

## INDIAN MULTICULTURALISM IN PRACTICE

*Written by Adil Bashir Parry*

*Doctoral Research Scholar, Aligarh Muslim University, Aligarh (UP), India*

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### ABSTRACT

India is an excellent case for studying multiculturalism because of its vast socio-cultural lingual and religious diversity. The diversity of Indian society is not a new phenomena, like Western democratic societies, rather it existed since very past times. Therefore, it can be said that Indian minorities fall in the category of indigenous groups. Scholars like Will Kymlicka have argued that national minorities need some special constitutional safeguards for protecting their distinctive identities. The Indian constitution is a reflection of the principles of multiculturalism when it comes to the cultural and educational rights of minorities. The constitutional framers have done a commendable job by recognising the diversity of livelihood and guaranteed a safe survival to all the communities. The Indian constitution actively discourages all kinds of discriminations on the basis of particular identity of a person, like caste, creed, religion or language. It also mentions certain special rights for minorities in order to empower them and protect them from any kind of assimilationist programmes of the state. However, in the recent times there has been reported some violations of the multiculturalist framework of Indian constitution. This paper is therefore, an attempt to uncover all those violations of minority rights. The paper explores the various forces that have been responsible for curtailing the public space of minorities and trying to redefine the conceptions of citizenship and nationalism in a way that was not espoused by the constitutional ancestors.

**Keywords:** Multiculturalism, Diversity, Rights, Hindu Nationalism, Violations.

## **INTRODUCTION**

India is a country with various socio-cultures, linguistic diversities and pluralities unified into a federal polity. The heterogeneous culture of India has developed throughout the centuries. Multiculturalism is entrenched in the country's history and culture, making it a way of life for the residents. From the Aryans, the Sakas, the Huns, the Pathans, the Mughals and then Europeans, the multitude of invaders brought in diversity of culture into India. The Indian culture adopted and incorporated the cultural influxes forming a unified culture. The Indian multiculturalism is well known for its unity in diversity and is attributed as 'Vegetables in a salad bowl' or 'Bouquet of flowers' in the international community. In his book 'Discovery of India', Jawaharlal Nehru, the first prime minister of India, pronounced, "We are an old race, or rather an odd mixture of many races, and our racial memories go back to the dawn of history."<sup>i</sup>

Multiculturalism in India is multifaceted where various identities interact and influence each other. Multiculturalism in India is along various lines such as, religion, caste, and ethnicity; religion being the major element. The National Commission of Minorities in India which was established in 2005 has identified six religious group of minorities namely Muslims, Christians, Sikhs, Buddhists, Zoroastrians and Jains.<sup>ii</sup> Muslim minority, which is the largest minority in the country, plays an important role in the country's socio-economic and political structure. Muslim community has huge contribution in the freedom movement of the nation. Though, India is a Hindu majority nation, Muslims constitute a majority in Lakshadweep and Jammu and Kashmir. Muslims are a scattered population in the country; there are Muslims in each part of the country.

The country's multicultural structure is designed to provide minorities with a platform to flourish and integrate with the other population. However, it is not sufficient to judge a community's condition by just looking into the constitutions provisions; it is necessary to understand the implemental of the provisions, the societal perspectives and the practical living of the Muslim minorities. The policy structure to protect the multicultural society is as necessary as the society being culturally diverse.

In the recent years, the multiculturalism in India seems to be deteriorating. The religious minorities, especially, Muslims are facing various threats from various societal and state actors. Several observations claim that the government itself is indulged in the activities against the Muslims. In numerous instances, the ruling and opposition's political actors, especially the right wing government, are found churning out hate speech against Muslims. India's democratic, secular and pluralistic nature, which is considered the fundamental objective of the India constitution, is at stake as the governments at the union and state levels neglect the minority issues and maintain calm on the violent activities against the Muslim community. A various issues like false accusations, fake encounters, discrimination, forced conversions, harassments and lynching have increased against Muslims in the recent decades. Brief information and analysis of India's multiculturalism, in exercise, is detailed in the following sections.

## **CONSTITUTIONAL PROVISIONS IN PRACTICE: INDIAN MULTICULTURALISM WITH RESPECT TO INDIAN MUSLIMS**

Indian multiculturalism can be perceived in Indian cultural diversity and the context of composite culture, as it has its history of multicultural ethos. Multiculturalism in India provides acknowledgement and legal status to various groups of people especially to religious groups. Indian Muslims are one among these groups, which constitutes according to 2011 census about 13.4 percent of the Indian population.<sup>iii</sup> Among the six legal minorities as claimed by the government of India, Muslims are the largest minority in the country. Indian multiculturalism has been strengthened by various provisions of Indian constitution on religion, ethnicity, caste and their culture. In case of the violation of the fundamental rights on 'religion' and 'right to culture', the court is there to protect these rights as guaranteed by the Indian constitution.<sup>iv</sup> India's composite culture or the multicultural character of India considers the culture of Muslims as an essential segment of its diversity.

Multi-cultural policies are inherited in the Indian constitution; Indian constitution is considered the source of these policies in the sense of recognising India's diversity<sup>v</sup> and it is viewed as a model for preserving multiculturalism in India. The Indian constitution guarantees equal rights for Muslims. According to the Sachar report Muslims have their due rights as citizens of India

as provided by the Indian Constitution.<sup>vi</sup> With respect to leading a life of equality, dignity, and observance of their religious practices, this report says that Muslims have an equal opportunity like other Indian citizens.

Major Provisions regarding the citizens equal rights have given by Indian constitutions are: Article 14 ensures equality before the law and equal protection by the law; Article 15 prohibits discrimination on the grounds of religion, race, caste, sex and place of birth; Article 21 says no person shall be deprived of his life or personal liberty except through the procedure established by law; Article 25 ensures freedom of conscience and the right to profess, practice and propagate religion freely; Article 26 ensures right to manage religious institutions, religious affairs, subject to public order, morality and health; Article 29 protects minorities' right to conserve their language, script or culture; Article 30 provides for the protection of the interests of minorities by giving them a right to establish and administer educational institutions of their choice.<sup>vii</sup> The state is directed not to create discrimination against minorities' institutions while granting aid. Article 350A of the Indian constitution guides the state to avail facilities for teaching in the mother tongue to the students at the primary education stage.

The existence of an identity crisis among the Muslims community is an issue to be concerned with while observing their state in Indian society. The Sachar report has addressed this issue: how the identity crisis affects Muslim community, such as their appearance in public spaces, gender issues in the community, access to education, employment, and housing. According to the report as a result of the identity crisis, Muslim women's deprivation is located by the state and civil society in terms of religious-community blame instead of social discrimination.

The report has explained three security issue concerns - Less numbers of Muslim in the police force increases insecurity in a situation like communally-sensitive; Ghettoisation of Muslims due to the shrinking of shared space which drive to the insecurity; and the feeling of outsider in the specific part of the country which resulted due to the social boycott of Muslims finally lead them to migration from places where they have been staying for long.<sup>viii</sup>

From the early 19th century, many started questioning of the culture of Muslims in India as an essential part of Indian composite culture. Indian Muslim has been started to seen in different contexts by the communalist from the Muslims sides and by others. They started emphasising that their culture is deeply rooted in Central Asia and Arab counties and they asserted this

culture over Indian culture. As a consequence of such superiority of a particular culture, it led to the emergence of 'separation' and 'seclusion' among Indian Muslims. Where the other sides of communalist claimed the culture of Indian Muslim as 'outsider', 'elite' and 'backward', which is unfit to the Indian composite culture. Consequently, the culture of Indian Muslims has kept out of the discussion of Indian composite culture by these communalists. These discussion on Indian Muslim culture by both side communalist got its position in the foundation of Muslim League in 1906, in Rashtriya Swayam Sevak Sangh in 1925 and in the foundation of Hindu Maha Sabha in 1915. The 'two nations theory' of Muslim League is viewed as negative attitude towards Indian multiculturalism and it has known as a sign of belief of 'cultural superiority over other'.<sup>ix</sup>

In the post- independence period, the cultural identity of Muslim has become more political matter than the cultural. To reach the position and for gaining power in this democracy, this cultural identity of Muslims has turned into a 'vote bank'. The culture of Muslims has been seen in the context of 'religious' rather than secular and it has been perceived as a dangerous identity rather than the important segment of Indian multiculturalism. This leads to the opportunity to exploit Indian Muslim in the use of the communal forces. <sup>x</sup>The Muslims of India are heterogeneous culturally like other religious groups of the country. According to Allam, the West Bengal Muslims are culturally different from the Muslims of Kerala, Kashmir, U.P. etc. Aftermath of independence as Allam says<sup>xi</sup>, Muslims quest for 'democratic multiculturalism' where each and every culture is considered equally and there is equal opportunity for development.

