, where Shiv Sena leader Bal Thackeray and then Sena MLA Madhukar Sarpotdar lived). Zende was asked what precautions he had taken during the VHP's *Ram Paduka* processions in October 1992 (the VHP used these processions where the symbolic footwear of Ram, itself an object of worship, was taken around, amid slogan shouting, as a form of mobilising volunteers for the 6 December programme). Zende replied that he had instructed his staff to ensure that Muslims do not object to such processions. What was the nature of the VHP campaign carried out in Mumbai from July to the D-Day, 6 December 1992? The policemen themselves provided the details of the campaign to the Commission. The following slogans were found to have been raised/written on walls/blackboards during the build-up to 6 December in Mumbai:

- '*Tel lagao Dabur ka, naam mitado Babar ka*' (Rub Dabur (a popular brand) oil, wipe away Babar's name)
- '*Hindustan Hinduon ka, nahin kisike baap ka*' ('Hindustan belongs to Hindus, not anybody's father')

- '*Ek dhakka aur do, Babri Masjid tod do*' ('Give one more push and break the Babri Masjid')
- '*Ayodhya to ek jhaanki hai, Kashi Mathura baaki hai*'. ('Ayodhya is just a glimpse, Benaras and Mathura are yet to come')
- '*Is desh mein rahna hoga, to Hindu banke rahna hoga*' ('If you want to live in this country, you will have to live like a Hindu')
- '*Talwar nikli myan se, mandir banega shaan se*' ('Now the sword is out of its sheath, the temple will be built in a grand way')

None of the police officers who testified before the Srikrishna Commission found these slogans objectionable. However, the campaign was more than mere slogans.

1. On 14 October 1992, a board inciting Hindus to attack Muslims was put up by the Bajrang Dal within the jurisdiction of VP Road Police Station (Girgaum), a congested area with a mixed population of Hindus and Muslims. This was noted in the Mill Diary of the police station, but no action was taken.
2. In Pydhonie, a mixed Hindu–Muslim area and the scene of many riots in the past, Praful Desai in his speech during a *Ram Paduka* procession, said, '*Ramdrohis* should not be allowed to go alive'. No action was taken.
3. Dharavi, the largest slum in Asia, was the scene of an intense campaign. During the Durga immersion procession in November 1992, the Sena had burst crackers and thrown *gulal* near the Badi Masjid. The VHP distributed pamphlets saying 'Muslims' ancestors had come to plunder India'. Dharavi was to become the site of the first violent incident of the riots, the day the Babri Masjid was demolished, when the Sena held a 'victory' cycle rally. But, the senior inspector in charge of Dharavi police station insisted that there had been no activity which added to communal tension before the Sena victory rally on the evening of 6 December.
4. In Ghatkopar, another mixed area, the BJP/VHP carried out a sustained high-pitched campaign from October to December 1992, culminating in a three-hour long rally on the night of 5 December.
5. The sprawling suburb of Jogeshwari east, with its interconnected slums and chawls where Muslims and Hindus lived in ghettoes, had witnessed two serious riots in 1990, which had helped

> the RSS expand its base and conduct a successful Ayodhya campaign in 1992. One of those preventively arrested in 1990 was Lalta Prasad of the BJP who became active again in 1992, but was not touched during the riots, despite the orders of the commissioner of police (CP) that 'communal *goondas*' and activists of the Sena and BJP be arrested. The VHP carried out a highly provocative public campaign here, marked by street corner meetings and open-air film screenings of the first attack on the Babri Masjid in 1990. But the senior inspector did not find any of these activities communally provocative; more so, he said, because they were held in Hindu areas. He was later promoted to the post of assistant commissioner of police (ACP).

Were the policemen really unaware of the kind of effect this VHP campaign must have had on Muslims? Eight days before 6 December, the CP had warned his men of the 'dangerous consequences' of the proposed Ayodhya programme. On 3–4 December, senior officers met to discuss the issue. On 5 December 1992, a ban on weapons was imposed and on 6 December, a ban on assemblies. The CP's instructions were that if anything happened in Ayodhya, no protest meetings should be allowed in Mumbai.

However, on the noon of 6 December 1992, when all eyes were on Ayodhya and attack on the Babri Masjid was telecast live by the BBC, the Mumbai police allowed the VHP to conduct *ghanta naad* (ringing of bells) programmes inside temples across the city, to coincide with what was happening in Ayodhya. The city had by then been placed on high alert and ban orders imposed. But the policemen said that the *ghanta naads* were religious programmes. When cross-examined, they admitted they had never before seen a religious programme of such a nature. One policeman admitted that sensing *ghanta naads* would aggravate communal tension, his seniors told him to make preventive arrests. However, he could not do so as he could not locate any of the organisers, he said. This was the reply by an officer posted in Agripada, which has a history of communal rioting.

'No Muslim complained (about the campaign)', was the defence given by many policemen. The deputy commissioner of police (DCP) Vasant Ingle told the Commission, that 'it came as a surprise' to him that on the morning of 7 December, the day after the Babri Masjid

was demolished, Muslims had started gathering in small numbers on the streets. He insisted that there had been nothing in his zone which would have created communal tension before 6 December 1992, not even Bal Thackeray's Dussehra speech at Shivaji Park, which was so abusive that it could not even be read out before the Commission, but was taken on record. Ingle had 35 years experience in the force, some of it in the Special Branch, which keeps a tab on all potentially explosive activities. Many police stations had no policemen who understood Urdu, hence they had no idea what was being written in the Urdu press. But did they need to read the Urdu press to gauge the feelings of Muslims? What else can one conclude except that in the minds of these policemen, the Ayodhya campaign was perfectly legitimate?

There is one slogan that has always figured in communal riots: '*Is desh mein rahna hoga to Vande Mataram kahna hoga*'. ('*If you want to live in this country, you will have to recite Vande Mataram*'). This slogan, a perennial favourite of the RSS, became the focus of furious discussion before the Commission. The police of course did not find it objectionable, just like they did not find any of the other slogans raised by the Shiv Sena or BJP objectionable. But what is significant is that the lawyers representing the police and the government felt the same. In fact, during the cross-examination of one policeman, the police counsel sprang to his feet declaring that no patriot would find this slogan objectionable. It was left to Justice Srikrishna to point out that laying down conditions of residence on any citizen, let alone a community, by another group, was not just communal but also fascist.

Some of the slogans raised by the BJP/VHP and the Shiv Sena were so offensive that it could not be read out before the Commission. Among them were slogans raised at two rallies held by the Shiv Sena. The first was held in Dharavi to celebrate the demolition of the Babri Masjid, on the evening of 6 December 1992. The rallyists passed through Dharavi's narrow lanes and threw a stone on the small Kadariya Masjid, where *namazis* had gathered for the 5 o'clock *namaaz*. This was the first violent incident of the Mumbai riots — sparked off by the Shiv Sena and not the Muslims, as generally believed.

The rally was led by local Sena corporators; it was escorted by the police who said they had not given permission for it. Yet, no arrests were made either before it started nor after it ended in a meeting

where speeches were made. In fact, by the time the police filed a case against the rallyists in March 1993, the accused got anticipatory bail. In the intervening three months, three of the accused attended peace committee meetings held inside the police station (all accused were acquitted in 2003, as the witnesses turned hostile.)

The answers given by the Senior Inspector of Dharavi on why no action was taken against the rallyists deserves to be quoted to understand the mindset of the Mumbai police. It needs to be emphasised that almost all senior inspectors and even DCPs gave such answers. About the public meeting held at the end of the rally, held without police permission, Sr Police Inspector (PI) M. Y. Gharghe said: 'It had not occurred to me that the participants had formed an unlawful assembly'.

Among the slogans raised at this rally were (as listed by the police):

- *Kamar mein lungi, munh mein paan, bhaago landya Pakistan* (Lungi at the waist, *paan* in the mouth, run to Pakistan, you circumcised [*Muslims*])
- *Hindustan Hinduon ka, nahin kisike baap ka* (Hindustan belongs to Hindus, not to any one else's father.)
- *Is desh mein rahna hoga, to Vande Mataram kahna hoga* (If you want to live in this country, you will have to sing Vande Matram.)

Gharghe said he was not sure whether the slogans raised attracted Indian Penal Code (IPC) Sections 153 A and B (promoting communal enmity). What about the stone thrown at the mosque? 'It was clear that the stone thrown at the masjid by the rallyists was meant to insult and offend Muslims' feelings. But I was not sure if it attracted IPC Section 153 A', he responded.

The second rally was led by then Sena MLA Madhukar Sarpotdar, on 27 December 1992, to reinstall a Ganesh idol that had been desecrated earlier on 6 December. The rally, that passed through residential areas in Sarpotdar's constituency, raised the following slogans: '*Gali gali mein shor hai, Babar maderchod hai*' (The lanes are full of the cry, Babar is a mother-fucker); '*Tel lagao Dabur ka, gand maro Babar ka*' (Rub Dabur oil, sodomise Babar); '*Evadha motha Hindustan, bhosadyat gela Pakistan*' (Hindustan is so large, it has swallowed Pakistan); '*Zor se kaho Hindustan, Pakistan gandoo hai*'

(Hindustan say loudly that Pakistan is an arsehole) [These slogans were listed in the FIR].

The placards carried in the procession (as listed in the FIR) said: '*Shiv Senechi dahshat hich sarvajanik surakshitata*' (The Shiv Sena's terror alone guarantees public safety); '*Khavlelya Hindu mahasagarala takkar dyawayachi khumkhumi konala asel tyane ranangat yave*' (If anybody has the courage to confront the raging Hindu ocean, come into the battlefield); '*Hindu rashtra nirman zalyashivay paryay nahi*' (There is no alternative to a Hindu nation). The rally ended with incendiary speeches made by Sarpotdar and other Sena leaders. Though the police told the Commission no permission had been given for the rally, it was escorted by the city's top police officers. Like in the Dharavi rally, neither was the rally physically stopped nor any arrests made. Sarpotdar and the co-accused in this case were finally convicted for this rally under Sec 153 A in 2008, by a special court set up to try the 1992–93 riot cases.

No action was taken against either of these rallies nor any of the other rallies held by the Sena while the riots were on. The police gave the usual reason: any action against the Sena would have led to more trouble. However, if we were to suppose that this factor did not exist, would the police have acted? Their answers during cross-examination — that they found nothing objectionable in any aspect of the campaign, says it all.

The Police Commissioner Speaks

The deposition of then Police Commissioner S. K. Bapat, best reveals the mindset of the Mumbai police force. The deposition stands out for two astounding assertions made by Bapat: first, Pakistan is behind every Muslim agitation; and second, the Hindutva parties are not communal. These beliefs acquire enormous importance because Bapat was the Joint Director of the Intelligence Bureau before heading the Mumbai Police.

S. K. Bapat filed a 172-page affidavit before the Commission, presenting his view on the riots. However, not once did he name the Shiv Sena in his affidavit. So keen was he to avoid naming the party that he even omitted in his affidavit, his own message sent to his men, that ordered them to arrest activists of the Sena and BJP on 8 December 1992 (this was a preventive measure to foil the *bandh* called by these parties on 9 December). Predictably, no police

station carried out his orders to arrest Sena-BJP activists. They told the Commission they could not find any Sena/BJP activists in their area! Significantly, Bapat did not forget to include in his affidavit, four other messages sent by him to police stations during the riots, which did not mention the Sena! When an angry Justice Srikrishna asked why he was fighting shy of naming the Sena, Bapat replied, 'There was no material available to me to say that any particular party was responsible for the riots'. He said he could identify any such group (responsible for the riots) only on the basis of proof, i.e., cases registered against persons shown to be belonging to that group, *and the court's confirmation of this*. No such material had been made available to him, he said.

It is also worth noting that about 60 per cent of the 1992–93 riot cases were closed by the police. Trials in the remaining cases ended years later; and some are still going on. The case papers rarely mention the political links of the accused. In fact, Bapat himself expressed the view that the political links of an accused were irrelevant while investigating and registering cases. Given all this, would Bapat have ever been convinced that the Sena was responsible for the riots?

When confronted with the case papers of the stone-throwing incident during the Sena's victory rally in Dharavi on 6 December, Bapat conceded that this was the first incident of the riots. But, he said, the case papers showed evidence against Shiv Sainiks, not the Sena as a party or organisation. But the same rigorous standards of proof were not deemed necessary by Bapat to declare that Pakistan's ISI was behind the riots. He admitted he had no 'direct evidence' for this claim.

The CID had registered a case about arms and ammunition being smuggled into Mumbai by ISI agents for use in the January 1993 riots. But the case was finally closed and classified as 'true, but undetected'. Additional CP V. N. Deshmukh, who was head of the Special Branch during the riots, told the Commission that the Crime Branch did not obtain any material to support the information they had received about the smuggling. Nor had the Special Branch come across any such material.

Said Bapat, 'Just because nobody was arrested and no arms seized, does not mean that the conspiracy did not exist'. He agreed that nothing in the interrogation of the riot-accused had pointed to the ISI hand. Yet, he could not rule out the possibility that the ISI hand could have brought the riots to a flashpoint. Pakistan, he said, had

a long-term strategy to destabilise India ever since its inception and police officers down to the rank of police inspectors knew of this plan. In fact, said Bapat, the leaderless Muslim mobs who came out on the roads on 6–7 December may not even have known that were being 'pushed by the ISI hand'.

V. N. Deshmukh testified before the Commission that most policemen were of the opinion that Muslim youth were prone to crime. But Bapat's disclosure that down to the inspector level, policemen thought that any agitation by Muslims was instigated by Pakistan — if it is to be believed — explains the extremely hostile behaviour of the police towards Muslims, their taunts to Muslims in distress that they should go to Pakistan. When their boss thought so, could the lower level functionaries be blamed for behaving so? According to Bapat, the Sena was not a communal party. In fact, he said, he would not call any party communal. He was of the opinion that a communal party would be against the Constitution and the Election Commission would refuse to register it. Significantly, a 1986 document issued by the Maharashtra State Home Department, titled, *Guidelines to the Police on How to Deal with Communal Riots* describes the Sena as a communal party.

As mentioned above, Bapat said he was not aware of any riots sparked off by Advani's *rath yatra*. He claimed he was also not aware of Bal Thackeray's boast that his 'boys' had demolished the Babri Masjid. The holding of Friday afternoon *namaaz* on the streets, thereby blocking public space, was made into an issue by the BJP/Sena after the first phase of the riots ended in mid-December 1992. The RSS came up with a counter-device called *'maha aartis'*, wherein huge congregations of Hindu worshippers would spill out on the streets outside temples. This was, they said, a pressure tactic to get the administration to stop Muslims from offering *namaaz* on the streets, and stop the *azaan* being blared through loudspeakers. These *maha aartis,* where fiery communal speeches were made, were nothing more than a tactic to mobilise Hindus against Muslims before and during the second phase of the riots.

V. N. Deshmukh informed the Commission that on Friday afternoons, *namaazis* spilled out on the roads in about 25 of the city's few hundred masjids. Most of these were in Muslim areas, though some were in mixed Hindu–Muslim areas. The main reason for this was the lack of space in these mosques. But Bapat had his own theory about why *namaaz* was held on the streets. He saw this as a

pressure tactic by Muslims to get the government to grant additional Floor Space Index (FSI) for mosques. This was also a means of 'consolidation of Muslims'. He admitted he had no idea whether Muslims were praying on the road by choice or compulsion, nor had he bothered to find out. He knew there was a demand for increased FSI for mosques, and hence he concluded that Muslims prayed on the streets in support of this demand.

Strange also was the Commissioner's use of the stringent anti-terrorist law, Terrorist and Disruptive Activities (Preventive) Act 1987 (TADA), during the riots. TADA could not be used against any accused without the Commissioner's permission. It is interesting that Bapat did not think it necessary to apply TADA when Sena MLA Madhukar Sarpotdar or BJP leader Gopinath Munde's personal assistant (PA) Vivek Maitra was apprehended carrying arms during curfew in the riots, though carrying unlicensed arms was then an offence under TADA. His explanation was that the inspector in charge of the concerned police station had not mentioned TADA to him!

Maha aartis: Politics Masked as Religion

As already mentioned, the RSS conceived of *maha aartis* as a counter to *namaaz* on the roads which had been going on for years and had never led to trouble. *Maha aartis* were not only a new phenomenon, quite alien to the way Hindus practised their faith, but they were also being held in the wake of the most ferocious riots the city had ever seen — as the police themselves described it. Additionally, they were being organised by the same parties responsible for the demolition of the Babri Masjid, the event that led to the riots. To top it all, the police were aware that members of these parties had been involved in the December riots too. Despite all this, the police allowed the *maha aartis* to be held. Bapat did issue instructions that action should be taken against them if they blocked traffic or indulged in communally provocative speeches. He also ordered that police escort those returning from the *aartis* and put up boards announcing the *aartis* would be confiscated. Of course no action was taken.

The first *maha aarti* was held on 26 December 1992, in the jurisdiction of Kalachowkie police station, a Sena-dominated area. It is significant that *namaaz* was never held on the roads in this area, hence the stated *raison d'etre* for the *maha aarti* did not exist here.

The Senior Inspector of Kalachowkie contacted his ACP and DCP for instructions, but they told him to allow it, as it was a religious gathering, and hence exempt from the ban orders in place in the city.

The DCP testified before the Commission that the Senior Inspector had told him that the *maha aarti* had political implications and that a religious occasion was being used by the BJP and Sena to spread propaganda among Hindus. 'But I would consider it only indirect political activity . . . the result of religious rivalry', said DCP K. L. Bishnoi. For good measure, he asked the inspector if he anticipated law and order problems. The latter replied in negative, so he said that there was 'no need to interfere with the *maha aarti*'.

In that very first *maha aarti*, an anti-Muslim pamphlet by the Hindu Jan Jagruti Abhiyan was distributed; however, neither did the police seize it nor did the DCP ask them to explain why they did not. Within a week of the first *maha aarti,* the police realised that exempting *maha aartis* from ban orders was creating problems. A Special Branch report said they obstructed traffic and that the inflammatory speeches on 'appeasement of Muslims' made there were making the crowds restive and violent. On 7 January 1993, (by which time the second phase of the violence had begun), the police received a Confidential Report alerting them to the possibility of *gulal* being thrown on masjids and attacks on Muslim properties by Shiv Sainiks returning from *maha aartis.* The Police Commissioner told the Chief Minister Sudhkar Naik that a political decision had to be taken to ban them, since large crowds were involved. But no decision was taken. The CM told the Commission that *maha aartis* were religious affairs, which could not have been banned. In fact, as was revealed before the Commission by the police themselves, *maha aartis* were themselves a direct cause of violence during the January 1993 riots. The possibilities hinted at in the Confidential Report turned out to be true; crowds returning from these 'religious gatherings' did attack Muslims and their homes. Yet, policemen kept telling the Commission that the *maha aartis* conducted in their zones were peaceful. It was only after the timing and location of the incidents of violence were pointed out to them that a few policemen conceded that it might have been possible that *maha aartis* had led to violence. But not all admitted this.

In Tardeo, a *maha aarti* organised by the Sena sparked off the beginning of violence in January 1993, that did not end till three days later, when the last Muslim had either been killed or had fled

Tulsiwadi, a sprawling slum where Hindus and Muslims had lived together in peace for years. But ACP Changlani, in charge of the zone, insisted that the *maha aarti* had been peaceful and said he had no clue who the miscreants were. In fact, he said, there was no immediate cause of the violence. He insisted no inflammatory speech had been made at the *aarti,* even though his own constable had sent a report to the Special Branch that such speeches had been made.

In the violence at Tardeo, police *lathi*-charged the *maha aarti* participants, but fired on Muslims who came out in self-defence. Three Muslims died. No arrests were made that night, but the inspector who ordered the firing registered a case against the three dead Muslims, as well another three injured Muslims, and along with them, the 7000 participants of the *maha aarti*. According to him, the Muslims and Hindus had a common objective: 'The common objective of the *maha aarti* was to start the riots and of the Muslims to attack the police'. This man was promoted to Senior Inspector in charge of communally sensitive Dharavi. But as his candid reply showed, he was certainly more perceptive than his superior, ACP Changlani! In Colaba, immediately after the *maha aarti* organised by the Sena, the mob hacked to death a notorious history sheeter, Abdul Razzak (Abba) in full view of the police. The police also fired on Abba, and then made Abba the accused in the case! Later, the case was closed as 'true but undetected'. The five policemen in-charge of the situation were indicted by Justice Srikrishna and strict action recommended against them. In 2001, they were charged with murder but acquitted. None of them spent even a moment in lock-up nor faced suspension. In Byculla, the very first *maha aarti* led to violence. Wireless messages produced before the Commission showed that there were minute-by-minute messages going to and from the local police and the Control Room about the rioting being indulged in by those returning from the *maha aarti;* yet the Senior Inspector in charge of Byculla Police Station maintained before the Commission, 'I found them merely singing *bhajans*. They were shouting "*Jai Bajrang Bali*"'.