In the multicultural state like India, Muslim do face many obstacles and challenges. Researcher believes that during the later period of national movement and after the independence, Muslims face many challenges regarding their identity. First, an approach emerged where the culture of Indian Muslims is the integral part of the India's composite culture are not accepted by the communalists. Second, the culture of Indian Muslims is declared as a 'foreigner'.<sup>xii</sup> Where Hindu culture is regarded as the so- called national culture in which Muslims are considered to be the hindrance to its development and purity. Relating the Arab's culture and the Central Asian culture with the culture of Muslims, Indian Muslims do face hatred nature towards them which smashed the unitary structure of the Indian composite culture.<sup>xiii</sup> As Gill<sup>xiv</sup> says "multiple

identities” of Indian Muslims, the communalists have to failed to understand this. According to Gill,

“Hindu’s national loyalties are clearly defined because they are confined to only one country. But Muslims are having a global community, and they are bound to have many other concepts of nationalism. In case of loyalty to their origin country or residence, they are also feeling connected and having emotional bond with fellow Muslims residing in another country. The religion is powerful common ground for the loyalty”.

One of the major challenge Indian Muslims face is the non acceptance of their contribution to the Indian Multicultural Character. The contribution of Indian Muslims to the Indian composite culture are not acknowledged by a number of intellectuals from right wings. The culture of Indian Muslims’ contributions and values to the Indian culture have questions by these intellectuals. They are not accepting the combined development pattern of Indian culture without any major role by the Indian Muslims. When we see other side of the truth, the contribution of Indian Muslims to Indian art, language, dress, architecture, their ideas etc are being declared as mark of ‘foreign subjugation’ and a symbol of ‘slavery’.<sup>xv</sup> These mindsets of towards the culture of Indian Muslims is a hindrance to the multicultural ethos of India.

The fourth challenge is lack of promotion, empowerment and encouragement when it is in the context of the culture of Indian Muslims. In theory, there is no doubt to the encouragement of Muslims’ culture. There are many provisions in the constitution which strengthen and empower the culture of Muslims as a minority community. The fundamental rights of the constitution which is related to the education, culture and religion are meant to promote, encourage and enable the communities to have a particular culture. To safeguards and protects the interest of minorities, the government has also established the bodies like Ministry of Minority Affairs. These institutions which are established for the minority have been given to work for the encouragement and upliftment of the minorities. But in practice, the constitution fails to follow the provisions with its actual implementations.<sup>xvi</sup>

Indian Muslims’ response towards the Indian multiculturalism is vague. Without compromising their religious identity, they want to be part of Indian multiculturalism. When there is need to collides other cultures with their religion, they refused to interact with others.

They deny to accept any common policies which do not go with their religious beliefs. The ‘uniform civil code’ for instance trying to applicable where it is opposed by Muslims as it goes against their religious belief and their fundamental rights of religion. They want to have their own particular culture without any changes on this. Their unwillingness to compromise their own culture letting them to fall in the track of seclusion and exclusion from the Indian national culture. Both at national and international level, the culture of Muslims is also facing many challenges. In spite of getting constitutional safeguard the culture of Indian Muslims is facing threats from the communal forces. In spite of constitutional provisions, the culture of Indian Muslims has been denied to the basic components of Indian multiculturalism in practice.<sup>xvii</sup> In shorts, Indian Muslims have been experiencing ups and downs, discouragement and marginalising in Indian multiculturalism.

Apart from the Constitutional safeguards, there are other directives that protects the rights of cultural and religious practices of Muslims. According to the Sachar Report (2006), Muslims enjoys many such freedom along with their counterparts of other religion like freedom to practice their faith and to celebrate their religious festivals on a daily basis.

There are some cases of Indian Muslim where the judiciary has its involvement to protect their constitutional rights, which enables the constitutions to preserve its multicultural ethos. Some of these cases are: The Supreme Court in the case of *M Ismail Faruqi v. Union of India* held that the mosque is not an essential part of Islam to offer Namaz only. Namaz can be offered by the Muslims anywhere, in the open as well as private places.<sup>xviii</sup>

The case of *Gulam Abbas v. State of UP*<sup>xix</sup> is related to the shifting of property connected with religion. The dispute between the Shias and Sunnis was on the religious rites’ performance on a plot of land of mohalla Doshipura in Vanarasi was organised by the Shias. The Supreme court appointed a 7-member committee with Divisional commission as the chairman and three members from the Sunni sect and three from Shia sects in order to avoid the clash and to settle this dispute permanently with a solution. To separate the places of worship of Shia and Sunni sect, the committee suggested to shift the graves of Shias. This recommendation was challenged by Sunni claiming it as a violation to their fundamental rights of freedom of religion under Article 25 and Article 26 as provided by the Indian Constitution. This disagreement was rejected by the Supreme court and it said that Article 25 and Article 26 which guaranteed fundamental right is not absolute. These rights are applicable on public order. It should be noted

that the court has its verdict that shifting of graves is public interest then there is no relevance of consent of the parties and even if the Muslim personal law goes against it, still it has no relevance.<sup>xx</sup>

The *Shayara Bano v. Union of India* is related to the case of Talaq-e-biddat known as Triple Talaq, a kind of divorce where a Muslim man can divorce his wife by uttering the words of talaq three times which is totally go against the gender norms and rights of women.<sup>xxi</sup> So, the Supreme court set a bench of five judges to heard the most controversial case. The main concern was whether the practice of triple talaq is the Muslim personal law or it is a matter of whole Muslim faith. In the end the court said this is illegal to practice Talaq-e-biddat and the supreme court declared it as unconstitutional with the majority of 3:2. After this the Muslim Women's protection of Rights on marriage bill was formulated by the government in 2017. Later in 2018, the Muslim Women (Protection of Rights on Marriage) Ordinance was passed. In 2019 another ordinance was passed for the same when the old ordinance of 2018 was about to expire. The president approved the new 2019 ordinance and the Muslim Women (protection of Rights on Marriage) Act, 2019 came into force in the same year on July 31<sup>st</sup>. The object of this ordinance was to preserve and protects the married Muslim women rights and forbid the Muslim men to pronounce talaq to divorce their wife.

The freedom to manage religious affairs such as establishing and maintaining institutions for charitable and religious purposes have ensured by the Article 26 of the Indian constitution which has been amended in the *Azeez Barsha case v. Union of India* in the year 1951 and 1965.<sup>xxii</sup> In this case certain amendments were made to the Aligarh Muslim University Act, 1920. The petitioner challenged these amendments on the ground that prior to 1920, there was nothing which could stop Muslim minorities from establishing universities as the Supreme court has said. So, in this case the petitioner argues that under the legislation of Aligarh Muslim University act of 1920 only, the Aligarh Muslim University was established.<sup>xxiii</sup> Though it was come into existence by the central legislations, it cannot claim that the university was established by Muslim Community.

The government of India has provided protections to the minorities by giving its highest importance to the application of the safeguards for promoting communal harmony and preserving the secular character of the nation. Therefore, the Minority Commission was set by the Government of India in 1978. For giving statutory status to the former Minority



commission, the National Commission for Minorities Act was passed in the year of 1992. Additionally, this National commission for minorities was established to do the work as a watchdog of various state and central laws for monitoring its effective implementation.<sup>xxiv</sup> Also, this act as a supervisor for the applications of various policies and programs for the welfare of minorities. In 2004, two bills have been introduced in the parliament to grant Constitutional status to the National Commission for Minorities namely: the 103<sup>rd</sup> constitutional amendment bill, 2004 and the national commission for Minorities (Repeal) Bill, 2004.<sup>xxv</sup> These efforts by the government are to a great extent to the outline of multiculturalism.

There are also some cases on Muslims where Indian Judiciary has given fair judgement. We can see the recent Sabarimala Temple case of the country that is, *the Indian Young Lawyers Association v. State of Kerala*.<sup>xxvi</sup> In this case what happened is, women who are in the age between 10-50 were not permissible to enter the Ayyappa temple. The supreme court set up a five-judge bench where this practice declared as illegal and unconstitutional by a 4:1 ratio.<sup>xxvii</sup> In 2019, a case brought by some Muslim women was discussed in supreme court where women were not allowed to enter into Mosque. They wished to get their right to enter mosques. The Supreme court gave its statement to this as both abrogation of women's fundamental rights and derogatory to women.<sup>xxviii</sup>

The matter of the most sensitive case of female genital Mutilation among Dawoodi Bohras community made the involvement of the larger bench of the Supreme court. This is the case of *Sunita Tiwari vs. Union of India and Ors* in 2018. The short details of the case are, all the females were made compulsory to go through the process of genital mutilation who are of the Dawoodi Bohra community; the practice was called 'khatna' or 'khafd'. Under Article 32 of the Indian constitution petitioner brought a writ petition and the constitutional validity of this practice was challenged.<sup>xxix</sup> The mandatory mutilation was condemned which go against Article 21 of the constitution.