Many of these *maha aartis* were held though curfew was on. But since they were considered religious affairs, they were exempt from curfew just as *namaaz* was. At any rate, the police had a ready answer as to why they did not stop them — nobody applied for permission for holding a *maha aarti.* But boards outside temples were unfailingly put up, announcing the time of the *maha aarti.* So, even if no

permission was applied for, the police knew well in advance that a *maha aarti* was to take place.

The police also gave their usual explanation: stopping them would have created more trouble. DCP Bishnoi told the Commission: 'My perception was that, considering the situation, if the *maha aarti* was stopped, it would give the organisers one more handle to carry out propaganda that the police and State machinery were biased against the Hindus'.

There were at least two occasions when the *maha aartis* could have been legitimately stopped. In Dongri, Dr Jafar Moledina called the police for protection, scared by the mood of the *maha aarti* participants. He was asked his name and told, '*Landya*, make arrangements for your own defence'. In Colaba, well-known lawyer Niloufer Bhagwat asked the police to stop the *maha aarti*. She was threatened with arrest by the DCP and ACP for 'disrupting a religious function'. It needs to be repeated that these *maha aartis* were not only going on when violence was at its peak; they were in fact a cause of violence. Some policemen said they were short of manpower and hence could not control the participants, but the *maha aartis* that resulted in the most violence, had the most elaborate bandobast. The Colaba *maha aarti* had the Additional CP, ACP, DCP and the Senior Inspector supervising it; at Tardeo, the ACP, the Senior Inspector, two inspectors, seven sub-inspectors and 50 constables were in attendance, most of them armed. In Byculla, the ACP, senior inspector, two inspectors, two sub-inspectors, one SRP platoon and 10 armed constables were on duty, but six violent incidents took place after it. What else can one conclude except that the police too felt the *maha aartis* were a legitimate counter to *namaaz* on the roads? In fact, it was a clever ploy by the RSS to mobilise Hindus against Muslims in a riot situation, wherein any other assembly of people was banned. And the police allowed this to take place.

Namaaz Phobia and 'Sensitive' Areas

The police themselves were not comfortable with the phenomenon of Muslims praying en masse on Friday afternoons. Their affidavits filed before the Commission unfailingly mentioned that 'bandobast was intensified on Fridays and the one o'clock *namaaz* passed off peacefully' — as if that was a noteworthy event. In fact, they could

not come up with any instance in the past when the Friday afternoon *namaaz* had caused trouble. For months after the riots, police bandobast outside mosques during the Friday afternoon *namaaz* remained high; and Muslims had to worship under the shadow of the police guns. Yet, as seen above, despite the obvious explosive potential of *maha aartis*, few policemen prevented them from taking place.

Much in the same way, the 'sensitive' areas listed in police affidavits were always the Muslim-dominated areas of the city. During cross-examination, the police repeatedly said that they allowed the provocative acts of the VHP–Shiv Sena because these took place in Hindu areas. But evidence from the riots showed that some of the worst violence had taken place in the Shiv Sena's Hindu strongholds, where mobs led by Shiv Sainiks had hunted down the few Muslims in the area. In contrast, only in Muslim-dominated Deonar did Hindus have to flee in large numbers; in Muslim-dominated Dongri, though temples were attacked, only a few Hindus fled the area.

The Police View of Mobs

The affidavits filed by the police before the Commission were also a good indicator of the way the police viewed the riots. In almost every affidavit, the police mentioned the presence of violent Muslim mobs on whom they were forced to fire. They made no mention of Hindu rioters on the spot. But their own records revealed the presence of Hindu rioters during the firing.

Every incident of police firing had to be explained before the Commission. Sometimes, the list of those killed or injured in police firing during the incident, included Hindus. Or, the list of properties destroyed were mostly those belonging to Muslims. If the mob consisted only of Muslims, how come Hindus were injured? And did the Muslim mob set on fire their own masjids and properties of their own community? When confronted with these questions, the policemen admitted to the presence of a Hindu mob on the spot. Obviously, their affidavits reflected their perception — that only Muslims had been violent.

This blinkered view figured even in the way the policemen briefed their juniors during the riots, especially with regard to the great myth of the riots: that the second phase of the violence was a reaction by Hindus led by the Shiv Sena, mainly the Radhabai Chawl incident where six Hindus were burnt alive.

The first phase of violence after the demolition of the Babri Masjid petered out around 12 December 1992; all through December 1992, stray incidents of communal violence, some serious, kept taking place. Both Hindus and Muslims were aggressors in these incidents.

However, the police told the Commission that the second phase of the riots began in the first week of January 1993, sparked off by three specific incidents of violence by the Muslims: i) the stabbing of Hindu passers-by in the by-lanes of Nagpada, religious population-wise a mixed area; ii) the murder of three (Hindu) *mathadi* workers near Masjid Bunder station; and iii) the Radhabai Chawl incident in which six Hindus were burnt alive in Jogeshwari. These incidents, they said, sparked off the 'Hindu backlash.' Interestingly, the Congress government and the Shiv Sena expressed the same view of the riots, in their affidavits.

But under cross-examination, policeman after policeman was forced to admit that the violence between December 1992 and January 1993 had never really stopped; constant provocations were on from both sides. When shown case papers that they themselves had produced, they reluctantly conceded that the first instances of mob violence in January 1993 in many areas were initiated by Hindus. In the areas covered by 12 police stations investigated by the Commission, violence had already begun before the Radhabai Chawl incident, which was touted as the flashpoint of the January 1993 riots, the final straw that resulted in retaliation by the Hindus.

However, what is really frightening is that though policemen on the beat were keeping track of violent incidents taking place before the Radhabai Chawl 'flashpoint', in the internal briefings by senior officers, only these three incidents of violence by Muslims in January 1993 were highlighted as the cause of subsequent violence. The Commissioner himself claimed he was unaware of Hindu–initiated violent incidents before the Radhabai Chawl incident. Inspectors in-charge of individual police stations told the Commission that they had not been briefed about such incidents at all. The implications of such selective briefings are too disturbing to spell out. By the first week of January, the explosive potential of *maha aartis* was well-known. Yet, in their affidavits, senior policemen did not include *maha aartis* as a cause of the January riots.

Muslim Areas, Muslim Deaths

Given all the above evidence about the mindset of the Mumbai police, their conduct during the riots should not be surprising. When confronted with Muslim mobs, they opened fire; but with Hindu mobs, the police requested, appealed, beseeched and finally, *lathi*-charged. If they did fire, the bullets somehow did not seem to find their targets with as much accuracy as they had found Muslim targets in December 1992. Even where Hindus were the aggressors, Muslims were shot at and arrested. This attitude is best understood while looking at the statistics of the dead in the two Muslim-majority areas of Deonar and Dongri. In both places, more Muslims were killed, and not only in police firings. It would have been understandable if more Muslims had fallen to police bullets in these areas. It would have been a natural fallout of a common phenomenon: the majority in a particular area going on the offensive against the minority. But that is not what happened. Statistics show that in Deonar, which had an 85 per cent Muslim population, on the second and third days of violence, i.e., 7–8 December 1992, 44 Muslims and six Hindus fell to police bullets. The implication was obvious — Muslims were on the rampage against the few Hindus there. But the statistics of mob violence — wherein mobs attacked each other — proved otherwise. Four Muslims died and 14 were injured in attacks by mobs in Deonar, whereas no Hindu was killed in mob violence there. Of the properties attacked, 1022 belonged to Muslims and 634 to Hindus. So conclusion which can be drawn is that in Muslim-dominated Deonar, it was the Hindus who were the aggressors against Muslims. Muslims were violent too — but against the police. Two policemen were killed on the morning of 7 December 1992. That morning, police fired 77 rounds, killing 13 Muslims. Significantly, the *panchnama* of the spot did not mention a single body found there. The police said the bodies were taken away by other Muslims in the mob. Yet, amazingly, police could identify these bodies in the morgue as the very persons who had been shot dead in that incident!

The counsel for the Muslims and Muslim residents of Deonar, claimed that 13 people were dragged from their homes and shot dead. The Srikrishna Commission Report says,

> Taking an overall view, it appears to the Commission that because two constables were killed by violent Muslim rioters in this area, the police

> acted in a vengeful manner and behaved in a high-handed fashion with several Muslims in the area, who were apparently innocent, on the excuse that they were investigating serious cases of murders (B. N. Srikrishna Commission of Inquiry into the 1992–93 Riots in Mumbai, Government of Maharashtra, 1998: vol. II, Para. 9.60).

The police had an explanation for all the statistics. More Muslims were killed in mob violence in Deonar because Hindus attacked them out of revenge and anger at the events of 7–8 December 1992. The Muslims' enormous loss of property was ascribed to 'criminal elements' taking over. The police also said Muslims filed bogus claims for compensation. But they could produce only one such claim — a letter written by a Muslim to the government that his property had not been damaged! However, Deonar was not the exception. In Dongri too, with a 85 per cent Muslim population, the majority of those who fled their homes in December and January were Muslims. 106 Muslim homes were attacked after their inmates fled; they were located 100 feet from the Dongri police station. But the police said they came to know these rooms had been attacked only after the residents returned. In Hindu-dominated Antop Hill, all through January 1993, Hindus were on the rampage (of the 654 properties damaged, 618 belonged to Muslims). Police did fire on them. But no one was hurt. One Hindu died in the firing but that was when the army was evacuating Muslims on 12 January 1993 and the Hindus were stoning army trucks from the top of buildings. This pattern was repeated throughout the city. The only occasion, when the police were as ready to fire on Hindus as they were on Muslims, was when they found themselves being attacked by Hindus.

Implications

What are the implications of such conduct by the police? The fallout on Muslims after the riots was evident by one fact — when the 12 March 1993 bomb blasts took place, though only a few Muslims from the city were involved, most Muslims felt triumphant that they had been avenged. They felt that someone had stood up for them and delivered a mighty blow to the combined might of the police and the Shiv Sena. Support for what was clearly an act of terror, on a scale not seen earlier in India, planned by an Indian Muslim gangster

residing outside India, was a direct result of the manner in which the police and the State had behaved. This shows a direct correlation between police brutality, State complicity with communal parties and support of acts of terror by the victim community. It should be noted that subsequent acts of terror have not received any support, silent or vocal, from Muslims.

During these riots, upper class Muslims suddenly realised they were vulnerable too; their class could neither protect them from the Shiv Sena, nor could it help them get protection by the police. For the first time, many Muslims who had never considered themselves as an unequal minority, began to think themselves as so. Many felt deeply disillusioned with the majority community with whom they had lived in friendship; they felt no one had spoken out against the obvious atrocities of the police. The press too reflected the police view of the riots; only a few stories carried the Muslim victims' version. When the Srikrishna Commission got underway, it became the only avenue where Muslims could speak out and be heard. Here was an obviously Hindu judge who heard them out, who grilled the policemen who had tormented them and made the uniformed bullies sweat in the witness box. When the report finally came out in 1998, its conclusions — holding Bal Thackeray responsible for the January 1993 violence, finding the police force communal, and recommending strict action against 31 policemen — restored the faith of the Muslims in the secular character of the Indian State. However, the manner in which successive Congress governments have refused to act against the indicted policemen and have in fact, gone out of their way to protect them, has again made the victims lose hope in the State.

For all of us, the conduct of the police is a cause for worry. Police all over the world treat religious/linguistic/ethnic minorities as unequal; but in a democracy, they ought to be punished. In our democracy, they are protected. What else does this imply but that our government and its entire machinery which protects these policemen, also views Muslims as unequal? Protecting the image of the police, an arm of the State, is seen as more important than the lives of innocent citizens.

Can we sit back and accept this? Can we give up the fight to bring this communal police force to book?

Note

1. All quotes in this paper are from depositions before Justice B. N. Srikrishna Commission of Inquiry into the 1992–93 riots in Mumbai. The author covered the proceedings of this Commission and based on evidence brought before the Commission, brought out a booklet titled *Witnesses Speak*. The Inquiry Report was submitted to the Government of Maharashtra in 1998.

10

Ethnic Politics, Muslims and Space in Contemporary Mumbai

Abdul Shaban

Space is a political product and no political programme is without spatial effects (Gottdiener 1985). Space is also considered as a force of production along with capital and labour; and spatial organisation or structure is viewed as representative of the hierarchy of power and class struggle — both economic as well as spatial (Gottdiener 1985; Lefebvre 1991). Public spaces (like parks, roads, coffee houses, mass media) serve important social functions and their differential usage manifests the social cohesiveness or polarisation of a community. Inclusiveness in public spaces defines social organisation (Hauser 1998; Rubert 1999) and they matter because they are the context in which people are socialised and create their world-view (Johnston 1985: 2) or limit this social relations (Massey and Allen 1984). In other words, '. . . form of social integration becomes manifested in the structure of public space' (Habermas 2004: 9). In many societies, the marginal groups (ethnically or economically) are forced to live in certain spaces which are ghettoes with limited access to public spaces. These marginalised groups may also be deterritorialised and denationalised from metaphorical national spaces. Understanding how people make spaces helps in understanding how spaces make people, produce particular social relations and inhibit the expression of alternative social practices. Metaphorical space is purely epistemological — based on constructed reality and geography and evokes a sense of place (Gotved 2002). Deeply rooted in historical memory and as physical surrogates, metaphorical spaces determine social spaces. In India, history never dies. It is often invoked and lived with and shapes the social spaces. The social space is also purely metaphorical — based on an individual's interpretation of social interaction (ibid.). The metaphorical and socio-spatial constructions matter as they provide a sense of territoriality and community. They shape our day-to-day interactions and decision-making. They tell us

who we are and who we are close to. In other words, it determines who we keep at a distance in our daily interaction, though they may be physically located in the nearby neighbourhood.

Ethnic politics and violence unleashed in India in the name of religion (see Brass 2003; Varshney 2002; Wilkinson 2005a, 2005b), caste, class and region are reconfiguring, rearranging and producing new spaces; and this reality is more visible in urban centres than rural areas where traditional division of spaces exist on the basis of caste and religion. Today, as in many cities in the USA (Crump 2004), the urban landscape in Mumbai is characterised by mutual distrust, fear and economic and social exclusion. While in the American cities, exclusion often follows on the lines of race, but in India, it is mainly based on religion, class, region and caste. The segregations and orders are achieved by employing religious beliefs, cultural categories, regional identities, histories and thus, constructing narratives through innovative politics. The State and Capital remain inseparable parts of this process. Almost all the major urban centres in India display the above forms of spatial segregation. However, in Mumbai, this process is more pronounced where today, the physical spaces, as images of metaphorical ones, are outlined with virtual boundaries and traced in the mind of each individual in the city. The nativist movement in the 1950s run by the Samyukta Maharashtra Movement that demanded a separate state of Maharashtra, innovatively mixed region, language and nationalism and thereafter produced, reshaped and reconfigured the spaces within the city. Later on, the Shiv Sena added religion, caste and strong regionalist ingredients to the above mixture and further reinforced socio-spatial divisions along the new lines. In recent years, the trans-national politics and extremisms (bomb blasts, terrorist attacks) are configured around religion and have also been significant factors in facilitating local and national ethnic politics and the production of spaces. Simultaneously, one also sees the failure of the State to take effective and corrective measures to overcome the division of spaces. In the past, ethnic consciousness and desire to live together also brought members of many major ethnic groups together and created their exclusive spaces. However, this factor of choice has acquired a residual importance in present-day India. It is now a subconscious fear of each other that shapes the space. In Mumbai, the fear is also accompanied by visible, vocal and violent organisations, particularly against Muslims. This makes Mumbai

an interesting case to explore, analyse and understand the ethnic spatial segregation process.

It is in this context that the present paper attempts to examine the contribution of ethnic politics and violence in the production of spaces and usurpation of public spaces available to Muslims and the deterritorialisation/denationalisation (in fantasy) of existing Muslim spaces. The paper shows how religion, caste, region and nationalism are mixed and interacted together for 'othering', alienating, rioting, killing and denationalising certain groups in order to capture power, prestige and money. The paper explores the 'spatiality of sociality' and 'sociality of spatiality' in the city. This helps in understanding how boundaries between 'public' and 'private', 'ours' and 'theirs', and 'material' and 'metaphorical' spaces are continually constructed and reconstructed and socio-spatial processes are sustained or altered. The rest of the paper is divided into three main sections: the first section discusses the rise of politics of violence in Mumbai with a focus on the Shiv Sena; the next section deals with the outcomes of the politics of violence i.e., production of ethnic spaces. The last section concludes the paper.

Ethnicity and Politics of Violence in Mumbai in the Post-Independence Era

In Mumbai, violent cultural regionalism was initiated by the Samyukta Maharashtra Movement (SMM) in the latter half of the 1950s, when it expressed its demand for a separate state of Maharashtra and Mumbai (then Bombay) as its capital through violent strikes and political rhetoric, full of regional sentiments, to differentiate the Maharashtrian from Gujaratis, and Indians of other regions and languages. Bal Thackeray founded the Shiv Sena in 1966 on the lines of SMM. As a political party, the Shiv Sena started using 'ethnicity' to organise its 'cadre' and supporters and thrust its demand and sustain violence for political success. Although, the Shiv Sena has been a political force to reckon with in Mumbai since its birth, it has also seen various ups and downs. The growth of the Shiv Sena can be divided into the four major phases. In Phase I (1966–75): the Shiv Sena rose as an anti-communist and anti-south Indian movement and remained limited to the Mumbai–Thane urban belt; Phase II (1975–84): the first period of decline of the party when its popularity shrank mainly due to the influence of Datta Samant on

mill workers and its support to the 'Emergency' imposed by then Prime Minister, Indira Gandhi (Dhawale 2000); Phase III (1984–99): the period of rapid expansion due to failure of the Datta Samant-led mill workers strike and the manufacture of Muslims as the new enemies leading to major riots in Bhiwandi (1984) and Mumbai (1992–93). This period also coincides with the rapid rise of Hindu religio-nationalist sentiment at the national level created by the *rath yatra* (travel on chariot) undertaken by the Bharatiya Janta Party (BJP) and supported by the Rashtriya Swayamsevak Sangh (RSS) and Vishwa Hindu Parishad (VHP) for the construction of the Ram temple at the site of the Babri mosque at Ayodhya in Uttar Pradesh. The Shiv Sena learnt much politically and ideologically from the right-wing organisations like the RSS, SMM and VHP and effectively utilised the same to build its cadre and often employ them against Muslims in Maharashtra and elsewhere. The Hindu nationalist ideology, recast through Shiv Sena's 'ideology of violence', became attractive to the youth who were already groomed with the Hindutva ideology of the RSS, and later by the BJP, VHP and Bajrang Dal. The Fourth Phase (1999 onwards) has been the period of decline and split in the party due to a family feud. However, the split and emergence of the Maharashtra Navnirman Sena (MNS) has led to a new wave of competitive violent politics in Mumbai. Although, MNS adopts symbolic truce with Dalits and Muslims by including green (the colour symbolically associated with Muslims) and blue (a symbol of Dalits) and recruiting a few Muslims and Dalits in the party and putting up hoardings with their names, it has been targeting people of other regions, particularly north India. The Shiv Sena-led riots and mayhem in 1960s against south Indians was followed by attacks against Dalits in the 1970s, the North Indians in 1980s and against Muslims post that, thus producing new geographies/spaces or cities within the city.

Since its birth, the Shiv Sena has shown a tremendous ability of political innovation and translating the innovations into aggression to eradicate 'others'. One of the main targets of the Shiv Sena have been communists and leftists as they stood between its ideology and the people. Through its aggressive, derogatory, nativist and ethnic politics, Shiv Sena destroyed strong communist trade unions in Mumbai in the 1960s and 1970s. It started attacking communists by using derogatory names. In the 1960s, Bal Thackeray referred to communist leader, Prahlad Atre, in his *Marmik* (a news weekly) as

'that pig from Worli' (Dhawale 2000) because the office of *Maratha* (a communist newspaper) which Atre published was located in Worli. However, the Shiv Sena set up the Bharatiya Kamgar Sena (BKS) on 9 August 1968 on the lines of communist trade unions, though with a different ideology. Soon, the BKS succeeded in breaking up the communist-supported labour unions like the All India Trade Union Congress (AITUC) unions of Larsen and Toubro, T. Maneklal, and Parle Bottling Plant in Mumbai, and the Centre of Indian Trade Unions' (CITU) Devidayal Cables, Wyman Gordon, and Surendra Industries in Thane (ibid.). The Congress-led governments and the capitalist class (mill owners and media barons) actively supported the Shiv Sena in their endeavour. In fact, the Shiv Sena '. . . described some big capitalists as *annadatas* (food-givers) of Maharashtrians, while describing 'all *lungiwalas*' (south Indians) as criminals, gamblers, illicit liquor distillers, pimps, *goondas* and communists' (Lele 1995: 190). This was because most communist leaders in the city were from south India.