Indian Muslim community are mobilised politically and religiously with the use of their strong desire for equal opportunity and recognition within the public sphere.<sup>xxx</sup> According to Bhatia (2017), the social status of Muslims in India where they are economically poor and educationally underachievers. Half of the Muslim population living in such places where high poverty and lack of good housing conditions knock their door and they are in need of adequate state support. Along with the experience of discrimination and marginalisation they face these

socio-economic and cultural disadvantages. Because of the degrading nature of association with their culture Young Muslims are also staying separate from their parental culture.<sup>xxxix</sup> There is a trend among young Muslims to get their own identity and a sense of dignity by reemphasising on Islamic beliefs.<sup>xxxix</sup>

The approaches of whole marginalisation and discrimination of the Muslim community are highlighted by the Sachar Committee Report.<sup>xxxix</sup> This report deals with the different cultural, social, economic, political and psychological issues of the Muslim minority in a comprehensive way. It empirically examines their miserable conditions and with statical data it provides an equal importance to the constitutional objective on minority rights with its normative aspect. It highlights the realisation for a strong and stable multicultural country with its democratic society while examining the constitutional provisions on minority rights. The report also shed its light on the exclusion of Indian Muslims from the governmental framework of Indian state.<sup>xxxix</sup> The reports have highlighted the backwardness of Muslims community while analysis of different developmental indicators by the government. The Muslims are far behind as compare to other minorities and community of the society in terms of the developmental indicators like education, employment, health, habitat, political representation, and accessibility to the bank credit.<sup>xxxix</sup> In some cases, they are worse off than other community such as schedules castes. In case of gender, men are better than women; Muslim women are in worse conditions than men folk in the society. The miserable conditions of Muslims in India due to both the state apathy, partly and also because of the cultural aspect of their community, to an extent, have contributed for the situations of Muslims community.<sup>xxxix</sup> As a result of conditions like ignorance to their status by state and their cultural rigidity, Muslims are living in a state of alienation within their community.

In the public sphere of Indian multicultural society, minority in general and particularly Muslims face various kind of discrimination as various instances suggests, and they do face other kind of refusals because of their small representations. Therefore, all these experiences suggests that there is a need to re-examine the post-independence political framework to address the multiple needs of the minorities in the Indian multicultural society. Apart from the social- political initiatives, there is a need to understand that the minorities community, especially the Muslims community is also one of the important elements for bettering the prevailing condition of the society. As a result of this they will be less dependent on the popular

political parties gradually for considering their interests. Although the emergence of prominent political voice of many Muslim leaders are emerging, it is yet to see how their voice would shape the minority politics discourse.<sup>xxxvii</sup> The strategies and politics that would deal the deprivation and disadvantages of minority community also remains a concern. There is critical need to examine, rethink and reshape these issues to bring greater socio- political, economic and cultural equality. For the success of Indian multiculturalism, the culture of Indian Muslims should be an integral part of the India's political, socio- economic and cultural structure.<sup>xxxviii</sup> To overcome the resultant alienation and the process of 'othering', initiatives to make the synthesis of Indian Muslim community with the other communities of society are much needed.

The liberal democracy of India has managed to accommodate the diversity of culture together in spite of differences and with an obligation to constitutionally safeguards minority rights despites the massive present of plurality of cultures and faiths. The concept of individual citizenship with religious and cultural integrity have successfully harmonises by the Indian constitution.<sup>xxxix</sup> According to the Gurpreet Mahajan (1998)<sup>xl</sup>, the Indian constitution following two policies; on the one hand it is providing equality to all the communities ensuring fundamental rights which says no community is omitted and disadvantage in public arena systematically,<sup>xli</sup> while on the other hand it providing freedom to all the religious community to observe their own way of life in private space.

Besides, the constitution entails all the citizens to profess and follow religion of their choice. Yet in practice, the minority Muslims were contained to follow some of their practices in the public domain, especially in the recent years, alienating them from the other religions. Also, the convertees from the majority Hindus are threatened with life due to the conversion into Islam. The constitutional provisions safeguarding the minority rights have not been implemented strictly without any biases in practice.

## **MUSLIMS AND THE POLITICAL STRUCTURE**

Muslim politics and Hindu politics are the two dominant facets of Indian society. Muslims constitute over 14 percent of India's total population as a minority group and thus make up the largest minority group. Therefore, the participation of religious minority communities in

political activities is highly necessary so that they can assert their rights, which are guaranteed by the legal structures of that specific country. The rights include topics such as the security of the Urdu language and Muslim Personal Law, actions of Muslim organisations/pressure groups, declarations of Muslim personalities and voices and the voting pattern of Muslim in elections. The understanding of the Muslim politics could be achieved with the deep examination of the community's participation and representation.

In the post-independent India, since 1947, Muslim attempts to form any political outfit have faced significant doubts, criticism, resistance and frustration from all quarters of society, existing political parties, and Muslim intelligentsia with great surprise. Besides, Muslim politics is not homogeneous in India. Within the Muslim culture, there are many variations. The desires of all Muslim groups are not the same or comparable.

In India Muslim politics is dividing into many political parties. There are many Muslim political parties established at state level. e.g. Indian Union Muslim League (Kerala), Majlis-e-Ittehadul Muslimeen (Andhra Pradesh), All India United Democratic Front (AIUDF) (Assam), People's Democratic Conference of India (from West Bengal, has merged with AIUDF), Welfare Party of India (West Bengal), Social Democratic Party of India (West Bengal), Manithaneya Makkal Katchi (MMK) (Tamil Nadu), All India Ulema Council (Uttar Pradesh), Peace Party (Uttar Pradesh), Indian National League (Kerala), People's Democratic Party (Kerala) these are Muslim political parties in India.<sup>xlii</sup>

There is no independent national level Muslim political party in India due to different disagreements within the religion. After the unfortunate partition, the Muslim League became the Indian Union Muslim League (IUML).<sup>xliii</sup><sup>xliv</sup> It was aimed at reaching every nook and corner of India and pursued, like many others, the recognition of a national party, but never received any publicity. The same has survived, however, in the political arena of one of Kerala's most literate states, where IUML not only functions but secures a large number of votes from all parts of society and sends numbers of people's representatives to the State Assembly after each election (Khan, 2012). Many years later, in this series, Syed Shahabuddin, the diplomat-turned politician, founded the Insaf Party, but the efforts of Syed Shahabuddin were failed because the people did not extend their support in his favor.<sup>xlvi</sup> In reaction to this non-cooperation, many Muslim academics were of the opinion that, as a realistic alternative, instead of creating a political outfit at the national level, Muslims should concentrate on forming regional parties;

they cited the cases of Kerala's IUML, A.P.'s AIMIM and Assam's All India Unified Democratic Front.<sup>xlvii</sup> A regional party, namely the 'Peace Party' under the leadership of surgeon Dr Ayub Ansari, came into the light knowing specific aims among Muslims<sup>xlviii</sup>. As predicted, in the last Assembly polls in the UP, the party won four seats. Unlike some, Jamaat-e-Islami Hind (JIH) believed that there must be a Muslim party.<sup>xlix</sup> The JIH founded the Welfare Party of India in New Delhi after pondering the idea for years. In six states, the party has opened its units and is also planning to launch its operations in Andhra Pradesh. A veteran Telugu writer and journalist, Sultan Mohiuddin Mullick, has already been appointed as its president. The party seeks to strive for the liberation of oppressed communities such as S.C.s, STs and B.C.s in association with all faiths and castes. Several Muslims came forward after 2002 and took steps to form political parties. After the 2009 elections,<sup>1</sup> several Muslim-founded parties appeared in national politics and did not gain monumental successes, but they secure sizeable votes and start to represent the problem of their constituency.

The fall of the Congress party and the reversal of political fortunes of parties such as the S.P. and BSP and the BJP's political heritage have adversely affected the Muslim candidacy of parties that have historically issued Muslims tickets. A more pronounced Hindu-Muslim binary has resulted from the emergence of the BJP and it has vigorously followed majoritarian policy in recent years. Even the parties that have historically elected Muslims have varied in nominating Muslim candidates from seats other than those where they are in large numbers because of the fear of losing out to the BJP.<sup>li</sup> The emergence of caste mobilisation has further neutralised political mobilisation along religious lines.<sup>lii</sup> More specifically, in 2019, there was only a small increase in voter turnout for Muslim voters. In the last two parliamentary elections, the turnout among Muslim voters was less than the national average, while the turnout among Hindu voters, on the other hand, surpassed the national average.<sup>liii</sup>

Besides the smaller presence in the electoral system, Muslims are still under-represented. Muslim under-representation is mainly due to their under-nomination by political parties. Parties tend to support the ruling community in the first-past-the-post system. Many parties have also been hesitant to appoint Muslims under the increasing control of Hindutva, although they could be good candidates. Worst, cumulatively, in all 14 LokSabhas put together, there have been only 11 female Muslim MPs.<sup>liv</sup> In the Home, Muslim women were portrayed to the same degree as their share of the population.

While Muslims have remained underrepresented throughout, since the 1990s it has further worsened, coinciding with the emergence of the BJP. Since 1952, the average Muslim representation has been 12 percent in the Rajya Sabha, which is twice their representation in the Lok Sabha. In the Rajya Sabha, Muslim presence stands at 7% as of 2019.<sup>lv</sup> The extension of the BJP has harmed Muslim representation.

The 2009 election results are instructive in terms of contemporary Muslim political conduct.<sup>lvi</sup> Although there has been a major and persistent pattern of Muslims moving back to the Congress fold, according to circumstances, Muslim political behavior has differed across India. The electoral rivalry, as in Delhi, Gujarat, Rajasthan, and Madhya Pradesh, is basically between the right-wing Hindu Bharatiya Janata Party (BJP) and Congress, the Muslim vote has traditionally been concentrated against the former.<sup>lvii</sup> Muslim votes are split between multiple parties in states with more multifaceted political rivalry, such as Uttar Pradesh, Bihar, and Maharashtra,<sup>lviii</sup> representing various district or class Interestnd coalitions.

If Muslim “deprivation” or under-representation is calculated in the Lok Sabha in proportion to their population, it is nationally very prevalent (47 per cent). In Rajasthan (91 per cent), Gujarat (82 per cent), Delhi (86 per cent), Maharashtra (71 per cent), Madhya Pradesh (50 per cent), and Tamil Nadu, it is exceptionally high (53 per cent).<sup>lix</sup> The deprivation rate exceeds 40 percent, also in Kerala and West Bengal, with a large Muslim presence. Perhaps more dismal is the situation of state governments.<sup>lx</sup> Muslim under-representation in the Legislative Assembly in Andhra Pradesh is 61 per cent (much higher than in the Lok Sabha, 41 per cent), 47 per cent in Bihar, 79 per cent in Gujarat, 71 per cent in Karnataka, 71 per cent in Karnataka 71 per cent, Madhya Pradesh 69 per cent, and Maharashtra 62 per cent.<sup>lxi</sup> Rajasthan shows an improved index (56 per cent) over its Lok Sabha score; nevertheless, Uttar Pradesh shows deterioration from 39 to 46 per cent.<sup>lxii</sup>

The Indian National Congress party was powerful for several decades after independence, and the historical affiliation of nationalist Muslims with the secular values of Congress held them in the fold. There was still a rumble of dissatisfaction about the handling of Muslims by Congress as a “vote bank.”<sup>lxiii</sup> Muslims were taken for granted and felt that they earned only token compromises, while appeasement and preferential consideration were seen by Hindu opinion elements within and outside Congress.<sup>lxiv</sup> To increase Muslim strength and control, with the abolition of the political hegemony of Congress, Muslim citizens and representatives

discussed the possibilities of coalitions.<sup>lxv</sup> Nevertheless, the volatility of party politics has divided and weakened the Representation of Muslims.

In Communist-ruled states and those where Communist parties are a large influence, such as West Bengal and Kerala, an exception to these long-standing trends has been noticed. Although Communist parties and governments have more successfully accommodated Muslim interest than others, recent debate has noted that senior Muslim figures have not existed in commensurate proportions in mainstream politics, and that Communists have pursued tokenism politics much like other Indian politicians.<sup>lxvi</sup> In recent years, by flirting with radical social, antisectional, and divisive Muslim political movements and figures, communists have been accused of pursuing electoral advantage, such as Abdul Nasser Madani of the People's Democratic Party (PDP) in Kerala.<sup>lxvii</sup> Others note that the situation is more difficult and that religious supremacists are even more likely to create violent partnerships with other Indians who are economically and socially marginalised. For, e.g. Madani's PDP claims to be an alliance of Muslims, Dalits (the most deprived caste), and the so-called "Other Backward Classes" (OBCs), representing the evolution of Madani from his initial creation of the Islamic SewaSangh, a conservative Islamist movement focused on the Hindu Rashtriya Swayam Sevak Sangh (RSS), the right-wing model.<sup>lxviii</sup>

The emergence of new Muslim political parties in India is a noteworthy recent trend in Muslim politics, but many have not lasted long. Half a dozen are located in the most populous and most politically competitive northern state of Uttar Pradesh alone.<sup>lxix</sup> While this development's exact political meaning remains uncertain, The Wider Context seems to suggest a deterioration of Muslim ideological and political consensus in ways that indicate the diverse character of Muslim communities across India.<sup>lxx</sup> Despite this development, in the evolving and fiercely contested debate on the essence of Indian national identity and the role of Muslim ideas and culture within that, Muslims are increasingly aware of common interests. The growth of deep divisions within long-established Muslim political parties and movements, such as the MIM, the Jamiat-ul-Ulema-e-Hind (JUH), and the IUML, has been significant.<sup>lxxi</sup> The split was primarily the result of personal competition or conflicts over dynastic succession or family monopoly in each instance (the Owaisi family in the MIM or the Madani family in the JUH), proof of the quasi-feudal existence of the existing Muslim political leadership.<sup>lxxii</sup>

As per the 2011 census, Muslims in India constitute 14 percent of the population of the country. However, in the 17th Lok Sabha following the 2019 parliamentary election, there are just 5 percent Muslim members, the same as the overall Muslim presence in the Lok Sabha since Independence.<sup>lxxiii</sup> However, the 17<sup>th</sup> Lok Sabha saw the rise in the number of Muslim women representatives.<sup>lxxivlxxv</sup> There were 25 Muslim members elected to the Lok Sabha in 2019, compared to 22 in the previous one. Therefore, the political under-representation of Indian Muslims is hardly a new phenomenon, and the representation of the group has traditionally remained well below its population share.<sup>lxxvi</sup>

In 97 percent of parliamentary districts, Muslims are a minority and a majority in just 15 seats.<sup>lxxvii</sup> According to the 2011 census results, 40% of Muslims in India live in urban areas;<sup>lxxviii</sup> this is much higher than any other religious group in India and makes India's population the most urbanised. However, most of India's parliamentary constituencies are mainly rural, and a large number of Muslims reside in 38% of semi-urban or urban parliamentary constituencies in India.<sup>lxxix</sup> In this cluster, there are only seven seats where Muslims are present in large numbers.

Muslim members were elected from the constituencies where the religion was a minority in each successive election until the 14th Lok Sabha.<sup>lxxx</sup> However, Muslim lawmakers were primarily elected from districts in the last three legislative elections, where the religion made up at least 40 percent of the electorate.<sup>lxxxi</sup>

Since 1989, Muslim representation has been flat until legislative elections in 2014, numerically at least.<sup>lxxxii</sup> The strength of the BJP and its philosophy lies in successfully weaving a political paradigm that has pitched a group of monolithic minorities against a united majority, making Muslim votes dispensable. The BJP has traditionally issued Muslims less tickets, and the party has barely made a concerted attempt to reach out to the minority, so that its traditional members will not be marginalised.<sup>lxxxiii</sup> By the time the 2019 parliamentary election came, the BJP had succeeded in consolidating its grip on the majority group by successfully outlawing Hindu votes from other applicants.<sup>lxxxiv</sup> The fear of losing the Hindu votes made even the conventional claimants of Muslim votes skeptical of articulating the interests of the party so that their support among the Hindu voters could not be alienated.



Democracies also attempt, by compensatory constitutional measures, such as quotas in the legislative arena, to resolve the problem of under-representation in order to guarantee sufficient electoral representation of populations that would otherwise be under-represented. For scattered sects, the Indian Constitution also allows for constitutional reservations. However, unlike other scattered ethnic communities, such as the Scheduled Castes, there are no compensatory measures for Muslims, such as reserved seats.<sup>lxxxv</sup> Indian Muslims are still underrepresented in nearly all of the state's main institutions. In the Cabinet, they are underrepresented as office-bearers<sup>lxxxvi</sup> in political parties and the main political positions.

The FPTP structure makes it impossible for a dispersed faction to form a political coalition that expresses its interests solely, as the sole pursuit of community interest could alienate others and preclude their chosen party from achieving a constituency-level majority.<sup>lxxxvii</sup> This is particularly the case in a political environment marked by social and political mobilisation along ethnic lines that can adversely affect the eligibility of their chosen candidate.<sup>lxxxviii</sup>

The Muslim presence also does not appear to represent the Muslim community necessarily but rather represents secular politics as the community through the Congress/Communist parties has been granted a chance. Also, on the basis of social and economic standing, the Muslim Community is fragmented, and its political activity is thus found to be distinct. Their fragmented and non-homogeneous culture has led to Muslims in India being politically removed.