The (labour) movements from the 1960s onwards in Mumbai are difficult to interpret through a Marxian aspatial perspective of class that views the 'point of production' as a unique source of identity for the working class, since: (a) the mobilisation typically took place outside the workplace on ethnic ground; and (b) the actors involved in the organisation of movements were outside the working class, or cross-class or multi-class in composition. The labour movement which was based on workplace identity rapidly started dwindling after the appearance of the Shiv Sena. It became crucially dependent on the articulation of ethnic, community and family identities. This kind of trend elsewhere as well has led David Harvey to suggest that there is a need 'to illuminate . . . the vexing questions that surround the relationship between community conflict and community organising on the one hand, and industrial conflicts and work-based organizing on the other' (quoted in Tajbakhsh 2001: 16). Ira Katznelson (1982) suggests that 'urban politics has been governed by boundaries and rules that stress ethnicity, race and territoriality rather than class, and that emphasise the distribution of goods and services' (ibid.: 6). Economic liberalisation and neo-liberal practices adopted by India since 1991 have further provided an opportunity to the capitalist class to capture urban land, invest in it and profit. This in turn has multiplied opportunities for interest groups to alter the character of spaces.

Production of Ethnic Spaces: Deterritorialisation, Denationalisation and Ghettoisation of Muslims

The emerging religious and ethnic segregation and ghettoisation in urban spaces has undermined the idea of unitary national identity and equal citizenship (Tajbakhsh 2001).

> Today, globalization, mass tourism, world-wide migration . . . the growing pluralism of world views and cultural life forms have familiarized us all with the experiences of exclusion and marginalization of outsiders and minorities. Each of us now can imagine what it means to be a foreigner in a foreign country, *a foreigner within one's own country* . . . other to others or different from them (Habermas 2004: 5; emphasis added).

In India, religion has been an important category in the production and arrangement of spaces. Nationalism as a concept and symbol has been used to propagate the unity of a group of people and assert the right to India, or that India and its territory belong only to them. This so called nationalist 'imagined community' (Anderson 2006) can very well be identified with 'Hindu culturo-nationalists'. This group questions various other groups, such as Muslims, as citizens of the country and through labellings has marginalised them a great deal from any claim to Indianess. Broadly speaking, this process is not new and has quite often been a cause of bloodshed elsewhere, as in Nazi Germany. In fact, it is not surprising then that this form of 'nationalism' remains an embarrassment to theorists of all persuasions and Western Marxists continue to understand nationalism as an irritation or 'false consciousness' (Reid 1985). However, this process of othering and denationalisation is a new phenomenon in India. It is being carried out in a systematic manner by developing and circulating narratives that are often expressed in violent forms at times.

Othering is a process which creates asymmetry and inequality in a society. It often results in social disturbances. It becomes more lethal when applied to claim ownership of a national territory and 'denationalise' others. Notwithstanding the historical evidence of such processes leading to human catastrophe, several culturo-nationalist organisations in many countries are involved in fomenting and forging ideologies to create and innovate 'others'. The challenges from outside (global) as well as within have weakened democracies.

Cross-national loyalties based on interests have emerged. These in turn have further polarised the class, ethnic and religious groups, leading to clashes within and outside national boundaries. However, what India faces today is 'irreducibility' of multiple identities — cultural, racial and ethnic heterogeneities. One response to deal with such a problem by leaders at the time of Independence in 1947 was to adopt a perspective that takes 'plurality' as an a priori feature of social identity in India. Concepts like 'unity in diversity' attempted to embrace and equalise all irrespective of race, religion, caste, region and culture. This minimised the inter-group fracas. But the culturo-nationalists by their 'homogenisation' and 'othering' projects have challenged this concept, threatening the existence of diversity and minorities.

'Hindu nationalist discourse attributes to the Muslims the "other", what it lacks. It is unable to achieve it fullness of being because it can define itself only in relation to the other' (Mehta 2006: 215). In India, communal, regionalist, and nationalist parties play their identity politics which in the name of particularity compete with universalistic values of tolerance, equal citizenry rights and diversity. Acrimony in the India–Pakistan relationship gets translated into neighbourhood and individual relationships. Muslims are categorised as 'others' and labelled as 'Pakistanis', and their ghettoes as 'mini Pakistan'. Many other labels are also added to stigmatise and demonise them. These labels are manufactured, circulated and then effectively added (see Punwani 2003) to the narrative and everyday discourses of communal and sectarian politics to intensify and deepen the stigmatisation and stereotypification.

Compression of Time and Space

The most pervasive identity or label which has been created for Muslims is that of 'Pakistani', and consequently Muslim ghettoes which are products of riots and discrimination are identified in common discourse as 'Pakistan' or 'mini Pakistan', though the ghettoes very much remain within Indian territory. Two important processes are innovated to manufacture such identities. First, time is compressed as if the past is present and Partition (division of India into India and Pakistan in 1947) is taking place. Second, the deterritorialisation or denationalisation of certain parts of the territory of the country in the metaphorical space is carried out. Once

the past is converted into the present (the present is compressed to 1947), the social and individual behaviours of the group involved in this process become quite different. Muslims become traitors or rivals who divided India. Muslims of the present (a majority were born after Partition) become enemies as if they are violating '*Bharat Mata*'. Then, in a logical sequence, Muslims, citizens of the country, are 'denationalised' in culturo-nationalist discourse. As Muslims are considered to be responsible for the division of *Bharat Mata*, they need to be punished for this anti-national act. Thus, history and Indo-Pakistan acrimonious relationships are translated into neighbourhood and individual relationships. The image of the territorial border of India–Pakistan is metaphorically brought up to divide the neighbourhoods of the city and bodies of the groups of people who are seen as 'alien' or 'others' or 'Pakistanis'. This innovation is then integrated into master narratives to produce certain type of social relations in the city/country. The metaphorical space which is created then shapes the material spaces and everyday practices.

The denationalisation of Muslims and deterritorialisation of their neighbourhoods also shapes the development and availability of amenities and facilities in Muslim ghettoes. Once Muslim concentrated areas are labelled as Pakistan and citizens as 'Pakistanis/anti-national', many of those manning development departments are also less keen to pay attention to these areas. The outcomes of this are poverty, ill health, low education and youth who feel stigmatised and suffer from low esteem. These, in turn, produce criminals whose names are again used to stigmatise Muslims and their neighbourhoods. For instance, Dawood Ibrahim, a dreaded gangster has been associated with Nagpada (a Muslim ghetto). The consequence is that Muslims are heavily scrutinised by the police and a network of *khabris* (spies) has been spread around such localities. Billions of rupees are spent every year to stop smuggling of goods and catch or shoot down criminal youth, but hardly a few thousand rupees are spent for their development and mainstreaming (Shaban 2010). In Mumbai, Muslim ghettoes like Nagpada, Byculla, Dongri and Kurla (and neighbouring Mira Road, Bhiwandi and Mumbra in Thane district) are prominent products of such processes. Among others, Nagpada, Byculla, Dongri, Kurla are old, dilapidated and densely-populated neighbourhoods of the city. There has hardly been any dispersal of Muslim population from these ghettoes to other developed and ethnically-mixed neighbourhoods of the city, but only to

new ghettoes like Mumbra and Mira Raod. These new ghettoes, like their old counterparts, are also highly unplanned, congested and lack civic and other urban amenities like schools, colleges, banks, bus services/stops, hospitals, good roads, regular electric supply, etc. The Muslims who earlier lived in old parts of the city along with other communities have largely remained where they are even though city has expanded and grown. This process of deepening ghettoisation and adhering to old parts has been mainly due to security concerns of the community, which are further reinforced and amplified by equity and identity issues (for detail see *Sachar Committee Report* 2006, chapter 2). The Hindu community on the other hand was successful in leaving the old parts and settling in the newly-created or better parts of the city. For example, the Gujarati community from Byculla and Brahmins from Kurla have moved to other developed parts of the city like Santacruz, Worli, Dadar, Bandra, Ghatkopar and even Navi Mumbai (Vashi and CBD Belapur).

The 'deterritorialisation' of Muslims from metaphorical spaces also presents a challenge to the paradigm in which 'physical space of neighbourhood was a dominant scale for understanding individual and group identity' (Tajbakhsh 2001). The bounded immediate physical space remains only one of a wider range of spaces that constitute the identity of a community. For Muslims, individual and community identities are structured across multiple and sometimes contradictory spaces in a complex pattern. The ways they are presented outside the locale in television, film and music videos, in many cases, are variables influencing the identity of local Muslims and they are as or more important than anything occurring within the neighbourhood (ibid.). This 'new spatiality' requires reconceptualisation of 'boundaries' and 'borders'. Now we have 'over-determined spaces', the constructions of which are based on not only of local variables but also extra-national ones.

Division of Public Spaces and Neighbourhoods

The politics of ethnicity and violence in Mumbai has alienated the Muslims from public spaces, except in their own ghettoes. Public spaces are now appropriated by regional and right-wing groups who dominate parks, streets, roads, etc. In the city, boundaries between neighbourhoods of Muslims and Hindus are very pronounced by the use of symbols, flags, graffitis, statues and banners. Where saffron

flags can be seen hoisted on houses and slum tenements dominated by Hindus, Muslim neighbourhoods can be recognised by green flags with the crescent and star. Statues of Shivaji and life-size cut-outs of Shiv Sena and BJP leaders dominate roads and provocative regional and religious graffiti can be found in Hindu-dominated areas. *Iztima* (religious congregation), religious festival posters can be seen in Muslim ghettoes (Shaban 2010). These symbols separate the neighbourhoods. They herald opponents to be cautious in the other's territory. 'Contemporary designers of urban public space increasingly accepts signs and images of social contacts as more natural and desirable than contact itself (Mitchell 1995: 120; see also McCann 1999: 179). However, in Mumbai, these signs and symbols are used in such a way that they limit the socialisation process between religious communities. Muslims fear to tread and express themselves in public spaces of the others. Shamim (a Muslim) who lived through the 1992–93 riots in Dharavi (a major slum in Mumbai) describes the othering, labelling, appropriation of public spaces and deterritorialisation process as:

> You see, the roads were under constant threat. Groups of boys from outside would wait on the roads. If they found anyone, they would strip him to discover his identity . . . Some of ours were knifed; others more fortunate were made to stand in a sewer and shout '*Jai Siya Ram*' ['Hail Lord Ram and his wife Sita']. If they didn't, they were beaten . . . When they came in to attack, we could hear them shouting, 'Where are the Katua (circumcised/Muslims)?' [*Katua kahan hai*], 'Catch the Katua' [*Katua pakro*], 'See, there's another Katua, cut it off' (Mehta 2006: 206).

Shamim had a *maidan* (open space) nearby where dye workers (largely Muslims) used to work. He fears venturing into the public space and says:

> They (Muslim workers) all left. Service people, all Maharashtrians, have taken their place. For them, it's an extra source of income but they don't know anything . . . During the *danga* [riots], Muslims were brought here and stripped. Even now, I find it difficult to talk about what they did. The *maidan* was called . . . the parliament of Pakistan. Now, it's a public latrine. [They] thrashed and kicked on our genitals. Whatever you can imagine, I can only say it was worse (ibid.: 208).

Another person named Muhammad describes the happenings during the 1993 riots in Dharavi. He identifies the local drain as India–Pakistan border imagined by both the rival communities (Hindus and Muslims). He adds:

> See, it's like this. Some of our boys created a diversion by attacking from one side, while the others put out the fire. If we put out one fire, another would start, but we made sure that it did not spread beyond the border. This drain [*Joglekar nullah*] that runs around Mukund Nagar was called the India–Pakistan border (ibid.: 210).

Sarvate, a Dalit Hindu Maharashtrian, says that his neighbourhood was known as the Hindustan–Pakistan border. A wall divided Hindustan and Pakistan. In 2001, he says, that border was transgressed. He said:

> Yes, but there was a wall — I think I showed it to you — that separated us from them. We called it the peace line [*shanti rekha*]. It was the 'line of control' [in English]. They wouldn't come here, and we would not go there. If they did, they would be warned. The *danga* taught them a lesson (ibid.: 211).

The Srikrishna Commission (constituted to enquire into the Mumbai riots of 1992–93) recorded much evidence pointing out the way political leaders, their followers and even police attempted to 'other' Muslims by calling them Pakistanis or *landya*. One such evidence is mentioned below:

> Meherunnissa Mohammed Yakub Ansari (Exh. 577) also says that from about 1930 hours on 8th January 1993, till about 1330 hours on 9th January 1993, there were continuous attacks on their chawl No. 12. The attackers were all Hindus from BIT Chawls who kept shouting, '*Landyabai ka ghar kidar hai*' [where is the house of women of circumcised?] and knocking on her door. They were carrying choppers and other weapons. She is emphatic about what the police told her when she complained to them. Says, the witness, 'I cannot forget during my entire life the words used by the police — '*Pakistan chale jao; yahan kyon ate ho marne ke liye*' ['go to Pakistan, why do you come here for getting killed']. After the Muslim residents had moved away to safety locking their houses, their houses were systematically ransacked and looted (Government of Maharashtra 1998: vol. II, chapter 1, para. 1.11).

Byculla was another area affected by the riots in 1992–93. Hakim lived through the riots experiencing social and economic trauma. His only shop was burnt and two of his relatives were killed. In 2009, pointing towards Sundar Gali from Tank Pakhadi Road, he says:

> Look, this is the lane which separates India and Pakistan. They [Hindus] call that to the west of this lane as Pakistan because they could not intrude inside. People from both the communities (Hindus and Muslims) used to amass along this line of control (Sundar Gali). We (Muslims) were often the weaker side as police used to side with them. They would lob bullets and tear gas on us but Hindus were allowed under their protection to burn our shops. Police used to guard the line of control. I told many Muslims that you cannot win this *zang* (war), you cannot win with police and *sarkar* (government) which are against you. But Muslims are very *jazbaati* (emotional). Many used to say '*Izzat ki maut zillat ki zindagi se behtar hai*' ('honorable death is better than dishonoured life'). So we lost all . . . the mosque [Babri Mosque], people, and property'.

Labelling Muslims as 'Pakistanis' and the repeated use of the term in the mass media and by political parties has considerably alienated the Muslims. 'Mini Pakistan' is an abusive epithet heaped upon large minority ghettoes by sections of the people, the police and the administration (Setalvad 2006). Often they are told to go to Pakistan. The impact of this can be gauged from the fact that a 10-year-boy who accidentally entered the airport compound from the nearby Muslim ghetto, Jari Mari, was captured by the Central Reserve Police Force (CRPF). On questioning, the boy kept repeating that he is from Pakistan. Instead of drawing the linkage with the Muslims' alienation and their denationalisation in everyday life, the officials claimed that the boy was mentally unstable. As one CRPF official said, 'He seemed mentally unstable and kept claiming that he is from Pakistan' (Shalya 2009: 5). One needs to understand why the boy did not say that he was from Mumbai or from any other state, city, or town from India but from Pakistan? Obviously he was not referring to the 'Pakistan' but the (Muslim) ghetto, Jari Mari, where he lives.

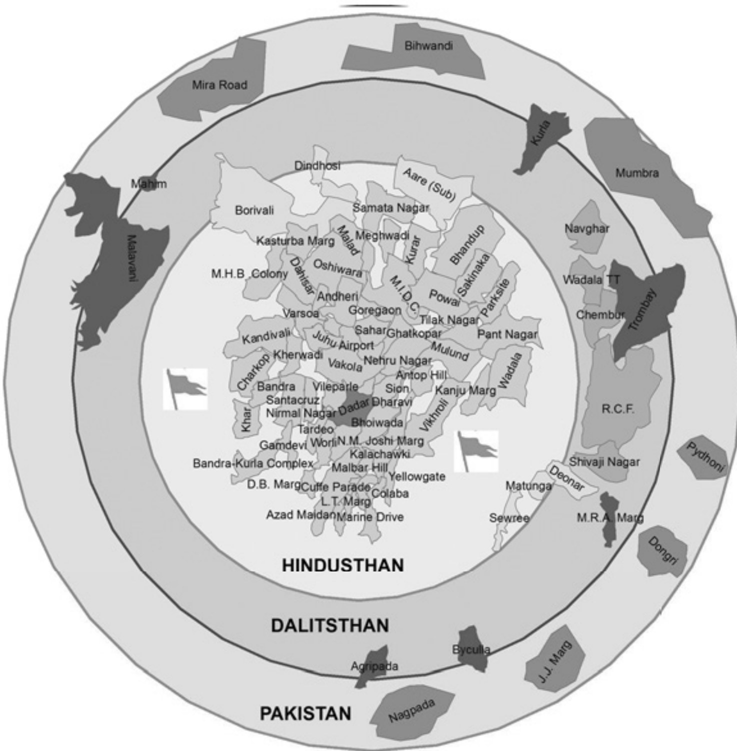
This shows that nation-state is produced in the neighbourhood at the level of fantasy. All spatial symbols like the 'parliament of Pakistan', 'India–Pakistan border', the 'peace-line', the 'line of control', and 'Pakistan' are used to segmentise and deterritorialise urban spaces. The national boundaries are brought to divide the

local. Thus, national boundaries become both national and local simultaneously. Calling Muslims 'Pakistani' symbolises 'territorialisation' of the other nation within a nation and presence of an 'enemy'. It alienates Muslims from citizenship rights and leaves them as an 'enemy' in a foreign territory. And what follows then is a real war along the virtual boarders of those 'imagined nations' of India and territorialised 'Pakistan'. Bodies of 'foreign' territories are located and the marked bodies targeted.

The deterritorialisation of spaces in individuals' mind takes place as per their ability to penetrate and control the space. In other words, the alienation/deterritorialisation of space is directly related to a power to control it. The Hindu extremists find that a certain locality cannot be controlled and vandalised, symbolically or physically, mainly due to sheer concentration of Muslim population in those localities. As they are unable to penetrate and control the localities, they 'deterritorialise' and 'denationalise' them. Therefore, it is not uncommon to find even a section of Hindu taxi drivers calling Muslim ghettoes like Nagpada, Dongri, Pydhoni, Byculla, Kurla, Sonapur, Millat Nagar, Cheeta Camp, and neighbouring suburbs of Mumbai like Bhiwandi, Mira Road and Mumbra as Pakistan.

Discussion with several persons, both Hindus and Muslims, from the city helped construct a metaphorical map of neighbourhoods in Mumbai (Figure 10.1). The neighbourhoods in the city can be arranged into three distinct territories based on contiguity of social spaces, though quite differentiated in physical space. The first territory is based on areas mainly comprising of higher- and middle-caste Hindus and has Dadar as its core. Dadar is a strong base of the Shiv Sena. It is also the hub of higher-caste Hindus belonging to the upper and middle classes. The lower castes, although used in riots and violence as foot soldiers against Muslims, are discriminated against on the basis of their castes. Therefore, the neighbourhoods having a size-able portion of lower castes are considered second-rate territories, which many call Dalitsthan. Those neighbourhoods which have large upper- and middle-caste Hindu population but a portion of them are lower castes, lie on the border of Hindusthan (Hindu + *Sthan*, literally means 'place for Hindus', non-accommodative towards others, while 'Hindustan' is accommodative) and Dalitsthan (abode of dalits). Many higher castes keep Dalitsthan as a part of Hindusthan but feel that they should live on the margins of Hindusthan. In fact, in rural areas, this kind of arrangement of physical spaces is

Figure 10.1: Hindusthan, Dalisthan and Pakistan: Metaphorical Map of Neighbourhoods in Mumbai



Source: Author.

common and it is an all-India phenomenon. Dalits are often located on the outskirts of villages and generally in the opposite direction to prevailing winds. Even the winds blowing from the neighbourhoods of dalits are considered polluting to the higher-caste Hindus. The Muslim-dominated neighbourhoods as seen in the map are deterritorialised and are now considered to be in Pakistan. The neighbourhoods where Muslim population is lower but has a sizeable dalit population are located between Dalitsthan and Pakistan. The location of the neighbourhood in the three marked territories is a function of the proportion of its population in three distinct groups — higher-caste Hindus, dalits and Muslims. Other religious groups like Christians are numerically insignificant, while Sikhs and

Jains are often considered as middle-caste Hindus. Therefore, these two communities remain unrepresented in the metaphorical territories. Pakistan is formed of the neighbourhoods having higher Muslim concentrations. Dongri, Nagpada and MRA Marg are totally located in Pakistan. The neighbouring Muslim ghettoes like Bhiwandi, Mira Road and Mumbra which are located in the Thane district are also deterritorialised to Pakistan.