## **STATE RESPONSE TO THE MINORITY ISSUES**

Despite various laws and provisions constituted by the constitution, Muslims in the country still experience socio-economic distress. The Indian state, at the dawn of its formation, attempted to comprise the minority religions' sentiments within a secular umbrella. However, several profound issues were neglected, such as the caste and economic divisions and the ethical or sectarian divisions within the minority communities. With due time, the Indian governments could not strike a balance between minority safeguard and majoritarianism.

India is one of the largest populated areas that encounters higher socio-economic inequalities amongst its population. A large chunk of the minority Muslims in India are economically

backward and face social discrimination. The community is relatively marginalised as much as the scheduled minorities in the country and has a reduced amount of access to education, employment, welfare services, and health. The most indigent population of the Muslim community face severe marginalisation.<sup>lxxxix</sup> The governments, since the independence, looked at the Muslim population as a homogenous cluster which made the community encounter more problems. The rights and provisions designed in the constitution to safeguard the culture, rights and lives of the minorities are many a times compromised to appease the majority population. The rights of the minority communities are not appropriately enforced. Besides, a number of domestic laws are discriminatory towards minority Muslims.<sup>xc</sup> The congress party, which was a dominant party in India post-independence, tried to stick to the secular values yet couldn't integrate minorities into the system neither could accommodate all the needs of the minorities. Especially since the partition of the country was on the basis of religion, a sense of othering existed in the people. Nevertheless, the changes in the Indian politics drove the governments to adopt 'Soft Hindutva,'<sup>xc1</sup> especially since the rise of BJP.

Various governments in India has constituted various commissions with due time on varied issues. The Gopal Singh inquiry of 1983 was to grab an understanding of the minority condition in the country. It reported the educational issues of the minority Muslims, such as the lesser partaking of education, especially technical and higher education, dropout ratios and the performance ratios. Additionally, Muslim minorities encountered ill conditions in comparison of other minorities, especially Sikhs or Christians.<sup>xciixciii</sup> It is highlighted in the report that minimal percentage reach high primary school. The report also stressed on the need to collect demographic data of the Muslims residing in urban and rural areas and put forth the problem of inadequate data. According to the report there was lack of uniformity in the governmental samples, programmes, subsidies, and policies.<sup>xciv</sup> The account also suggested employment of Muslims and the other minorities in various state and central services and also education for minorities from primary to university level. Besides, the irresponsible publications and reporting of the print and broadcast media was underlined on.

In 1998, a commission headed by Justice B.N. Srikrishna, submitted its report which was tabled by then Maharashtra government to inquire into the violent clashes of December 1992 to January 1993 that shook Mumbai, under the commissions of inquiry act, 1951.<sup>xcv</sup> The committee rejected the claims that the Hindus have spontaneously acted out of anger; upheld that the

clashes were pre-planned by Shiv Sena and maintained that the government lagged in containing the conflict while the police personnel were themselves involved in the clashes.<sup>xcvi</sup>

The report established that 900 people lost their lives to the violent clashes out of which 275 were not Muslims and additionally a 200 people disappeared.<sup>xcvii</sup> The report announced the names of 31 police officers for the evidence of their involvement in the clashes was found. The committee suggested the government to punish the officers responsible for the clashes. The report also admitted that the government did not take rigorous steps to contain the violence for 3 months.<sup>xcviii</sup> The commission also suggested the government to reinvestigate 1371 cases that were closed. Despite the evidence found by the committee regarding the accused involvement in the violence, government closed all the cases ignoring the commission's suggestions.<sup>xcix</sup> Besides, the government not only brushed away the suggestions given by the commission but also hampered its work progress before it submitted its report. The government rejected the report calling several parts of the report as "frivolous" and showered strong criticisms on it.<sup>c</sup>

The report also suggested caste based reservations to the Muslims. A member of the commission rejected the suggestion of caste based reservation for Muslims mentioning that the religion doesn't recognise caste division. As per the criticism, rejection of reservation to the lower strata Muslims seem to be an act of irresponsibility to castigate Hindu converts.<sup>ci</sup>

Later in 2005, Sachar committee was setup which submitted its report in 2006. The commission suggested the administration to establish a commission to ensure equal opportunity and address grievances of the minorities. The report also advocated recognition of madrasa degrees as eligibility for several governmental services.<sup>cii</sup> An increased participation of Muslim minorities in the public sphere, employment and education were considered critically essential.<sup>ciii</sup> The commission found that the education and employment rate of the Muslim minorities is less than the national average.<sup>civ</sup> The Sachar committee also stressed the caste stratifications within the Muslim community, which is similar to the Hindu system. The Mishra commission of 2007, also known as National commission for Religious and linguistic minorities, reported similar views as of the Sachar committee relating to the disproportionate presence of Muslim minorities in the education and employment. Mishra commission suggested that backward and deprived Hindu caste converts are subject to socio-economic disabilities.<sup>cv</sup>

Despite establishment of several commissions under various governments, socio-economic and political empowerment of the Muslim minorities still seem a distant dream. In Indian democratic multicultural society, unlike SCs and other sources of exclusion, Muslims do not enjoy quotas in political representation or government services regarding their population. Muslims have less than half of their share of their total population in the government employments in the country. Muslims are seen as the most deprived minority in the labour market with the combination of low shares in private sector employments. Muslims are under-represented when it comes to the education and learning.

Muslims are primarily subjected to public funded quality education, yet the number of the people enjoying the right is very low, similar to the poor non-Muslims. The lack of reach to quality education leads many towards Madrassas whose curriculum is not acknowledged by the government as eligibility for national employment services; this further alienates Muslims from the public domain.<sup>cvi</sup>

Nevertheless, in recent decades, madrassas have come under government vigilance in the wake of allegations that the madrassas instigate students to become extremists and join terror outfits. Under the Sarva Shiksha Abhiyan, the government has commenced modernisation of madrassas, standard and curriculum up-gradation to match other governmental institutions by introducing science, ethics and English instruction;<sup>cvi</sup> yet, poor quality despite the modernisation would yield desired results. However, it should be acknowledged that several madrassas pose an obstacle to modernisation, considering the agitation of losing cultural autonomy.<sup>cvi</sup> Besides, poverty is a huge issue among Muslims, due to which lot of Muslims could not afford expensive modern education. It is interesting to note that the Muslim students' percentage is higher than the non-Muslims in the government funded schools. Still, Muslims' economic limitations were subjected to prejudices that they reject modern education for cultural reasons.<sup>cix</sup> The ratio of pupil in the secondary education is relatively lower; similarly, in the higher education. The percentage of urban area men higher education saw staunch decline.<sup>cx</sup>

These segregations are due to the high levels of illiteracy, poverty, poor access to health care facilities and isolated housing. The greater losses of Muslim lives and their property in the riots are happening frequently. In the frequent happening of inter-community violence in the country, the conspiracy of the anti-Muslims mobs and the police across the country is a constant

design to threats the Muslims life.<sup>cxix</sup> The deprivation and marginalisation of Muslims is continuing to affect India's political system to improve their status.

There is also have low levels representations of Muslims in the police force, bureaucracy and judiciary which contributes towards the increasing biased treatment of Muslims under the influence of Hindu nationalist ideologies. Indian Muslims experience various discrimination across different socio-economic strata from the state agencies regarding justice and security and welfare and their development.<sup>cxii</sup> Education and health outcomes of Muslims community is facing adverse impact due to the insecurity and intensified fear caused by the rising violence against Muslims since the 1990s.