The spatial arrangement of social groups is also amazing in Mumbai. Dalits generally form buffer zones between the higher caste Hindus and Muslims. Largely, there has developed an intolerance between the higher castes and Muslims for each others. Higher-caste Hindus, except Rajputs, are largely vegetarian while Muslims are non-vegetarians. Among others, this also is an important factor that determines religious distribution of the population in the city. Food habits of dalits are similar to Muslims as most are non-vegetarian and some lower castes even eat beef, which higher caste Hindus consider as a sin. However, dalits are disliked by Muslims as they eat pork, which Muslims consider taboo. The upper and middle-caste Hindus consider dalits as untouchables but within the fold of Hinduism. For them, there is no problem if dalits occupy the marginal territories. However, many dalits hate higher castes because they feel that they have been kept on the social margins and exploited throughout the centuries by the higher- and middle-caste Hindus. Therefore, some search for an ally in Muslims. However, Muslims are also largely Hinduised. They are also divided on the basis of caste, though it manifests in less extreme forms in social interaction than in Hinduism. Many Muslims who consider themselves as higher castes (like Pathans) or believe themselves to have descended from important Arab tribes (like Sheikhs and Sayyeds, equivalent to Hindu Brahmins) discriminate against lower castes and do not want to live with them. The interaction of these variables makes dalits suitable to act as buffer zone between 'Hindusthan' and 'Pakistan'.

Conclusion

Metaphorical and material spaces in Mumbai, as in many other major cities in India, have become ethnicised and communalised. The right wing culturo-nationalist groups have ceaselessly innovate methods for 'othering' Muslims. To perpetuate violence and hate, they often compress time and space to convert past into present

and to bring imagery of the India–Pakistan border to define and delineate neighbourhoods. As local geography is translated into national boundaries, neighbourhoods are the local territories over which violence is enacted (Mehta 2006). The sustained violence, physical or otherwise, in the city over the years has produced segregated neighbourhoods; a breeding ground of communal (Deshpande 2002; Mehta 2006) and indoctrinated ideological workers. The imagination that 'Indian Muslims are anti-India or a "fifth column for Pakistan", serve only to perpetuate stereotypical claims of divisions and deny the full, effective and meaningful participation of the country's citizens' (Phillips 1999: 3). The ghettoes in the city are an open-air prison (Crump 2004) in which the most stigmatised and demonised, like Muslims, are confined. However, they are still told that if they want to prosper they must assimilate. Some thinkers also claim that the present urban ghettoes house outcastes or those who no longer are needed by society.

> Those in today's . . . ghettoes are not productive for their masters; their masters get no benefit from their existence. As far as dominant society is concerned, they are only a drain on public and private resources, they are a threat to social peace, and they fulfil no useful social role. They are outcasts. (Marcuse 1997: 236).

Today, the same logic seems to be operating for Muslims in Mumbai, and India at large.

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11

Social Exclusion and Muslims of Kolkata

Sanjukta Sattar

Social exclusion is the process of being shut out, fully or partially, from any of the social, economic, political or cultural systems which determine social integration in society (Power and Wilson 2000). It is seen as the denial of civil, political and social rights of citizenship. It describes a situation where certain groups within a society are systematically disadvantaged and are discriminated against. Such groups are often differentiated on the bases of race, ethnicity, age or gender. The Muslims of Kolkata have been going through this process which has led to their spatial segregation. The impact of a gaping social distance between the two communities (Muslim minority and Hindu majority), the clash of economic and political interests and the riots of the pre- and post-Independence periods have been spatially expressed through the growth of 'Muslim pockets' or 'ghettoisation' within the city. This chapter attempts to understand the extent of social exclusion experienced by Muslims in Kolkata and how this has led to their spatial segregation within the city. The first section of the chapter deals with the concept of 'social exclusion' and how it can be employed to understand the current situation of Muslims in the city. This is followed by a brief historical background of Muslims in Kolkata, the process of social exclusion and ghettoisation experienced by them, the nature of their vulnerability and the causes behind them. The last section sums up the chapter.

Conceptualising 'Social Exclusion'

The term 'social exclusion' was coined by Rene Lenoir (1974), then Secretary of State for Social Action in the Chirac government, France. According to the French Republican tradition, exclusion is primarily defined as the rupture of a social bond between individuals/ a group of population and the mainstream society (Silver 1995). The poor, unemployed and members of marginalised 'minority

groups' have come to be categorised as socially excluded. The term 'minority group' is widely used to mean any group that is defined or characterised by race, religion, nationality or culture (Knox and Pinch 2006). Madanipour et al. (as cited in Byrne 2009) define social exclusion as a multidimensional process, in which various forms of exclusion are combined; including participation in decision-making and political processes, access to employment and material resources and integration into common cultural processes. When combined, they create an acute form of exclusion that finds spatial manifestation in particular neighbourhoods. In the definition given by Julian le Grand (2003), a distinction between voluntary and non-voluntary exclusions is pointed out. Barry (2002) has pointed out that although people sometimes voluntarily decide not to participate, the reason behind such a decision is their perception that their participation is not desired by the majority community. Barry suggested that groups are considered to be socially excluded if they are denied the opportunity of participation, whether they actually desire to participate or not (also see Saith 2001).

The *Second Annual Report* (1992) of the European Commission Observatory on the national policies to combat social exclusion, defines social exclusion in relation to the social rights of citizens as a certain basic standard of living and to major participation in the social and occupational opportunities of the society (Gore, Figueiredo and Rogers 1995: 2). Burchardt et al. (1999) identified five dimensions which they consider to represent the normal activities in which it is most important that individuals participate. These are: (a) consumption activity (being able to consume at least up to some minimum level of goods and services considered normal for the society); (b) savings activity (accumulating savings, pensions, or owning property); (c) production activity (engaging in economically and socially-valued activities like paid work, education, training, etc.); (d) political activity (including voting, membership of political parties and of national and local campaigning groups); and (e) social activity (social interaction and identifying with a cultural group and community). When any community is barred from having access to these activities, they are considered to be socially excluded.

In case of India the social exclusion manifests itself in different ways in terms of 'causes and outcomes'. Amartya Sen (2000), while drawing attention about the various meanings and dimensions of the concept of social exclusion, distinguishes between the situation

where some people are being kept out (at least left out) and where some people are being included (may even be forced to be included) — in deeply unfavourable terms and described the two situations as 'unfavourable exclusion' and 'unfavourable inclusion' (Thorat n.d.). Sen also differentiated between 'active and passive exclusion'. The former is the exclusion through the deliberate policy interventions by the government or by any other wilful agents (to exclude some people from some opportunity) and the latter works through the social processes which deliberately do not attempt to exclude but nevertheless may lead to exclusion from a set of circumstances.

Social exclusion and poverty are connected to each other. Following the tradition initiated by Aristotle and later continued by Adam Smith, Sen (2000) observes that 'poverty should be properly viewed in terms of 'poor living' rather than simply 'low income'. From this perspective, poverty is a multidimensional concept embracing bad or no employment; illiteracy or at least low levels of education; poor health and access to healthcare and most generally, difficulty experienced in taking part in the life of the community (alse see Barooah 2009). This view of poverty as capability disparity is defined as the lack of the capability to lead a minimal decent life. Thus it may be said that social exclusion is a part of 'capability poverty'. Adam Smith's focus on the capability deprivation takes the form of social exclusion (Sen 2000). In Smith's opinion, the inability to interact with others is an important form of deprivation and has the implication that some type of social exclusion must be seen as constitutive components of the idea of poverty. Being excluded from social relations can lead to other deprivations as well, thereby limiting living opportunities. For instance, being excluded from the opportunity to be employed or to receive credit may lead to deprivations like undernourishment or homelessness. Social exclusion can thus be constitutively a part of capability deprivation as well as instrumentally a cause of diverse capability failures. Thus, the case for seeing social exclusion as an approach to poverty can be easily established within the general perspective of poverty as capability failure (ibid.). However, it is important to retain the distinction between poverty, as a lack of the material resources which is necessary to participate in elite society and social exclusion, as a more comprehensive formulation which refers to the dynamic process of being shut out, fully or partially, from any of the social, economic, political or cultural systems which determine

the social integration of a person in society. It may therefore be seen as the denial (non-realisation) of the civil, political and social rights of citizenship. Sen distinguishes the 'constitutive relevance' of exclusion, i.e., not being able to relate to others and take part in the community can directly impoverish a person's life in addition to the deprivations it may generate from 'instrumental importance' of exclusion in which the exclusion in itself is not impoverishing, but can lead to impoverishment.

As an effect of social exclusion, there is a tendency among minority group members to be unevenly distributed in the residential spaces of cities in relation to the rest of the population. Such residential segregation begins with the fear of exposure to 'otherness'; these extend to personal and institutionalised discrimination on the basis of class, culture, gender, sexual orientation, ethnicity and race. The minority residential segregation is inversely related to the process of assimilation with the majority group. The rate and degree of assimilation of the minority group depends on: (a) external factors like attitudes of the majority group and institutionalised discrimination, and (b) internal factors like internal group cohesiveness which includes clustering for defense, mutual support and cultural preservation. These factors determine not only the degree and nature of conflict between minority groups and the majority community but also the pattern of residential congregation and segregation. Where the perceived social distance between the minority and the majority groups is relatively small, the effects of the majority group discrimination and the internal cohesion are likely to be minimum. The minority residential clusters are thus likely to be a temporary stage in the assimilation of the group into the urban socio-spatial fabric. Such clusters may be termed colonies. Minority clusters that persist over a longer term are usually the product of the interaction between discrimination and internal cohesion. Where the latter's force is stronger, the resultant residential cluster is termed 'enclave'. Where the external factors are dominant, the residential clusters formed are termed as 'ghettoes'. Where it is difficult to differentiate between voluntary and involuntary segregation, it is more realistic to think in terms of enclave–ghetto continuum (Knox and Pinch 2006).

In case of the Muslim minority in India, the increasing ghettoisation of the community means a shrinking space for it in the public sphere; an unhealthy trend that is gaining ground (*Sachar Committee Report*

2006). Generally the ghettoes are found in the relatively congested older parts of the city lacking any sort of planned development and are not upgraded with modern amenities and infrastructure. Poor roads and lack of proper transport, sanitation, water, electricity and public health facilities characterise such ghettoes, e.g. the Muslim concentration localities in a number of Indian cities. Such areas are often intentionally left out from the zone of function or service by companies and both public and private sector banks as these areas are designated as negative or red zones where loans are not given out (ibid.). Hence, those living in these areas are adversely affected due to inadequate infrastructural facilities and shrinking common spaces where members of different communities can interact.

In India, exclusion revolves around the societal inter-relations and institutions that exclude, discriminate, isolate and deprive some groups on the basis of their identities like caste and ethnicity. In the light of the above-mentioned discussions, the social exclusion of the Muslim minority of Kolkata will be comprehended. To understand the process and the various dimensions of social exclusion of the Muslims of Kolkata and how it is reflected in their spatial segregation, one needs to trace the historical process and backgrounds, demographic patterns and socio-economic conditions of the community since the colonial period. This has been attempted in the following section.

Historical Process and Background of the Muslims of Kolkata

As per *Census of India* 2001, in Kolkata, the population of minority religious groups (Muslims, Christians, Jains, Sikhs, Buddhists) comprises 22.3 per cent of the total population. Muslims comprise 91 per cent of the total minority religion's population, a majority among the minorities. Yet, their condition in many respects lags behind other minority communities as well as the majority community. The Muslim population in Kolkata is as old as the city itself. It has grown in number with the growth of this urban centre since its inception in the 17th century (Siddiqui 2008). The earliest census of the Muslims of Calcutta (renamed recently as Kolkata) was taken in 1837 by F. W. Birch (Mitra as cited in Basu 1985) and the Muslim population then was 59,622. The number increased to 111,170 as recorded by another census in 1850 by the Chief Presidency

Magistrate; and further increased to 124,480 in 1881 (Bourdillon as cited in Basu 1985). Due to recurrent riots and attacks on them in the 1940s, even most of the Muslim *bastee* (slum)-dwellers left the city for Bangladesh. Consequently, according to one estimate, the Muslim population of Kolkata dropped considerably — from 23 per cent of the total population in 1946–47 to 12 per cent in 1951 (Kundu 2008). The continuation of riots in 1951 in the neighbouring town of Howrah, also led to the out-migration of the population from the city to the present-day Bangladesh. A large chunk of the Muslim intelligentsia and elites who were dominantly Kolkata-based Bengali-speaking Muslims, also left for Dhaka and Rajshahi in East Pakistan (Bangladesh). As per the latest Census (2001), the Muslim population in the city is 9,26,769, i.e., 20.27 per cent of the total population of the city.

Development-wise, Muslims of Kolkata are still very backward and lag behind other socio-religious communities in many respects. Behind the backwardness of the Muslim community lies some historical reasons. Muslims did not occupy important positions in the 19th century which were largely monopolised by the Hindus who succeeded because of their wealth and their positive attitude to modern education. With the change in rule from the Mughals to the British, Persian was replaced by English as the official language and a majority of the Muslims did not know it and nor did they make any serious effort to learn the new official language. After the implementation of the Permanent Settlement Act in 1793, the former revenue collectors of the Mughal empire were transformed into landholders with permanent tenure under the British government. They formed a new class called zamindars who became allies of the new English rulers mainly because of their vested interests. This class was created by the British for their political convenience. The educated middle-class and even those with partial knowledge of the English language were appointed by the British in government services. But this middle-class was monopolised by the Hindus. In Bengal, this educated middle class was called the *'bhadralok'*, and provided the necessary leadership to the Hindu community.

The Muslims, on the other hand, who had lost land and position, did not occupy any significant positions under the new rule. The '*ashrafs*' or the 'respectable people' among the Muslims, who were formerly the *mansabdars* and *jagirdars* during the Mughal period, were on the decline due to their hostility to British rule. In 1857, the failure of the Sepoy Mutiny meant the final eclipse of 'Muslim

political powers'. Very few members of the Muslim community made any effort to adapt themselves to the new developments. Hence, they started lagging behind the Hindus who by then had accepted English edu-cation through which the modernisation of their society began. The Muslims who did not know English did not get government jobs. All the positions previously occupied by Muslims, after their death or dismissal, were filled in by Hindus. The *Census of 1871* reported,

> Hindus with exceptions of course are the principal *zamindars, talukdars* (owners of large sub-in feudatory estate), public officers, men of learning, moneylenders, traders, shopkeepers and (are) engaging in most active pursuits of life and coming directly and frequently under notice of the rulers of the country; while the Muslims with exception also form a very large majority of the cultivators of the ground and day labourers: and others engaged in the humblest form of mechanical skills and of buying and selling (Khan 1960: 19).

The share of Muslim population in government employment was extremely low. As pointed out on the basis of the statistical data presented by Hunter,

> in 1871, in the highest grade among the Gazetted officers of Government, there was one Muslim to three Hindus; in the second grade, one Muslim to ten Hindus; in the third grade, three Muslims to a total of twenty-seven Hindus and Englishmen; in the lower ranks, four Muslims among a total of thirty-nine; and among probationers, not a single Muslim. In the less conspicuous departments, the position was even worse (2002: 159–61).

On the basis of the data given in Table 11.1, Hunter remarked,

> The proportion of the race a century ago had the monopoly of Government, has now fallen to less than one-twenty-third of the whole administrative body. This too, in the gazette appointments, where the distribution of patronage is closely watched. In the less conspicuous office establishments in the Presidency Town, the exclusion of the Mussalmans is even more complete. In one extensive department on the other day it was discovered that there was not a single employee who could read the Mussalman dialect; and, in fact, there is now scarcely a government office of Calcutta in which a Muhammeden can hope for any post above the rank of porter, messenger, filler of inkpots and mender of pens (Hunter 2002: 162).

Table 11.1: Distribution of State Patronage in Bengal, April 1871

Appointments	*Europeans*	*Hindus*	*Mussalmans*	*Total*
Covenanted Civil Service (appointed in England by the Crown)	260	0	0	260
Judicial Officers in Non-Regulation Districts	47	0	0	47
Extra Assistant Commissioners	26	7	0	33
Deputy Magistrates & Deputy Collectors	53	113	30	196
Income-Tax Assessors	11	43	6	60
Registration Departments	33	25	2	60
Judges of Small Causes Court and Subordinate Judges	14	25	8	47
Munsifs	1	178	37	216
Police Department, Gazetted Officers of all grades	106	3	0	109
Public Works Department, Engineer Establishment	154	19	0	173
Public Works Department, Subordinate Establishment	72	125	4	201
Public Works Department, Account Establishment	22	54	0	76
Medical Department Officer attached to Medical College, Jails, Charitable Dispensaries, Sanitation and Vaccination Establishments and Medical officers in charge of Districts, etc.	89	65	4	158
Department of Public Instruction	38	14	1	53
Other Departments such as Customs, Marine, Survey, etc	412	10	0	422
Total	1338	681	92	2111

Source: Hunter (2002: 161).

The main causes that kept the Muslims from adapting to the new system was the feeling of distrust that they harboured for the British and the aversion to the western culture associated with the British community.

> Their resentment against the policy of the British government made the Mussalmans disoriented from the new education. The result was that the Mussalmans not only became culturally backward but they were also excluded from the administrative posts, as well as legal, medical and other professions. The British Government introduced English education in India for administrative and other purposes, which reduced the importance of Arabic and Persian, leading to impoverishment among the Muslim intelligentsia (Desai [2000] as quoted in Hayat 2008: 20).

Though the Muslims took the leadership in the 1857 revolt, they did not whole-heartedly participate in the independence movement in 1905 and in the following period in large numbers. This was mainly because nationalism in Bengal was

> religious in character. It was influenced by the Neo-Vedantic movement of Swami Vivekanand. Hence, the attempt on the part of Bengali nationalists to base the movement for *Swaraj* on the ancient Upanishadic ideal . . . worship of the Mother — the country symbolized as the goddess Kali (ibid.: 26).

The agitations following the partition of Bengal were motivated by a number of internal causes like the growing spirit of nationalism which was stimulated by the spread of English education and accompanied by a Hindu religious revival. This period also witnessed the growth of the Arya Samaj which aimed to bring reforms in the Hindu religion and was also seen as a growing political force. This revivalist spirit found expression also in *Gaurakshini* (cow protection) Movement which was a source of communal tension between Hindus and Muslims. In 1905, soon after the publication of the orders constituting the new province of East Bengal and Assam, there was much agitation. The agitators threatened to retaliate with a call for boycott of foreign products and indigenous industrial enterprises were hastily started. Arrangements were made to carry out this boycott by persuasion, forcible if necessary. The Muslims remained either aloof from the movement or were actively hostile to it. The probable reason why the Muslims did not participate in

such movements was 'to excite sufficient popular sympathy, the leaders of the anti-partition movement . . . appealed to the religion of multitude by placing their efforts under the patronage of Kali, the goddess of strength and destruction' (Lovett 1968: 62). The slogan *Vande Mataram* which became the banner of patriotic resistance was taken from a song in the novel *Anandamath* written by Bankim Chandra Chattopadhyay. Bankim Chandra Chattopadhyay treated Muslims as foreigners and identified nationalism or Indianhood or indigenousness with Hindus (Chandra 1984: 142). From the context (of the inclusion of the song) in the novel.

> it seems that the Sanyasi's appeal was rather to his mother's land, the land of mother Kali, than to his motherland . . . The whole agitation was Hindu and was strongly resented by the Muhammadans, who formed the majority and derived substantial and obvious advantages from the new arrangements. But the latter controlled no newspaper of importance, and had few orators to voice their wishes . . . they lacked the previous stimulus which had prepared the Hindu youth of educated Bengal for a passionate agitation (Lovett 1968: 63).

Sangathan Sabhas were formed to promote Hindu unity and revival of *Shuddhi* Movement in 1923 which took interest in reforms of the Hindu society mainly to check conversions among lower-caste Hindus to Islam. The Muslims were quick to respond to the *Shuddhi* Movement by patronising *Tabligh* societies for the propagation of Islam.

All this kept the Muslims away from the national movement. This also widened the gap between the two communities and the relations deteriorated resulting in blows and riots.

> During the last quarter of 1923, Congress leaders worked hard to bridge the communal rift, but to no avail. They rushed with relief aid wherever communal riots broke out and exerted their full personal influence to restore harmony. But they found the antagonism between the communities beyond their control (Rahman 1974: 49).

The riots in Kolkata (Table 11.2) in April and July 1926 illustrated how the inter-relation of communal disagreement and political advance separated the two communities and marked the beginning of undisguised communal rivalry and exclusiveness.

> The excesses of Calcutta riots were due to disputes arising out of the religious issue of playing music in front of the mosques. When the

> riots subsided, several people suggested that the origin of communal conflict was in the ill-will created by separate communal electorates prescribed under the existing constitution . . . There was, indeed an obvious connection between the religion-based disorders of this troubled period and the political rivalry between the two communities (ibid.: 51).

The Muslims again faced turmoil with the Partition of India in 1947. There was mounting communal tensions. Many, who feared losing their Muslim identity and were insecure, migrated to erstwhile East Pakistan where Muslims were in a majority. The first flow of out-migration from the city took place just after the Kolkata Killings in 1946 (see Table 11.2 for period-wise frequency of riots, persons killed, persons injured, etc.). Muslim artisans, businessmen and even intellectuals started migrating to East Pakistan which they thought would be a lot safer with better job opportunities and zero discrimination. The recurrent attack on the slums occupied by the Muslims forced even members belonging to low-income groups to migrate from the city. Those who stayed back were not treated fairly by the majority community. In spite of assurances from their 'political protector', the community felt threatened and ostracised as an after-effect of Partition and the riots preceding and following it. There was failure on the part of the government in protecting the life and property of Muslims living in the state. Consequently, as stated earlier, the Muslim population of Kolkata dropped from 23 per cent in 1946–47 to 12 per cent in 1951 (Kundu 2008).