The governments not only have neglected several Minority issues faced by Indian Muslims but also have lagged in containing violence against them. The majority population in India has been biased towards the Muslim community, especially in the country's northern region. However, the majority population cannot be solely blamed for its attitude and discrimination towards Muslims. A number of events such as the terrorist attacks, majority of whom were carried by Muslims, have curved the attitude. Additionally, the partition of the nation on the religious basis and the rivalry fitted by the British found space in sentiments of Hindu and Muslims towards each other; the demolition of Babri Masjid is an instance of such hostile and biased attitudes. A series of violent clashes erupted worldwide after the Babri demolition for which Muslims were made sole responsibility and government supported the biases. The 2002 Gujarat riot is one of the largest communal clashes in the country. A coach s6 of the Sabarmati express was set fire by some Muslim men, following which a pogrom took place against the Muslims in the state.<sup>cxiii</sup> Not considering that few Muslims have incited the unfortunate incident, all the Muslims in the state were targeted to religious biases and discrimination.<sup>cxiv</sup> The pogrom against the Muslims included murders, rapes, property destruction, and destruction Muslim religious places. The pogrom was initiated by the right wing extremists citing their activities as reaction to few Muslims' deeds. It was speculated largely that the right wing political activists planned the pogrom systematically along with the state's then ruling party, as the attackers carried the voter lists obtained from the state to carry out the targeted attacks. The police of the state faced severe criticism for not stopping the rampage but participating in it.<sup>cxv</sup> Moreover, many a political leaders openly called Muslims as criminals and terrorists, endangering the secular values of the nation.<sup>cxvi</sup> Also, justified the acts as actions and their

reactions and were unapologetic about the violence against the Muslims.<sup>cxvii</sup> The open hate speech flared up the violent clashes. The Nanavati Mehta commission, setup to inquire into the incident and the clashes followed by, issued clean chit to several leaders who articulated hate speeches; following which the commission faced severe criticism citing its biases towards the government.<sup>cxviii</sup>

The Mumbai terror attack of 2008 contributed to the majority's discriminatory attitude towards Muslims in the country. Post the attacks several innocent Muslims also had to face the wrath of the biased system. Several cases of false accusations and staged encounters under Unlawful Activities Prevention Act (UAPA) came into light.<sup>cxix</sup> The UAPA act have been facing severe criticism for its non-transparency and great power with irresponsibility. A large number of innocent Muslims, especially youth, suffered due to this act. Jammu and Kashmir, chiefly, became target of this act and state violence such as extra judicial killings, capricious arrests and custodial torture, which were documented by the civil society groups of the state. Muslims in India are subjected to violence since the partition, especially due to the partition induced othering and hatred, minimal understanding of Muslim culture and the issues faced by Muslims in the nation. Several myths about the community circulate in the Indian society,<sup>cxx</sup> a clarification to which is not issued by the governments to safeguard the community from biases and abuses.

One such myth about the Muslim minority is that the community is homogenous. In reality, Muslim community comprises of various sects and groups. Caste is an immense problem in the Indian Muslims as they follow it but the governments deny to acknowledge it fully considering the community a homogenous group.<sup>cxxi</sup> Islam doesn't acknowledge caste denominations, yet the Indian Muslim community have adopted the sub continental culture and the converts from the Hindu religion stuck on to their caste identity. It should be noted that India's constitution recognises the segmentations and economic hierarchies of society and has provided provisions to bring equality through promotion of the backward classes. Yet, the Indian governments are reluctant to institute the reservation system for the Muslim minority.<sup>cxxii</sup>

Underrepresentation of the Muslims in the country's public domain is an underlying issue for which the caste based problems are not properly reported or addressed. The austere demand for reservation increased in the recent decades. For instance, the state of U.P constituting a

quarter of Muslim population had 12 per cent of public servants in 1960 which reduced to 4 per cent currently.<sup>cxxiii</sup> Similar is the case with the other states where the Muslim representation in state services saw decline. The waning of number of Muslims in professions is due to the suspicion of Muslims following caste system and the biases of the Hindu nationalists.

After several suggestions from various committees, caste reservations were extended to few Muslim communities. However due to the lack of substantial data, many a backward groups doesn't come under reservation umbrella facing severe socio-economic issues.<sup>cxxiv</sup> Nonetheless, extending affirmative action to the minorities has been subjected to debates in India. The reservation, currently, accommodates only Hindus, Sikhs, Buddhists and tribes. The Muslims of South Asia have caste distinctions among them yet is not acknowledged. The negligence of the minority issues, especially Muslims, existed since independence. However, the rate of inattention increased with the upsurge of right wing politics and BJP's acquirement of the power. On the other side of the coin, few Muslim communities differ with the view of reservation for Muslims; they reject reservations saying that Islam doesn't profess caste. Yet, keeping in view the colossal variety of Muslims and their conditions, reservations considering their socio-economic strata seem to be essential; considering that most of them are Hindu lower strata converts who suffered socio-economic constraints ages.<sup>cxxv</sup> The Muslims favouring the reservation system refer to unequal representation of minorities in public funded institutions.<sup>cxxvi</sup> Previous governments also overlooked the Muslim issues, yet spoke about their issues and openly condemned violence against them.

“From my earliest childhood I have been committed for the secular ideal. The India of our dreams can survive and prosper only if Muslims and other minorities can live in absolute safety and confidence.”<sup>cxxvii</sup> -Indira Gandhi

The advent of government targeting to follow Hindu nationalism, the Biases and violence against the Muslims have increased. The leaders and members of the party utter biased statements regarding the Muslims rather than vocalising for secular values. The leaders at national level too doesn't speak about the violence against the Muslims, even in the extreme cases of mob lynching and communal violence. The government has further decided to scrap the religious reservations in 2015.<sup>cxxviii</sup> It must also be noted that the opposition is not aggressively pursuing and pushing ruling party to follow secular ideals to appease the majority; it is adopting “Soft-Hindutva”.<sup>cxxix</sup> Yeal Tamir,<sup>cxxx</sup> in his work ‘liberal nationalism’, asserted

that minorities suffer disadvantages when they are alienated and are prevented from practicing their culture publically; this seems to be the reason of marginalisation in India.

Since the Hindu nationalist government came into power a series of policies initiated have come under scrutiny for their approach towards Muslims; a major issue among them is National Register for Citizens (NRC) and Citizenship Amendment Bill (CAB). The government's initiative of NRC and CAB was passed in 2019 amending the Citizenship Act 1955. The Act targeted to seclude approximately 4 million undocumented Bangladeshi Muslims, residing in the country for decades, by entitling them as 'foreigners' and provide citizenship to the illegal Hindu, Christian, Sikh, Buddhist, Jain, and Parsi migrants (the persecuted minorities from Afghanistan, Pakistan or Bangladesh who entered the country on or before December 31<sup>st</sup>, 2014).<sup>cxxxix</sup> The decision came under stark condemnation, referring that it is against the country's secular values and would cause statelessness, political segregation, and land rights defilements.

<sup>cxxxii</sup>

As a result of the policy, approximately 1.9 million people were at the verge of statelessness due to lack of documentation.<sup>cxxxiii</sup> However, government provided the people a 120 day window before the policy implementation to get their documents ready, but people couldn't get all the documents ready in such short span.<sup>cxxxiv</sup> Fearing persecution and statelessness several people committed suicides; the organisation citizens for Justice and Peace found 51 suicide cases related to NRC.<sup>cxxxv</sup> A Survey of government recorded that 40 per cent of Muslims doesn't possess birth certificates. The causal issue is that a majority of Hindu population also lack documents but subjected to the amendment, Hindus would not face persecution whereas their counterparts Muslims would. The policy was considered a divisive of the public in the name of religion; several countries and international media criticised the Act for the same.<sup>cxxxvi</sup>

Another issue is of Foreign Contribution Regulation Act of 2010. The Act regulates and restricts the foreign funds received by NGO's and other civil society organisations in the country. The funds received by the Hindu organisations came under assessment for receiving more funds. Government amended the Act to let the foreign Hindu organisations to freely fund the Hindu organisations yet restricted the flow of fund to other religious and welfare civil society organisations.<sup>cxxxvii</sup>



A varied number of other policies like the ban on consumption of cow meat, under Article 48, in most of the states, also in the Muslim majority areas and the vigilance on the interfaith couples have caused ascetic life problems to the Muslims and also the lower strata Hindus. Many had to face legal persecutions, even when not guilty.<sup>cxxxviii</sup> The state of Gujarat has even declared life sentence when found guilty of cow slaughter.<sup>cxxxix</sup> The country lacks implementation of necessary and strict safety laws for Muslims from communal discrimination and abuse; which makes it difficult especially for Muslim women who already face patriarchy. The poor funding for the minority rights protection in several states and zero funding in some states has increased since 2014.<sup>cxl</sup> The minority ministry, minority commission, the minority groups, Muslim organisations and the civil society groups have condemned the poor funding for rights protection as a grievous crime against constitutional values.<sup>cxli</sup> Mostly, the interests of Muslims are considered when it comes to cultural identity such as separate marriage and inheritance laws, where Muslims enjoy their cultural distinctions rather than national cultural identity.<sup>cxlii</sup> Nonetheless, the implementation of distinct cultural laws reinforced regressive patriarchal structures within them.

## **MUSLIM CARICATURE IN INDIAN SOCIETY AND EMERGING TRENDS OF HINDU NATIONALISM**

In a multi-religious country, one community's interests are different and heterogeneous from the interests of other communities; and these divisions of different religions seem to be mutually conflicting and contradicting in nature. Muslims in our country are facing the consequences of extreme biases like being called anti-national, alienation, and separatism, which are not instantaneous reactions, but are progressively planted, nurtured and sequentially well executed by the British and now by several political actors for vested interests.