The second wave of migration began with the outbreak of riots in 1950s in different parts of West Bengal. The worst hit was Howrah where Muslim workers of jute mills were attacked and brutally killed. This time, the flow was both ways. Just as large number of Muslims

Table 11.2: Occurrence of Riots in Kolkata and Immediate Surroundings, 1910–2009

Year	*No. of occurrence*	*Reported killed*	*Reported injured*	*Total no. of days*	*Average Duration (Days)*
1910–46	27	4,294	12,411	95	4
1947–60	25	292	2,189	63	3
1961–90	19	35	89	15	1
1990–2000	4	40	>55	6	2

Source: Based on Centre for the Study of Society and Secularism, Mumbai; Engineer (2003); and Wilkinson (2005).

left for East Pakistan, Hindu refugees, mainly *'namasudras'* (outcaste or extremely low caste) were driven out of East Bengal and moved to India. About 1,31,000 Muslims had left Kolkata on the eve of the *Census 1951*. According to a Government Report of 1950–51, 7 lakh Muslims had left West Bengal, of which 5 lakh returned later (Chaudhury and Dey 2009).

The third wave of Muslim migration took place in response to 1964 anti-Muslim riots in Kolkata and other parts of West Bengal. The Hazratbal incident in Kashmir sparked off riots in Khulna which soon spread to other parts of East Pakistan where Hindu minorities were targeted. This resulted in a fresh wave of flow of Hindu refugees to West Bengal. The communal situation deteriorated leading to riots in Kolkata and some adjoining areas like Chakda, Tehatta and Barasat. Muslims were attacked in Beliaghata, Entally, Beniapukur, Taltola, Karaya, Amherst Street, Tiljala, Maheshtala in Metibruz in Kolkata and some suburban areas. The riots of 1964 forcibly uprooted a large number of Muslims from Kolkata and other parts of West Bengal. Following this, there were occasional minor incidents of communal tension. Again, during December 1992, following the attack on Babri Masjid, Kolkata experienced another phase of rioting. A very noteworthy aspect of communal riots in Kolkata (and West Bengal state as a whole) has been its considerably diminished frequency and intensity since 1977, the year the Left-front government led by Communist Party of India (Marxist) came to power in the state. However, not withstanding this, as we see elsewhere in this chapter and also very well brought out by the *Sachar Committee Report* (2006), the developmental situation of Muslims in the state has worsened in comparison to other socio-religious categories, during the same period.

Socio-economic Conditions

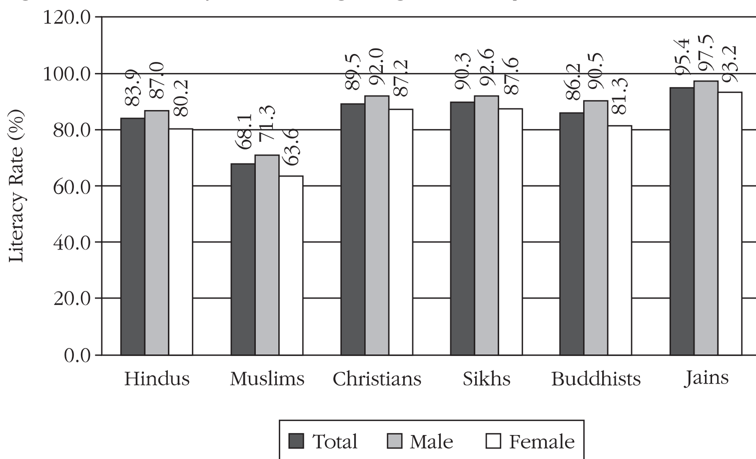
A majority of the Muslim community in the city suffers from adverse socio-economic conditions. The reasons may be multiple, but the primary reason can be traced to the community's backwardness in education and employment. From the point of empowerment of the Muslims, West Bengal is at the bottom of the list of states. In addition, the situation worsens due to the strategy of the authorities in making plans and programmes meant for the development of the poorer section in the country ineffective for the Muslims. The

community has been given step-motherly treatment by successive governments ruling the state. This is evident from the large-scale deprivation that the community has gone through and which has been revealed by the *Sachar Commission Report* 2006. This is also reflected through the literacy rate of the Muslim community in Kolkata city (see Figure 11.1).

Literacy rate among Muslim women is abysmal — as low as 63.61 per cent. Only 8–10 per cent of Muslim children in Kolkata go to school and more than 55 per cent work (Siddiqui as quoted in KMC 2009: 11). A recent survey revealed that of the Muslims belonging to the age group of 6–18 years (that comprise 40 per cent of the total Muslim population living in this city) only 4 per cent are enrolled in the general educational institutions (Siddiqui 2010). The drop-out rate among the Muslims is highest at the levels of primary, middle and higher secondary, compared to all other socio-religious communities. Only 17 per cent of the Muslims above the age of 17 years have completed matriculation as compared to 26 per cent for all other socio-religious categories (SRCs) (KMC 2009: 11).

The drop-out rate is high because most Muslim families are poor and cannot sustain the costs of educating their children. It is tragic that not less than 75 per cent of the total number of Muslim children of school-going age serve as child labourers absolutely unhindered by the administration. But what is the cause for a greater

Figure 11.1: Literacy Rate among Religious Groups in Kolkata, 2001



Source: Based on data from *Census of India*, 2001.

worry is the fact that the rate of literacy of Muslims in Kolkata is much lower today than it was on the eve of Independence in 1947 (Siddiqui 2010). The problem, as pointed out by many members of this community, is the non-availability of good schools within their easy reach. At present, more and more Muslim parents are keen to send their children not to *madrasas* but to regular schools. In spite of the demand, the Government is also not opening enough modern educational institutions in the Muslim-dominated areas. Instead it is letting *madrasas* flourish.

The work participation rate of the Muslims of Kolkata is as low as 35.11 per cent (*Census of India* 2001). Unemployment is looming over a large section of the Muslim youth. The picture is more dismal in case of work participation rate among the Muslim women which is barely 7.24 per cent. All this may be due to little access to education, attitudinal problems and lack of suitable job opportunities. Just as bias on the basis of religion often acts as a hurdle in the path of a Muslim candidate seeking employment, a poor share of Muslims pursuing subjects having lucrative employment opportunities also acts negatively in terms of economic empowerment of the community. The occupational structure of the Muslims in the city is quite different from that of non-Muslims. The community is poorly represented in state government departments. Even though Muslims in the state officially constitute over 25.3 per cent of the state's total population and 20.3 per cent of the city's population (*Census of India* 2001), the community does not even have a representation of 10 per cent in the Kolkata Police (KP) and the Kolkata Municipal Corporation (KMC). The representation of the Muslim women in the government jobs is still worse at barely 2 per cent (Singh 2009). Muslim representation in judiciary is barely 5 per cent in case of West Bengal (Paul 2010). On an average, those who are employed are mainly found to be holding lower-level positions. A majority of the Muslims are self-employed (in business or cottage industries) as bakers, butchers (*qassab*), cattle traders and dairy farmers (*sheikhji*), *bidi* (country cigarette) making, *zari* traders and embroiders, garment manufacturers, weavers, tailors, kite makers, glass bangle makers and dealers (*shishgars/churihars*), tanners, book binders, cotton ginners (*mansoori*), trappers and dealers in birds (*chidimars*), entertainers using animals like monkeys and bears (*qalanders*), barbers, washermen, sellers of dry and ripe fruits and vegetables (*raien/sabzifrosh*), etc. The dwindling fortune of these professions

defines the fate of the community and those who have shifted to these occupations. There is another section of the community (*lal begi*) who are attached to 'unclean occupations' likes scavenging, sweeping, etc. and are subjected to maximum marginalisation.

A considerable share of the population (70 to 80 per cent) of this community lives below the poverty line (BPL). This may be supported by the fact that according to a Kolkata BPL survey, minority households constitute 25 per cent of the total BPL households (KMC 2009) and among them, Muslim households occupy the largest share. Many households living in abject poverty are not included in the BPL list as they are not able to furnish the required documents. Over and above, many are homeless and the pavements of Kolkata have been their home for generations. This is evident from the findings of a study conducted by an NGO which showed that Muslims form 53 per cent of the homeless population of the city of Kolkata (KMC 2009). The study also stated that 64 per cent of these homeless were born in the city and some came from the neighbouring districts of the state itself as environmental refugees or in search of livelihood, contrary to the popular belief that they are immigrants from the neighbouring country (Table 11.3).

Over 75 per cent of Muslims in Kolkata live in slums (Figure 11.2 shows distribution of slum population in the city, and in fact most of the wards having higher share of slum population also have higher share of Muslim population). In fact, a majority of the Muslim ghettoes of this city comprise of slum plots which are congested with hutments, leaving no space and scope for any infrastructural development. These slums are the oldest, largest, most degraded and poorly serviced slums of the city.

> An 1898 editorial in the Anglo-Indian journal the 'Englishman' writes: The worst *bustis* are those inhabited by lower class Mohammedans.

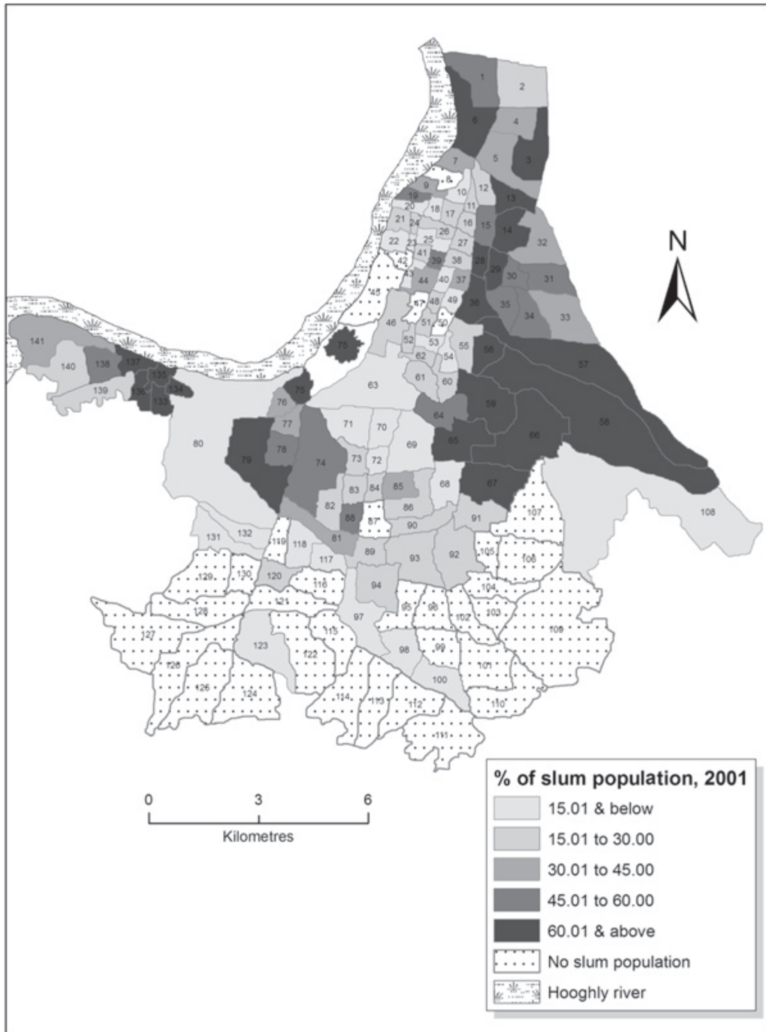
Table 11.3: Ward-Wise Share of Minority Households Under BPL Category

Share (in %)	*Wards No.*	*Number*
<39	136,65,94, 111,70,80	6
40–59	66,28,37,141,59, 46,55,56,75	9
60–79	63,39,44,41,61,137,64, 78,134,29 36, 53, 133,	13
>80	139,62,138,43,135,77,60,140, 54,	9

Source: KMC (2009).

Note: 'Minority' includes Muslims, Christians, Sikhs, Buddhists and Jains.

Figure 11.2: Distribution of Slum Population in Kolkata by Wards, 2001



Source: Based on data from *Census of India* (2001).

These are a terror not only to the health but to the peace of the city. We question whether any European has penetrated into the inner square of some of them, but one can imagine from the outside what the interior must be like (Harrison 1994: 221).

In fact, the situation in these slums is not much different even today.

Among the areas where such large, old '*bastis*' (slums) are concentrated, are Metiabruz, Rajabazar, Narkeldanga, Sealdah, Beckbagan, Tiljala-Topsia-Tangra and some slums attached to soap and leather factories located in the eastern and southern fringes of the city. The living conditions in these slums are pathetic — often lacking the basic amenities like supply of potable water and proper sanitation facilities. The condition of those living in these slums can be judged from the fact that 67 per cent of the Muslim families with an average family size of seven members occupy 67–140 square feet of space in which they live and work (Siddiqui 2010). Parsi Bagan (a locality in North Kolkata), is another typical Muslim slum with all its typical problems: poverty, unhealthy surroundings and official indifference (Hossain 2000: 160). According to the observation made by Hossain, most houses in Parsi Bagan are just of 120 square feet of space and serve as living room, bedroom, kitchen and washing space, all combined together.

Regional Backgrounds, Spatial Segregations and Ghettoisation

The composition and distribution of the Muslim population in this city can be also traced historically. A considerable proportion of Muslims have been associated with the city from a very early period. Names of various localities within the city and remnants of some historic monuments in and around Kolkata bear testimony to this association. They came from various regions and countries and lived in a few particular localities. Even today 'a large number of heterogeneous groups of varying regional, linguistic, ethnic and occupational backgrounds characterise the Muslim population of cosmopolitan Calcutta' (Siddiqui 1979: 26).

Besides, from within the state of West Bengal, a large section of Muslims living in Kolkata for generations, by their place of origin, are also from the neighbouring states of Bihar, Uttar Pradesh and some from the Bharatpur district of Rajasthan and Gurgaon district of Haryana.

> trade in dry and seasonal fruits brought the Peshwari Muslims as well as greengrocers from Bihar and Uttar Pradesh; trade in horses brought

> the Muslims from Alwar, Bharatpur and certain areas of Punjab and Rajputana, who, along with the Ghosi and Gaddi of Uttar Pradesh, monopolised the cattle and the milk trade in the city. The hide and skin preparation could not be handled by the Hindu traders so there was a scope for the Punjabi Muslims as well as Ranki (Iraqi) from Bihar and Uttar Pradesh as also for a few Bengali and Tamil Muslims (Siddiqui 1979: 20).

The city also became the home to the Memons from Kutch and Hallar areas of Gujarat and as well as the Bohras and Khojas from the same state. They were the early traders and many of them became the owners of big and reputable business houses. The credit for the construction of the chief mosque (Nakhoda Masjid) in 1926 goes to the Kutchi Memons. The Nilgar, Manihar and Sonar were Rajasthani Muslims who followed their Hindu counterparts in pursuing similar occupations and settled down in the Burrabazar area where Rajasthani Hindus are largely concentrated. Phases of migration of Muslim population to Kolkata took place during the British rule. However, with the change of capital from Murshidabad to Calcutta, the Nawab of Murshidabad along with his family and a section of relatives moved to Calcutta and settled down in some parts of Kolutala, Chitpore and Bowbazar, which presently are also among the various Muslim pockets found in the city. After the defeat and death of Tipu Sultan, the Nawab of Mysore, his family and followers sought refuge in Calcutta and they settled down in the Tollygunj area of the city. The Nawab of Lucknow, Wajed Ali Shah after being defeated by the British, also moved to Kolkata along with members of the royal family, accompanied by the contingent of attendants *(khidmatgars)* to the Metiabruz area of the city (see Siddiqui 1979). Following the failure of the Sepoy Mutiny, there was a complete breakdown of Mughal rule and quite a few Muslim families from north India migrated to Kolkata to escape the persecution by local authorities. Among these were the *Churihars* or *Shishghars* who settled in Ghosh Bagan in Cossipore and the pastoralist groups in Sudagar Patti on B. T. Road and Qaum-e-Punjabian at Colootola.

A majority of the Muslims who took refuge or moved in to make a living are residing in the slums or *bustis* located in various pockets of Muslim-concentrated areas within the city. The city has both Bengali-speaking Muslims as well as those speaking Urdu and other languages. The demographic details for the Muslim sub-groups are generally not available — only that of some sub-groups are available

from the Census 1921: Shekhjis (2,84,378), Pathans (17,951), Syads (5,683), Jolahas (5,506), other groups (12,575) (Thompson 1923). Though a number of Muslim sub-groups may be identified with some wards, but that does not mean they are not found in other Muslim-dominated wards. However, segregation and ghettoisation of the community as a whole is visible.

The Muslims of Kolkata have been subjected to exclusion which has led to their spatial segregation and enforced ghettoisation. The consolidation and growth of various Muslim pockets within the city owes its origin to various social, political and economic factors. This is also a result of earlier riots in the city (1946–64) as well as due to the prejudice still existing in the minds of a section of the majority community. Long before Partition, Hindus tacitly did not let Muslims live in their neighbourhood due to fear of pollution. It was always difficult for Muslims to manage a rented house or purchase a house in the so-called Hindu *'paras'* (neighbourhood) in Kolkata as well as other parts of the state. The situation remains unchanged until today (Kundu 2008). After Partition, the settlement pattern of the Muslim communities changed. The Muslim households were often forced to settle in small exclusive pockets in the state. During and after the riots in 1950s and 1960s, the horrified Muslim families of Kolkata relocated themselves to safer zones, preferably to those places where Muslims formed the majority. They largely flocked to Park Circus, Rajabazar and other Muslim dominated areas of the city. After Independence, deliberate attempts were also made to wipe out Muslims from the city. The obvious motives were to capture shops and business establishments run by Muslims. The Hindu *basti*/slum lords used the situation too. They wanted to evict Muslim *basti* dwellers and allot Hindu tenants at a much higher rent (ibid.). Muslims were evicted by the rioters from the *bastis* of Miyabagan at Beleghata, Motijhil at Entally, Nikashipara at Shyamazar, Shahebbagan at Rajabazar and several other *bastis* of the city (ibid.). It led to the progressive ghettoisation of the Muslims of Kolkata, which changed the socio-spatial morphology of the city.

Presently, Metiabruz and Rajabazar are two dominant areas of Muslim concentration. Metiabruz has grown into the largest pocket of Muslim concentration. Wards 137 and 134 include Metiabruz, Garden Reach and West Port. In both wards, a majority of the population are slum dwellers with very poor living conditions (see also Figure 11.2). Rajabazar, the second largest Muslim 'ghetto', has

grown around an old market place near the east-central part of the city. This area was established by Muslim merchants, businessmen, butchers and cattle traders from Bihar and Uttar Pradesh, largely by Urdu-speaking Muslims from 1889 onwards. The marketplace colony was established around the same time when the connecting road between Howrah and Sealdah, the two railheads, was being built. A mosque and many residential units were constructed which exist till today. Over the decades, population growth and in-migration have resulted in the extension of the original settlement further eastwards upto Narkeldanga, southwards upto Sealdah, and west and northwards till Mechua and Kalabagan. The Bengali-speaking Muslims are found scattered in areas like Malenga Lane in central Kolkata and some areas in Park Circus and Taltala. Presently, the Rajabazar area is densely populated with alleys and narrow lanes. A majority of the Muslims residing at Rajabazar belong to middle- and low-income groups though there are a few households belonging to high-income groups too. During the 1947 riots following the partition of India, when Muslims were targeted in Calcutta and some places in Bihar, many Muslims moved to the safety of Rajabazar; during the 1964 anti-Muslim riot, a large number of Muslims again flocked to Rajabazar. After the 1992–93 riots, the social distance between the Hindus and Muslims widened further and again Muslims moved to Rajabazar for security. Thus, Rajabazar developed into a ghetto where members of the Muslim community congregated mainly for safety, defence and mutual support. In this context, noted journalist M. J. Akbar has rightly said, 'Fear is the father of ghettoes' (quoted in Bandyopadhyay 2009).

Often 'ghettoisation' has been promoted by the fact that house-owners belonging to the majority community simply refuse to rent out their houses to Muslim tenants. Such behaviour has stopped Muslims from mingling with the mainstream population. Having no other option, a majority of the Muslims are forced to settle down in some localities almost socially earmarked for them. This is another factor that results in the formation of Muslim ghettoes within the city. The spatial isolation of the Muslim community to a great extent is contrived through discrimination in the housing market, thus limiting this minority community to small niches within the urban fabric. At present, the city's Muslim population are mainly located in 28 of the 141 wards of the city (*The Statesman* 2010); and over three-fourth of the city's Muslims live in slum neighbourhood (Ramaswamy 2011).

It is also to be noted that many Muslims prefer to live in Muslim-majority localities because of the apprehension that anti-Muslim violence can break out at any time. Living in the midst of their own community gives them a sense of security.

Conclusion

'The city is a place for multiplying happy chances and making the most of unplannable opportunities', said Lewis Mumphord (Ramaswamy and Achinto 1996: 109). But this may be only partially true for the Muslim minorities of Kolkata, just like in many other cities of India. The Muslim population in Kolkata is as old as the city itself. Yet, for various historical and social reasons, they are still the most backward and ghettoised community and are not able to fully participate in the society within which they live. The community has to live with the stink of prejudice at every step — from opening bank accounts to finding an accommodation on rent to buying a house and finding a job. Since the colonial period to the present, Muslims more often than not have had to face discrimination and deprivation. Muslims are exploited as vote banks, but very little is done for the long-term development of the community.

The social distance which exist between the Muslims and Hindus in a latent form needs to be bridged. However, systematic propaganda (by some political parties, cultural groups and intellectual orientations) of painting the Indian Muslims as the 'other' in the psyche of the majority community makes the task difficult. For various reasons, the Muslims of Kolkata occupy only a few selected pockets in the city where they are numerically dominant. Such cluster formation or ghettoisation has some vital consequences for the economic and educational condition of the Muslims. This also leads to the reduction of opportunities for social interaction with the members of different communities and as a result promotes an insular mentality (Sikand and Ali 2006). Consequently, the community is unable to properly articulate its views, concerns and demands before the wider public. The Muslim community is eager to break the stereotypes, exclusion and separation, yet one cannot disagree that for a community plagued by social ostracism, educational backwardness and poverty this will be a Herculean task.

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12

Muslim Women and Law Reforms: Concerns and Initiatives of the Excluded within the Excluded

Noorjehan Safia Niaz and J. S. Apte

The Muslim community that forms a significant religious minority in India and despite the propaganda of 'appeasement' by right-wing Hindutva groups, is one of the most marginalised community in India (*Sachar Committee Report* (SCR) 2006). Muslim women have particularly been impacted by this marginalisation and as such, suffer from the triple burden of their class, community and gender. They face acute educational, social and economic hurdles in their path to live a dignified life. Unfortunately, most of the time, their efforts have been to come out of the archaic and unjust social institutions, norms and values of their own community. Muslim women's struggle for a just Muslim Personal Law (MPL) has not been accorded any priority. The law as practiced is extremely discriminatory towards women and yet no serious efforts have been made by the traditional male leadership of the community to constructively address this issue. For a new beginning and to create a new chapter in the history of the community, Muslim women have in recent years taken the lead and made some remarkable contribution by moving the debate on law reform to the next level. The formulation of an ideal *nikaahnama* and an initiative in drafting an alternative gender-just laws are some key advances made by Muslim women. Muslim women in recent years have also formed associations and organisations to address their concerns and highlight the larger issues of the community, thus taking on its leadership. This chapter highlights the initiatives taken by Muslim women in addressing their concerns, especially pertaining to law reform and challenging some of the long-held myths.

Legal Concerns of Muslim Women

Although the Indian sub-continent was ruled by Muslims for a long period of time, no attempt was made to enforce the Sharia (Islamic Law). As a result, different sects and sub-sects continued to follow their own versions of it. There are two main sects amongst Muslims — Sunnis and Shias. The Sunnis are divided into four schools of jurisprudence — the Hanafi, Shafii, Hanbali and Maliki; and the Shias — Ismailis, Bohras and Ithna-Ashari. The Bohras are further sub-divided into Dawoodis and Sulaimani Bohras. And thus, it continues into further sub-sub-sects. Apart from this, there are regional groups like Memons, Malabaris, Qureshis, Ansaris, Pathans, Halais, etc. Some of them are governed by their group/*jamaat*'s understanding and interpretation of the Sharia. All the interpretations have one thing in common — extreme patriarchy and an understanding that the law is on the side of the man. This heterogeneous Muslim community in the country was never ever united under one Sharia. And yet this Sharia was evoked to mark the community differently from others and to deny Muslim women her rights either by not implementing the Sharia or denying any reforms in favour of women. The Sharia has been used as a convenient excuse to deny women her rights (Lateef 1990). During the British rule, Indian male reformers pressurised the British to introduce legislation in favour of women. These legislations pertained to widow remarriage, age of marriage, ban on the practise of sati, etc. These reforms impacted all women but were mainly legislated keeping in mind Hindu women, allowing widow remarriage and ensuring right to property to women. When the reforms of law for Hindu women took off, it put the Muslim leadership under pressure to introduce the same for Muslim women and hence the passage of the Muslim Personal Law (Shariat) Application Act 1937, and The Dissolution of Muslim Marriage Act 1939 (see Appendix 12.1).

Post-Independence, the leadership of the community including those who supported the Congress Party during the Independence struggle, committed their support to the government, provided there was no interference with the Muslim Personal law (MPL) and other related institutions. Thus, the Muslim community came to be governed by innumerable secular laws but it continues to resist even the Quranically-approved changes in the MPL favouring Muslim women.

Uniform Civil Code and Muslim Women

The debate on reforms in MPL versus the Uniform Civil Code (UCC) has been an ongoing one. While women's organisations favoured the UCC for gender justice, the same demand was made by the right-wing Hindutva groups to get the Muslim community give up their personal laws. With increasing attacks on the identity of the community at a national level and the changing perceptions internationally, especially after 9/11, the community has acquired the tendency to look inward. While the UCC remains an ideal to be achieved; however, in order to take the matter of reforms forward, it is essential that personal laws are reformed whenever the opportunity arises.

It is also important to seek the opinion of other minority communities on the issue of a UCC. Why questions related to UCC are posed only to the Muslim community and why is the Muslim community always the first one to respond whenever the issue is raised? Are the other communities willing to give up their personal laws and adopt a uniform family law? Moreover, since the Special Marriage Act of 1954 is in force and being used as an alternative to personal laws, is there really any need for another common law? If there is a need for a more comprehensive UCC, then would it not be more beneficial if it is made optional just the way the Special Marriage Act is? These and other related questions must be discussed and debated and the issue finally settled so that it is not used as an excuse for some more Muslim bashing. Needless to say, the need of the hour is of a reforms process that is sensitive to the predicament of the community and undertaken under the leadership of Muslim women. To substantiate this argument, a study done by Nainar (2000) shows that 52 per cent of Muslim women are in favour of reforms within the religious framework.

Owing to widespread communal violence over the last many decades, the Muslim community has always been on the defensive and constantly feeling the need to protect its minority identity. The insecurity and sense of alienation prohibits any progressive interface with the MPL which has become a mark of Muslim identity and any reference to reforms within it is construed as an attack on this identity itself. Muslim women are caught in a bind, always having to choose between her rights and the rights of the community. Nainar (2000) observes that the Muslim woman can either safeguard her interests

or the interests of the community. Her identity as a 'woman' and as a 'Muslim' is always in a state of conflict.

The State thinks of the clergy as the true representative of the Muslim community and the clergy thinks that by defending the MPL, they are doing a yeoman service to the Muslim community. It does not matter to them that this defence of a discriminatory law has made the struggle of Muslim women even more difficult. With the state recognising only the conservative religious voice, with the conservative sections consciously oblivious to the situation of the Muslim women and Muslim women themselves still far from becoming a political voice, the legal rights of Muslim women are in a state of limbo.

History of Reforms

The British government enacted the Shariat Application Act (SAA) 1937 which was an attempt at applying the Sharia and not the customary laws to the Muslim community. The Act states that the Muslim community will be governed by the Sharia alone and not the customary laws. By law, Muslim women at least had the right to divorce, remarry after divorce or widowhood and the right over property; but her legal rights were eroded by customary practices. Hence, a need was felt for legislative changes and it was felt that the passage of SAA would in some way restore her legal rights. At that time, this law was welcomed, especially by Muslim women as it gave rights to them as ensured by the religion.

However, the community is still governed by the Shariat Application Act. This law does not specify the content but merely states that Muslims will be governed by their Muslim Personal Law. As a result, each school of thought continues to apply their different understanding and interpretation of the Sharia. The fact that different sects and communities are left to interpret and apply their own laws show the heterogeneity of the Muslim community and its laws. This also shows that Muslims in India have not made a serious attempt to codify diverse practices of the different schools of thought. Other Islamic/Muslim countries have codified their laws and tried to ensure justice to women. Iraq passed the Law of Personal Status [Amendment] Law in 1987, UAE has passed the Code of Family Law in 2004 and neighbouring Pakistan passed the Family Law Ordinance way back in 1961.

In 1939, the Dissolution of the Muslim Marriage Act (DMMA) was passed which gave Muslim women the right to seek dissolution of her marriage on nine specified grounds (see Appendix 12.1). This is the only legislation enacted by the British which introduced a substantive codification of the divorce law. The MPL as practiced in the early 20th century did not offer any grounds for a woman to dissolve her marriage. The right to divorce was absolutely in the hands of men and they exercised it at their own will. There were no legal means by which a woman could free herself from a bad marriage. This Act was uniformly applicable to all Muslim women of all sects. It shows that despite the diversity of sect and practice, a uniform codification is possible if the political will existed within the community.

However, the Act benefited women but in a piecemeal manner, as it only laid down the grounds on which women could seek divorce. It does not lay down any procedure or time-frame within which she could get a divorce. The man could divorce his wife without assigning any reason and even in her absence. He may or may not approach the court or any authority to seek divorce. The Act does not question or restrict the man's unbridled right to an oral triple divorce. The Act deals *only* with divorce and not with related matters such as maintenance, custody of children, payment of *mehr*, etc. For these matters, the woman has to file separate cases under other laws, sometimes in different courts.

The next piece of legislation came nearly 40 years after Independence in the form of the Muslim Women's (Right of Protection on Divorce) Act 1986. Under the Criminal Procedure Code (CrPC) 125–128, any dependent (parent, wife or child) is entitled to the right of maintenance. Prior to 1986, a number of Muslim women took the protection of this Code and claimed maintenance. However, in 1986, following the controversy in the Shah Bano case, the Muslim leadership in India held that CrPC 125 amounted to interference in their religious matter, disqualified Muslim women from applying for maintenance under the provision and instead enacted the Muslim Women (Protection of Rights on Divorce) Act, 1986. This Act was passed to neutralise the judgment and appease the orthodox Muslim religious leadership. Currently, Muslim women continue to use the CrPC as well as the 1986 Act for claiming maintenance.

The Act places the responsibility of maintenance on wakf boards which either do not exist or are non-functional in many states. It

shifts the responsibility of maintenance from the husband to the relatives and the wakf board. Logically, one may consider that it is not the responsibility of the wakf boards to provide maintenance to Muslim women. The wakf boards mainly maintain the property of masjids (mosques) and dargahs (mausoleum) and are mostly under the custody of families who manage the affairs of the place of worship. The husband knows that if he does not provide maintenance, he can still control and harass his divorced wife by making her beg at different places for maintenance. The husband takes responsibility for the children till they are 2-year old. After that, the responsibility falls on the woman. In order to claim further maintenance from the husband, she has to again approach the civil court. This negates the legal right of the child to be maintained by the father and absolves the father of responsibility beyond a certain period. Moreover, it also contradicts MPL, which requires the former husband to maintain sons till they are 18-years in age and daughters till they are married. The provisions of the Act patently violates the fundamental rights to equality, equal protection by laws and non-discrimination on the grounds of religion, as guaranteed by the Indian Constitution to all citizens. However, there has been no effort either by the State or the Muslim community to initiate the process of gender-just reforms in the MPL.

Moreover, Muslim law is not homogenous and its provisions vary according to the sects and sub-sects. Further, it is an amalgamation of customary law and practices, statutory law and interpretations of Quranic verses. So, while a Muslim woman can go to the court to seek divorce, a Muslim man is not required to do so — he can pronounce divorce thrice and terminate the marriage contract, despite the fact that there is a Supreme Court (SC) judgment against an oral, unilateral divorce by the husband. While gender-just reforms within the Parsi and Christian matrimonial laws have been brought to effect with the initiative and support from the State, it is a stark reality that there exists no political will to bring about reforms in the Muslim matrimonial law that would benefit women of this community.

For the Muslim community, there are multiple implementing agencies that dispense justice unlike the Hindu community where family disputes can only be addressed by the court. There exists informal Sharia courts, *qazis* (religious arbiters), *muftis* (religious clerics), *jamaats* (sect arbitration councils) which also preside over cases of family disputes. These bodies are readily accessible and

have closer contact with the community unlike the secular court structures, which besides being expensive are inaccessible and time-consuming. The informal Sharia courts exist everywhere across the country. At some places, it is more organised with a group of clerics heading the process. At others, it is individual *qazi* who takes up the matters. Men and women do approach them in large numbers as they are more accessible than a formal court. However, if accessible, they are dominated by men who arbitrate and settle disputes, who more often than not, go against the interests of the women. These individuals and institutions have adopted a very patriarchal, conservative and anti-woman interpretation of religious texts. Muslim women do approach the family court and other localised State-run legal institutions but as mentioned earlier, the time and money required to pursue any case is beyond the reach of many of them.

Experiences of Poor Muslim Women

To challenge the patriarchal interpretations and relook at Quranic injunctions, feminist scholars (see Hasan 1995; Mernissi 2004) have documented a fresh approach towards reading and interpreting the divine text (Mernissi 2004). The interpretations by such scholars, both women and men, are progressive and ensure that it is possible to secure women's rights without renouncing religion. Indian Islamic scholars (see Ali 1997; Engineer 1992) have extensively documented the rights of women in Islam and have given hope to many young Muslim women to challenge the clergy and demand a gender-just law based on these interpretations. There are many positive SC judgments in favour of Muslim women (Uma 2007). Given the fact that the Muslim law is partly codified and what is not codified is dependent on the interpretation of clerics, these SC judgments are relevant in propelling the struggle of Muslim women for justice.

In spite of these positive developments, Muslim women continue to be deprived of their legal rights. The *mehr* amounts continue to be meagre. The data from the Mahila Shakti Mandal (MSM) in Mumbai, an organisation which poor Muslim women approach for legal support, shows that the women receive *mehr* amounts as low as ₹ 501 and ₹ 1,001 and the most favoured continues to be ₹ 786. The bride does not decide the amount nor does her family. The amount is decided by the groom, so obviously it is a low amount. Besides, even this meagre amount is not paid to women in most of the cases.

The community is also besieged by poverty and the poor men have few assets and are anyway not in a position to maintain their wives. It has also been observed that women do not claim maintenance from their husbands. According to the records maintained in the Mahila Shakti Mandal Case Register (2009), only four women of the 56 cases from January–August 2009 have claimed maintenance from their husbands. The reasons were that the men were either unemployed or have irregular employment and hence would be unable to pay even if asked, as it was beyond their capacity. Besides, the women were worried that if he continued to maintain her or their children, he would also continue to exert his control and that is something most of the women did not want. They would rather be independent of the past relationship rather than depend on their husbands' doles which would anyway cease some months later.

There has been a perceptible change in the attitude of Muslim women due to increase in their social awareness and the possible help they receive from civil society organisations, especially from their own community. Earlier, they would wait for at least 5–6 years or sometimes even 10 years before they walked out of a marriage. Now, the time gap has reduced to a year or even less. The data given by MSM for the year 2008 shows that the gap between marriage and case reporting was less than one year for 18 women; 27 women reported marital dispute in less than five years of marriage and 20 reported when the marriage was between 5–10 years old. About 40 per cent of women approach MSM with a marital dispute within five years of marriage. It has also been observed that women who have been divorced orally and or have been asked to do *halala* (where a woman has to first marry another man and get divorce from him, before she can remarry her first husband again) have categorically refused to go back to their husband finding the whole arrangement as hurting their self-esteem (Martins 2006). Out of the 114 cases that the MSM received in 2008, 39 women were from the age group of 20–25 years and 24 from the age group of 25–30 years. This indicates that very young women are approaching the MSM for resolving their marital disputes. Collectively, 63 out of 114 from the age group of 20–30 years approached the MSM. Thus 55.26 per cent of the total women who approach the MSM are from the age group of 20–30 years (Mahila Shakti Mandal 2008).

However, this is not a national trend. Women, in keeping with the culture of tolerance, put up with years of violence and most do not

think of walking out of a marriage. But there is a different trend happening with women in Mumbai who when faced with an intolerable situation refuse to bear inhuman treatment and on getting support, seek divorce. It is also found that generally women refuge to go back if the husband has pronounced divorce and wants to take her back. There are many reasons for walking out of the marriage and among others include incompatibility, excessive mental and physical violence, control or interference by in-laws and irresponsibility in maintaining the family by the husband. Many are also willing to forego their financial rights like *mehr* in order to free themselves from this bond. A sea change in the attitude of parents can also be seen in recent times. Earlier women were told '*Khadi jana, leti aana*' ('Go in good health to husband's house and come back only when dead'). Similar to other cultures, Muslim women who have been divorced or widowed are not welcomed back to their maternal families. In a city like Mumbai, the space crunch in Muslim ghettoes, especially slum colonies where the poor live, inhibits women to come back to their parents' house. But in the recent years, parents have welcomed their daughters.

Men, on the other hand, continue to orally and unilaterally divorce their wives as per their convenience. Although un-Quranic and illegal (there is a Supreme Court judgment prohibiting oral unilateral divorce), men use the threat of divorce to keep women on tenterhooks. But when the same women want divorce, they withhold it to trouble her some more. Men are very prompt in giving financial rights to women if they have initiated the divorce. But when a woman initiates the divorce and then demands her rights, he refuses explaining that according to the Sharia, if a woman demands divorce she will not get her *mehr* back.

On the one hand, there are the insensitive clerics who prescribe heinous practices like the *halala,* who endorse and support oral divorce and who support the husband to be irresponsible in avoiding maintenance. They want to continue to maintain their hegemony over the community and refuse to let newer ideas percolate their ranks and as a result are dogmatic, traditional and regressive. On the other hand, are the secular courts which require huge investments of time, money and energy, if a woman approaches them for a divorce. Given the fact that a Muslim woman faces multiple marginalisation, she is not in a position to access formal courts. In such a scenario, the *mahila mandals* or *nari adalats* in Mumbai, run by Muslim women, play a crucial role in supporting them.

Leadership of Muslim Women and Law Reform

Muslim women in the 1990s, especially after the demolition of the Babri Masjid, have been taking the lead in small ways to challenge the age-old dogmas and asserting themselves for realising their rights. The first instance of this awakening was visible during the Imraana controversy in 2005, Muzaffarnagar, Uttar Pradesh (UP). Imraana was raped by her father-in-law and received a fatwa which declared the marriage to her husband as void. There was a huge uproar from the community against this fatwa. Many Muslim women activists came forward to support Imrana and rallies were organised to condemn this fatwa.

This was in sharp contrast to the period when the Muslim Women's (Protection of Rights on Divorce) Act 1986 was passed. Then Muslim women were hardly organised and there was no public outcry against the Act which instantly took away her right to a secular law. Imraana was not alone as she was supported by scores of Muslim women across the country who organised rallies and public meetings to condemn the fatwa. A social organisation in Lucknow, Tehreek, galvanised public opinion against the fatwa and supported Imraana through the ordeal. In Mumbai, the Hukook-e-Niswan Mahila Sanghatana (Federation of Muslim Women's Mahila Mandals), along with other women's groups like Women's Research and Action Group (WRAG), organised a massive rally to condemn the fatwa and questioned the existence and validity of bodies like the All India Muslim Personal Law Board (AIMPLB) and other assorted bodies who issue fatwas to subjugate women. They raised slogans like '*sarkar hamari chup hai maulana se darti hai* !' ('the government is silent and afraid of clerics'). It was a massive show of strength by Muslim women against dogmatic forces. The Muslim women's groups in Mumbai also tore to pieces the *nikaahnama* released by the AIMPLB in 2004. The Board's *nikaahnama* did not invalidate the triple oral unilateral divorce nor did it include the delegated right to divorce. It did not put any restrictions on polygamy.

In 1996, a group of Muslim women in Mumbai got together to make a standard *nikaahnama* which ensured the rights of Muslim women in her matrimonial home. This *nikaahnama* was sent to the AIMPLB for their approval. The Board rejected the *nikaahnama* on the grounds that it delegated women's right to divorce. According to the proposed *nikaahnama*, if a Muslim woman wanted divorce, she

could get one as it had been delegated to her by her husband at the time of her marriage. This provision makes a woman independent of men if she needs to terminate the marriage. After this rejection, another set of Muslim women in Mumbai affiliated to WRAG took up the same *nikaahnama* and further modified it in favour of women and released it in Mumbai under the aegis of the Muslim Women's Rights Network. Based on this *nikaahnama,* 35 marriages were conducted in Mumbai in the year 2005. In 2008, activists of the Bharatiya Muslim Mahila Andolan (BMMA) further modified the *nikaahnama* and released it during its Annual Convention held in Delhi in 2008 (see Appendix 12.2). The salient feature of this document is that it completely disallows oral, unilateral divorce, makes arbitration compulsory and puts a complete ban on polygamy. Based on this *nikaahnama,* several marriages have been conducted in Gujarat.