In order to dilute the growing spirit of the nationalism among Indians, British used communalism as a major instrument to set off Indians against each other. British used varied ways to promote communalism; they asserted communalism as a defence mechanism of minorities from the majorities. Also, advocated separatism to different religions by stressing that they are different from each other and could not co-exist; and further advocated communal

representation pitting Indian religions against each other. The sceptic attitude planted by the British continued into the independent India.

There are many prevailing myths about Muslims in Indian society and non-Muslims are unaware of Muslim cultural attitudes. Due to the several contradicting cultural values and decades long hatred, rivalry exists between the communities in whole of the country, varying in degree. Muslims in south Indian states are more empowered and integrated in comparison with northern part of the nation. North India, especially, experiences, communal violence and Muslims fear threat of life.<sup>cxliii</sup> There is an increase in anti-Muslim sentiment in the country, especially among the Hindus.<sup>cxliv</sup> People are ignorant of the integral contribution of the Muslim community to the society and Indian history. Besides, the political discourse of the country is dominated by the majoritarianism. The Muslim community, which was once perceived as part of pride of a culturally diversified country, at present are considered threat to non-Muslims and the country and are looked at from the prism of suspicion.<sup>cxlv</sup> A series of terror attacks-parliament attack (2001), attacks in Bangalore (2005), Delhi (2005, 2007 and 2011), Uttar Pradesh attacks (2007), Mumbai attacks (2007 and 2008), Pune blasts (2010) carried by few members of the community is cited as the validation for the biases and vehemence towards the whole community.<sup>cxlvi</sup>

Muslims are increasingly defamed as anti-nationals and Pakistan (a nation which India is in long strife with) sympathisers. It is noteworthy that the non-Muslim community accepts the biased myths about Muslims, especially with the growing Hindu nationalism.<sup>cxlvii</sup> The pervasiveness of the Hindu extremism has also divided the Hindu population into two- one that possess hostility towards Muslims and the other which doesn't. Hindu communalists developed a fear of their culture and religion being in danger and also accepted the aristocratic view that the Muslim rulers in India were anti Hindu and often projected the rulers as foreigners based on their religions. The role of Muslim leaders in the freedom struggle and development of the country are neglected and are even regarded disloyal people who are engaged in seditious activities and support Pakistan. On other hand, researchers suggest that the Muslims around the world due to huge cultural differences doesn't necessarily identify with each other; same applies to Indian Muslims.

Both the Muslim and Hindu communities tried to imprint the psychology of fear among themselves for the suspicion of being under privileged, transcended, intimidated, frightened

and even exterminated. The Hindu extremists justify their biases and extreme actions towards the Muslims as a reaction to the minority appeasement. However, several reports suggest that the Muslim community's large per cent suffer socio-economic problems; they feel discriminated rather than being appeased.<sup>cxlviii</sup> The discrimination found its way to celebrations; cultural festival celebrations that ought to be considered cultural heritage are considered irritation instead. Due to the increased marginalisation of Muslims in India, Muslims are segregated from Hindus and both the communities have lesser interaction. The segregation is only confined to psychosomatic attitudes but can be viewed in physical forms. For instance, segregation of residential places and communities reflects both the populations' security perceptions and suspicion for each other.<sup>cxlix</sup> There is a growing trend where Hindus are less and less concerned about Muslims' lives and concerns regarding them a burden to the nation. Moreover, few Hindu extremist groups increasingly use Hindu public festivals to provoke and seclude Muslim sentiments rather than to integrate them.

Muslims in India are also marginalised because of their economic status; Muslims highly occupy the percentage of poor population and traditional job holders which have been most hampered in the economic development process.<sup>cl</sup> The economic distress is also an outcome of poor education availed by the community. Lack of modern education also contributes to the biases and stereotypes of the majority populations towards Muslims. Deficiency of Muslim representation in political and administrative services let typecasts prevail which should have been clarified. The state that should clarify the biases adds to it; especially as the anti-Muslim sentiment is increasing in administrative officials. Several civil society members have criticised the government of appointing bureaucrats with Hindu nationalist biases at all levels.<sup>cli</sup> The discrimination is practiced by political, judicial and administrative officials while dealing with the everyday issues of the Muslims. The public welfare officers who are responsible for providing benefits such as ration card, health care, economic aids, permits, housings and license discriminate in providing the due reliefs. Several of the reports suggest police personnel indulging in violence, fake encounters and abuse against Muslims and also logging false cases against them.<sup>clii</sup> Due to deliberate social exclusion at all levels, Muslim who suffer discrimination, racist slurs, abuse and violence doesn't seem to trust the state institutions for protection.<sup>cliii</sup> People of the country accept all the biases and Hindutva ideology spread by the vested interest holders and involve in violence against Muslims,<sup>cliv</sup> especially in the northern part; several of such incidents have shook the secular structure of the country.

Hindutva is placing India's secularism in a jeopardy. In the west, the term, secularism meant the detachment of Church and State. In India all religions are equally placed before the law; although the word secular was inserted in the constitution only in 1976, the secular principle was deep rooted in the Indians. The violence against Muslims is instigated by extreme Hindutva ideologists by inculcating the fear of Muslim dominance over majority Hindus; the ideology is encouraging the people to commit heinous crimes against Muslims in the Country.<sup>clv</sup> The lynching or harassing of minorities and dalits for allegedly consuming beef and practicing Love Jihad has become a new normal. The Hindu extremists are also involved in manipulative or forceful reconversion naming it "Ghar Wapsi".<sup>clvi</sup> Alleging Muslims of fake beef consumption, cow trafficking, love jihad, rapes, murders, and sexual abuses increased intolerance towards them whereas extremists found justification to their heinous acts.<sup>clvii</sup>

In the recent years, Muslims mob lynching by Hindus in the name of God Ram has increased. The victims were thrashed and beaten brutally by the gathered mob and forced to chant "Jai Shree Ram"<sup>clviii</sup>; several news reports have reported the increase in such cases throughout the country. In some occasions cow owners are targeted by citing that they are transporting the cow illegally. In several occasions orchestrated efforts were made by different groups such as, Vishwa Hindu Parishad (VHP), Bajrang Dal (BD) and Gaur Rakshak Dal which violate minority rights and characterise Muslims as cow consuming community,<sup>clix</sup> a sentiment that drives the mob too.

The normalisation of violence in the name of cow has taken a rise in India justification of violence against Muslims cannot be stranged from the larger geopolitical and historical occurrence in the country. The people in the country are blinded by the extremists' false propaganda in the vested interests of the politicians. They are enacting the ignorance illiteracy, sentiments and emotionally aspects of the people and subsequently justifying the violence against Muslims. Especially as the government has banned cow meat consumption, the extremists have found way to harass Muslims. The minority activists have termed the ban on cow meat as "Food Facism".<sup>clx</sup> Beef is one of the primary consumptions of various minorities in India- Muslims, Christians and Dalits and a crucial source of nutrition for the economically backward sections.<sup>clxi</sup> Beef ban has also deprived several communities of economic source, whose employment was generated by transporting cattle and meat. Besides, cow meat

consumption in the Islamic festival, Eid-Ul-Adha, is a vital traditional practice that exhibits Muslims being deprived of celebrating their festivals their way.

One of the major incidents by cow vigilantes was of Mohammad Akhlaq in 2015, where Hindu extremist mobs dragged 50 years old Akhlaq from his home and thrashed him to death. The incident took place in the village of Birsa. The rumour caused the untimely death that the family is been consuming and storing beef. A local BJP leader and his cousin were found be involved in the crime.<sup>clxii</sup> In an another instance, in 2017, a 15 year old Junaid khan, along with his siblings headed towards his hometown for Eid celebrations, was lynched half a way by the co-passengers in the train.<sup>clxiii</sup> The murder of the youth was allegedly over a heated argument over the seats where the fellow Hindu passengers allegedly started mocking the children of beef consumption and abused them.<sup>clxiv</sup> It is to be noted that after the atrocious crimes there was no expected public outrage neither government's condemnation to contain the crimes against the Muslims; rather, ruling party maintained silence over the issue and opposition looked into it with least interest. Interestingly, the country's prime minister allegedly followed the Hindu extremists on social platforms rather than condemning their activities, which various activists in the country criticised. Rajnath Singh, then home minister in the cabinet of BJP's first term assigned border security forces to contain cow transport with topmost significance.<sup>clxv</sup> There are instances where army personnel in the name of stopping cow trafficking are involved in tormenting and lynching of cattle traders.