Muslim women activists have also taken the lead in drafting an alternative, gender-just MPL. A two-day National Consultation was held in Mumbai in December 2006 to seek Muslim women's views on the codification of the Muslim law. Attended by a delegation of close to 300 Muslim women from states like Uttar Pradesh, Gujarat, Madhya Pradesh, Chhattisgarh, West Bengal, Rajasthan and Karnataka among others, the Consultation involved deliberation on the discriminatory aspects of the Muslim law, not on what the law is but on what they want. What is the kind of Muslim law aspired to by Muslim women? The conference resolved that the Muslim law as it exists is discriminatory and it is time that it is codified and the conference took over the responsibility to work draft an ideal MPL. Thereafter, regional consultations were held in Chhattishgarh, Uttar Pradesh, Maharashtra, Madhya Pradesh, Orissa and Gujarat to discuss the draft law with Muslim women who enthusiastically participated in these consultations and gave their views about an ideal MPL. Consultations are still in process and the draft is being further modified.

Over the years, Muslim women's groups in Mumbai have been providing legal aid to Muslim women. These quasi-judicial informal forums have emerged as a platform for a Muslim woman to approach for support. The MSM is one such registered body that has been receiving cases of Muslim women since 1995. So far, they have been able to reach out to more than 2000 Muslim women and supported them providing legal assistance and services of lawyers. Many such

other groups also have been formed indicating that Muslim women have indeed taken on the leadership of their community. Especially remarkable has been their intervention in the areas of law reform and legal aid. Other Muslim women's groups like the Samjhauta Mahila Mandal, Priyadarshini Mahila Mandal, Milan Mandal, Hamraaz Committee, Roshni Mahila Mandal, Sujhav Mahila Mandal and Parwaaz Mahila Mandal have been established in Mumbai.

Muslim women have been actively advocating for reforms in family laws. In Mumbai, work at the grass-roots began earnestly after the communal violence of 1992–93. Rahe-Haq is one such Muslim women's organisation that has worked extensively with Muslim women in Mumbai. Similarly, MSM was formed in 1995 to address legal concerns of Muslim women. Many small and big organisations working for the betterment of the Muslim community were established. Post the 1992–93 riots, youth committees also emerged to carry out relief and rehabilitation. Groups of young women and men surveyed the damaged homes, identified the dead and injured, liaised with government bodies for distribution of compensation. Some even conducted counselling and assisted the groups working on traumatised victims.

Muslim Women's Movement

Given the lack of progressive and effective Muslim male leadership, especially in the post-Babri mosque demolition period, the space is being filled in by women from all castes and classes to take matters in their own hand. In 1980s, the community was in a tight grip of conservative forces that stifled the liberal voices. The demolition of the Babri Masjid and the consequent communalisation of the social fabric of the country and the insidious way in which the capitalist forces were unleashed, paved the way for Muslim women to raise their voices against not only their own conservative forces but also against the anti-people and anti-poor policies of the state.

While the larger women's movement has done a huge task of highlighting women's issues and bringing them out of the closet, it unfortunately 'assumed the homogeneity of women's identity' (*Annual Report*, Bharatiya Muslim Mahila Andolan [BMMA] 2008). Being elitist, it could not address the concerns of excluded and marginalised groups like Dalit and Muslim women. In fact, the deafening silence following the Gujarat genocide conveys the insensitivity of the

larger women's movement. To a large extent, the issues of Muslim women have to be seen in the context of the issues being faced by the Muslim community as a whole. Muslim women from Gujarat, Mumbai, Rajasthan, UP, Tamil Nadu and Karnataka had earlier taken a lead in organising themselves. Tehreek and Bahin in Uttar Pradesh; National Muslim Women's Welfare Society in Rajasthan; Hukook-e-Niswan Mahila Sanghatan in Mumbai; Aman Samuday, Parwaaz and Niswaan in Gujarat; Institute for Minority Women in Madhya Pradesh; Samadhan Foundation in Karnataka; Wind-Trust in Tamil Nadu; and Muslim Women's Welfare Organization and BIRD Trust in Orissa, are some examples of the organised efforts by the Muslim women.

The most marginalised have taken the lead in impacting their own lives and those of the community. The launch of the BMMA suggests the coming together of these scattered forces of Muslim women. The BMMA claims to be committed towards working for ameliorating the exclusion of the Muslim community with special focus on Muslim women and towards demanding the social, economic, political, civil, legal and religious rights of all Muslims. It is also committed to undertake and propagate positive and liberal interpretations of religion which are in consonance with the values of justice, equality and protection of human rights enshrined in the Constitution of India. It has emerged as a mass organisation of Muslim women from all over the country cutting across class and caste. It is an *andolan* (movement) by Muslim women to take leadership on issues concerning their community and themselves, towards realisation of full citizenship.

The alienation and exclusion of Muslims has created a large vacuum in leadership which is being readily filled in by the women through forums like the BMMA. In fact, circumstances have forced Muslim women to enter the public domain — whether fighting for POTA victims in Gujarat to facing the brutal police during the Mumbai riots in 1992–93, the illegal detention of Muslim youth in Andhra Pradesh to the Imraana/Gudia case in Uttar Pradesh. There is a very visible and palpable churning within the community. Not just women but youth, professionals, clerics, academicians are taking an active interest in the affairs of the community. This is the most important development since Independence and very significant, especially since Sunni Muslims have never been truly organised at the community level.

Conclusion

For too long, the State as well as the larger Muslim male leadership has ignored the plight and voice of Muslim women. Muslim women must organise themselves to avail the Constitutional benefits for ameliorating the social, economic, political, legal and educational backwardness for themselves and their community. For this, they must also build alliances with other socially and economically marginalised groups and movements who are fighting for social justice. Also, they must undertake positive, liberal, humanist and feminist interpretations of Islam for ensuring justice and equality for themselves. Muslim women must now also be heard by the State as an alternative, progressive and liberal voice of the community. Any debate on the issue of law reform must include the active presence of Muslim, women who over the last many years have accumulated enough knowledge and leadership to guide the community and policies towards it.

Appendices

Appendix 12.1: The Dissolution of Muslim Marriage Act, 1939.

The Dissolution of Muslim Marriage Act, 1939

An Act to consolidate and clarify the provisions of Muslim law relating to suits for dissolution of marriage by women married under Muslim law and to remove doubts as to the effect of the renunciation of Islam by a married Muslim woman on her marriage tie.

Whereas it is expedient to consolidate and clarify the provisions of Muslim law relating to suits for dissolution of marriage by woman married under Muslim law and to remove doubts as to the effect of the renunciation of Islam by married Muslim woman on her marriage tie; it is hereby enacted as follows:

1. **Short title and extent:**
    1. This Act may be called the Dissolution of Muslim Marriages Act, 1939.
    2. It extends to the whole of India except the State of Jammu and Kashmir.
2. **Grounds for decree for dissolution of marriage** — A woman married under Muslim law shall be entitled to obtain a decree for

(*Appendix 12.1 Continued*)

(*Appendix 12.1 Continued*)

the dissolution of her marriage on any one or more of the following grounds, namely:

i. that the whereabouts of the husband have not been known for a period of four years;
ii. that the husband has neglected or has failed to provide for her maintenance for a period of two years;
iii. that the husband has been sentenced to imprisonment for a period of seven years or upwards;
iv. that the husband has failed to perform , without reasonable cause, his marital obligations for a period of three years;
v. that the husband was impotent at the time of the marriage and continues to be so;
vi. that the husband has been insane for a period of two years or is suffering from leprosy or a virulent venereal disease;
vii. that she, having been given in marriage by her father or other guardian before she attained the age of fifteen years, repudiated the marriage before attaining the age of eighteen years;

   Provide that the marriage has not been consummated;

viii. that the husband treats her with cruelty, that is to say —
   a. habitually assaults her or makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment, or
   b. associates with women of evil repute or leads an infamous life, or
   c. attempts to force her to lead an immoral life, or
   d. disposes of her property or prevents her exercising her legal rights over it, or
   e. obstructs her in the observance of her religious profession or practice, or
   f. if he has more wives than one, does not treat her equitably in accordance with the injunctions of the Qoran;
ix. on any other ground which is recognised as valid for the dissolution of marriages under Muslim law;

   Provide that —

   a. no decree shall be passed on the ground (iii) until the sentence has become final;
   b. a decree passed on ground (i) shall not take effect for a period of six months from the date of such decree, and

if the husband appears either in person or through an authorised agent within that period and satisfied the Court that he is prepared to perform his conjugal duties, the Court shall set aside the said decree; and

c. before passing a decree on ground (v) the Court shall, on application by the husband, make an order requiring the husband to satisfy the Court within a period of one year from the date of such order that he has ceased to be impotent, and if the husband so satisfies the Court within such period, no decree shall be passed on the said ground.

Notice to be served on heirs of the husband, when the husband's whereabouts are not known — In a suit to which clause (i) of Section 2 applies —

a. the names and addresses of the persons who would have been the heirs of the husband under Muslim law if he had died on the date of the filing of the plaint shall be stated in the plaint.
b. Notice of the suit shall be served on such persons, and
c. Such persons shall have the right to be heard in the suit;

Provide that paternal uncle and the broker of the husband, if any, shall be cited as party even if he or they are not heirs.

Effect of conversion to another faith — The renunciation of Islam by a married Muslim woman or her conversion to a faith other than Islam shall not by itself operate to dissolve her marriage:

Provided that after such renunciation, or conversion, the woman shall be entitled to obtain a decree for the dissolution of her marriage on any of the grounds mentioned in Section 2:

Provided further that the provisions of this Section shall not apply to a woman converted to Islam from some other faith who re-embraces her former faith.

Right to dower not to be affected — Nothing contained in this Act shall affect any right which a married woman may have under Muslim law to her dower or any part thereof on the dissolution of her marriage.

Repeal of Section 5 of Act 26 of 1937 — Repealed by the Repealing and Amending Act, 1942 (25 of 1942) Sec. 2 and Sch. i.

Source: http://www.helplinelaw.com/docs/THE%20DISSOLUTION%20OF%20MUSLIM%20MARRIAGES%20ACT,%201939 (accessed 22 March 2011)

Appendix 12.2: *Nikaahnama* and *Iqraarnama* prepared by Bhartiya Muslim Mahila Andolan in August 2008

NIKAAHNAMA

1. This Nikaahnama is in consonance with the Holy Quran and entered into at ______________________ (city/state), this __________________ of __________________ between ______________________ [A] hereafter referred to as the BRIDEGROOM and __________________ [B] hereafter referred to as the BRIDE.
2. This Nikaahnama is subject to the exclusive jurisdiction of the court where the bride ordinarily resides at any future date

Personal particulars of parties A and B are given below:

1. Name of the bridegroom [full name]: __________________
   Date of birth: ____________________________________
   Address: ____________________________________
   ____
   ____
   ____
   Marital status [single, widower, married, divorcee]: ________
2. Name of the bride [full name]: ______________________
   Date of birth: ____________________________________
   Address: ____________________________________
   ____
   ____
   ____
   Marital status [single, widow, divorcee]: ________________
3. Date of Nikaah: ________________________________
4. Islamic date: __________________________________
5. English date: __________________________________
6. Place of Nikaah (full address): ______________________
   ____
   ____
7. Time of Nikaah: ________________________________
8. Name of Witness no.1 from the bridegroom's side: _________
9. Age: ____
10. Address: ____________________________________
    ____

11. Name of Witness no. 2 from the bride's side: ________________
12. Age: ____
13. Address: ____

    ____

    ____

14. Permanent address of Bride's family: ________________________

    ____

    ____

15. Permanent address of Bridegroom's family: _________________

    ____

    ____

16. The amount of ₹ ______________________ in cash or kind has been fixed as Mehr in this Nikaah. The mehr amount has to be 100% of his annual income.

    I, the above named bridegroom do hereby agree to give ₹ ________ or ______________________ as Mehr [Prompt (Muwajjal)/ Deferred (Muwajjal] for this marriage to the bride and the same has been approved by her.

No.	Item	Quantity
1	Cash	
2	Gold	
3	Silver	
4	Fixed Deposits	
5	Land	
6	Cheque/DD	
7	Any other	

Annexure to this nikaahnama are original lists duly signed by both the parties. The list is as given below:

- Articles received by bride from the bride parents and relatives.
- Articles received by bride from the bridegroom parents and relatives.
- Articles given by bride to the bridegroom and his relatives and friends.

(*Appendix 12.2 Continued*)

(*Appendix 12.2 Continued*)

Other details about the bridegroom:

- Present occupation: ________________________________
- Address of the place of employment: ____________________
  ____
  ____
- Income per month: ________________________________
- Particulars of property [self acquired and share in inherited property] ________________________________
  ____
  ____

The following documents are enclosed with this Nikaahnama

- Passport size photos of the bride and the groom
- Wedding invitation card (if there is one)
- Copy of the passport/PAN card/voter I-card/IT Identity card attached
- Copy of the ration card
- Proof of employment
- In case of divorce documents related to the divorce from first spouse
- In case of widower/widow death certificate of the spouse

Both the bride and bridegroom do hereby confirm that each of them have read the Nikaahnama, understood its contents and given their consent to abide by all the conditions and nothing has been concealed or suppressed by either of them.

****

- Signed by the bridegroom

  Mr. ____

  In the presence of Witness no.1 and Witness no 2.

  Name: ______________________________________

  Sign: _______________________________________

- Signed by the bride

  Ms. ____

  In the presence of Witness no.1 and Witness no 2.

  Name: ______________________________________

  Sign: _______________________________________

- Signed and delivered by Marriage Solemnizer

  Name: ____

  Sign: ____

Three [3] original copies of the nikaahnamas have been prepared and given to the bridegroom, bride and the Marriage Solemnizer

IQRAARNAMA

MEHR

Since mehr is the right of the bride at the time of nikaah, the amount has to be paid at the time of the solemnisation of the nikaah. The mehr amount is 100% of his annual income. The groom has agreed to pay the mentioned amount at the time of nikaah. However, since the mehr amount can also be deferred to a latter date, the bridegroom has agreed to pay the deferred amount on ______________________________ .

In case of any imperative reason the full amount of Mehr agreed upon has not been paid at the time of the Nikaah then the bridegroom undertakes through this Nikahnama that he or his relatives or any one on his behalf, shall not in any manner apply any physical, social, emotional, psychological, or economic pressure on the bride to remit the Mahr or to decrease the Mahr amount.

The bridegroom also undertakes that in the event of his untimely death, his family members/relatives shall be responsible for payment of Mahr and acknowledges that Mahr is the right of the wife, which cannot be compromised. Further, it is non-refundable and non negotiable and shall be the absolute property of the bride and under her exclusive control and power.

DISPUTE

The bride and bridegroom agree that in case of marital discord neither party has the right to terminate the marriage unilaterally.

The husband shall not resort to under any circumstances unilateral oral triple divorce in one sitting. The right to divorce is shared equally by both the bride and the groom in keeping with the spirit of justice in Islam.

If matrimonial discord occurs, then the parties shall appoint a representative each from their respective family who will constitute the Arbitration Council along with NGO's representatives and other individuals having knowledge and integrity. No dissolution shall take

(*Appendix 12.2 Continued*)

(*Appendix 12.2 Continued*)

place while the arbitration process is ongoing and until it is finally concluded.

While neither party will have the right to unilateral divorce, in the event of talaaq initiated by either party the husband shall be bound to comply with the following financial rights of the wife.

- Mehr [if deferred and not yet paid]
- Gifts received by her at the time of and during the subsistence of the marriage.
- Right to reside in the matrimonial home.
- Equal share of all property acquired during subsistence of the marriage.
- A reasonable and fair provision [mataa] for the future sustenance which shall be equivalent to maintenance for a period of 10 years according to the standard of life which she is accustomed to during her marriage.

Either party can go to the secular court to settle their dispute.

If the dispute has been settled outside the court then the couple are advised to validate the decisions of the Arbitration Council in the court of law.

AGE

The age of the bride shall be 18 years and that of the groom 21 years.

POLYGAMY

The husband shall not be entitled to and shall not enter into a second marriage during the subsistence of this first marriage as monogamy is the stated ideal in the Quran.

The bride and the bridegroom may insert any other provision provided it does not violate the provisions of this Nikaahnama.

The bride and bridegroom undertake to follow these terms and conditions and respect each other from this day on.

****

Source: Bhartiya Muslim Mahila Andolan, Mumbai.

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Index

Abd-al-Aziz, Shah 27
Abdullah, Sheikh 113
adivasis 153
Advani, L. K. 131, 133, 135
Afghanistan: Pathans 5; war in 124
Ahmedabad 39, 96, 98, 174, 179; as riot-affected place 175, 180
Ahmed, Syed 29, 92, 93, 105, 117
ajlaf 6, 50, 111, 112
Ajmer 109
Akhand Bharat 131
Akhbaris 5
Akhil Bharatiya Vidyarthi Parishad (ABVP) 136
Akhshardham 100
Aligarh 110, 111
Aligarh Muslim University (AMU) 115–16, 136
Aligarh Muslim University Amendment Act (1920) 128n.7
Ali, Haji 109
Allahabad High Court judgement, Mandir issue 137, 143
All India Muslim Personal Law Board (AIMPLB) 56, 259
Alvi Bohras 5
Ambedkar, Babasaheb 76
anti-Congress coalition 123, 131
Aryanism 93
Arya Samaj 93, 148, 234
Arzals 6–7, 16
ashrafs 6–7, 16, 50, 112, 128, 231
Assam: agitation 234; carved out from Bengal 165; distribution of Muslims 2, 170; Muslim jail inmates 14
Assessment and Monitoring Authority (AMA) 66, 79
Atal Himayat committee 132
Atba-e-Malak 5
Aujar 135
avatar 96, 131
Ayodhya movement 140, 143
azaan 197
Azad, Jagannath 117
Azad, Maulana Abul Kalam 90, 112
Aziz, Shah 28

Babri Masjid 98, 100, 118, 122–25, 137, 139, 150, 154, 163, 164, 188–90, 192, 193, 197, 198, 203, 237, 259, 261
Babri Masjid Action Committee 118
Bahadur, Guru Tegh 157
Baig, Arif 132, 138, 139, 141
Bajrang Dal (BD) 140, 187, 191, 211
Bakht, Sikandar 132, 138, 141
bandh 195
bandhgalas 140
baniyas 92, 94
Bank loans 103
Bano, Shah 32, 119, 138, 139, 163, 254
Bapat, S. K. 189, 190, 195–98
Barelvi, Syed Ahmed 28
Bengali *ajlaf* 50
Bhagavad Gita 109
Bharatiya Jana Sangh 114
Bharatiya Janata Party (BJP) 21, 98, 102, 113, 115, 123, 124, 131–43, 153, 164, 187, 189, 191, 193, 195, 198, 199, 211, 217; behaviour towards Muslims, pattern of 131; electoral loss for 136; engagement with Muslims 132–38; Muslim leader in 140; pan-India expansion of

145; political engagement with Muslims 134; student wing 136; as upper-caste party 134
Bharatiya Janata Yuva Morcha (BJYM) 138
Bharatiya Muslim Mahila Andolan (BMMA) 260–62
Bharat Mata 150, 215
Bihar: Assembly polls 137; BJP's strategy for 137; Pasmanda Muslim Mahaz 124
Bin Laden, Osama 60
B. N. Srikrishna Commission 98–100, 187–88, 191, 204–207, 218, 275
Bohras 5, 243, 251
Brahmins 90, 94, 123, 153, 216, 222
British: anti-Muslim bias of 90; colonial power 126; first census 49; language of governance 28; legislation enacted by 254; Muslims in army 31; policy of 'divide and rule' 92–94; rule 90, 94

Calcutta, *see* Kolkata
Caste and Social Stratification among Muslims in India 57
caste inequalities 67
Central Reserve Police Force (CRPF) 219
Chander, Kishan 117
Chattisgarh 13, 14, 173, 260
Chhota Pakistan 9
Christian community 135
Churihars 6, 239, 243
civil elections 35
communalists, common features of 94
communal mobilisation 113
communal riots 11, 22, 31, 78, 90, 94, 96–99, 113–15, 119, 121, 124, 174, 188, 235, 275; B. N. Srikrishna Commission of Inquiry 187–188; in Eastern India 96, 114; of Malegaon 184
communal triangle 92–93
communal violence 96–99
Communist Party of India (Marxist) (CPI(M)) 98
Congress government, *see* Indian National Congress (INC)
Constitution of India: Article 44 of 116; Article 341 of 7
corruption 25, 137, 154
credit facilities 77
Crimes against Humanity 101
Criminal Procedure Code (CrPC) 254
Cultural Diversity Index (CDI) 66, 79
culture 6, 30, 42, 53, 60, 70, 73–75, 77, 83, 107–109, 120, 129; differences 76; hostility 107; violence 18, 20, 146, 152, 157

Dakhani Urdu 117
Dalit Muslims, *see* Arzals
dalits 10, 26, 33, 123, 134, 157, 211, 222
Dalitsthan 220–21
dargahs 150, 255
Darul Aman 27
Darul Harb 27
Dawoodi Bohras 5
Dawood, Ibrahim 46, 124, 215
Deobandi 5; modernity of 48; movement 48
Deoband school 5
Deshmukh, V. N. 196, 197
Deshmukh, Yashwant 136
deterritorialisation 9, 208, 210, 213, 214–17, 220–22
Devnagari script 117
Dharavi jurisdiction 100

dialectics, of pluralism and conformity 77
disempowerment 26, 28
Dissolution of Muslim Marriage Act (1939) 254, 263
diversity: among India Muslims 3, 43; because of immigration of people 5; Cultural Diversity Index (CDI) 79; of culture within Muslim society 120; of sect and practice 254
divorce 18, 32, 116, 163, 254, 255, 257, 258
Dravidian Movement 124
Dualism-Manichaeism-Armageddon 157
Durga, Goddess, worship of 109
dying Hindu race 146–47
dying race syndrome 147–50

East India Company 174
education: among Muslim community 117; associated changes in social values and relationships 91; bureaucracy 28; loans 77; modern English education 117; money in *madrasas* education 78; in Muslim women 18; in regional or English languages 78; reservation for Muslims in 104
elite Muslims 90, 95
Emergency 114, 128, 133, 163, 211
employment: of Muslims in government sector 103; programmes 38; reservation for Muslims in 104
empowerment 10, 20, 26, 28, 32, 237, 239
endogamy 6
entrepreneurs, from Muslim community 46, 53, 111, 118
Equal Opportunity Commission (EOC) 79–83, 104; concept of 'equality' 80; concern about fragmentation/disintegration 82; domains 81; recognition of India as an egalitarian state 80; state and public levels 80; supported by anti-discriminatory acts 82–83; working on individual 82
Equal Opportunity Structure 79
ethnically-mixed neighbourhoods 215
ethnic: challenges 1; consciousness 209; politics 209; spaces, production of 213; spatial segregation process 210; violence 210
ethno-racial relations 85

Falahi, Shahid Badar 121–22
false consciousness 213
fatwa 27–28, 259
Fernandes, George 133
fiqh 119
Floor Space Index (FSI) 198

Gadkari, Nitin 136
Gaffar Khan, Khan Abdul 90
Gandhi, Indira 96, 114, 164, 211
Gandhi, Mahatma 30
Gandhi, Rahul 142
Gandhi, Rajiv 32, 119, 163
Gandhi, Varun 140
gangster 215
Ganpati festival 109, 184n.5
Gaza Strips 101
gender injustice 17–22
general elections 132, 135–36, 140, 142
ghettoisation 7, 8, 88, 102, 103, 179, 213, 216, 226, 229, 230, 242, 245, 246, 275
Girls Islamic Organisation of India 122
globalisation 40–42

Godhra 101, 125; train incident 135
Gopal Singh Committee Report (1982) 103
Govindacharya, K. N. 134
Guidelines to the Police on How to Deal with Communal Riots 197
Gujarat: Muslims per capita income in 141; pogrom (2002) 78, 100–102, 107, 125, 134, 140, 145–46; victims of violence 102

halala 257–58
Hamid, Syed 113
Hanafi 5, 251
Hanbali 5, 251
Hasan, Mushirul 93
Hebrew Genesis narrative 52
Heptullah, Najma 132
higher-caste Hindus 220–22
Hindu Code Bill 28
Hindu India 31, 131
Hindu Jan Jagruti Abhiyan 199
Hindu Mahasabha 91, 93–94, 96, 126, 133, 148
Hindu–Muslim relationship 23, 63, 163, 165, 166
Hindu–Muslim religious culture 108
Hindu–Muslim riots 1, 163, 164; in Bengal 164; correlation matrix, of number of deaths 181; deaths during 172–73; demographic aspects associated with 166–67; demographic differentials 167–74; regression analysis, of number of riot deaths 182; religious composition of population 168; riot-affected cities in India 175, 178, 180; riot-affected states in India 171; spatial dimension of riots and 174, 178–79, 182–83
Hindu–Muslim unity 13; syncretic culture as a foundation of 108–109
Hindus 2–6, 13, 91, 94, 109, 113, 126, 134, 150, 154, 222; bipolar discourse on tolerance 150; defined 4; educational and employment related opportunities 89; extremist movement 118; growth rate 168; Hindi language 117; religious beliefs 127; right 90; rituals 109; sanskritisation process among 6; sentiments 99; temples 6; traders 111
Hindus: A Dying Race 147
Hindustan–Pakistan border 218–19, 223
Hindutva 36, 100, 107, 114, 115, 122–27, 137; ideology 113; majoritarianism 158
Hindu vote 131, 133; bank 31; and frustration of BJP 134
Hindu women 148, 251; *vs* Muslim women 15
Hindu zamindars 92, 94
Holi festival 184n.7
homogenisation 214
Huladiya Hanuman 150
Hunar 135
Huq, Fazlul 110
Hussain, Shahnawaz 132, 137, 138, 140, 141
Hussain, Zakir 113

Idar-e-Sharia 135
iddah 163
Imarati-e-Sharia 135
India: ethnic politics of 77; fractured Muslim modernity 51; Islamic community in 95; leadership using religious consciousness 90; middle classes 36; model of multiculturalism

76; Muslim community in 89; Muslim population in 2, 3; north Indian Muslims 109; Pakistan, relationship with 214–15; private sector 11; religion in 37; secular parties 23; south Indian Muslim 4
Indian Muslims: castes and class 5; cultural and social traditions 6; descendants of 5; diversity among 3–7; gender equality 29; Kali worshipped by 6; major sects 5; modernity 47; south Indian Muslim 4; turning-Indians-into-Muslims 39; *see also* Muslims
Indian National Congress (INC) 30, 79, 92, 110, 127, 135, 139, 203, 206; Muslims drifted away from 123; and riots in Kanara district 135; *Sachar Committee Report* (2006) 35; and Shiv Sena 203; support to land reforms and 127; win over votes from the minority 79
Indian Premier League (IPL) 56
Indian secularism 36
Indian Shias, sub-sects 5
industrialisation, associated changes in social values 91
Indus valley civilisation 4
Insa Asali Khojas 5
International Labour Organisation (ILO) 73
inter-religious marriages 148
Inter-Services Intelligence (ISI) 121, 124
Islam 4, 15, 24, 29, 38, 58; concept of *jannat* 25; as integral part of Indian culture and history 107
Islamic fundamentalism 139
Islamic identity 41, 53, 128n.3, 132–33, 140
Islamic neo-orthodoxies 50
Islamisation 43, 45, 50; as strategy for upward social mobility 112
Islamist political ideology, impact of 120–22
Islamophobia 11
Ismailis 5, 251
Ithna-Asharis 5, 251
Iztima 217

Jabalpur: *beedi* industry 111; riots 96, 99, 114
jagirdari 92
Jah, Asaf 33
Jalgaon: communal violence 97, 114, 178; SIMI 121
jamaats 255
Jamat-e-Islami (JI) 120
Janata Dal (United) 133, 137
Janata Party 114, 115, 133
jannat 24
Jan Sangh 113–14, 131, 133, 138
Jharkhand 2
jihad 28–30, 148
Jinnah, Mohammad Ali 30–31, 90, 92, 95, 132
jobs, to Muslims 32–33; *see also* employment

kafirs 119
Kali festival 6, 169, 184n.6
Kannabiran, K. G. 101
kar sewa 139, 188
Kashmiri Muslims 113
Kashmir Valley 6
Kerala: deaths during riots 172; Jamat aligns with Left Front 122; Mappila Muslim from 109; Mophilla community of 5; Muslim majority district 31; Muslim widow from 109
khabris 215
Khan, Arif Mohammad 119, 132
Khan, Shah Rukh 56

Khilafat movement 29–30, 110, 133
Khilji, Alaudin 148
Khilji, Jalaluddin 24
Khojas 5, 243
Khorakiwalas 112
Khwaja Moinuddin Chishti 109
Kolkata: agitations following partition of Bengal 234–35; anti-Muslim riots in 237; community below poverty line (BPL) 240; distribution of state patronage 233; homeless population 240; literacy rate among Muslim women 238; Muslim community, historical reasons 231; Muslim ghettos of 240; Muslim in government employment 232; Muslim population 230–31, 236; Muslim women, in government jobs 239; Permanent Settlement Act, implementation of 231; phases of migration of Muslim population to 243; riots in 235, 236; Sangathan Sabhas formation 235; sense of security in Muslim 246; *Shuddhi* Movement 235; slum population, distribution of 241; socio-economic conditions 237–42; socio-religious categories (SRCs) 238; spatial segregation and 226, 244, 245; turmoil faced by Muslims during partition 236
Kulzum Sharif 109
Kumar, Nitish 32, 135, 136

leadership 1, 29; Congress leadership after partition of India 114; of Hindu Mahasabha 91; of Muslim League 91; *see also* Muslim leadership
Lehva Patel community 134
Lekh Ram, Pandit 93
liberal secularism 39
lingua franca 117–18
literacy rate 15, 103, 167, 169, 171–73, 182, 183, 238
lower-caste Muslim 5, 15–17

madarsas 28, 78, 103, 111, 239
mafia 46
maha aartis 100, 188, 197– 201
Maharashtra Control of Organised Crime Act 1999 (MCOCA) 11
Maharashtra Navnirman Sena (MNS) 211
mahila mandals 258–59
Mahila Shakti Mandal Case Register (2009) 257
Maintenance of Internal Security Act (MISA) 139
Maitra, Vivek 198
majority–minority dynamics 77, 84, 145
Maliki 5, 251
Malkans 6
Mandal Commission 17, 57
Mandir–Mandal era 142, 143
Marathas 24, 148, 212
masjids, *see* Babri Masjid
Mass mobilisation strategy 122–27
mass organisation, and conflict 48
mathadi workers 203
Maududi, Maulana Abu Ala 30, 120
Mayawati 142
Meerut 10; as riot-affected city 180; scissor industry in 111; spatial dimension of riots 174
Member of Parliament (MP) 131
Meo Muslims 108–109
middle-class professionals 92
militancy 29, 107, 115, 121
Militant revivalist movements, among Muslims 110

Minar-e-Pak 132
mini Pakistan, concept of 9, 101, 151, 214, 219
minority 78; element of 29; meaning of 22–23; residential clusters 229; residential segregation 229
Mirasis 6
Mirza, Haji Mastan 46
Mishra, Ranganath 104
mob violence 203; in Deonar 205
modernity 28, 39; to Hindu society 28
modern nationalism 41, 90
Modi, Narendra 134, 137, 151
Mohajirs 95
mohallas 35
Mohammedan Anglo-Oriental (MAO) College 110, 116
moneylenders 90, 92, 232
Moradabad: in brassware business 111; riot-affected town 175, 180
morcha 100
Morley–Minto reforms 147
muftis 255
Mughal emperor 27, 126
Muharram 169, 184n.4
multiculturalism 41, 67, 68, 70–71, 77
Mumbai: All India Trade Union Congress (AITUC) unions 212; Bharatiya Kamgar Sena (BKS) 212; Datta Samant-led mill workers 211; ethnicity 210, 212; growth of Shiv Sena 210; labour movements 212; Maharashtra Navnirman Sena (MNS), emergence of 211; major riots in 100–101, 211; metaphorical map of neighbourhoods in 221; Muslim ghettoes 215; politics of violence in 210; Shiv Sena-led riots 211; Shiv Sena's 'ideology of violence' 211
Munde, Gopinath 198
Muslim leadership 31, 108, 118; before Independence, tendencies identified in 110; and political transformation of India after independence 112–15; transformation and ideology, during colonial period 110–12
Muslim League 92, 110; opposed by leader of Arya Samaj 92–93; political traditions 111
Muslim Marathi Sahitya Parishad 128n.3
Muslim Personal Law (MPL) 38, 250, 255, 260
Muslim Personal Law (Shariat) Application Act (1937) 251
Muslim Personal Law Board 56n.5, 116, 259
Muslims: actors and producers 46; brassware artisans 111; communal politics 91; community 66, 108, 111, 134, 135; deaths 204–205; for division of *Bharat Mata* 215; Family Law 115–16, 119; as group for the 'dismemberment' of India 108; identity 43, 119; intellectuals 89; as Members of Parliament 11, 31, 138; minorities 41, 42, 85, 104, 246; modernity 47, 51; in post-colonial India 55; professionals 95–96; refugees 153; residents of Deonar 204; smugglers-turned politicians 46; terrorists 151, 155; *umma*-tic identity in India 43; vote 25, 33, 115, 120, 131–32, 136, 140, 164; women 119, 149, 251–63; Women's Rights Network 260; *see also* Islam
Muslim Women's (Protection of Rights and Divorce) Act (1986) 163, 259

Nagori, Safdar 121
Naidu, Chandra Babu 30
Naik, Sudhkar 199
namaaz 24, 197, 200–202
namaazis 197
Naqvi, Mukhtar Abbas 132, 138
nari adalats 258
National Commission on Religious and Linguistic Minorities 104
National Data Bank 66, 78, 104
National Democratic Alliance (NDA) 132, 154
nationalism 90, 213
Naxalism 29
Nehru, Jawaharlal 28, 163
neo-liberal economics 36
neo-orthodox reform 42
nikaahnama 116, 250, 253, 259, 260
Nishaan-e-Pakistan 56n.6
Nizamuddin 109
N. N. Singh Commission 135
non-*ashraf* 43
non-Congress alliances 123
non-Indian Muslims 108, 151

Other Backward Classes (OBCs) 6, 15, 80, 90, 134; reservation in government services 12–14

Pakistan 2, 9–10, 25, 51, 95, 107, 111, 113, 195, 197, 221; creation of 165; Family Law Ordinance 253; formation of 30, 165, 167; Hindu–Muslim riots 163; idea of 30–31, 93; intelligence agencies 124; Inter-Services Intelligence (ISI) 124, 196; as Islamic state 120; migration of Muslims to 93; *Mohajirs* 95; Muslim ghettoes 214; Muslims in 35; national language of 115; Nishaan-e-Pakistan 56n.6; relation with India 214–15, 218; Western modernity 46–47; Zia-ul-Haq, General 30
panchnama 204
pan-Islamic identity 132, 133, 140
partition 1, 30, 46, 91, 93, 95, 112, 214; impact on Muslim community 95–96; inspired violence 113; issue of Muslim identity in aftermath of 115; sexual assault of Muslim women 149
passmanda 135
Patel, Keshubhai 134
Pathans 5–6, 222, 244, 251
patriarchy 17–22
patriotism 19, 31, 150
Persian script 115, 117
police: atrocities towards Muslims 188; implications, conduct by 205–206; view of mobs 202–203
policy: anti-Muslim policy 89; of homonationalism 150
political mobilisation, of Muslims in India 115
political stigmatisation 151–52
politics, during freedom movement 90
polytheism 119
poverty 2, 13, 32, 71–74, 82–83, 102, 146, 156, 228, 240, 242, 246, 257
Praja Krishak Party 110
Praja Socialist Party 114
Pranam Panthis 108–109
Premchand, Munshi 117
Premji, Azim 112
Prevention of Terrorism Act of 2002 (POTA) 11, 122
pro-minority policies 77–79
Provincial Armed Constabulary (PAC) 99
Public Law (PL) 480 113
public spaces, division of 216

Punjab 30; rivers 23; second partition of 30
Punjab Hindu Sabha 93

qazi 28, 255, 256
Quran 28–29, 32, 109, 116, 119, 121, 255

Rahmania 135
Rajasthan: deaths during Hindu–Muslims riots 172–73; Muslim chief ministers 31; Muslims living in 24; National Muslim Women's Welfare Society in 262; Rajput Muslims 6, 108
Ram Janmabhoomi 137; Allahabad High Court verdict on 137; Ram Janmabhoomi–Babri Masjid movement 31, 125, 133–34, 139
Ramnavami 169, 184n.3
Ram temple 104, 133, 189–90, 211
Ranganath Mishra Commission Report (2007) 11, 32, 79, 88, 103–104, 107, 142
Rashtriya Swayamsevak Sangh (RSS) 93, 124, 126, 131, 148, 187
rath yatra 189–90, 197, 211
religious: hysteria 151; identity 4, 9, 15, 18, 20, 44, 47–48, 59n.10, 92, 114–15, 117, 120, 126, 164; inequalities 67; leaders 116, 119, 254; schools 127
riot Hanuman, *see Huladiya Hanuman*
Riyasat Rajas 92
Roman Catholic Emancipation 47
Roy, Aruna 101

Saamna (newspaper) 188
Sachar Committee Report (2006) 2, 11, 13, 15, 16–18, 20, 32, 35, 37, 42, 51, 56n.4, 57n.7, 66, 78, 81, 83, 88, 103–104, 107, 142, 145, 216, 229, 237, 250
Samajwadi Party 143
Samata Party 133
Samyukta Maharashtra Movement (SMM) 209–10
saptapadi 109
Sarkar, Tanika 101, 149, 154
sarsanghchalak 139
Sawant, P. B. 101
Sayyids 5–6
Scheduled Castes (SCs) 6–7, 12, 15, 80, 90, 156
Scheduled Tribes (STs) 80, 90, 156
scholarship schemes 35, 77, 85n.3, 145
second class citizens 89, 102, 114, 124, 152, 154–55
secular violence 43
Sen, Amartya 3, 164, 227
Sepoy Mutiny 231, 243
Shafai 5
Shah Bano case (1985) 32, 119, 138–39, 163, 254
Shah, Ghanshyam 101
Shah, Sufi Sarmad 157
Shaikhs 5–6
shari'a 116
Shariat Application Act 1937 (SAA) 251, 253
Sheikh, Amar 113
sherwani pyjama 140
Shia Muslims 5, 50, 184n.4, 251
Shirdi 109
shirk 119
Shiromani Akali Dal 33
Shiv Sena 100, 133, 188, 202, 205, 206, 209, 210, 220
Shramanism 90
Sikh communities 30, 148
Singh, Kalyan 134

Singh, Manmohan 85, 142
slavery 22, 31
slums 115, 217, 240, 241, 243; recurrent attack on 236; tenements dominated by Hindus and Muslim neighbourhoods 217
social (human) rights 72
South Asia: concentration of Muslims in 95; religious identities 17, 59
Special Marriage Act (1954) 252
Srikrishna Commission Report (1998) 98, 100, 204, 218
Students Islamic Movement of India (SIMI) 121–22
Students Islamic Organisation 121–22
Sufi saints 108–109
Sulemani Bohras 5
Sunni Muslims 5, 251, 262
Supreme Court (SC) 119, 152; grant of maintenance to woman 163; judgment against an oral and unilateral divorce 255, 258; Shah Bano case (1985) 119
Surat 98
Suresh, Hosbet 101
Swatantra Party 97
swayamsewaks 131, 137
syncretic communities 108

Tablighi Jamaat members 5
talaq 18, 116
tazia 109
Terrorism Act (2002) 122
Terrorist and Disruptive Activities (Preventive) Act 1987 (TADA) 198
Thackeray, Bal 56, 97, 197, 206
theocracy 30–31
Tilly, Charles 47, 50
transnational: identity 42; politics 209
tribals 30, 134, 153
trishul deeksha programmes 125
Tulsiwadi 200
Tyabji, Badruddin 90

unemployment 71–72, 83, 239
Uniform Civil Code (UCC) 116, 133; and Muslim Women 252–53
Upadhyaya, Deen Dayal 140
Urdu 50; language 78, 115, 117; literature 117; newspapers 117; poetry 118; press 118, 193; schools 117; songs 118
Usulis 5

Vajpayee, Atal Behari 131–32, 139–40, 151
Varanasi: as riot-affected cities 180; riots in 97; *saree* (sari) trade 111
violence 8, 36, 42, 88, 102, 107, 112, 146, 152–55, 156–57, 199, 200, 206; legitimising of 156–57; manufacturing consent for 152–55; Muslim proclivity for 149; politics of 210; structure of 155–56; on women 149, 150; *see also* communal violence
Vishwa Hindu Parishad (VHP) 139, 152, 187; campaign 188–95
vote banks 2, 11, 31; electoral politics of 31; *see also* Muslim, vote

Waliullah, Shah 27, 29
War on Terror 107
Women's Research and Action Group (WRAG) 259

women's rights 47, 256, 259
workers' rights 47
World War I 60n.18, 110

Yadav, Lalu Prasad 98, 135, 142

Zafar, Bahadur Shah 126
Zaidis 5
Zakaria, Rafiq 95
zamindars 92, 94, 231–32
Zia-ul-Haq, General 30