Due to the government's biases towards Muslims, Hindu extremists setup groups of their own all over India in the name of cow protection called 'Gau Rakha Dal' (Cow Protection Front).<sup>clxvi</sup> The extremists carry weaponry like swords and batons and patrol all the main highways and cities and confront the traders, even on suspicion grounds. Once the victim comes under the radar of extremist groups; they catch the victim, strip him naked, and repeatedly hurl abuses against their faith, food and cultural habits. The radical groups, also upload video of harassment and lynching on social media platform referring to them as lessons to other; these videos also act as hatred inducers in the minds of non-Muslims.<sup>clxvii</sup> Some of the other major episodes that unveil Islamophobia in India are Kolkata clashes (1964), Nellie massacre (1983), Hashimpura massacre (1987), Bombay Unrests (1992), Gujrat insurrections (2002), Muzaffarnagar strife (2013), Anwar Hussain and Hafizul Sheikh Homicide in Bengal (2017) on suspicion of cattle transport for slaughter, and Muhammad Afrazul lynching in Rajasthan on suspicion of Love

Jihad (2017).<sup>clxviii</sup> Other than the major events a plenty of cases of individual attack, rape, sexual assault and murders are reported which did not catch the attention of the nation.<sup>clxxclxxi</sup>

The Hindu extremists after committing dreadful crimes are not remorseful, rather take pride in their deeds. Seven people who killed a cop who was trying to contain cow slaughter violence were grandly welcomed by the supporters upon his bail. The government which should be condemning the heroification of murderers chose to be tight-lipped about it. The justification of the accused shows us the heights of ignorance and lack of humanity in the Indian society about Muslims.

To stop the crimes against Muslims, the ban on cow slaughter was challenged at various occasions. In 1958, *Mohammad Hanif Qureshi v. State of Bihar* case, a set of Muslim butchers challenged the ban on the grounds that the act encroached their fundamental rights provided by Indian constitution under Art.14, Art. 19(1) (g) and Art. 25.<sup>clxxii</sup> However, court upheld and validated the ban citing the Art. 48 of the constitution and held that a complete ban on cows of all ages and calves of cows and she-buffaloes (both male and female) as reasonable. In another instance, *Mohammad Abdul Faheem Qureshi* challenged union's ban on cow slaughter (prevention of cruelty to animals (regulation of livestock markets) rules, 2017), referring that the ban on meat for food purpose was against the freedom of religious practices, personal liberty and security guaranteed by the constitution.<sup>clxxiii</sup> Few other cases are of *Mirzapur Moti Kureshi Kassab Jamat & Others v. state of Gujarat*<sup>clxxiv</sup> and *S. Selvagomathy v. Union of India*,<sup>clxxv</sup> where the decision of complete ban on cow slaughter and transport, sale, purchase and resale for slaughter purpose was upheld. The majority population supported and celebrated the court's decision, which exhibits their intolerance towards Muslim cultural practices and other minority cultures.

With the court advocating the ban, the Hindu zealots justify their anti-Muslim abuses and violent acts referring to Muslims as anti-constitutional, anti-Indian, terrorists and peace breakers. Keeping in view all typecasts about Muslims in the Indian society, the prominent Islamic institution, Dar-ul-Uloom Deoband publically condemned terrorism and any terrorist activities by Muslims as heinous crimes against Allah and humanity in 2007.<sup>clxxvi</sup> In 2008, the seminary issued a fatwa (ruling) that terrorism is un-Islamic; and in 2009, suicide attacks were also declared un-Islamic by the institute. However, the Islamic extremists enraged by the statements of Deoband, called the members 'Dogs', 'Bunch of Cowards' and 'Puppets of

Hinduism' in a statement issued in 2008 by the Jaipur bombers.<sup>clxxvii</sup> A Muslim parliament member remarked that the Muslims in India are targeted by Hindus considering them terrorists and anti-Indians and by extremist Islamists for supporting Hindus stand on terrorism.<sup>clxxviii</sup>

Looking into the data of surge in violent activities towards Muslims since the advent of right wing government, the role of BJP in bringing peace in the nation seems to be minimal as the governmental elites and workers are biased and support Hindutva ideology. Critics have launched a stanch denunciation of government's ill efforts to change society's perceptions, especially Hindus, towards the Muslims and other minorities. BJP in its term maintained silence on the abuses, hate speeches, threats of rape and crime, and violent actions carried by Hindus against Muslims, which is considered as support by the Hindu extremists and Hindutva sympathisers. Since the right wing came into power, Muslims were alleged of Love Jihad, which is manipulative or forceful conversion of Hindu girls in Islam in name of Love or Marriage. In the name of protecting Hindu girls from falling into the trap of Love jihad, Hindus have been engaged in violent activities towards Muslims. Surveys have suggested that a least number of cases are actually of forceful conversions among the reported cases and else are where women themselves without any force or manipulation accepted Islam.

Other than the above atrocities, Muslims, especially women, also face abuses and religious slurs and threats on virtual platforms segregating and alienating them further from the majority population.<sup>clxxix</sup> Poverty, unemployment, poor resource distribution, lack of government's interest in dealing with minority issues, and illiteracy are equally the causes of biased and divided populations. Adding to it, some of the right wing parties and organisations like Shiv Sena and RSS keep on spewing hate speeches against the Muslim community, increasing the typecasts about Muslims among Hindus and disturbing the nation's secular ideals.<sup>clxxx</sup>

Muslim community, keeping in view the secular structure, always demanded for equal treatment with the majority population and protection of their rights, religious traditions and language Urdu and maintaining the minority character of Muslim universities. However, none of their demands are fulfilled. Urdu which is the main language of Muslims in the nation is not included as an official language of communication. Muslims sought recognition of Urdu as official language citing that they are the largest minority of the country and except for them many other people speak Urdu; yet none of the governments accepted the demand. However, few regions- Jammu and Kashmir, UP, Bihar, West Bengal, Jharkhand, Telangana, and the

national capital region of Delhi have recognised Urdu as official language;<sup>clxxxii</sup> UP did not recognise Urdu as official language of the state till 1989 even after being 2<sup>nd</sup> largest Muslim populated state in the country.<sup>clxxxiii</sup> The recognition of Urdu as official languages in the states was not a smooth process; UP witnessed clashes between Hindu and Muslim youth with Urdu's recognition as official language, where at least 23 people died.<sup>clxxxiii</sup>

Significant teething troubles faced by Muslims are conceded rather than solved. Furthermore, the nation's news media and main stream politicians are spreading stereotypes about the Muslim minority like a wildfire.<sup>clxxxiv</sup> In the wake of discrimination and viciousness, Muslims grumble about being insecurity in their own nation and their own fellow citizens.

## **CONCLUSION**

Secular structure is an indispensable part of any multicultural system. The secular structure of the Indian democratic multiculturalism provides equal rights and social justice to all the religious groups. The constitution and its framers' core objective is to inculcate the culture of integrity and tolerance among the country's population. The Indian constitution adopting a non-majoritarian approach focused on protecting the minority religion's rights and culture by recognising their cultural needs. However, the country has the challenge of implementing the constitutional provisions without any biases before it. Since independence, with respect to various governments formed, the minority rights issue has remained the same or, to say, has worsened. While speaking of the minorities, the Muslim minority, especially, faces biases that even costs them life at many instances.

With the strong hold of the right wing government, the Muslim community in the country faced increased prejudices. Several governmental and the civil societal reports expose the ill socio-economic and political condition of the Muslims. Muslims percentage is minimal in the education sector and employment sector, especially they are least found in the c-suit jobs and represent high percent in the labour jobs like the manual scavenging. The political representation of the Muslim community, which could bring out their issues into the public domain, is very less in comparison to their population. Besides, the community is considered homogenous; in contrast, the community is divided into several sects. Moreover, the caste structure of the majority Hindus is also adopted by the Muslims due to their constant interaction



with the Hindus and also as several Hindus converts held onto the caste distinction even after conversion. Several reports highlighted the diversified Muslim community and the need for them to be handled separately; the plight of overall Muslim population and the necessity to formulate policies that would improve their socio-economic and political conditions.

Adding to the already existing prejudices in the society, Muslims are encountering violence in the name of cow protection, anti-terrorism and Hindutva. There are cases where few Muslims are involved in some kind of terror activities, however it cannot be ruled out that a lot of innocent Muslims face the wrath of the state and society for the activities of few. Several people from the ruling government and also the opposition for the political gains and to appease the majority population spew hate speech against the Muslim community which in turn has provided encouragement to the anti-social and anti-national elements to do violence against the Muslims.

The responsibility to uphold the law and order is being systematically neglected by the state, especially in the cases involving Muslim minorities and dalits. The lack of interest of the state to look into the minority issues and not differentiating between the minority rights and the multi-cultural rights and taking a restricted approach towards the multiculturalism has worsened the state of multiculturalism in India. However, emphasising the public sphere accessible to minority and majority populations could bring an optimistic change in Indian multiculturalism. The minorities should be provided free space and platform to express their issues and grievances. The state should take open and wider approach to deal with the minorities and acknowledge the heterogeneous nature of the Muslim minority and include them in the affirmative benefit. The country needs to work on improving its multicultural structure to move towards peaceful and prosperous future.

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